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A C T

OF THE

PARLIAMENT OF THE UNITED KINGDOM

OF

GREAT BRITAIN AND IRELAND

PASSED IN THE SESSION HELD IN THE

37<sup>TH</sup> AND 38<sup>TH</sup> YEARS OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

BEING THE FIRST SESSION OF THE TWENTY-FIRST PARLIAMENT OF  
THE UNITED KINGDOM.



OTTAWA :

PRINTED BY BROWN CHAMBERLIN,  
LAW PRINTER (FOR CANADA) TO THE QUEEN'S MOST EXCELLENT MAJESTY,  
ANNO DOMINI, 1874.





## 37-38 VICTORIA.

### CHAP. 27.

An Act to regulate the Sentences imposed by Colonial Courts where jurisdiction to try is conferred by Imperial Acts.

[30th June 1874.]

**W**HEREAS by certain Acts of Parliament jurisdiction is Preamble. conferred on courts in Her Majesty's colonies to try persons charged with certain crimes or offences, and doubts have arisen as to the proper sentences to be imposed upon conviction of such persons; and it is expedient to remove such doubts:

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as Short title. The Courts (Colonial) Jurisdiction Act, 1874.

2. For the purposes of this Act,—

Definition of term "colony"

The term "colony" shall not include any places within the United Kingdom, the Isle of Man, or the Channel Islands but shall include such territories as may for the time being be vested in Her Majesty by virtue of an Act of Parliament for the Government of India, and any plantation, territory, or settlement situate elsewhere within Her Majesty's dominions, and subject to the same local government; and for the purposes of this Act, all plantations, territories, and settlements under a central legislature shall be deemed to be one colony under the same local government.

3. When, by virtue of any Act of Parliament now or hereafter At trials in any colonial courts by virtue of Imperial Acts, to be passed, a person is tried in a court of any colony for any crime or offence committed upon the high seas or elsewhere territorial out of the

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*Courts (Colonial) Jurisdiction.*

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courts em-  
powered to  
pass sentences  
as if crimes  
had been  
committed in  
the colony.

territorial limits of such colony and of the local jurisdiction of such court, or if committed within such local jurisdiction made punishable by that Act, such person shall, upon conviction, be liable to such punishment as might have been inflicted upon him if the crime or offence had been committed within the limits of such colony and of the local jurisdiction of the court, and to no other, anything in any Act to the contrary notwithstanding: Provided always that if the crime or offence is a crime or offence not punishable by the law of the colony in which the trial takes place, the person shall, on conviction, be liable to such punishment (other than capital punishment) as shall seem to the court most nearly to correspond to the punishment to which such person would have been liable in case such crime or offence had been tried in England.

# ACTS

OF THE PARLIAMENT

OF THE

# DOMINION OF CANADA,

PASSED IN THE

THIRTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

AND IN THE

FIRST SESSION OF THE SECOND PARLIAMENT,

*Begun and holden at Ottawa, on the fifth day of March, and closed by  
Prorogation on the thirteenth day of August, 1873.*

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*RESERVED.*

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HIS EXCELLENCY

THE RIGHT HONOURABLE SIR FREDERICK TEMPLE, EARL OF DUFFERIN,  
GOVERNOR GENERAL.

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OTTAWA :

PRINTED BY BROWN CHAMBERLIN,  
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.  
ANNO DOMINI, 1874.





## 36 VICTORIA.

### CHAP. 128.

#### An Act relating to shipping and for the registration, inspection and classification thereof.

[Reserved by the Governor General on Friday, 23rd May, 1873, for the signification of the Queen's pleasure thereon: Royal assent given by Her Majesty in Council on the 20th day of November, 1873; Proclamation thereof, made on the 16th day of March, 1874: In force on and from the 17th day of March, 1874.]

**W**HEREAS the rule of measurement of ships contained in the Preamble.  
"Act respecting the registration of inland vessels," forming Consolidated  
chapter forty-one of the Consolidated Statutes of the late Province Statutes of  
of Canada, being the same as that contained in the Acts of the Canada, c. 41.  
Imperial Parliament in force on the seventeenth day of March, Imp. Stat.  
one thousand eight hundred and forty-five, differs from that con- 17, 18 V., c.  
tained in the Act of the Imperial Parliament known as "*The 104.*  
*Merchant Shipping Act, 1854*," and Acts amending the same; and  
whereas it is desirable that but one rule of measurement of ships  
should prevail in Canada, and that ships navigating the inland  
waters of Canada should not be subject to provisions of law in  
some other respects different from those to which other ships in  
Canada are subject; and whereas it is desirable to make better  
provision for giving security to persons advancing money on ships  
in course of construction, and to provide for the inspection and  
classification of ships built or registered in Canada: Therefore Her  
Majesty, by and with the advice and consent of the Senate and  
House of Commons of Canada, enacts as follows:—

#### PRELIMINARY.

1. This Act shall take effect upon, from and after the day not Commence-  
being earlier than the first day of January, one thousand eight ment of Act.  
hundred and seventy-four, named for that purpose in any  
proclamation published by the Governor to the effect that the  
same has been confirmed and approved by Her Majesty in  
Council.

2. And whereas by the five hundred and forty-seventh section Inconsistent  
of "*The Merchant Shipping Act, 1854*," it is enacted and provided provisions of  
that the legislative authority of any British possession shall have Imp. Stat. 17  
power 104, repealed.  
104, repealed.

power, 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, is hereby repealed so far as relates to ships registered in Canada.

Con. Stat., of  
Canada, cc.  
41 and 42, re-  
pealed.

**3.** The "*Act respecting the registration of inland vessels,*" forming chapter forty-one, and the "*Act for the encouragement of Ship-building,*" forming chapter forty-two of the Consolidated Statutes of the late Province of Canada, and chapters first, second and third of Title second of Book fourth of the Civil Code of Lower Canada, except so much of Articles 2356, 2359, 2361, 2362, 2373 and 2374, as are not inconsistent with the provisions of this Act, are also hereby repealed. Part the second of chapter seventy-five of the Revised Statutes of Nova Scotia, third series, "*of the registration of ships,*" is also hereby repealed.

Part of Code  
of L. C. and  
c. 75 of Rev.  
Stat. Nova  
Scotia repeal-  
ed.  
Interpretation  
clause.

**4.** In this Act—

The term "the Minister," means the Minister of Marine and Fisheries;

The term "ship" includes every description of vessel used in navigation not propelled by oars;

The term "ships belonging to Her Majesty," includes ships the cost of which has been defrayed out of the Consolidated Revenue Fund of Canada, and ships described as the property of Canada by the one hundred and eighth section of "*The British North America Act, 1867*;"

The term "master" includes every person having command or charge of any ship.

Exemption of  
H. M. ships.

**5.** Nothing in this Act shall apply to ships belonging to Her Majesty.

Division of  
Act.

**6.** This Act is divided into four parts:

The first part relating to the measurement and registration of ships, and unseaworthy ships;

The second part relating to the licensing of small ships and other vessels;

The third part relating to security for advances on ships in course of construction;

The fourth part relating to the inspection and classification of ships.

## PART I.

## MEASUREMENT AND REGISTRATION OF SHIPS.

7. The following ships are exempt from the provisions of this part of this Act, viz. :—

Ships exempt from the provisions of this Act.

1. Ships having a whole or fixed deck, not propelled wholly or in part by steam, and not exceeding ten tons burthen :

2. Ships not propelled wholly or in part by steam, and not having a whole or fixed deck, whatever their burthen.

8. Except as hereinafter mentioned, no ship propelled either wholly or in part by steam, whatever her tonnage, and no ship not propelled wholly or in part by steam, of more than ten tons burthen, and having a whole or fixed deck although otherwise entitled by law to be deemed a British ship, shall be recognized in Canada as a British ship, nor be admitted to the privileges of a British ship in Canada, until nor unless she be duly registered in the United Kingdom, or in Canada, or some other British possession, under the said Act as amended as aforesaid.

What ships only shall be recognized in Canada as British Ships.

9. In cases where it appears to the Lieutenant Governor of any Province of Canada, that by reason of special circumstances it 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 within the limits therein mentioned, have the same effect as a pass granted by the Governor, or as a certificate of registry; and each Lieutenant Governor shall forward, without delay, to the Governor in Council a copy of each pass granted by him.

Lieutenant Governors may grant passes to British ships.

10. 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.

Governor in Council may appoint Registrars of Shipping.

11. 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.

Governor in Council may also appoint Surveyors.

12. Such surveyor shall be entitled to such fees for the measurement of ships about to be registered for the first time under this Act, or requiring measurement for the purposes of registry

Surveyors to be entitled to fees and travelling expenses.

registry, and to such travelling expenses, when required to travel for the purpose of making any such measurement, as the Governor in Council may, from time to time, by Order in Council, see fit to establish; and such fees and travelling expenses (if any) shall be paid to such surveyor by the persons requiring his services; and any surveyor may, in any case, withhold his certificate of measurement, or any other document that may be required of him, until his fees and travelling expenses (if any) be paid; and such fees shall be in lieu of all salary and other remuneration whatever for such services: but no fees shall be charged in Canada for registering vessels or recording transactions relating to the registry of vessels under this Act or under "*The Merchant Shipping Act, 1854*," or its amendments

Case of conflicting claims to obtain registry of a ship provided for.

**13.** In any case where two or more persons claim to be builders or owners 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 or owner 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 such 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 to the giving of security to the other claimant or claimants, or any other matter or thing, as he may deem necessary; and registry shall be granted in pursuance of such directions and not otherwise.

Case of vessels registered under c. 41 of Con. Stat. Canada provided for.

**14.** No ship 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:

Disabilities of unregistered ships.

But no ship 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 other ship required to be registered in Canada under the provisions of "*The Merchant Shipping Act, 1854*," as amended as aforesaid, or under the provisions of this Act, 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 clearance to any ship required to be registered under the provisions of either of the said Acts, or of this Act, for the purpose of enabling her to proceed on a voyage unless the master of such ship, upon being required so to do, produces to him the proper certificate of registry; and if any such ship attempts to proceed on a voyage as a British ship, without a clearance, any officer of customs may detain such ship until such certificate is produced to him.

Liability to be stopped.

15. 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 proof on oath of the certificate of registry of such ship having been lost, mislaid, or destroyed.

Proof of loss, &c., of certificate to be on oath.

16. 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 the Governor, or under a pass from a Lieutenant Governor under the ninth 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 may 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.

Wrecked ship may be registered by authority of the Governor in Council.

17. Every person may, upon payment of a fee of twenty cents, have access to the register of any ship registered in Canada, at the port of registry of such ship, at any reasonable time during the hours of official attendance of the Registrar, and such fees shall, from time to time, as may be directed by the Governor in Council, be paid by the registrars receiving the same to the Receiver General, to form part of the Consolidated Revenue Fund of Canada.

Access to registers of ships.

18. Subject to the provisions of this Act, collectors or other principal officers of customs in Canada, not being Registrars of Shipping, shall have the same power and be under the same obligation 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 are given to and laid upon Registrars of Shipping under "*The Merchant Shipping Act, 1854*,"

Collectors of Customs to endorse changes of masters on certificates.

19. For and notwithstanding anything to the contrary contained in the forty-sixth section of "*The Merchant Shipping Act, 1854*," in case any Registrar of Shipping or collector or other principal officer of the customs at any port or place in Canada receives conflicting directions from owners of any ship registered in Canada as to a change of the master of such ship, such Registrar or collector or other principal officer may refuse to endorse a memorandum of the change of master on the certificate of registry of such ship, unless or until he receives a declaration, according to the form in the first schedule to this Act, or as near thereto as circumstances permit, from the registered owners representing a majority

Endorsement of change of Master by Registrar or Collector, on what proof to be made.

majority of shares in such ship, or from their duly appointed agent or agents, 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; and in case the ship is at or near such port, he shall, on the demand of a majority of the owners thereof, require the master or any other person in the possession of the certificate of registry to produce and deliver the same to him; and in default of the same being forthwith produced and delivered up to him he may detain the ship, and not allow her to proceed to sea until the same has been produced and delivered up to him; and every person having possession of the certificate of registry of a ship registered in Canada, and refusing or neglecting to produce and deliver up the same to any Registrar of Shipping or collector of customs requiring the same to be produced and delivered up to him under the provisions of this section, shall incur a penalty of five hundred dollars.

Further provisions if the ship is at or near such port.

Registrars and Collectors to keep records of endorsements of changes of Master.

**20.** Every Registrar of Shipping and every collector of customs shall keep a record of every endorsement of a change of master made by him on the certificate of registry of a ship, and shall specify in such record the date of such endorsement, the name of the ship, the official number of the ship, the port of registry of the ship, the name of the old master, the name of the new master, and whether or not he has a certificate of competency or a certificate of service, and, if he has either of such certificates, the number thereof; and every such record shall be kept in the office of the Registrar of Shipping or collector of customs making the same, or his successor as such, and shall, at all times during the usual office hours, be open to all persons for inspection, without fee or reward.

Change of managing owner to be registered.

**21.** Upon the managing owner, or any of the managing owners (if more than one) of a ship registered in Canada being changed, or, if there be no managing owner, upon the ship's husband being changed, the newly appointed managing owner or owners or ship's husband shall forthwith give notice of such change to the registrar of the ship's port of registry, who shall register the same accordingly; any managing owner or ship's husband who fails to comply with the requirements of this section shall incur a penalty not exceeding one hundred dollars.

Rules to be observed as to

**22.** With respect to the names of ships registered in Canada the following rules shall be observed:—

1. A ship shall not be described by any name other than that by which she is for the time being registered ; the name of ships.
2. No change shall be made in the name of a ship without the previous permission of the Governor in Council. Upon such permission being granted, the ship's name shall forthwith be altered in the register book, in the ship's certificate of registry, and on her bows and stern;
3. If in any case it is shown to the satisfaction of the Governor in Council that the name of any ship has been changed without his previous permission, he may direct that her name be altered into that which she bore before such change, and the name shall be altered in the register book, in the ship's certificate of registry, and on her bows and stern accordingly ;
4. Where a ship having once been registered has ceased to be so registered, no person, unless ignorant of such previous registry (proof of which shall lie on him) shall apply to register, and no Registrar shall knowingly register such ship, except by the name by which she was previously registered, unless with the permission of the Governor in Council.

Every person who acts, or suffers any person under his control to act in contravention of this section, or who omits to do, or suffers any person under his control to omit to do anything required by this section, shall, for each offence, incur a penalty not exceeding four hundred dollars ; and any Registrar or principal officer of customs may detain the ship until the provisions of this section are complied with. Penalty for contravention.

Application for a change of name shall be made in writing to the Governor in Council. If of opinion that the application is made on reasonable grounds, the Governor in Council may entertain the same, and may thereupon require notice thereof to be published in such form and manner as he may think fit. Publication of notices of applications entertained.

**23.** Whenever a shipping casualty happens anywhere in the case of a ship registered in Canada, or within the limits of Canada in the case of any other British ship, the master, or if the master is dead the chief surviving officer, and also every such other person belonging to the ship as the Minister may, from time to time, direct shall, within twenty-four hours of his first landing in Canada after the happening of such casualty, attend and submit himself for examination at the office of the principal officer of customs residing at or near the place where such casualty occurred, if the same occurred on or near the coasts of Canada, or any island or place adjacent thereto ; but if the casualty occurred elsewhere, at or near the place of such landing, unless he has been previously examined or excused from attending for examination by Statement to be made by the master of a British ship to which a casualty has happened.

by any other principal officer of customs residing at or near either of such places, or by any receiver of wreck in the United Kingdom; and if any master, officer or other person makes default in obeying the provisions of this section he shall incur a penalty not exceeding two hundred dollars.

Notice of loss of ships registered in Canada to be given to the Minister of Marine and Fisheries.

**24.** Whenever the managing owner of any ship registered in Canada has information that such ship is lost, or in consequence of her non-arrival or otherwise has reason to apprehend that she is lost, he shall forthwith send notice of such loss or apprehended loss to the Minister, and shall upon requisition by the Minister furnish to him such information as he may be required and able to furnish respecting such ship, and the loss thereof, and the property and persons on board; and if he makes default in obeying the provisions of this section he shall incur a penalty not exceeding two hundred dollars.

Registrar to make annual returns to Minister.

**25.** Every Registrar of Shipping shall, on or before the twentieth day of January in each year, make and forward to the Minister a return, in such form and containing such particulars as the Minister may, from time to time, direct, of all existing ships of which the registry remained in his registry books, on the thirty-first day of December then last.

#### *Unseaworthy Ships.*

Minister of Marine and Fisheries may declare ships unseaworthy: consequent detention of ship.

**26.** If complaint is made to the Minister that any ship registered in Canada is, by reason of the defective condition of her hull or equipments, or by reason of her being over-loaded or improperly loaded, unfit to proceed to sea, or on any voyage on any waters within the limits of Canada, the Minister may cause such ship to be surveyed by a person appointed by him,—first exacting from the complainant, if he thinks fit so to do, a deposit of money to defray the expenses of the survey, and to pay any loss which may be sustained by the owner on account of any detention, or such security for the payment of such expenses and loss as he may deem sufficient; and if such person report that the hull or equipments of such ship is or are in such a state, or that such ship is so loaded that she could not proceed to sea or on any such voyage, as the case may be, without serious danger to human life, the Minister may declare such ship to be unseaworthy, and thereupon any principal officer of customs may detain such ship:

Every such complaint shall be in writing, and shall state the name and address of the complainant; and a copy of the complaint, including the name and address of the complainant, shall, before or during such survey, be given by the Minister to the master or to an owner of the ship:

Costs.

If, upon such survey, such ship is found to be seaworthy, the expenses of the survey shall be paid to the Minister by the person making the complaint, without prejudice to any right of suit or action against him by any person aggrieved by the complaint:

If

If, upon such survey, such ship is found to be unseaworthy, the expenses of the survey shall be paid to the Minister by the owner of the ship.

**27.** Any shipowner who is dissatisfied with the decision of any person appointed by the Minister under the next preceding section may appeal to the Court of Vice Admiralty having jurisdiction in the place where such ship was surveyed, if any there be, and if not then to the Court of Vice Admiralty holding its sittings nearest to the place where such ship was surveyed, and such court may, if such court think fit, appoint a competent person or competent persons to survey such ship anew. Upon any such appeal such court may make such order as to the detention or discharge of the ship, as to the payment (whether by the Crown or otherwise) of any costs or damages which may have been occasioned by her detention, and as to the payment of the expenses of the original survey, and of the survey anew, as to such court seems just.

Appeal to  
Court of Vice  
Admiralty.

**28.** Any person appointed either by the Minister or by any Court of Vice Admiralty to survey a ship under the provisions of the next preceding sections of this Act may in the execution of his duty go on board such ship at all reasonable times and inspect the same or any part thereof, or any of the equipments, cargo or articles on board thereof, or the certificate of registry thereof, not unnecessarily detaining or delaying the ship in proceeding on her voyage; and if such person considers it necessary to do so, he may require the ship to be so dealt with as that he may be able to inspect every part of the hull thereof; and whosoever hinders any person so appointed from going on board any ship, or otherwise impedes him in the execution of his duty under this Act, shall for every such offence incur a penalty not exceeding twenty dollars.

Powers of  
persons so  
appointed.

**29.** Every person who, having authority as owner or otherwise, to send a ship registered in Canada to sea, or on any voyage on any waters within the limits of Canada from any port or place in Canada, sends her to sea or on any such voyage from any such port or place in an unseaworthy state, so as to endanger the life of any person belonging to her on board the same, shall be guilty of a misdemeanor, unless he proves that he used all reasonable means to make and keep the ship seaworthy, and was ignorant of such unseaworthiness, or that her going to sea or on such voyage in an unseaworthy state was, under the circumstances, reasonable and unavoidable; and for this purpose he may give evidence in the same manner as any other witness. A misdemeanor under this section shall not be punishable on summary conviction.

Sending an  
unseaworthy  
ship to sea a  
misdemeanor.

## PART II.

### LICENSING OF SMALL SHIPS AND OTHER VESSELS.

**30.** The master or owner, or managing owner, or one of the managing owners (if there be more than one) of every ship exempted

Ships not  
required to be  
registered, and

certain other vessels to be licensed.

empted by section seven of this Act from the provisions of the first part of this Act, and of every vessel not being a ship within the meaning of this Act employed in or owned for the purpose of fishing or trading or carrying loads of any kind in any of the waters of Canada at the commencement of this Act, shall, within three months from and after that date, and the master or owner of every such ship or vessel so employed or owned for such purpose, shall, within one month from the date of her being so employed by him, or of her being built or acquired for the purpose of so employing her, take from the collector or other principal officer of the customs at some port or place in Canada a license, which it shall be the duty of the collector or other principal officer of the customs at every port or place in Canada to furnish, without fee or reward, to every person applying for the same at his custom house or office in office hours, and complying with the provisions of this section in respect of such application; and such license shall be in the form of and shall contain the particulars provided for in form B in the second schedule to this Act.

Proceedings for obtaining such license.

**31.** Upon any such application being made to a collector or other principal officer of the customs the following provisions shall take effect:—

(a). The collector or principal officer of customs shall furnish the applicant gratis with a printed blank for a declaration in the form of form A in the second schedule to this Act:

(b). The applicant shall fill up the said form with true statements, in their proper places, of the length, breadth, depth and approximate tonnage of the ship or vessel, the names of the owner or owners thereof, and, if the property in the ship or vessel be divided into shares, the number of shares held by each owner, and shall subscribe the same; and return the same to the officer:

(c). The officer shall then fill up a license with the particulars stated in the declaration, adding thereto the name of the port and the number of the license, which shall be consecutive for each port, and sign such license and hand the same to the applicant:

(d). The officer shall record the particulars contained in the license in a book to be kept by him for that purpose.

Name of port and number of license to be painted on ship or vessel.

**32.** Every ship or vessel required to be licensed under the provisions of section thirty of this Act shall, at all times, have the name of the port or place at which she was last licensed, which shall be considered for the time being her port of license, with the number of her last license painted on her bow or stern in letters not less than three inches long, of light color, on a dark ground.

On change of owner, new license to be taken out.

**33.** Whenever the property in a ship or vessel required to be licensed as aforesaid passes wholly into new hands, the master or the new owner or managing owner, or one of the new managing owners

owners, if there be more than one, shall, within one month from and after such change of ownership as aforesaid, take out a new license at some port or place in Canada, and upon receiving the same shall deliver up the former license, if in his possession, to the collector or other principal officer of the customs at such port or place.

**34.** Every master or owner or managing owner of any ship or vessel required to be licensed under the provisions of this part of this Act who neglects, without reasonable cause (the proof of which shall lie upon him), to apply for and take out a license for such ship or vessel within any delay allowed by this Act for that purpose, or who neglects to keep the name of her last port of license and the number of her last license painted on her bow or stern as aforesaid, shall incur a penalty of twenty dollars. Penalty for contravention.

**35.** Every officer of customs authorized by this part of this Act to license ships and vessels, shall, on or before the twentieth day of January in each year, make and forward to the Minister a return in such form and containing such particulars as the Minister may, from time to time, direct, of all ships and vessels licensed by him during the year ending on the thirty-first day of December then last. Return of ships and vessels licensed to be sent to Minister annually.

### PART III.

#### SECURITY FOR ADVANCES ON SHIPS IN COURSE OF CONSTRUCTION.

**36.** A ship about to be built or being built may be recorded under a temporary name by the Registrar of Shipping at or nearest to the port at which she is about to be built or is being built; and any builder desirous of raising money by a mortgage on any ship about to be built or being built, shall furnish to the Registrar of Shipping at the port at or nearest to which she is about to be built or is being built, a full description of such ship, and a statement of the port at which she is intended to be registered, according to the form A in the third schedule to this Act, and shall indicate the ship to be built or being built by painting on a board near the place of such building in his ship yard, on a dark ground, in white or yellow figures and letters of a length not less than four inches, the number given him by the proper Registrar of Shipping for that purpose, the temporary name of the ship, and the name of the port at which she is intended to be registered. Ship about to be built or being built, may be recorded by Registrar of shipping.

**37.** A ship about to be built or being built, and so recorded as aforesaid, may be made security for a loan or other valuable consideration; and the instrument creating such security, hereinafter termed a "mortgage," shall be in the form marked B in the third schedule hereto, or as near thereto as circumstances permit; and on the production of such instrument, the Registrar of Shipping at the port at which the ship is recorded shall enter the same in a record book to be kept by him for that purpose. Ship so recorded may be made security for a loan.

Mortgages to be recorded in the order of their production to Registrar.

**38.** Every such mortgage shall be recorded by the proper Registrar of Shipping in the order of time in which the same is produced to him for that purpose; and such Registrar of Shipping shall, by memorandum under his hand, notify on the instrument of mortgage that the same has been recorded by him, stating the date and hour of such record.

Proceedings when such mortgage is discharged.

**39.** Whenever any recorded mortgage has been discharged, the proper Registrar of Shipping shall, upon the production of the mortgage deed, with a receipt for the mortgage money indorsed thereon, duly signed and attested, make an entry in the record book to the effect that such mortgage has been discharged; and upon such entry being made, the estate, if any, which passed to the mortgagee, shall vest in the said person or persons in whom the same would, having regard to intervening acts and circumstances, if any, have vested if no such mortgage had ever been made.

Priority of Mortgages.

**40.** If there is more than one mortgage recorded of the same ship, the mortgagees shall, notwithstanding any express, implied or constructive notice, be entitled in priority one over the other, according to the date at which each instrument is recorded in the record book, and not according to the date of each instrument itself.

Mortgagee not to be deemed owner.

**41.** A mortgagee shall not by reason of his mortgage be deemed to be the owner of a ship, nor shall the mortgager be deemed to have ceased to be owner of such mortgaged ship, except in so far as may be necessary for making such ship available as security for the mortgage debt.

Mortgagee to have power of sale.

**42.** Every recorded mortgagee shall have power absolutely to dispose of the ship in respect of which he is recorded as such, and to give effectual receipts for the purchase money; but if there are more persons than one recorded as mortgagees of the same ship, no second or subsequent mortgagee shall, except under the order of some court capable of taking cognizance of such matters, sell such ship without the concurrence of every prior mortgagee; and every bill of sale, when duly executed, shall be produced to the proper Registrar of Shipping, who shall enter the particulars thereof in the record book, and shall endorse on the bill of sale the fact of such entry having been made, with the date and hour thereof; and all bills of sale shall be entered in the record book in the order of their production to the Registrar of Shipping.

Rights of mortgagee not affected by insolvency of mortgager.

**43.** No recorded mortgage of any ship under this Act shall be affected by the mortgager becoming insolvent after the date of the record of such mortgage, notwithstanding such mortgager at the time of his becoming insolvent may have such ship in his possession and disposition, and be reputed owner of such ship; and such mortgage shall be preferred to any right, claim or interest in such ship which may belong to the assignee of such insolvent.

44. A recorded mortgage of any ship may be transferred to any person; and the instrument creating such transfer shall be in the form marked C in the third schedule hereto; and on the production of such instrument the Registrar of Shipping shall enter in the record book the name of the transferee as mortgagee of the ship therein mentioned, and shall, by memorandum under his hand, record on the instrument of transfer that the same has been recorded by him, stating the date and hour of such record. .

Transfer of mortgages.

45. If the interest of any mortgagee in any ship recorded under this Act becomes transmitted in consequence of death or insolvency, or in consequence of the marriage of any female mortgagee, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration of the person to whom such interest has been transmitted, made in the form marked D in the third schedule hereto, and containing a statement describing the manner in which and the party to whom such property has been transmitted; and such declaration shall be made and subscribed in the presence of the Registrar of Shipping at the port at which such ship has been recorded under this Act, if the declarant resides at or within five miles of the custom house of the port, but if beyond that distance, in the presence of any Registrar of Shipping, collector of customs, or Justice of the Peace, and shall be accompanied by such evidence as is hereinbefore required to authenticate a corresponding transmission of property from one recorded mortgagee to another.

Transmission of interest of mortgagee by death, insolvency or marriage.

46. The Registrar of Shipping, upon the receipt of such declaration and the production of such evidence as aforesaid, shall enter the name of the person or persons entitled under such transmission in the record book as mortgagee or mortgagees of the ship in respect of which such transmission has taken place.

Entry of transmitted mortgage.

47. Whenever the building of a ship which has been recorded under this Act shall be duly completed, the first mortgagee whose claim is unsatisfied may furnish the builder's certificate for such ship, and thereupon the proper officer may grant a certificate of registry under the laws in force in Canada for that purpose; and all undischarged mortgages recorded under this Act shall be by the proper Registrar of Shipping transferred to and registered under such laws in the register book, in the order and according to the priority in which the same were entered of record under this Act; and the temporary name used for the purposes of this Act, as above provided for, may be changed at the time of granting a certificate of registry: and the registry of all such mortgages shall thus appear, according to their priority in the record book, as if the same had been made or granted under the laws providing for the giving of such certificate of registry; and a fresh instrument of mortgage may be granted for that purpose, according to any form prescribed by law, as a substitute for any mortgage granted under this Act.

Certificate of registry of ship when built. All recorded mortgages then undischarged to be registered in register book.

Penalty for attempting to take out register at any other port.

48. In case any person who is a party to any unsatisfied mortgage on any ship under this Act, takes out, or attempts to take out, a register for such ship at any port other than the port named on the board in the ship yard in which such ship was built, or in the statement and description in the form A in the third schedule of this Act, furnished to the Registrar of Shipping by whom such ship was recorded under this Act, or in any mortgage on such ship under this Act, such person shall incur a penalty of two thousand dollars, to be recovered, with costs, by any person who may first sue for the same before any court of competent jurisdiction, in any Province in Canada in which the offender is served with process.

Certificate of survey not to be delivered up to Surveyor by any person except Registrar until Registrar has endorsed a certain statement on it.

49. No Surveyor of Shipping who is not also a Registrar of Shipping shall deliver up any certificate of survey of any ship which he has surveyed for measurement to any person except the Registrar of Shipping at the port at or for which he is surveyor, and at which such ship is recorded under this Act, until the Registrar of Shipping at such port has endorsed on the back of such certificate either a statement to the effect that there is no undischarged mortgage on such ship recorded in his office under this Act, or a statement of the amount and other particulars, and if more than one, the number of the undischarged mortgage or mortgages, if any, on such ship recorded in his office under this Act; and every Registrar of Shipping is hereby required to endorse one of such statements, according to the facts of each case, on every certificate of measurement presented to him for that purpose by any Surveyor of Shipping.

Registrar who is also Surveyor or to endorse a statement on certificate of survey before delivering it to any person.

50. In case the Registrar of Shipping at any port at which any ship is recorded under this Act is also Surveyor of Shipping at or for such port, he is hereby required to endorse on every certificate of survey of any ship which he has surveyed for measurement, before he delivers the same to any person, either a statement to the effect that there is no undischarged mortgage on such ship recorded in his office under this Act, or a statement of the amount and other particulars, and, if more than one, the number of the undischarged mortgage or mortgages, if any, on such ship recorded in his office under this Act.

Scales of fees.

51. The Governor in Council may establish a scale of fees for recording ships and mortgages and other transactions, and for other services to be performed under this Act prior to the registry of any ship under "*The Merchant Shipping Act, 1854*," or any Act or Acts amending or applying to the same.

Saving of right of owner.

52. Nothing in this part of this Act shall take away the right of the owner to his action of account, or such other remedy as he may have by law against the advancer.

Act not to affect mode of executing

53. This Act shall not be construed in any case in such a way as to affect the mode of executing deeds in the Province of Quebec, but

but whenever the said Province shall be concerned, deeds and documents executed in the said Province shall be made and passed in the form and according to the manner prescribed in the said Province. deeds in Quebec.

## PART IV.

### INSPECTION AND CLASSIFICATION OF SHIPS.

54. The Governor in Council may make such rules and regulations as he may consider necessary for the inspection and classification of vessels built or registered within the Dominion of Canada, and may, from time to time, alter and amend the same; and may, from time to time, appoint such officers as may be necessary to carry out this part of this Act, and prescribe the duties of the said officers; and the said officers shall be under the control of the Minister of Marine and Fisheries. Governor in Council may make regulations for the classification of ships built or registered in Canada.

55. The Governor in Council shall by such rules and regulations have power to establish a table of fees to be paid for such inspection and classification, and, from time to time, to alter and amend the same, and shall have power thereby to authorize the granting of certificates of classification in such manner as may be therein prescribed. And a tariff of fees therefor.

56. All rules and regulations made under this part of this Act shall be published in the *Canada Gazette*. Publication of regulations.

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## FIRST SCHEDULE.

### FORM OF DECLARATION OF OWNER OR OWNERS FOR CHANGE OF MASTERS.

I (or We) \_\_\_\_\_ of \_\_\_\_\_ (*residence and 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 \_\_\_\_\_

SECOND SCHEDULE.

Form A.

DECLARATION.

I, the undersigned, A. B., of in declare as follows :

I am entitled to take a license for the ship (or vessel, as the case may be) now in this port (or at this place, as the case may be), of which the following are the particulars :—

Table with 5 columns: Measurements, Feet, Inches, Tonnage, No. of tons. Rows include Length, Breadth, and Depth.

Table with 2 columns: Names of Owners (or Name of Owner), Number of Shares held by each.\*

Dated this day of 18 Master. (or Managing Owner, or Owner, as the case may be.)

\* If the property in the ship or vessel be not divided into shares, this column need not be filled up.

Form B.

No.

Port of Registry.

L I C E N S E.

This is to certify that the ship (or vessel, as the case may be,) of which the particulars are herein contained, was this day licensed by me, the collector (or principal officer, as the case may be,) of customs at under the provisions of the Act passed in the thirty-sixth year of Her Majesty's reign, intituled "An Act relating to shipping and for the registration, inspection and classification thereof."

Measurements.



I, the undersigned (*name and residence*), ship builder, declare that I propose to build a ship, the particulars of which are contained in the above description, in the (*here describe the place, what ship yard, where situated, and to whom belonging*), and that I intend to launch the said ship on or about the \_\_\_\_\_ day of 187\_\_ and to register her at the port of \_\_\_\_\_

(Signed),

Dated at \_\_\_\_\_  
 the \_\_\_\_\_ day of \_\_\_\_\_ 187\_\_  
 in the presence of }  
 \_\_\_\_\_

Form B—(See Section 37).

MORTGAGE (TO SECURE ACCOUNT CURRENT, ETC).

For

Port of

\* (Steamer or sailing).

Record No.	Where Building.	When intended to be Launched.	Port of intended Registry.
Intended to Measure.		Intended Tonnage and Temporary Name.	
Length,	feet	Tonnage,	
Breadth,	feet	Name,	
Depth,	feet		

Whereas (*state that there is an account current between Mortgager and Mortgagee (describing both), and describe the nature of the transaction so as to show how the amount of principal and interest due at any given time is to be ascertained, and the manner and time of payment.*)

Now I (*or we*), the undersigned, (*describe them*) in consideration of the premises for (*myself or ourselves*) and (*my or our*) heirs, covenant with the said (*name him or them*) and (*his or their*) assigns, to pay to him or them the sums for the time being due on this security, whether by way of principal or interest, at the times and in the manner above mentioned, and for better securing to the said (*name*), the payment of such sums as last aforesaid; (*I or we*) do hereby mortgage to the said (*name*) the ship above described.

Lastly, (*I or we*) for (*myself or ourselves*), and (*my or our*) heirs, covenant with the said (*name of him or them*) and (*his or their*)

their) assigns that (I or we) have power to mortgage in manner aforesaid, the above mentioned ship, and that the same is free from incumbrances, *save as appear by the record of the said ship.*

*N.B.—The last words to be omitted if the ship is free from incumbrances.*

In witness whereof (I or we) have hereto subscribed (my or our) name and affixed (my or our) seal, at this day of one thousand eight hundred and

Executed by the above named }  
in the presence of }

Form C—(See Section 44.)

*N.B.—In case of transfer it may be made by indorsement in the following form:*

TRANSFER OF MORTGAGE.

(a) "I" or (a) the within mentioned in con-  
"We." sideration of this day paid to  
(b) "Me" or (b) by hereby transfer to  
"Us." (c) the benefit of the  
(c) "Him" or (c) of the  
"Them." within-written security.

(d) "I" or In witness whereof (d) have hereunto subscribed  
"We." (e) name and affixed (e) seal, this day  
(e) "My" or of one thousand eight hundred  
"Our." and

Executed by the above named }  
in the presence of }

*N.B.—In case a mortgage is paid off, the following memorandum of its discharge may be used:*

Received the sum of in discharge of the within  
written security. Dated at this day of 187

Witness  
of

## Form D—(See Section 45.)

Declaration by Representative of \_\_\_\_\_ taking by Transmission.

For \_\_\_\_\_ †

\* (or decease, or marriage, or bankruptcy).

† (Steamer or for sailing).

Record No.	Date of Record	187

Temporary name of ship

Where building

Proposed measurement, *length*, *ft.*, *breadth*, *ft.*, *depth*, *ft.*Proposed tonnage, *tons*.

I (or we) the undersigned (*declarant's name, description, and place of birth*), declare as follows I am (or we are)

I (or we) declare that the person appearing by the record book to be the (*owner or mortgagee*) of the ship above described (*cause of transmission*) in the county of (*county*) on the \_\_\_\_\_ day of (*nature of cause of transmission*).

Made and subscribed the \_\_\_\_\_ day  
of \_\_\_\_\_ 18 \_\_\_\_\_ by the above }  
named \_\_\_\_\_ }  
in the presence of \_\_\_\_\_ }



## 36 VICTORIA.

### CHAP. 129.

#### An Act respecting the shipping of Seamen.

[Reserved for the signification of Her Majesty's pleasure on the 23rd May, 1873. Royal Assent given by Her Majesty in Council on the 20th November, 1873, and proclamation thereof made by His Excellency the Governor General in the *Canada Gazette* of the 16th March, 1874; in force on and from the 27th March, 1874.]

**H**ER Majesty, by and with the advice and consent of the Senate Preamble, and House of Commons of Canada, enacts as follows:

#### PRELIMINARY.

1. This Act may be cited for all purposes as "*The Seamen's Act*, Short title. 1873."
2. This Act shall apply to the Provinces of Quebec, Nova Scotia, Application of Act. New Brunswick and British Columbia only.
3. In the construction of and for the purposes of this Act (if not Interpretation inconsistent with the context or subject matter) the following of ~~words~~ terms shall have the respective meanings hereinafter assigned to them, that is to say:—

"The said Provinces" shall mean the Provinces of Quebec, Nova Scotia, New Brunswick and British Columbia:

"Ship" shall include every description of vessel used in navigation not propelled by oars:

"Ships belonging to Her Majesty," shall include ships the cost of which has been defrayed out of the Consolidated Revenue Fund of Canada, and ships described as the property of Canada, by the one hundred and eighth section of "*The British North America Act, 1867*:"

"Canadian Foreign Sea-going Ship" shall include every ship registered in either of the said Provinces, employed in trading or going by sea between some place or places in Canada, and some place or places out of Canada:

"Canadian

“Canadian Home-trade Ship” shall include every ship registered in either of the said Provinces, employed in trading or going from any place or places in either of the said Provinces to any other place or places in any other of the said Provinces :

“Master” shall include every person (except a pilot) having command or charge of a ship :

“Seaman” shall include every person (except masters, pilots and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship :

“Consular Officer” shall include Consul General, Consul and Vice-Consul, and any person for the time being discharging the duties of Consul General, Consul or Vice-Consul :

“The Board of Trade” shall mean the Lords of the Committee of Privy Council appointed for the consideration of matters relating to trade and foreign plantations :

“The Minister” shall mean the Minister of Marine and Fisheries.

Commence-  
ment of Act.

4. This Act shall come into operation upon, from and after the day, not being earlier than the first day of January, one thousand eight hundred and seventy-four, appointed for that purpose in any proclamation by the Governor to the effect that the same has been confirmed and approved by Her Majesty in Council, which day is hereinafter referred to as the commencement of this Act.

Repealing  
clause.

Imp. Stat. 17  
and 18 V., c.  
104.

5. Upon, from and after the commencement of this Act, so much of the provisions of the Act of the Parliament of the United Kingdom, passed in the Session thereof held in the seventeenth and eighteenth years of Her Majesty's reign, chapter one hundred and four “to amend and consolidate the Acts relating to Merchant Shipping” known as “The Merchant Shipping Act, 1854,” and of any Act of the said Parliament amending the same and forming and to be construed as part thereof, relating to ships registered in either of the said Provinces, as is inconsistent with this Act shall be repealed ; and the following Acts shall also be repealed, that is to say :—

Con. Stat.

Canada, c. 48.

Chapter forty-three of the Consolidated Statutes of Canada, “for more effectually preventing the desertion of Seamen ;”

Con. Stat. L.  
Canada, c. 55.

Chapter fifty-five of the Consolidated Statutes for Lower Canada, “respecting the shipping of seamen ;”

Con. Stat. L.  
Canada, c. 56.

Chapter fifty-six of the Consolidated Statutes for Lower Canada, “respecting the desertion of seamen ;”

Con. Stat. L.  
Canada, c. 57.

Chapter fifty-seven of the Consolidated Statutes for Lower Canada, “respecting the recovery of seamen's wages in certain cases ;”

So

So much of Part the first of chapter seventy-five of the Revised Statutes of Nova Scotia (third series) "*Of shipping and seamen*," as has not already been repealed; Revised Stat. Nova Scotia, c. 75, part.

Chapter eighty-six of the Revised Statutes of New Brunswick, "*Of regulations for seamen*;" Revised Stat. N. Brunswick, c. 86.

Chapter eighty-seven of the Revised Statutes of New Brunswick, "*Of regulations for shipping seamen at the Port of Saint John*;" Revised Stat. N. Brunswick, c. 87.

The Act of the Legislature of the Province of New Brunswick, passed in the thirtieth year of Her Majesty's reign, (1866) chapter twenty-one, "*to amend chapter eighty-seven of the Revised Statutes, 'Of Regulations for shipping seamen at the Port of 'Saint John*;" Act of New Brunswick, 30 V., c. 21.

The Act of the Legislature of the United Colony of British Columbia, passed in the thirty-fourth year of Her Majesty's reign, number one hundred and sixty-six, intituled "*An Act to prevent desertion from merchant ships*;" Act of British Columbia, 34 V., No 166.

The Act of the Parliament of the Dominion of Canada, passed in the thirty-fourth year of Her Majesty's reign, chapter thirty-two, "*For more effectually preventing the desertion of seamen in the Port of Quebec*;" Act of Canada 34 V., c. 32.

The Act of the Parliament of the Dominion of Canada passed in the thirty-fifth year of Her Majesty's reign, chapter thirty-nine, "*respecting the shipping of seamen in Nova Scotia*;" Act of Canada 35 V. c. 39.

But this repeal shall not affect the past operation of any of the said Acts or the validity of anything already done or any right, title, obligation or liability already accrued thereunder. Proviso.

Articles two thousand four hundred and four and two thousand four hundred and five of the Civil Code of Lower Canada, are also hereby repealed. Civil code, L. Canada, Art. 2,404 and 2,405.

6. This Act shall not, except as hereinafter specially provided, apply to ships belonging to Her Majesty. Application of Act.

#### SHIPPING OFFICES.

7. The Governor in Council may establish a shipping office at each port in either of the Provinces of Quebec, Nova Scotia, New Brunswick or British Columbia, hereinafter referred to as the said Provinces, where a Custom House is situated, and may, from time to time, establish shipping offices at other ports in those Provinces as he may deem advisable. Governor may establish shipping officers.

8. The Governor in Council may, subject to the provisions of this Act, appoint superintendents of such offices, to be called Shipping Masters, And may appoint Shipping Masters.

Masters, who may appoint any necessary deputies, clerks and servants, and shall, subject as hereinafter mentioned, have complete control over the same, and be responsible for every act done by such deputies, clerks or servants; and all acts done by or before such deputies shall have the same effect as if done by or before such Shipping Masters.

Certain persons ineligible.

No person selling any spirituous liquors, and no tavern-keeper or boarding-house keeper, shall be eligible for the situation of Shipping Master or Deputy Shipping Master.

Business of Shipping Office may be conducted at Custom House.

9. The Governor in Council may direct that at any place in either of the said Provinces in which no separate shipping office is established, the whole or any part of the business of the shipping office shall be conducted at the Custom House; and thereupon the same shall be there conducted accordingly; and in respect of such business such Custom House shall, for all purposes, be deemed to be a shipping office, and the chief officer of the Customs there, if no other Shipping Master has been appointed, shall for all purposes be a Shipping Master, and be held and deemed to have been appointed as such within the meaning of this Act.

Shipping Masters, &c., to give security.

10. All Shipping Masters, and all deputies, clerks and servants, appointed as aforesaid, shall, before entering upon their duties, give such security (if any) for the due performance thereof as the Minister may require; and if in any case the Minister has reason to believe that any person appointed by any Shipping Master does not properly discharge his duties, he may cause an investigation to be made, and may direct the dismissal or suspension of such person, and may provide for the temporary performance of his duties until another person is properly appointed in his place, or during his suspension, as the case may be.

Shipping Masters, &c., to take oath of office.

11. All shipping masters, deputies, clerks and servants, so appointed as aforesaid shall, before entering upon their duties, take and subscribe the following oath, before any magistrate:—

“ I, A. B., do swear that I will faithfully perform the office and duty of Shipping Master (or Deputy Shipping Master, or as the case may be), according to the true intent and meaning of the ‘ Act respecting the Shipping of Seamen,’ passed by the Parliament of Canada, in the thirty-sixth year of Her Majesty’s reign; that I will not either directly or indirectly, personally or by means of any other person or persons on my behalf, receive any fee, reward or gratuity whatsoever by reason of any function of my office as Shipping Master, (or Deputy Shipping Master, or as the case may be), except such as are allowed to me under the said Act, and that I will act without partiality, favor or affection, and to the best of my knowledge. So help me God.”

General business of Shipping Masters,—

12. It shall be the duty and general business of Shipping Mas-

To

To afford facilities for engaging seamen, by keeping registers of the names of such seamen who may apply to them for engagement, and registers of all seamen shipped or discharged by them, which registers shall be open for public inspection ;

To superintend and facilitate the engagement and discharge of seamen in manner hereinafter mentioned ;

To provide means for securing the presence on board at the proper times of men who are engaged, when requested so to do ; the expense of such service to be defrayed by the master, owner, or agent of the ship requiring the presence of men on board ;

To facilitate the making of apprenticeships to the sea service ;

To perform such other duties relating to merchant seamen and merchant ships as are hereby, or may hereafter, under the powers herein contained, be committed to them ;

And all such business, transacted at any shipping office in either of the said Provinces, shall be under the immediate control and supervision of the Minister :

And it shall be the duty of every Shipping Master and Deputy Shipping Master, before hiring, engaging, supplying or providing any seaman whom he has any reason to suspect of having deserted from his last ship in either of the said Provinces, within the then last six months, to be entered on board any ship, to require such seaman to produce his certificate of discharge from his last ship, in either of the said Provinces, or other satisfactory proof that he was lawfully discharged from and lawfully quitted his last ship, in either of the said Provinces, and by all lawful means in his power to prevent, so far as he can, the effecting before him of any engagement of a seaman whom he has any reason to suspect of having deserted from his last ship in either of the said Provinces.

Duty of Shipping Master in case of suspected desertion.

**13.** No person other than the Shipping Master or Deputy Shipping Master shall hire, engage, supply or provide a seaman to be entered on board any ship, not being a Canadian Home-trade ship, or a ship in the merchant service of any foreign country to which the provisions of this Act are prevented from applying as hereinafter provided ; and if any person, other than a Shipping Master or Deputy Shipping Master exacts or receives from the master of any ship, in contravention of the provisions of this section, any sum of money as a reward for procuring a seaman to serve on board such ship, such person shall, on conviction thereof, forfeit and pay a sum not exceeding eighty dollars, nor less than twenty dollars.

Other persons not to ship seamen. Penalty for taking rewards for procuring seamen.

**14.** No owner, part owner, master or person in charge of any ship or ship's husband, or consignee, shall knowingly receive or accept to be entered on board such ship, or permit to remain on board

Persons hired contrary to this Act not to be received

on board of any ship.

board the same any seaman who has been hired, engaged, supplied or provided to be entered on board thereof contrary to the provisions of this Act, or who has been engaged or hired to be entered on board any other ship.

Penalty for employing others than Shipping Masters to provide seamen.

**15.** No person shall employ any person other than a Shipping Master or Deputy Shipping Master for the purpose of hiring, engaging, supplying or providing seamen to be entered on board any ship not being a Canadian Home-trade ship or a ship in the merchant service of a foreign country, and to which the provisions of this Act are prevented from applying as hereinafter provided; and any person knowingly employing any other person for any of the purposes aforesaid, shall, upon conviction thereof, forfeit and pay a sum not exceeding forty dollars for each offence.

Penalty for offences above described.

**16.** Any person guilty of any of the offences above described shall forfeit and pay for each and every seaman hired, engaged, supplied or provided to be entered on board, or for every seaman knowingly received or accepted to be entered on board, contrary to the provisions of this Act, a sum of money not exceeding forty dollars, upon conviction thereof, for each offence, although several seamen be included in the same contract or several seamen be received or permitted to remain at the same time.

Fees to be paid on the engagement or discharge of seamen.

**17.** The sum of fifty cents shall be payable upon each engagement of a seaman effected before a Shipping Master or Deputy Shipping Master in either of the said Provinces, as hereinafter mentioned; and the sum of thirty cents shall be payable upon each discharge of a seaman shipped in either of the said Provinces, effected before a Shipping Master or Deputy Shipping Master in either of the said Provinces, as hereinafter mentioned; and any Shipping Master, or the deputy, clerk or servant of any Shipping Master, may refuse to proceed with any engagement or discharge unless the fee payable thereon is first paid.

Masters to pay fees, and may deduct part from wages.

**18.** Every owner or master of a ship engaging or discharging any seaman or seamen in a shipping office or before a Shipping Master or Deputy Shipping Master in either of the said Provinces shall pay to the Shipping Master or Deputy Shipping Master the whole of the fees hereby made payable, in respect of such engagement or discharge, and may, for the purpose of in part reimbursing himself, deduct and retain in respect of each such engagement or discharge from the wages of all persons so engaged or discharged a sum not exceeding one-half the amount so paid to the Shipping Master or Deputy Shipping Master.

Penalty for Shipping Masters, &c., receiving more than their lawful fees.

**19.** Any Shipping Master or Deputy Shipping Master, or any clerk or servant in any shipping office in either of the said Provinces, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any ship, except the lawful fees payable under this Act, shall, for every such

such offence, incur a penalty not exceeding forty dollars, and shall also be liable to be dismissed from his office by the Governor in Council.

**20.** Every Shipping Master appointed under this Act shall make and sign and transmit to the Minister on or as soon as possible after the last day of June, and the last day of December in each year, a return of all the fees received by him and his deputy under this Act during the half year ending on such day.

Shipping Masters to make quarterly returns of fees.

**21.** The Governor in Council may, from time to time, dispense with the transaction before a Shipping Master or Deputy Shipping Master, or in a shipping office, of any matters required by this Act to be so transacted; and thereupon such matters shall, if otherwise duly transacted as required by law, be as valid as if transacted before a Shipping Master or Deputy Shipping Master, or in a shipping office.

Dispensing with Shipping Master's superintendence.

**22.** Every Shipping Master and Deputy Shipping Master appointed under this Act, shall give all the assistance in his power towards carrying into effect the objects of the Act of the Parliament of the United Kingdom passed in the Session thereof, held in the twenty-second and twenty-third years of Her Majesty's reign, chapter forty, "for the establishment of a Reserve Volunteer Force of Seamen and for the government of the same," in such manner as the Board of Trade, at the instance of the Lords Commissioners of the Admiralty, may direct; and every such Shipping Master and Deputy Shipping Master shall for this purpose have the power to call for such answers or information concerning reserve men from the masters of and other persons belonging to British merchant-ships as may be necessary or desirable in order to enable him to render such assistance as aforesaid or to make any returns which the Board of Trade or the Lords Commissioners of the Admiralty may require; and every master or other person belonging to a British merchant-ship, who, when duly called upon by any such Shipping Master or Deputy Shipping Master, omits or refuses to give any such answer or information as aforesaid which it is in his power to give, shall be liable to a penalty not exceeding twenty dollars.

Powers of Shipping Masters under Imp. Stat. 22 and 23 V. c. 40. as to Naval Reserve Force.

#### APPRENTICESHIPS.

**23.** Every Shipping Master appointed under this Act shall, when applied to for the purpose, give to any person desirous of apprenticing a boy to the merchant service, and to every master or owner of a ship requiring an apprentice, such assistance as is in his power for facilitating the making of such apprenticeship, and may receive from any person availing himself of such assistance, such fees as may be determined in that behalf, by the Minister.

Shipping Masters to assist in binding apprentices, and may receive fees.

**24.** Every person to whom any boy is bound as an apprentice to the sea service in either of the said Provinces shall, within seven days after the execution of the indenture, take or transmit the

Indentures to be recorded.

Assignments, &c., thereof, and death, &c. of apprentices, to be notified.

the same to the Shipping Master nearest the residence of the person to whom the boy is bound, and the said Shipping Master shall cause such indenture to be copied into a book to be kept in his office which shall be open to public inspection free of any charge, and shall endorse on the indenture that it has been so recorded, and shall re-deliver the same to the master of the apprentice, and the Shipping Master shall be entitled to charge and receive the sum of one dollar for recording the indenture as aforesaid; and whenever any such indenture is assigned or cancelled, and whenever any such apprentice dies or deserts, the master of the apprentice shall within thirty days after such assignment, cancellation, death or desertion, if the same happens within Canada, or, if the same happens elsewhere, so soon afterwards as circumstances permit, notify the same to said Shipping Master, to be recorded; and every person who fails to comply with the provisions of this section shall incur a penalty not exceeding forty dollars.

Apprentices and their indentures to be brought before Shipping Master before each voyage to sea.

**25.** The master of every Canadian Foreign Sea-going ship shall, before carrying any apprentice to sea from any place in either of the said Provinces, cause such apprentice to appear before the Shipping Master before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof (if any); and the name of the apprentice, with the date of the indenture and of the assignments thereof (if any), and the name of the port or ports at which the same have been registered shall be entered on the agreement; and for any default in obeying the provisions of this section, the master shall for each offence incur a penalty not exceeding twenty dollars.

#### ENGAGEMENT OF SEAMEN.

Agreements to be made with seamen in certain ships, containing certain particulars.

**26.** The master of every Canadian Home-trade ship, except ships of less than eighty tons registered tonnage, shall enter into an agreement with every seaman whom he carries as one of his crew, in the manner hereinafter mentioned; and every such agreement shall be in the form marked A. in the schedule hereto annexed, or as near thereto as circumstances permit, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof (that is to say)—

1. The nature, and as far as practicable, the duration of the intended voyage or engagement;
2. The number and description of the crew, specifying how many are engaged as sailors;
3. The time at which each seaman is to be on board or to begin work;
4. The capacity in which each seaman is to serve;

5. The amount of wages which each seaman is to receive ;
6. A scale of provisions which are to be furnished to each seaman ;
7. Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct which the parties agree to adopt :

And every such agreement shall be so framed as to admit of stipulations, to be adopted at the will of the master and seaman in each case as to advance and allotment of wages, and may contain any other stipulations which are not contrary to law ; and such agreement must be made and signed either before a Shipping Master in the manner hereinafter directed with respect to Canadian Foreign Sea-going ships, or in presence of a respectable witness who shall attest each signature on such agreement : And any seaman who has signed such agreement may, at the termination of the agreement, if the master thinks fit, be discharged before a Shipping Master in the manner herein directed with respect to Canadian Foreign Sea-going ships and at any period during such engagement and before its termination it shall be lawful for the master to discharge any such seaman on payment of his wages and with his consent, provided such discharge is made in the presence of and with the sanction of a duly appointed Shipping Master.

How to be framed.

Seaman may be discharged by consent.

**27.** The master of every Canadian Foreign Sea-going ship shall enter into an agreement with every seaman whom he carries to sea, from any port or place in either of the said Provinces, as one of his crew ; and every such agreement shall be in the form marked **A.** in the schedule hereto, or as near thereto as circumstances permit, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the particulars set forth in the next preceding section as terms thereof :—and such agreement shall be signed by the master and each seaman in the presence of a duly appointed Shipping Master, and such Shipping Master shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature. In the case of substitutes engaged in either of the said Provinces in the place of seamen who have duly signed the agreement and whose services are lost by death, desertion or other unforeseen cause previous to the vessel putting to sea, the engagement shall, when practicable, be made before a Shipping Master appointed under this Act ; and whenever such last-mentioned engagement cannot be so made, the master shall before the ship puts to sea, if practicable, and if not as soon afterwards as possible, cause the agreement to be read over and explained to the seamen who have shipped as substitutes, and such seamen shall thereupon sign the same in the presence of a witness, who shall attest their signatures. A clause may be inserted in the agreement providing for the sale of the vessel during the

Similar agreement to be made with seamen in other ships.

As to substitutes.

Provision in case of sale of ship.

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the voyage intended, and for the discharge of the crew in the event of such sale; but such clause must state the amount of wages to be paid to the seamen upon such sale.

Foreign going ships making short voyages may have running agreements,

**28.** In the case of ships registered in either of the said Provinces making short voyages from any port or place in either of the said Provinces by sea to ports and places out of Canada, averaging less than two months' duration, running agreements with the crew may be made to extend over to two or more voyages, or for a specified time, so that no such agreements shall extend beyond six months from the date of such agreement or the first arrival of the ship at her port of destination in either of the said Provinces after the termination of such agreement, or the discharge of cargo consequent upon such arrival; and every person entering into such agreement, whether engaged upon the first commencement thereof or otherwise in either of the said Provinces, shall enter into and sign the same in the manner hereby required for other ships trading by sea to ports or places out of Canada, and every person engaged thereunder, if discharged in either of the said Provinces, shall be discharged in the manner hereby required for the discharge of seamen belonging to other ships trading by sea to ports or places out of Canada.

Penalty for carrying seamen to sea, without agreement.

**29.** If in any case the master of a ship registered in either of the said Provinces, except under eighty tons register, exclusively employed in trading between any port or place in either of the said Provinces, and any port or place in any other of the said Provinces, carries any seaman to sea, apprentices excepted, without entering into any agreement with him in the form and manner, and at the place and time in such case required, the master shall for each such offence incur a penalty not exceeding twenty dollars.

Advance notes not to be given until after the articles are signed.

**30.** The owner, part owner, master, or person in charge of any Canadian Foreign Sea-going ship, or Canadian Home-trade ship, or ship's husband, shall not pay in advance, nor give any note or acceptance in writing or otherwise in the nature of, and purporting to be an advance note for any part of the wages of any seaman hired, engaged, supplied or provided to be entered on board the said ship, until after the ship's articles have been duly signed by the said seaman, and by the master or owner of the said ship, and then only to the seaman himself; but any such note or acceptance may be made payable to the order of such seaman; and no such note or acceptance shall be made, or be payable at any time sooner than five days after the final sailing of the ship with such seaman on board. And all payments of wages contrary hereto shall be null and void, and the amount thereof shall be recoverable by the seamen as if they had not been paid or advanced.

Changes in crew to be reported.

**31.** The master of every Canadian Foreign Sea-going ship, of which the crew has been engaged before a Shipping Master in Canada, shall before finally leaving Canada sign and send to the Shipping Master before whom the crew were engaged, a full and accurate

accurate statement of every change which takes place in his crew before finally leaving Canada, and in default shall, for each offence, incur a penalty not exceeding twenty dollars; and such statement shall be admitted as evidence, subject to all just exceptions.

**32.** The master of every Canadian Foreign Sea-going ship, over one hundred and fifty tons register, shall, on signing the agreement with his crew, produce to the Shipping Master before whom the same is signed, the certificates of competency or service which the said master and his first mate or only mate are required by law to possess: and if such Shipping Master be the chief officer of Customs at the port, he shall not clear any such ship without such certificates being first produced to him, nor until all the requirements of this Act have been complied with, to his satisfaction; and if any master of any ship attempts to go from any port until all the requirements of this Act have been complied with, he shall, for every such offence, incur a penalty not exceeding two hundred dollars; and if such Shipping Master be not the chief officer of Customs at the port, then on the production of the said certificates, and on all the other requirements of this Act being complied with to the satisfaction of the Shipping Master, such Shipping Master shall give the master of the ship a certificate to that effect or to the effect that the agreement is in his office partially signed, waiting an engagement of a portion of the crew, as the case may be; and no officer of Customs shall clear any such ship without such production; and if any such ship attempts to go to sea without such certificate from the Shipping Master, the master of such ship shall incur a penalty not exceeding two hundred dollars; and at any port at which the chief officer of Customs acts as Shipping Master, such officer of Customs shall not clear any such ship outwards until all the requirements of this Act have been complied with to his satisfaction.

Certain ships not to be cleared until certificates of masters and mates are produced, &c.

Penalty for contravention

**33.** Every erasure, interlineation, or alteration in any such agreement with seamen, as is required by this Act (except additions so made as hereinbefore directed for shipping substitutes or persons engaged subsequently to the first departure of the ship), shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in such erasure, interlineation or alteration by the written attestation (if made in Her Majesty's Dominions), of some Shipping Master, justice, officer of Customs or other public functionary, or (if made out of Her Majesty's Dominions), of a British Consular Officer, or where there is no such officer, of two respectable British merchants.

Alterations in articles to be void unless attested to have been made with the consent of all parties.

**34.** Every person who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, or makes, or assists in making, or procures to be made, any false entry in, or delivers, assists in delivering, or procures to be delivered, a false copy of any agreement under this Act, shall for each such offence be guilty of a misdemeanor.

Falsifying ships articles to be a misdemeanor.

Seamen not to be bound to produce agreement.

**35.** Any seaman may bring forward evidence to prove the contents of any agreement under this Act, or otherwise to support his case, without producing or giving notice to produce the agreement of any copy thereof.

Seamen discharged before voyage, to have compensation.

**36.** Any seaman who has signed an agreement under this Act, and is afterwards discharged before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying such discharge and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage thereby caused to him, not exceeding one month's wages, and may, on adducing such evidence as the court hearing the case deems satisfactory of his having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned.

#### ALLOTMENT OF WAGES.

Rules as to allotment notes.

**37** All stipulations for the allotment of any part of the wages of a seaman during his absence, which are made at the commencement of the voyage, shall be inserted in the agreement, and shall state the amounts and time of payments to be made; and allotment notes may be in the form marked B. in the schedule hereto.

Allotment notes may be sued on summarily by certain persons and under certain conditions.

**38.** The wife, or the father or mother, or the grandfather or grandmother, or any child or grandchild, or any brother or sister, of any seaman in whose favor an allotment note of part of the wages of such seaman is made, may, unless the seaman is shown in manner hereinafter mentioned to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, and subject as to the wife, to the provision hereinafter contained, sue for and recover the sums allotted by the note when and as the same are made payable, with costs from the owner or any agent who has authorized the drawing of the note, either in the summary manner in which the seamen are by this Act enabled to sue for and recover wages not exceeding two hundred dollars, or in any court in either of the said Provinces having jurisdiction to the amount, within the limits of whose jurisdiction such owner or agent has been served with process, or the agreement and allotment note or either of them were or was made,—such owner or agent having been duly served with process in any place in either of the said Provinces within or without such limits; and in any such proceeding it shall be sufficient for the claimant to prove that he or she is the person mentioned in the note, and that the note was given by the owner or by the master or some authorized agent; and the seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the court, either by the official statement of the change in the crew caused by his absence made and signed by the master, as by this Act is required, or by a duly certified copy of some entry in the log-book to the effect that he has left the ship, or by a credible letter from the master of the ship to the same effect, or by such other evidence,

of

of whatever description, as the court in its absolute discretion considers sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid: Provided that the wife of any seaman who deserts her children, or so misconducts herself as to be undeserving of support from her husband, shall thereupon forfeit all right to further payments of any allotment of his wages which has been made in her favor: and any master making a wilfully false statement in any such letter shall incur a penalty of one hundred dollars.

Proviso: as to misconduct of wife.

#### DISCHARGE AND PAYMENT OF WAGES.

39. All seamen discharged in either of the said Provinces, from ships registered in either of the said Provinces other than Canadian Home-trade ships, shall be discharged and receive their wages in the presence of the Shipping Master duly appointed under this Act, except in cases where some competent court otherwise directs; and any master or owner or consignee of any ship registered in either of the said Provinces, not being a Canadian Home-trade ship, who discharges any seaman belonging thereto, or, except as aforesaid pays his wages within either of the said Provinces in any other manner, shall incur a penalty not exceeding forty dollars; and in the case of ships exempted as aforesaid, seamen may, if the owner or master so desires, be discharged and receive their wages in like manner.

Discharges to be made before Shipping Masters.

Exceptions.

Penalty.

40. Every master shall before paying off or discharging any seaman in either of the said Provinces from a ship registered in either of the said Provinces, not being a Canadian Home-trade ship of less than eighty tons, deliver to him, or if he is to be discharged before a Shipping Master, to such Shipping Master, a full and true account of his wages, and of all deductions to be made therefrom on any account whatever, and in default shall, for each offence, incur a penalty not exceeding twenty dollars; and such account may be in the form marked C in the schedule hereto.

Master to deliver account of wages.

41. Upon the discharge in either of the said Provinces of any seaman belonging to a ship registered in either of the said Provinces not being a Canadian Home-trade ship of less than eighty tons, or upon payment of his wages, the master shall sign and give him a certificate of his discharge in the form marked D in the schedule hereto, specifying the period of his service and the time and place of his discharge, and shall make and sign thereon a report of the conduct, character and qualifications of the person discharged, during the period he has been in his employment; or he may state that he declines to give any opinion upon such particulars or upon any of them; and if any master fails to sign and give to any such seaman requiring the same, such certificate of discharge and report or statement as aforesaid, he shall for each such offence incur a penalty not exceeding forty dollars.

On discharge Masters to give seamen certificates of discharge.

Shipping Master may decide questions which parties refer to him.

**42.** Every Shipping Master in Canada may hear and decide any question whatever between a master or owner of a ship registered in Canada and any of his crew, which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall in any legal proceedings which may be taken in the matter before any court of justice in Canada, be deemed to be conclusive as to the rights of the parties; and any document purporting to be such admission or award shall be *prima facie* evidence thereof, and such Shipping Master may charge a fee as remuneration therefor not exceeding four dollars.

Masters and others to produce ship's papers to Shipping Masters and give evidence.

**43.** In any proceeding relating to the wages, claims or discharge of any seamen belonging to any ship registered in either of the said Provinces, carried on before any Shipping Master under the provisions of this Act, such Shipping Master may call upon the owner or his agent, or upon the master or any mate or other member of the crew, to produce any log books, papers, or other documents in their respective possession or power, relating to any matter in question in such proceedings, and may call before him and examine on oath on any such matter any of such persons being then at or near the place; and every owner, agent, master, mate or other member of the crew, who when called upon by the Shipping Master does not produce any such paper or document as aforesaid, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable excuse for such default, for each such offence incur a penalty not exceeding twenty dollars.

#### LEGAL RIGHTS TO WAGES.

Right to wages and provisions when to begin.

**44.** In the case of ships registered in either of the said Provinces, the right to wages and provisions of a seaman engaged in either of the said Provinces shall be taken to commence either at the time at which he commences work, or at the time specified for his commencement of work or presence on board, whichever first happens.

Seamen not to forfeit certain rights.

**45.** No seaman engaged under this Act for any ship registered in either of the said Provinces, shall by any engagement made in either of the said Provinces forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement made in either of the said Provinces inconsistent with any provision of this Act, and every stipulation by which any seaman consents to abandon his right to wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative; but this shall not apply to the case of any stipulation made by the seamen belonging to any ship which, according to the terms of the agreement, is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services, to be rendered by such ship to any other ship or ships.

Proviso.

**46.** No right to wages of any seaman or apprentice on board of any ship registered in either of the said Provinces shall be dependent on the earning of freight; and every such seaman or apprentice who would be entitled to demand and recover any wages if the ship in which he has served had earned freight shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same, notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that he has not exerted himself to the utmost to save the ship, cargo and stores, shall bar his claim.

Wages not to depend on the earning of freight.

**47.** If any seaman or apprentice to whom wages are due under the last preceding enactment dies before the same are paid, they shall be paid and applied in the manner hereinafter specified with regard to the wages of seamen who die during a voyage.

How wages are to be paid in case of death.

**48.** In cases where the service of any seaman belonging to any ship registered in either of the said Provinces, terminates before the period contemplated in the agreement by reason of the wreck or loss of the ship, and also in cases where such service terminates before such period as aforesaid by reason of his being left on shore at any place abroad, under a certificate of his unfitness or inability to proceed in the voyage granted as herein mentioned, such seaman shall be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period.

Right to wages in case of termination of service by wreck or illness.

**49.** No seaman or apprentice belonging to any ship registered in either of the said Provinces, shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, whether before or after the time fixed by the agreement for his beginning work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

Wages not to accrue during refusal to work or imprisonment.

**50.** Where a seaman belonging to any ship registered in either of the said Provinces is by reason of illness incapable of performing his duty, and it is proved that such illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of such illness incapable of performing his duty.

Nor during illness caused by wilful act or default.

**51.** The master or owner of every ship registered in either of the said Provinces shall pay every seaman belonging to such ship his wages, if demanded within three days after the delivery of the cargo or five days after the seaman's discharge, whichever first happens; but this provision shall not apply to cases where the seaman by the agreement is paid by a share of the profits of the adventure.

Period within which wages are to be paid.

#### MODE OF RECOVERING WAGES.

**52.** Any seaman or apprentice belonging to any ship registered in either of the said Provinces, or any person duly authorized on his

Seamen may sue for wages in a summary

manner:

his behalf, may sue in a summary manner before any Judge of the Sessions of the Peace, any Judge of a County Court, Stipendiary Magistrate, Police Magistrate, or any two Justices of the Peace acting in or near the place at which the service has terminated, or at which the seaman or apprentice has been discharged, or at which any master or owner or other person upon whom the claim is made is or resides, for any amount of wages due to such seaman or apprentice not exceeding two hundred dollars over and above the costs of any proceeding for the recovery thereof, as soon as the same becomes payable; and such judge, magistrate, or justices may, upon complaint on oath to be made to him or them by such seaman or apprentice, or on his behalf, summon such master or owner, or other person to appear before him or them to answer such complaint.

Judges may make order for payment of wages.

53. Upon appearance of such master or owner, or in default thereof, on due proof of his having been so summoned, such judge, magistrate, or justices may examine upon the oath of the respective witnesses of the parties (if there be any), or upon the oath of either of the parties, in case one of the parties should require such oath from the other, before such judge, magistrate or justices, touching the complaint and amount of wages due, and may make such order for the payment thereof, as to such judge, magistrate or justices appears reasonable and just; and any order made by such Judge of the Sessions of the Peace, Judge of a County Court, Stipendiary Magistrate, Police Magistrate or Justices shall be final.

Warrant of distress may be issued.

54. If such order is not obeyed within twenty-four hours next after the making thereof, such judge, magistrate or justices, may issue a warrant to levy the amount of the wages awarded to be due, by the distress and sale of the goods and chattels of the party on whom such order is made, rendering to such party the over-plus (if any remains) of the produce of the sale, after deducting therefrom all the charges and expenses incurred by the seaman or apprentice in the making and hearing of the complaint, as well as those incurred by the distress and levy, and in the enforcement of the order.

If sufficient distress cannot be found wages and expenses may be levied on ship or party may be committed.

55. And in case sufficient distress cannot be found, such judge, magistrate or justices may cause the amount of such wages and expenses to be levied on the ship in respect of the service on board which the wages are claimed, or the tackle and apparel thereof; and if such ship is not within the jurisdiction of such judge, magistrate or justices, then they may cause the party on whom the order for payment is made to be apprehended and committed to the common gaol of the locality, or if there be no gaol there, then to that which is nearest to the locality, for a time not less than one, nor more than three months, under each such condemnation.

56. No suit or proceedings for the recovery of wages under the sum of two hundred dollars shall be instituted by or on behalf of any seaman or apprentice belonging to any ship registered in either of the said Provinces in any Court of Vice Admiralty, or in any superior court of record in either of the said Provinces, unless the owner of the ship is insolvent within the meaning of any Act respecting insolvency, for the time being in force in Canada, or unless the ship is under arrest or is sold by the authority of any such Court as aforesaid, or unless any judge, magistrate or justices, acting under the authority of this Act, refer the case to be adjudged by such court, or unless neither the owner nor the master is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore.

Restrictions on suits for wages in Superior Courts.

57. If any suit for the recovery of a seaman's wages is instituted against any such ship or the master or owner thereof, in any Court of Vice Admiralty or in any court of record in either of the said Provinces, and it appears to the court, in the course of such suit, that the plaintiff might have had as effectual a remedy for the recovery of his wages, by complaint to a Judge of the Sessions of the Peace, Judge of a County Court, Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace under this Act, then the judge shall certify to that effect, and thereupon no costs shall be awarded to the plaintiff.

If suits are brought unnecessarily before Superior Court, no costs to Plaintiff.

58. No seaman belonging to any Canadian Foreign Sea-going ship, who is engaged for a voyage or engagement which is to terminate in either of the said Provinces, shall be entitled to sue in any court abroad for wages, unless he is discharged with such sanction as herein required, and with the written consent of the master, or prove such ill usage on the part of the master or by his authority, as to warrant reasonable apprehension of danger to the life of such seaman if he were to remain on board; but if any seaman on his return to either of the said Provinces proves that the master or owner has been guilty of any conduct or default which but for this enactment would have entitled the seaman to sue for wages before the termination of the voyage or engagement, he shall be entitled to recover in addition to his wages such compensation not exceeding eighty dollars as the court hearing the case thinks reasonable.

No seaman to sue for wages abroad, except in cases of discharge or danger of life.

Proviso.

59. Every master of a ship registered in either of the said Provinces, shall so far as the case permits, have the same rights, liens and remedies for the recovery of his wages, which by this Act or by any law or custom any seaman, not being a master, has for the recovery of his wages; and if, in any proceeding in any Court of Vice Admiralty, or court possessing Admiralty jurisdiction in either of the said Provinces touching the claim of a master to wages, any right of set-off or counter claim is set up, it shall be lawful for such court to enter into and adjudicate upon all questions and to settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and to direct payment of any balance which is found to be due.

Master to have same remedies for wages as seamen.

## WAGES AND EFFECTS OF DECEASED SEAMEN.

Master to take charge of, and may sell effects of deceased seamen, and enter the same and wages due in the log book.

**60.** Whenever any seaman or apprentice belonging to or sent home in any Canadian Foreign Sea-going ship employed on a voyage which is to terminate in either of the said Provinces, dies during such voyage, the master shall take charge of all money, clothes and effects which he leaves on board, and shall, if he considers it necessary in order to prevent contagion or disease, dispose of the clothes in such way as he thinks fit—and shall thereupon sign an entry in the log book containing the following particulars, that is to say :—

1. A statement of the amount of money and description of the effects so left by the deceased, and if any effects were disposed of to prevent contagion or disease, a statement of such effects and the mode of disposing of them and the sum received for each :

2. A statement of the sum due to the deceased as wages, and of the total amount of the deductions (if any) to be made therefrom ;

Master to give account to Shipping Master, who shall furnish copy to Minister of Marine and Fisheries.

And shall cause such entry to be attested by a mate and by one of the crew ; and on arrival at any port in either of the said Provinces at which there is a Shipping Master, the master shall within three days after his arrival, deliver to such Shipping Master a full and true account of such effects, money and wages, with an account of any deductions made therefrom (and no deductions claimed in such account shall be allowed unless verified by an entry in the log-book), and also by such other vouchers (if any) as may be reasonably required by the Shipping Master to whom the account is rendered ; and such Shipping Master shall furnish the Minister with a copy of such account, within six days after receiving the same, and shall, subject to his directions, deliver such wages, effects and money to the legal representative or representatives of the deceased seaman or apprentice ; or if no such representative can be found then such Shipping Master shall dispose of such effects, money and wages in such manner as the Minister shall direct.

Penalties for not taking charge or remitting or accounting for money and effects.

◆ **61.** If any master fails to take such charge of the money or other effects of any such seaman or apprentice dying during a voyage, or to make such entry thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages or effects of any such seaman or apprentice dying during a voyage, or to give such account in respect thereof as hereinbefore respectively directed, he shall be accountable to the legal representative of such seaman or apprentice and shall pay and deliver the same accordingly ; and such master shall, in addition for every such offence, incur a penalty not exceeding treble the value of the money or effects not accounted for, or, if such value is not ascertained, not exceeding two hundred dollars : and if any such money, wages or effects are not duly paid, delivered or accounted for by the master, the owner of the ship shall pay, deliver and account for the same, and such money and wages and the value of such effects

effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the said money and value, incur the same penalty, which is hereinbefore mentioned as incurred by the master for the like offence; and all money, wages and effects of any such seaman or apprentice dying during a voyage shall be recoverable in the same court and by the same modes of proceeding by which seamen are by this Act enabled to recover wages due to them: and any Shipping Master who fails to report the receipt of such accounts, wages, money and effects to the Minister, or who fails to deliver or pay over such wages, money and effects as directed, shall be liable to be dismissed from his office.

**62.** Whenever any such seaman or apprentice dies in either of the said Provinces, and is at the time of his death entitled to claim from the master or owner of any such ship in which he has served any unpaid wages or effects, such master or owner shall pay and deliver on account for the same to the Shipping Master at the port where a seaman or apprentice was discharged or to have been discharged, or to the Minister or as he directs.

Wages and effects of seaman dying in Canada to whom to be paid and delivered.

**63.** In cases of wages or effects of deceased seamen and apprentices who belonged, at the time of their death, to ships registered in either of the said Provinces, received by any Shipping Master on behalf of the Government of Canada, to which no claim is substantiated within six years after the receipt thereof by such Shipping Master on behalf of the Government of Canada, it shall be in the absolute discretion of the Governor in Council, if any subsequent claim is made, either to allow or to refuse the same; and, subject to the provision hereinafter contained, the Governor in Council may, from time to time, order and direct that any moneys arising from the unclaimed wages and effects of deceased seamen and apprentices, which in the opinion of the Governor in Council it is not necessary to detain for the purpose of satisfying claims, shall be paid to the Receiver-General, to form part of the Consolidated Revenue Fund of Canada; and such moneys shall be applied as the Governor in Council shall direct.

Mode of dealing with unclaimed wages of deceased seamen.

#### LEAVING SEAMEN ABROAD.

**64.** Whenever any Canadian Foreign Sea-going ship is transferred or disposed of at any place out of Her Majesty's Dominions and any seaman or apprentice belonging thereto does not in the presence of some British Consular Officer, or if there is no such Consular Officer there, in the presence of one or more respectable British Merchants residing at the place, and not interested in the said ship, signify his consent in writing to complete the voyage if continued, and whenever the service of any seaman or apprentice belonging to any such ship terminates at any place out of Her Majesty's Dominions, the master shall give to each such seaman or apprentice a certificate of discharge, and in the case of any certificated mate, whose certificate he has retained, shall return such certificate

On discharge of seamen abroad, by sale of ship or otherwise, certificates of discharge to be given, and seamen to be sent home at the expense of the owner.

certificate to him, and shall also, besides paying the wages to which such seaman or apprentice is entitled, either provide him with adequate employment on board some other British ship bound to the port in Canada or any other port in Her Majesty's Dominions, at which he was originally shipped, or to such other port as is agreed upon by him, or furnish the means of sending him back to such port, or provide him with a passage home, or deposit with such Consular Officer or such merchant or merchants as aforesaid, such a sum of money as is, by such officer or merchants, deemed sufficient to defray the expenses of his subsistence and passage home: and if the master refuses or neglects to comply with the requirements of this section, then such expenses as last aforesaid, if defrayed by such Consular Officer or any other person and the particulars of such payment, provision or deposit indorsed by him or them upon the agreement of the ship which the seaman or apprentice is leaving, unless such seaman or apprentice has been guilty of barratry, be a charge upon the ship to which such seaman or apprentice belonged and upon the owner for the time being thereof, and may be recovered against such owners, with costs, at the suit of the Consular Officer or other person defraying such expenses; or, in case the same has been allowed to the Consular Officer out of the public moneys, as a debt due to Her Majesty, either by ordinary process of law or in the manner in which seamen are hereby enabled to recover wages; and such expenses, if defrayed by the seaman or apprentice shall be recoverable as wages due to him.

Forcing seamen on shore a misdemeanor.

**65.** If the master or any other person belonging to any Canadian Foreign Sea-going ship, wrongfully forces on shore and leaves behind, or otherwise wilfully and wrongfully leaves behind in any place, on shore or at sea, in or out of Her Majesty's Dominions, any seaman or apprentice belonging to such ship before the completion of the voyage for which such person was engaged, or the return of the ship to Canada, he shall for each such offence be deemed guilty of a misdemeanor.

No seamen to be discharged or left abroad without the certificate of some functionary.

**66.** If the master of any Canadian Foreign Sea-going ship, does any of the following things, that is to say:—

1. Discharges any seaman or apprentice in any place situate in the United Kingdom or in any British possession other than Canada, without previously obtaining the sanction in writing indorsed on the agreement of some public Shipping Master or other officer duly appointed by the Government in that behalf, or (in the absence of such functionary) of the chief officer of Customs, resident at or near the place where the discharge takes place;
2. Discharges any seaman or apprentice at any place out of Her Majesty's Dominions without previously obtaining the sanction so indorsed as aforesaid, of the British Consular Officer there or (in his absence) of two respectable merchants resident there;

3. Leaves behind any seaman or apprentice at any place situate in the United Kingdom or in any British Possession other than Canada, on any ground whatever, without previously obtaining a certificate in writing so indorsed as aforesaid, from such officer or person as aforesaid, stating the fact and the cause thereof, whether such cause be unfitness or inability to proceed to sea, or desertion or disappearance ;
4. Leaves behind any seaman or apprentice at any place out of Her Majesty's Dominions, on shore or at sea, on any ground whatever, without previously obtaining the certificate, indorsed in manner and to the effect last aforesaid, of the British Consular Officer there or (in his absence) of two respectable merchants, if there are any such at or near the place where the ship then is ;

He shall for each such default be deemed guilty of a misdemeanor. Penalty.

67. Upon the trial of any information, indictment or other proceeding against any person for discharging or leaving behind any seaman or apprentice contrary to the provisions of this Act, it shall be upon such person either to produce the sanction or certificate hereby required, or to prove that he had obtained the same previously to having discharged or left behind such seaman or apprentice, or that it was impracticable for him to obtain such sanction or certificate.

Proof of such certificate to be upon the Master.

68. Every master of a Canadian Foreign Sea-going ship, who leaves any seaman or apprentice on shore at any place out of Canada, under a certificate of his unfitness or inability to proceed on the voyage, shall deliver to one of the functionaries aforesaid, or (in the absence of such functionaries) to the merchants by whom such certificate is signed, or if there be but one respectable merchant resident at such place, to him, a full and true account of the wages due to such seaman or apprentice (such account when delivered to a Consular Officer to be in duplicate), and shall pay the same either in money or by a bill drawn upon the owner, and by money whenever it is practicable so to do, and not by bill; and in cases where payment is made by bill, drawn by the master, the owner of the ship shall be liable to pay the amount for which the same is drawn to the holder or endorsee thereof; and it shall not be necessary in any proceeding against the owner upon such bill to prove that the master had authority to draw the same; and any bill purporting to be drawn in pursuance of this section and to be endorsed as therein required, if produced out of the custody of the Minister, or of any Shipping Master, shall be received in evidence; and any endorsement on any such bill purporting to be made in pursuance of this section, and to be signed by one of the functionaries herein mentioned, shall also be received in evidence and shall be deemed to be *prima facie* evidence of the facts stated in such endorsement; and every such master as aforesaid who refuses or neglects to deliver a full account of such wages, and pay

Wages to be paid when seamen are left behind on ground of inability.

Draft on owner : effect and proof of.

Penalty for false account.

pay the amount thereof in money or by bill as hereinbefore required shall, for every such offence or default, be liable, in addition to the payment of the wages, to a penalty not exceeding forty dollars; and every such master who delivers a false account of such wages shall, for every such offence, in addition to the payment of wages, incur a penalty not exceeding eighty dollars.

Governor in Council may pay expenses of relief of Canadian seamen found abroad in distress.

**69.** The Governor in Council may pay any reasonable expenses incurred by the Board of Trade of the United Kingdom, or by any officers of Her Majesty in any British Possession other than Canada, or in any foreign country on account of subsistence or transport back to Canada of any seamen or apprentices who are natives of and residents in Canada, and who have been found in distress, either on account of shipwreck or otherwise, in any place out of Canada, out of any moneys applicable to the relief of distressed seamen and granted by Parliament for the purpose, on the production of of the bills of the disbursements, with the proper vouchers and such other evidence as the Governor in Council may require.

Power to sue for the amount advanced for the relief of seamen left abroad.

**70.** If any seaman or apprentice belonging to any Canadian Foreign Sea-going ship is discharged or left behind at any place out of Canada, without full compliance on the part of the master with all the provisions in that behalf in this Act contained, and becomes distressed and is relieved under the provisions of this Act, all expenses incurred for his subsistence, necessary clothes, conveyance back to Canada, and burial in case he should die abroad before reaching Canada, shall be a charge upon the ship to which he belonged as aforesaid; and the Minister may, in the name of Her Majesty (besides suing for any penalties which may have been incurred), sue for and recover the said wages and expenses with costs, either from the master of such ship as aforesaid, or from the person who is owner thereof for the time being; and such sums shall be recoverable either in the same manner as other debts due to Her Majesty, or in the same manner and by the same form and process in which wages due to the seaman would be recoverable by him; and in any proceeding for that purpose, production of the account (if any) to be furnished as hereinbefore provided in such cases, together with proof of payment by the Board of Trade of the United Kingdom, or by the Government of Canada, of the charges incurred on account of any such seaman or apprentice, shall be sufficient evidence that he was relieved, conveyed home or buried (as the case may be) at the expense of the British Government or of the Government of Canada.

#### PROVISIONS, HEALTH AND ACCOMMODATION.

Survey of provisions and water on complaint made.

**71.** Any three or more of the crew of any ship registered in either of the said Provinces, may complain to any officer in command of any of Her Majesty's ships or any Shipping Master in Canada, that the provisions or water for the use of the crew, are at any time of bad quality, unfit for use or deficient in quantity; and such officer may thereupon examine the said provisions or water,

water, or cause them to be examined; and if on examination, such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall signify the same in writing to the master of the ship; and if such master does not thereupon provide other provisions and water in lieu of any so signified to be of bad quality and unfit for use, or does not procure the requisite quantity of any so signified to be insufficient in quantity, or uses any provisions or water which have been so signified as aforesaid to be of bad quality and unfit for use, he shall, in every such case, incur a penalty not exceeding eighty dollars; and upon every such examination as aforesaid, the officer making or directing the same shall enter a statement of the result of the examination in the log-book, and shall send a report thereof to the Minister; and such report, if produced out of the custody of the Minister or any officer of the Government, shall be received in evidence in any legal proceedings.

**72.** If the officer to whom any such complaint as last aforesaid is made, certifies in such statement as aforesaid, that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages. Forfeiture for frivolous complaint.

**73.** In the following cases that is to say:—

Allowance for short provisions.

1. If during the voyage the allowance of any of the provisions which any seaman has by his agreement stipulated for is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement, and also except for any time during which such seaman wilfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore);

2. If it is shown that any of such provisions are or have, during the voyage, been had in quality and unfit for use,

The seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums to be paid to him in addition to and to be recoverable as wages, that is to say:— Compensation to be made.

1. If his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement, a sum not exceeding eight cents a day;

2. If his allowance is reduced by more than one-third of such quantity, sixteen cents a day;

3. In respect of such bad quality as aforesaid, a sum not exceeding twenty-four cents a day:

But, if it is shewn to the satisfaction of the court before which the case is tried, that any provisions, the allowance of which has been Proviso.

been reduced could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take such circumstances into consideration, and shall modify or refuse compensation as the justice of the case may require.

Masters to keep weights and measures on board.

74. Every master of a ship registered in either of the said Provinces shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles in the presence of a witness whenever any dispute arises about such quantities, and in default shall, for every offence, incur a penalty not exceeding forty dollars.

Expense of medical attendance and subsistence in case of illness, and of burial in case of death, how to be defrayed.

75. The following rules shall be observed with respect to expenses attendant on illness and death, incurred abroad, that is to say :—

1. If the master or any seaman or apprentice of any Canadian Foreign Sea-going ship receives any hurt or injury in the service of the ship to which he belongs, the expense of providing the necessary surgical and medical advice, with attendance and medicines, and of his subsistence until he is cured or dies, or is brought back to some port in the United Kingdom, if shipped in the United Kingdom, or to some port in Canada, if shipped in Canada, or if shipped in some other British possession, and of his conveyance to such port, and the expense (if any) of his burial, shall be defrayed by the owner of such ship, without any deduction on that account from the wages of such master, seaman or apprentice ;

2. If the master or any seaman or apprentice of any such ship is on account of any illness temporarily removed from his ship for the purpose of preventing infection or otherwise for the convenience of the ship, and subsequently returns to his duty, the expense of such removal and of providing the necessary advice with attendance and medicines, and of his subsistence while away from the ship, shall be defrayed in like manner ;

3. The expense of all medicines and surgical or medical advice and attendance given to master, seaman or apprentice of any ship, whilst on board his ship, shall be defrayed in like manner ;

4. In all other cases any reasonable expenses duly incurred by the owner for any seaman or apprentice in respect of any illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman or apprentice who dies whilst on service, shall, if duly proved, be deducted from the wages of such seaman or apprentice.

Expenses if paid by Consul to be re-

76. If any such expenses in respect of the illness, injury or hurt of any seaman or apprentice belonging to any Canadian Foreign

Foreign Sea-going ship as are to be borne by the owner, are paid <sup>coverable</sup> by any Consular Officer or any other person on behalf of Her <sup>from owner.</sup> Majesty, or if any other expenses in respect of the illness, injury or hurt of any seaman or apprentice whose wages are not accounted for to such officer under the provisions hereinbefore contained in that behalf, are so paid, such expenses shall be repaid to the officer or other person by the master of the ship, and if not so repaid, the amount thereof, with costs, shall be a charge upon the ship, and be recoverable from the said master or from the owner of the ship for the time being, as a debt due to Her Majesty; and shall be recoverable by ordinary process of law, or in a manner in which seamen are hereby enabled to recover wages; and in any proceeding for the recovery thereof, the production of a certificate of the facts, signed by such officer or other person, together with such vouchers (if any), as the case requires, shall be sufficient proof that the said expenses were duly paid by such Consular Officer or other person as aforesaid.

77. The following rules shall be observed with respect to accommodation for seamen and apprentices on board Canadian Foreign Sea-going ships, that is to say:—

Place appropriated to seamen to have a certain space for each man, and to be properly constructed and kept clear.

1. Every place in any such ship occupied by seamen or apprentices, and appropriated to their use, shall have for every such seaman or apprentice a space of not less than seventy-two cubic feet, and of not less than twelve superficial feet, measured on the deck or floor of such place;

2. Every such place shall be such as to make the space aforesaid available for the proper accommodation of the men who are to occupy it, shall be securely constructed, properly lighted and ventilated, properly protected from weather and sea, and as far as practicable properly shut off and protected from the effluvia which may be caused by cargo or bilge water;

3. No such place as aforesaid shall be deemed to be such as to authorize a deduction from registered tonnage, under the provisions hereinafter contained, unless there is or are in the ship one or more properly constructed privy or privies, for the use of the crew; such privy or privies to be of such number and of such construction as may be approved by the surveyor hereinafter mentioned;

4. Every such place shall, whenever the ship is registered or re-registered, be inspected by one of the surveyors appointed by the Governor under the third section of "The Colonial Shipping Act, 1868," who shall, if satisfied that the same is in all respects such as is required by this Act, give to the Collector of Customs a certificate to that effect, and thereupon such space shall be deducted from the register of tonnage;

5. No such deduction from tonnage as aforesaid shall be authorized unless there is permanently cut in a beam, and cut in or painted

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on or over the doorway or hatchway of every such place, the number of men which it is constructed to accommodate, with the words "certified to accommodate seamen ;"

6. Every such place shall be kept free from stores or goods of any kind, not being the personal property of the crew in use during the voyage ;

Inspection of such place on complaint.

7. Upon any complaint concerning any such places as aforesaid, one of the surveyors appointed by the Governor in Council may inspect such place, and if he finds that any of the provisions of this Act with respect to the same are not complied with, he shall report the same to the Collector of Customs at the port where the ship is registered ; and thereupon the registered tonnage shall be altered and the deduction aforesaid in respect of space disallowed, unless and until it shall be certified by such surveyor or by some other surveyor appointed by the Governor in Council, that the provisions of this Act in respect of such place are fully complied with ;

To be kept clear of goods, &c.

8. If any such place in any such ship is not kept free from goods and stores as aforesaid, the master shall be deemed to be in fault, and shall for every such failure to comply with the provisions of this section, forfeit and pay to each seaman lodged in such place, the sum of twenty-four cents a day for each day after complaint made to him by any two or more of such seamen during which any goods or stores, not being the personal property of the crew, are stored or kept therein ;

Penalty for contravention.

9. If in any other respect, the provisions of this section are not observed with respect to any such place in any such ship, the owner shall be deemed to be in fault, and shall, for every failure to comply with the provisions of this section, incur a penalty not exceeding eighty dollars.

#### POWER OF MAKING COMPLAINTS.

Seamen to be allowed to go ashore to make complaint to a Justice.

78. If any seaman or apprentice whilst on board, in either of the said Provinces, any ship registered in either of the said Provinces, states to the master that he desires to make complaint to a Justice of the Peace, or Naval Officer in command of any of Her Majesty's ships, against the master or any of the crew, the said master shall, if the ship is then at a place where there is a justice or any such officer as aforesaid, as soon as the service of the ship will permit, and if the ship is not then at such a place, so soon after her first arrival at such a place in either of the said Provinces, as the service of the ship will permit, allow such seaman or apprentice to go ashore or send him ashore in proper custody, so that he may be enabled to make such complaint, and shall, in default, incur a penalty not exceeding forty dollars.

79. Whenever in any proceeding against any seaman or apprentice belonging to any ship, registered in either of the said Provinces, for desertion, or for neglecting or refusing to join or to proceed to sea or on any voyage in his ship or for being absent from or quitting the same without leave, it is alleged by one-fourth the seamen belonging to such ship, or, if the number of such men exceed twenty, by not less than five such seamen, that such ship is by reason of unseaworthiness, overloading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea or on such voyage, or that the accommodation in such ship is insufficient, the court having cognizance of the case shall take such means as may be in their power to satisfy themselves concerning the truth or untruth of such allegation, and shall for that purpose receive the evidence of the person or persons making the same, and shall have power to summon any other witnesses whose evidence such court may think it desirable to hear; and the court shall thereupon, if satisfied that the allegation is groundless proceed to adjudicate, but if not so satisfied shall cause such ship to be surveyed:

Survey of ships alleged by seamen to be unseaworthy.

Provided that no seaman or apprentice charged with desertion, or with quitting his ship without leave, shall have any right to apply for a survey under this section unless previously to his quitting his ship he has complained to the master of the circumstances so alleged in justification.

Proviso: as to desertion.

For the purposes of this section, the court may appoint and require any person having no interest in the ship, her freight or cargo, whom the court may deem competent to deal with the special circumstances of the case, to survey the ship, and to answer any question concerning her which the court may think fit to put. Such person shall survey the ship, and make his report in writing to the court, including an answer to every question put to him by the court. The court shall cause such report to be communicated to the parties, and unless it is proved to the satisfaction of the court that the opinions expressed in such report are erroneous, the court shall determine the questions before them in accordance with those opinions:

Survey and report.

For the purposes of such survey, the person appointed to make the same may, in the execution of his duty, go on board the ship at any reasonable time, and may inspect the same or any part thereof, or any of the machinery, boats or other equipments, or cargo thereof, or any provisions or other articles on board thereof, the inspection of which appears to him to be requisite for the purpose of the enquiry he is required to make, not unnecessarily detaining or delaying the ship from proceeding to sea or on her voyage, and if for any reason he considers it necessary so to do, he may require the ship to be so dealt with as that he may be able to inspect every part of the hull thereof:

Powers of surveyors.

Costs.

The costs of the survey shall be determined by the court, and shall be paid by the master or owner of the ship, or by the recognized consignee or agent thereof, provided such recognized consignee or agent has moneys in his hands received on account of such ship :

How to be paid.

Every recognized consignee or agent of a ship not being the owner or master of such ship may, out of any moneys in his hands received on account of such ship, retain the amount of the costs so paid by him, together with any reasonable expenses he may have incurred by reason of such payment and liability :

On whom to fall.

If it is proved to the satisfaction of the court that the ship is in a fit condition to proceed to sea or on her voyage, or, as the case may be, that the accommodation is sufficient, the costs of the survey may be deducted by the master or owner out of the wages due or to become due to the person or persons upon whose demand, or in consequence of whose allegation, the survey was made.

## PROTECTION OF SEAMEN FROM IMPOSITION.

Attachment on sale of, and charge upon wages to be invalid.

**80.** No wages due or accruing to any seaman or apprentice belonging to any ship registered in either of the said Provinces, shall be subject to attachment or arrestment from any court; and every payment of wages to any such seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of such wages or of any attachment, incumbrance or arrestment thereon, and no assignment or sale of such wages or of salvage made prior to the accruing thereof shall bind the party making the same; and no power of attorney or authority for the receipt of any such wages or salvage shall be irrevocable.

No debt exceeding one dollar recoverable till end of voyage.

**81.** No debt exceeding in amount one dollar, incurred by any seaman belonging to any ship registered in either of the said Provinces, after he has engaged to serve, shall be recoverable until the service agreed for is concluded.

No debt over one dollar recoverable by Tavern Keeper

**82.** No debt exceeding the sum of one dollar, incurred by any seaman or apprentice, shall be recoverable in any court or pleadable by way of set-off by any keeper of a tavern, or house of public entertainment, or lodging-house.

Wearing apparel, &amp;c., of seamen not liable for lodging, &amp;c., beyond one dollar.

**83.** The wearing apparel of any seaman or apprentice shall not be kept by any keeper of a tavern, house of public entertainment or lodging-house, in pledge for any debt or expenses incurred to any greater amount than one dollar, and on the payment or tender of such sum or of any less sum due, such wearing apparel shall be immediately given up, whatever be the amount due by such seaman or apprentice.

Penalty for over charging seamen for board or lodging.

**84.** If any person demands and receives of and from any seaman or apprentice belonging to any ship registered in either of the said Provinces, payment in respect of his board or lodging in  
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the house of such person, for a longer period than such seaman or apprentice has actually resided and boarded therein, he shall incur a penalty not exceeding forty dollars.

**85.** If any person receives or takes into his possession, or under his control any moneys, documents or effects of any seaman or apprentice belonging to any ship registered in either of the said Provinces and does not return the same, or pay the value thereof when required to do so by such seaman or apprentice, after deducting therefrom what is justly due and owing in respect of the board and lodging of such seaman or apprentice, or absconds therewith, he shall forfeit and pay a sum not exceeding forty dollars (over and above the amount of value of such moneys, documents or effects, after such deductions as aforesaid) which sum shall be adjudged to be forthwith paid to such seaman, under the conviction, by the Justice or Justices before whom the offence shall be heard and determined.

Penalty for detaining seamen's effects.

**86.** No person (other than any owner, agent of owner, or consignee of the ship or cargo, or any person in the employment of either of them, or any officer or person in Her Majesty's service or employment, harbour master, deputy harbour master, health officer, custom house officer, pilot, shipping master or deputy shipping master) shall go and be on board of any merchant ship arriving or about to arrive from sea at the place of her destination before or previous to her actual arrival in dock, or at the quay or place of her discharge, or while she remains in port, without the permission and consent of the master or person in charge of such ship; and if any person (other than aforesaid) goes on board any such ship before or previous to her actual arrival in dock, or at the quay or place of her discharge or while she remains in port, without the permission and consent of the master or person in charge of such ship, he shall, for every offence, be subject to imprisonment in the penitentiary for any period not less than two years nor more than three years, if such person be unarmed at the time of committing the offence; or five years, if such person be armed with or carries about his person any pistol, gun or other firearm, or offensive weapon at the time of committing the offence; and for the better securing the person of such offender, the master or person in charge of the ship may take any person so offending, as aforesaid, into custody and deliver him up forthwith to any constable or peace officer, to be by him taken before any Judge of a County Court or any Stipendiary Magistrate, Police Magistrate or Judge of the Sessions of the Peace, to be dealt with according to the provisions of this Act.

Persons not to go on board before the actual arrival of ship, without permission

**87.** Any person found loitering near any ship, and not giving a satisfactory account of his business there, shall incur a penalty not exceeding one hundred dollars, and not less than fifty dollars, and shall be liable to be imprisoned with hard labour during a period not exceeding twelve months nor less than three months if such person be unarmed at the time he is so found loitering;

Penalty for loitering near ships.

and any person found loitering near any ship and not giving a satisfactory account of himself and being at the time armed with or carrying about his person any pistol, gun or other firearm or offensive weapon, shall be liable, on conviction before any Judge of a County Court, or any Stipendiary Magistrate, Police Magistrate or Judge of the Sessions of the Peace, to be imprisoned in the Penitentiary for any term not less than two years and not more than three years.

Boat may be detained until penalty paid: and sold to pay it.

**88.** Any Justice of the Peace, Stipendiary Magistrate, Police Magistrate or Judge of the Sessions of the Peace, may order any boat or other water craft in or on which any such person is so found loitering as mentioned in the next preceding section, to be detained until full payment of the penalty which such person shall be condemned to pay: and in case such penalty be not paid before the expiration of the term of imprisonment to which such person has been condemned, the boat so detained shall be sold by public auction, and the proceeds of the sale thereof shall be appropriated to the payment of the penalty.

Penalty for solicitations by Lodging-house keepers.

**89.** If any person doth, on board any ship at any time after her arrival from sea, at any port in either of the said Provinces, solicit any seaman to become a lodger at the house of any person letting lodgings for hire, or takes from and out of such ship any chest, bedding or other effects of any seaman, without having the permission of the master or person in charge of such ship, he shall, for every such offence be subject, on conviction, to imprisonment, with hard labor, for a period not less than sixty days nor more than ninety days.

#### DISCIPLINE.

Misconduct endangering life or limb a misdemeanor.

**90.** Any master of, or any seaman or apprentice belonging to any ship registered in either of the said Provinces, who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction or serious damage of such ship, or tending immediately to endanger the life or limb of any person belonging to or on board of such ship, or who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall, for every such offence, be deemed guilty of a misdemeanor.

Offences by seamen and apprentices and their punishment.

**91.** Whenever any seaman who has been lawfully engaged or bound to any ship registered in either of the said Provinces, and has duly signed an agreement as required by this Act, or any apprentice who has executed indentures to the sea service in either of the said Provinces, commits any of the following offences, he shall be liable to be punished summarily, as follows, that is to say:—

1. For desertion he shall be liable to imprisonment for any Desertion. period not less than eight weeks and not exceeding twelve weeks, with hard labour, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned, and also if such desertion takes place abroad, at the discretion of the court, to forfeit all or any part of the wages or emoluments he may earn in any other ship in which he may be employed until his next return to either of the said Provinces, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him ;

2. For neglecting or refusing, without reasonable cause, to join Neglecting or refusing to join, or to proceed to sea. his ship, or to proceed to sea, or on any voyage in his ship, or for absence without leave at any time within twenty-four hours of the Absence within 24 hours before sailing. ship's sailing from any port either at the commencement or during Absence without leave. the progress of any voyage, or for absence at any time without leave and without sufficient reason from his ship or from his duty not amounting to desertion or not treated as such by the master, he shall be liable to imprisonment for any period not less than four weeks and not exceeding ten weeks' with or without hard labour, and also at the discretion of the court, to forfeit out of his wages, a sum not exceeding the amount of two days' pay, and in addition for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute ;

3. For quitting the ship without leave after her arrival in her Quitting without leave before the ship is secured. port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay ;

4. For wilful disobedience to any lawful command, he shall be Act of wilful disobedience. liable to imprisonment for any period not less than two weeks and not exceeding four weeks, with or without hard labour, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding two days' pay ;

5. For continued wilful disobedience to lawful commands, or Continued disobedience. continued wilful neglect of duty, he shall be liable to imprisonment for any period not less than four weeks, and not exceeding twelve weeks, with or without hard labour, and also at the discretion of the court, to forfeit for every twenty-four hours' continuance of such disobedience or neglect, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute ;

6. For assaulting any master or mate, he shall be liable to Assault on officers. imprisonment for any period not less than six weeks, and not exceeding twelve weeks, with hard labour ;

Combining  
to disobey.

7. For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for any period not less than six weeks, and not exceeding twelve weeks, with hard labour;

Wilful  
damage or  
embezzle-  
ment.

8. For wilfully damaging the ship, or embezzling or wilfully damaging any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal in value to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for any period not less than six weeks, and not exceeding twelve weeks, with hard labour;

Act of smug-  
gling causing  
loss to owner.

9. For any act of smuggling of which he is convicted and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy.

Entry of  
offence to be  
made in the  
log-book, and  
to be read  
over or a  
copy given to  
the offender,  
and his reply  
(if any) to be  
also entered.

92. Upon the commission of any of the offences enumerated in the last preceding section, an entry thereof shall be made in the log-book, and shall be signed by the master and also by the mate or one of the crew; and the offender, if still in the ship, shall before the next subsequent arrival of the ship at any port, or if she is at the time in port, before her departure therefrom, either be furnished with a copy of such entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and a statement that a copy of the said entry has been so furnished, or that the same has been so read over as aforesaid, and the reply (if any) made by the offender shall likewise be entered and signed in manner aforesaid, and in any subsequent legal proceeding the entries hereinbefore required, shall, if practicable, be produced or proved, and in default of such production or proof the court hearing the case, may, at its discretion, refuse to receive evidence of the offence.

Seamen  
whom masters  
of ships are  
compelled to  
convey, and  
persons going  
in ships with-  
out leave, to  
be subject to  
penalties for  
breach of  
discipline.

93. Every seafaring person whom the master of any Canadian Foreign Sea-going ship is, under the authority of any Act of the Parliament of the United Kingdom or of any Act of the Parliament of Canada, compelled to take on board and convey, and every person who goes to sea in any such ship without the consent of the master or owner or other person entitled to give such consent shall, so long as he remains in such ship, be subject to the same laws and regulations for preserving discipline, and to the same penalties and punishments for offences constituting or tending to a breach of discipline, to which he would be subject if he were a member of the crew and had signed the agreement.

Master or  
owner may  
apprehend

94. Whenever, either at the commencement or during the progress of any voyage, any seaman or apprentice neglects or refuses

refuses to proceed to sea in any ship registered in either of the said Provinces in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband, or consignee, may, in any place in either of the said Provinces, with or without the assistance of the local police officers or constables, (who are hereby directed to give the same if required) apprehend him without first procuring a warrant; and may thereupon in any case, and shall in case he so requires, and it is practicable, convey him before some court capable of taking cognizance of the matter, to be dealt with according to law; and may, for the purpose of conveying him before such court, detain him in custody for a period not exceeding twenty-four hours, or such shorter time as may be necessary, or may, if he does not so require, or if there is no such court at or near the place, at once convey him on board; and if any such apprehension appears to the court before which the case is brought to have been made on improper or on insufficient grounds, the master, mate, owner, ship's husband or consignee, who makes the same or causes the same to be made, shall incur a penalty not exceeding eighty dollars; but such penalty, if inflicted, shall be a bar to any action for false imprisonment in respect of such apprehension.

Deserters without warrant.

**95.** Whenever any seaman or apprentice belonging to any ship registered in either of the said Provinces is brought before any court in either of the said Provinces, on the ground of his having neglected or refused to join or proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, such court may, if the master, or the owner or his agent so requires, instead of committing the offender to prison, cause him to proceed on board for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the ship, or the owner or his agent, to be by them so conveyed, and may, in such case, order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence, to be paid by the offender, and if necessary to be deducted from any wages which he has then earned, or which, by virtue of his then existing engagement, he may afterwards earn.

Deserters may be sent on board in lieu of being imprisoned.

**96.** If any seaman or apprentice is imprisoned in either of the said Provinces, on the ground of his having neglected or refused to join or to proceed to sea in any ship registered in either of the said Provinces in which he is engaged to serve, or of his having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline, and if during such imprisonment, and before his engagement is at an end, his services are required on board his ship, any justice may, at the request of the master or of the owner or his agent, cause such seaman or apprentice to be conveyed on board his said ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship, or to the owner or his agent, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

Seamen imprisoned for desertion or breach of discipline may be sent on board before termination of sentence.

Facilities for proving desertion, so far as concerns forfeiture of wages.

**97.** Whenever a question arises in either of the said Provinces whether the wages of any seaman or apprentice, belonging to any ship registered in either of the said Provinces, are forfeited for desertion, it shall be sufficient for the party insisting on the forfeiture to show that such seaman or apprentice was duly engaged in or that he belonged to the ship from which he is alleged to have deserted, and that he quitted such ship before the completion of the voyage or engagement, and that an entry of the desertion has been duly made in the log-book; and thereupon the desertion shall, so far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his ship.

Cost of procuring conviction may, to the extent of \$12, be deducted from wages.

**98.** Whenever in any proceeding in either of the said Provinces, relating to seamen's wages, it is shown that any seaman or apprentice belonging to any ship registered in either of the said Provinces has, in the course of the voyage, been convicted of any offence by any competent tribunal, and rightfully punished therefor by imprisonment or otherwise, the court hearing the case may direct a part of the wages due to such seaman, not exceeding twelve dollars, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction or punishment.

Amount of forfeiture, how to be ascertained when seamen contract for the voyage.

**99.** Whenever any seaman belonging to any ship registered in either of the said Provinces contracts for wages by the voyage or by the run or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share as a month, or other the period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be), bears to the whole time spent in the voyage; and if the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

Application of forfeitures.

**100.** All clothes, effects, wages and emoluments which, under the provisions hereinbefore contained, are forfeited for desertion, shall be applied in the first instance in or towards the reimbursement of the expenses occasioned by such desertion to the master or owner of the ship from which the desertion has taken place; and may, if earned subsequently to the desertion, be recovered by such master, or by the owner or his agent, in the same manner as the deserter might have recovered the same if they had not been forfeited; and in any legal proceeding relating to such wages, the court may order the same to be paid accordingly; and subject to such reimbursement, the same shall be paid to the Receiver-General, to form part of the Consolidated Revenue Fund of Canada, as the Minister may direct; and in all other cases of forfeiture of wages under the provisions hereinbefore contained the forfeiture shall, in the absence of any specific directions to the contrary, be

for

for the benefit of the master or owner by whom the wages are payable.

**101.** Any question concerning the forfeiture of or deductions from the wages of any seaman or apprentice, belonging to any ship registered in either of the said Provinces may be determined in any proceeding in either of the said Provinces, lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Question of forfeiture may be decided in suits for wages.

**102.** If any seaman, on or before being engaged in either of the said Provinces, in any ship registered in either of the said Provinces, wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding twenty dollars; and such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any previous desertion, be paid and applied in the same manner as other penalties payable under this Act.

Penalty for false statement as to name.

**103.** Whenever any seaman belonging to any Canadian Foreign Sea-going ship, commits an act of misconduct for which his agreement imposes a fine, and which it is intended to punish by enforcing such fine, an entry thereof shall be made in the log-book, and a copy of such entry shall be furnished, or the same shall be read over to the offender, and an entry of such reading over, and the reply (if any) made by the offender, shall be made in the manner and subject to the conditions hereinbefore specified with respect to the offences against discipline specified in and punishable under this Act; and such fine shall be deducted and paid over as follows, that is to say:—if the offender is discharged in Canada, and the offences and such entries in respect thereof as aforesaid, are proved, to the satisfaction of the Shipping Master before whom the offender is discharged, the master or owner shall deduct such fine from the wages of the offender, and pay the same over to such Shipping Master; and if before the final discharge in Canada of the crew of any such ship, any such offender as aforesaid has entered into any of Her Majesty's ships, or has been discharged abroad, and the offence and such entries as aforesaid have been proved to the satisfaction of the officer in command of the ship into which he so enters, or of the Consular Officer, officer of Customs or other person by whose sanction he has been so discharged, and the fine has thereupon been deducted as aforesaid and an entry of such deduction has then been made in the log book (if any) and signed by such officer or other person, under the provisions of section two hundred and fifty-six of "*The Merchant Shipping Act, 1854*," then on the return of the ship to Canada, the master or owner shall pay over such fine to the Shipping Master before whom the crew is discharged; and if any master or owner neglects or refuses to pay over any such fine in manner aforesaid, he shall for each such

Fines to be deducted from wages and paid to Shipping Master.

Proviso.

such offence incur a penalty not exceeding six times the amount of the fine retained by him: Provided that no act of misconduct for which any such fine as aforesaid has been inflicted and paid shall be otherwise punished under the provisions of this Act.

#### ENTICING TO DESERT AND HARBOURING DESERTERS.

Penalty for enticing to desert or harbouring deserters.

**104.** Every person who by any means whatever, persuades or attempts to persuade, any seaman or apprentice belonging to any ship to neglect or refuse to join or to proceed to sea in, or to desert from his ship, or to absent himself from his duty shall, for the first offence in respect of each such seaman or apprentice, be liable to imprisonment, with hard labor, for a period not less than three months and not exceeding six months; and for the second or any subsequent offence, in respect of each such seaman or apprentice, be liable to imprisonment with hard labor for a period not less than six months and not exceeding twelve months; and every person who wilfully harbours or secretes any such seaman or apprentice who has deserted from his ship, or who has wilfully neglected or refused to join, knowing or having reason to believe such seaman or apprentice to have so done, shall, for every such seaman or apprentice so harboured or secreted, be liable to imprisonment, with hard labor, for a period not less than three months and not exceeding six months; and for a second or any subsequent offence, for a period not less than six months and not exceeding twelve months.

#### PUNISHMENT OF STOWAWAYS.

Penalty for obtaining passage surreptitiously.

**105.** Any person who secretes himself, and goes to sea in any ship registered in either of the said Provinces without the consent of either the owner, consignee or master, or of a mate, or of any other person in charge of such ship, or of any other person entitled to give such consent, shall incur a penalty not exceeding eighty dollars or be liable to imprisonment with or without hard labor, for any period not exceeding four weeks.

#### CHANGE OF MASTER.

On change of Master, documents hereby required to be handed over to Successor.

**106.** If during the progress of a voyage, the master of any Canadian Foreign Sea-going ship is superseded in either of the said Provinces, or for any other reason quits the ship, and is succeeded in the command by some other person, he shall deliver to his successor the certificate of registry, and the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and shall in default incur a penalty not exceeding four hundred dollars; and such successor shall immediately on assuming the command of the ship, enter in the log-book a list of the documents so delivered to him.

## CRIMES COMMITTED ON THE HIGH SEAS OR ABROAD.

**107.** Whenever any case of death happens on board any Canadian Foreign Sea-going ship, the Shipping Master shall, on the arrival of such ship at the port in either of the said Provinces where the crew is discharged, enquire into the cause of such death; and if in the course of such enquiry it appears to him that any such death as aforesaid has been caused by violence or other improper means, he shall either report the matter to the Minister of Marine and Fisheries, or if the emergency of the case so requires, shall take immediate steps for bringing the offender or offenders to justice.

Inquiry into cause of death on board.

## LOG-BOOKS.

**108.** The master of every Canadian Foreign Sea-going ship shall keep a log-book, and every entry hereinafter to be made in such log book shall be made as soon as possible after the occurrence to which it relates, and if not made on the same date as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence, and of the entry respecting it, and in no case shall any such entry therein in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge in either of the said Provinces, be made more than twenty-four hours after such arrival.

Masters of Canadian Foreign Sea-going ships to keep log-books.

**109.** And the master of such ship whether he does or does not make in such log-book the entries usually made in ships' log-books, shall make or cause to be made therein entries of the following matters, that is to say:—

Entries to be made in log-books.

1. Every legal conviction of any member of his crew, and the punishment inflicted;

Convictions.

2. Every offence committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the reading over such entry, and concerning the reply (if any) made to the charge;

Offences.

3. Every offence for which punishment is inflicted on board, and the punishment inflicted;

Punishments.

4. A statement of the conduct, character and qualifications of each of his crew, or a statement that he declines to give an opinion on such particulars;

Conduct, &c., of crew.

5. Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment adopted,—if any;

Illness and injuries.

6. Every case of death happening on board and the cause thereof;

Deaths.

- Births.** 7. Every birth happening on board, both with the sex of the infant, and the names of the parents ;
- Marriages.** 8. Every marriage taken place on board, with the names and ages of the parties ;
- Quitting ship.** 9. The name of every seaman and apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner and cause thereof ;
- Wages of men entering the Navy.** 10. The amount of wages due to any seaman who enters Her Majesty's service during the voyage ;
- Wages of deceased seamen.** 11. The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom ;
- Sale of deceased men's effects.** 12. The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and of the sum received for it ;
- Collisions.** 13. Every collision with any other ship, and the circumstances under which the same occurred.
- Entries, how to be signed.** 110. The entries hereby required to be made in log-books shall be signed as follows, that is to say: every such entry shall be signed by the master and by the mate or some other of the crew, and every entry of illness, injury, or death shall be also signed by the surgeon or medical practitioner on board (if any) ; and every entry of wages due to or of the sale of the effects of any seaman or apprentice who dies, shall be signed by the master and by the mate and some other member of the crew ; and every entry of wages due to any seaman who enters Her Majesty's service shall be signed by the master, and by the seaman or by the officer authorized to receive the seaman into such service.
- Penalties in respect of log-books.** 111. The following offences in respect of log-books, shall be punishable as hereinafter mentioned, that is to say :—
- Not making entries in time.** 1. If in any case a log book is not kept in the manner hereby required, or if any entry hereby directed to be made in such log book is not made at the time and in the manner hereby directed, the master shall, for each such offence, incur the specific penalty herein mentioned in respect thereof, or where there is no specific penalty, a penalty not exceeding twenty dollars ;
- Or more than twenty four hours after arrival.** 2. Every person who makes or procures to be made or assists in making any entry in any log-book in respect of any occurrence happening previously to the arrival of the ship at the final port of discharge in either of the said Provinces, more than twenty-four hours after such arrival, shall for each such offence incur a penalty not exceeding one hundred dollars ;

3. Every person who wilfully destroys or mutilates or renders illegible any entry, or makes any false entry or omission in any such log-book shall, for each such offence, be deemed guilty of a misdemeanor.

Mutilating  
log-book.

112. All entries made in any log-book as hereinbefore directed shall be received in evidence in any proceeding in any Court of Justice, subject to all just exceptions.

Entries in  
log-books to  
be received in  
evidence.

#### LEGAL PROCEDURE.

113. The time for instituting summary proceedings under this Act, shall be limited as follows, that is to say:—

Limitation of  
time in sum-  
mary pro-  
ceedings :

No conviction for any offence shall be made in any summary proceeding under this Act, unless such proceeding is commenced within six months after the commission of the offence; or if both or either of the parties to such proceeding happen during such time to be out of either of the said Provinces, or not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within two months after they both first happen to arrive or to be at one time within either of the said Provinces, or within such jurisdiction :

No order for the payment of money shall be made in any summary proceeding under this Act, unless such proceeding is commenced within six months after the cause of complaint arises; or if both or either of the parties happen during such time to be out of either of the said Provinces, unless the same is commenced within six months after they both first happen to arrive or to be at one time within either of the said Provinces.

and as to  
orders for pay-  
ment of money  
or such pro-  
ceedings.

114. All penalties imposed by this Act may be recovered with costs, before any Justice of the Peace, upon the oath of any one credible witness other than the informer, and shall be paid over to the Receiver General to be disposed of as the Governor in Council may direct (except in the cases provided for in the next section, in which only part of the penalty shall be so paid over and disposed of), and in case of non-payment, shall be levied by distress and sale of the offenders goods and chattels, by warrant under the hand and seal of such Justice of the Peace, directed to a constable or other peace officer, and the overplus, if any, after deducting the penalty and costs of suit, together with the expenses of the distress and sale, shall be returned to the owner; and for want of sufficient distress, the offender shall be committed by warrant, under the hand and seal of the justice, to the common gaol of the locality, or if there be no common gaol there, then to that common gaol which is nearest to that locality, for any time not exceeding six months; and such justice shall also award and order the imprisonment (if any) to which the offender is liable for the offence whereby the penalty is incurred.

Recovery of  
penalties.

Imprisonment  
in default of  
distress.

Evidence of  
seamen con-  
cerned to be  
received.

115. In all cases of complaints made by or on behalf of any seaman under this Act, the evidence of such seaman shall be received and taken, notwithstanding he be interested in the matter, and such seaman shall, in any such case where he has been so examined, receive such part of any penalty to be imposed as the magistrate before whom the case is heard shall adjudge him to receive for any moneys or effects which appear to have been deposited by him with any such offender as aforesaid.

Conviction  
not to be  
quashed for  
want of form  
or removed  
by *certiorari*.

116. There shall be no appeal from any conviction or order adjudged or made under this Act, by or before any Judge of the Sessions of the Peace, Stipendiary Magistrate, Police Magistrate, or any two Justices of the Peace, or Magistrate having the powers of two Justices of the Peace, as to summary convictions and orders, for any offence against this Act; and no conviction under this Act shall be quashed for want of form, or be removed by *certiorari* or otherwise into any of Her Majesty's superior courts of record; and no warrant of commitment under this Act shall be held void by reason of any defect therein, provided it is therein alleged that the party has been convicted, and there is good and valid conviction to sustain the same.

Justices may  
grant warrant  
to search for  
seamen unlaw-  
fully harbored  
or secreted.

117. Any one of Her Majesty's Justices of the Peace, at any port or place in either of the said Provinces, on complaint before him by the oath of one or more credible witness or witnesses, that any seaman or apprentice in the sea service is concealed or secreted in any dwelling-house or out-house, or on board of any ship, or elsewhere, shall grant a warrant, under his hand and seal, addressed to a constable or constables there, commanding him or them to make diligent and immediate search, in or about such dwelling-house or out-house, or on board such ship, or such other place or places as shall be specified in the warrant, and to bring before him every such seaman or apprentice found concealed, whether named in the warrant or not.

Justice may  
grant a search  
warrant for  
apprehending  
deserters  
supposed to  
be concealed  
in taverns or  
houses of ill-  
fame.

118. Any one of Her Majesty's Justices of the Peace, at any port or place in either of the said Provinces, on information before him, under oath, that any seaman or other person has deserted, or is suspected of having deserted from any of Her Majesty's ships, or from any ship in the merchant service, and is or are lodged or harboured in any tavern or house of public entertainment, or in any house of ill-fame, or in any other house, may issue an order in writing to the master or keeper of such tavern, house of ill-fame or other house, commanding such master or keeper to furnish him with a correct list of every such person, stating his name and surname as far forth as known to such master or keeper of such tavern, house of ill-fame or other house of public entertainment, or other person whatsoever, how long he has lodged in the said house, and the name of the ship on board whereof each of them has declared himself to have arrived at the port or place; and on the refusal or neglect of such master or keeper to comply with such order, within the time specified, or his knowingly delivering

a false account of any such person, such master or keeper shall forfeit and pay a sum of forty dollars for each such offence.

**119.** Nevertheless, in cases in which the party giving such information on oath seeks to obtain such order against any person not being a master or keeper of such tavern or house of public entertainment, or house of ill-fame, such order shall not be given by any Justice of the Peace unless the person giving the information deposes, on oath, that he verily believes that such person not so being master or keeper of such tavern or house of entertainment, or house of ill-fame, doth then harbour or conceal such deserter or person suspected of desertion, and doth also know that the person who has so deserted, is unlawfully and improperly absenting himself from his duty on board the vessel to which he belongs.

Unless person suspected be a tavern keeper &c., informer to make oath as to his belief in the truth of the information.

**120.** Each constable and officer, not being a paid policeman, employed in the execution of any warrant for the apprehension of, or in search of, or for the delivery of any person against whom a warrant is issued by virtue of the foregoing sections of this Act, may demand from the person at whose request such warrant was issued, a reasonable recompense for the time he has been employed, subject to be taxed by the Justice of the Peace who issued such warrant,—and in cases within the jurisdiction of any Court of Vice-Admiralty, according to the legal course of that court,—and recoverable, on refusal of payment, in a summary way by warrant of distress and sale of such person's goods and chattels; which warrant every such Justice of the Peace is hereby required to grant, under his hand and seal, on proof of such refusal of payment.

Constables, &c., employed to receive reasonable remuneration.

**121.** In any proceeding before any court under this Act, if an application be made on behalf of the defendant or of the prosecutor, upon sufficient cause, to adjourn the case to a future day, the court, in its discretion, may receive and may cause to be reduced to writing the evidence of such witnesses for the defence or for the prosecution as are then present or can be produced, and may thereupon discharge such witnesses from further attendance, and may continue the case for the completion of the trial thereof to such further day as such court may appoint for that purpose; and the examination of any seaman liable to have to leave 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 the like manner as depositions may, in civil cases, be taken.

In certain cases part of the evidence may be taken and the trial continued for completion on a future day.

Examination of witnesses about to leave the Province.

**122.** Any police officer or constable required under the provisions of this Act to give assistance to the master or any mate, or the owner, ship's husband or consignee of any ship in apprehending, with or without a warrant, any seaman or apprentice duly engaged to serve in such ship and neglecting or refusing to proceed to sea therein, or being found otherwise absenting himself therefrom

Right of police officer, &c., to enter taverns, &c.

Penalty for obstructing:

therefrom without leave, may, at any time, enter into any tavern, inn, ale-house, beer-house, seaman's boarding-house or other house or place of entertainment, or into any shop or other place wherein liquors or refreshments are sold or reputed to be sold, whether legally or illegally, or into any house of ill-fame; and any person being therein, or having charge thereof, who refuses, or after due summons fails to admit such police officer or constable into the same, or offers any obstruction to his admission thereto shall incur a penalty of not less than ten dollars nor more than fifty dollars for every such offence.

Warrant of Justice not to be executed within jurisdiction of Court of Vice-Admiralty without authority from Judge thereof.

**123.** Nothing in this Act shall authorize or justify the execution of any warrant or process of any Justice of the Peace within the jurisdiction of any Court of Vice-Admiralty in either of the said Provinces, unless such execution has been previously authorized by the Judge of such Court of Vice-Admiralty.

#### FOREIGN SHIPS.

Extension and application of certain provisions of this Act to foreign ships.

**124.** The foregoing provisions of this Act relating to the shipping of seamen shall extend and apply to ships in the merchant service of every foreign country, and to all persons in relation to such ships in the same manner as the same extend and apply to ships in the British merchant service, and to similar persons in relation to such last mentioned ships, unless there be something in the terms of some existing treaty between Her Majesty and such foreign country to prevent the same, or any of the same from so extending and applying.

This Act to extend to foreign merchant ships, under certain conditions.

**125.** In so far as may be consistent with the provisions of any Act of the Imperial Parliament in force in Canada, and with the terms of existing treaties between Her Majesty and foreign powers respectively, and the rights, privileges, and immunities secured to the Consuls, Vice-Consuls, commercial and other duly accredited agents, subjects and citizens of such foreign powers respectively, the foregoing provisions of this Act relating to desertion of seamen and apprentices, shall extend and apply to ships in the merchant service of foreign countries and to all persons in relation to such ships in the same manner as the same extend and apply to ships in the British merchant service, and to similar persons in relation to such last mentioned ships.

Oath of master of foreign ship to be proof that any seaman is bound to serve.

**126.** The oath of the master of any such foreign merchant ship, or of any officer or person employed on board thereof, or on board any other ship of the same country, that to the best of his belief and understanding, any seaman or other person is bound to serve on board such ship, according to the law of the country to which such ship belongs, or of the place where such seaman or other person was hired, shall be *prima facie* evidence that he is legally bound to serve on board such ship within the meaning of this Act, although he has not regularly entered into or signed articles of agreement,

agreement, and is not bound by articles of indenture in the manner required by law with regard to seamen and others engaged or bound to serve on board British ships.

**127.** And no Justice of the Peace shall entertain or act upon any complaint or information under this Act, by or against any person belonging to or connected with any such foreign merchant ship, and not being a subject of Her Majesty, or exercise jurisdiction under this Act over or at the instance of any such person, without the consent of both parties to such complaint or information, or the consent, in writing, of the Consul, Vice-Consul or commercial or other duly accredited agent of the country to which such ship belongs, first had and obtained, unless the parties to such complaint or information be subjects or citizens of a country or countries by the terms of treaties in force between Her Majesty's government and the government or governments of which country or countries it is stipulated that the assistance of British courts and magistrates shall be granted to the subjects or citizens of such countries, or one of such parties be a subject or citizen of any such country and the other be a subject of Her Majesty.

No Justice to act as regards foreigners in foreign ships without the consent of the parties, or that of their Consular Officers, except in pursuance of treaties.

**128.** The master of every ship shall furnish and pay for every blank form required by this Act to be used by him.

Masters to furnish blanks.



SCHEDULE.

AGREEMENT OR ARTICLES FOR A CANADIAN FOREIGN SEA-GOING OR CANADIAN HOME-TRADE SHIP.

Amount of Fees paid to Shipping Master

Table with columns: Name of Ship, Official Number, Port of Registry, Port No. and Date of Register, Registered Tonnage, MANAGING OWNER (Name, Address), MASTER (Name, No. of Certificate, Address), Date and Place of first Signature of Agreement, including Name of Shipping Office.

Scale of Provisions to be allowed and served out to the Crew. Table with columns: Bread lb., Beef lb., Pork lb., Flour lb., Peas lb., Tea oz., Coffee oz., Sugar oz., Water qts., and rows for SUNDAY through SATURDAY.

THE several persons whose names are hereto subscribed, and whose descriptions are contained below, and of whom \_\_\_\_\_ are engaged as Sailors, hereby agree to serve on board the said Ship, in the several capacities expressed against their respective names on a voyage from \_\_\_\_\_ (or, which Ship is to be employed<sup>2</sup>)

And the said Crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said Master, or of any Person who shall lawfully succeed him, and of their Superior Officers, in everything relating to the said Ship and the Stores and Cargo thereof, whether on board, in boats, or on shore; in consideration of which Services to be duly performed, the said Master hereby agrees to pay to the said Crew as Wages the sums against their names respectively expressed, and to supply them with provisions according to the annexed Scale: And it is hereby agreed, That any Embezzlement or wilful or negligent destruction of any part of the Ship's Cargo or Stores shall be made good to the Owner out of the Wages of the person guilty of the same: And if any person enters himself as qualified for a duty which he proves incompetent to perform, his Wages shall be reduced in proportion to his incompetency: And it is also agreed, That the Regulations, which in the paper annexed hereto are numbered<sup>3</sup>

are adopted by the parties hereto, and shall be considered as embodied in this agreement: And it is also agreed, That if any member of the Crew considers himself to be aggrieved by any breach of the Agreement or otherwise, he shall represent the same in a quiet and orderly manner to the Master or Officer in charge of the Ship, who shall thereupon take such steps as the case may require: And it is also agreed, That<sup>4</sup>

<sup>1</sup> Here the voyage is to be described, and the places named at which the ship is to touch, or if that cannot be done, the general nature and probable length of the voyage is to be stated.

<sup>2</sup> Here state probable nature of Ship's employment, or nature of voyage and period of engagement.

<sup>3</sup> Here are to be inserted the numbers of any of the Regulations for preserving discipline, lettered F, in this Schedule, which the parties agree to adopt. If any of them are so adopted, a Copy of the Regulations is to be kept annexed to the Agreement.

<sup>4</sup> Here any other stipulations may be inserted to which the parties agree, and which are not contrary to Law.

The Authority of the Owner or Agent for the Allotments mentioned below is in my possession.<sup>6</sup>

Shipping Master,

<sup>6</sup> This is to be filled up if such an authority has been produced; and such authority may be in the form G, in this Schedule.

In witness whereof the said Parties have subscribed their names hereto on the days against their respective signatures mentioned.

Signed by \_\_\_\_\_ Master, on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_

<sup>5</sup> Here any stipulation for changes or substitution of one article for another may be inserted.

Table with columns: Signatures of Crew, Age, Where Born, No. of Royal Naval Volunteer's Certificate, Ship in which he last served, Official Number, and Port she belonged to, or other Employment, Date and Place of Discharge from such Ship, Date and Place of joining this Ship, In what Capacity engaged; and if Mate, No. of his Certificate (if any), Time at which he is to be on board, Amount of Wages per Calendar Month, Share, or Voyage, Amount of Wages Advanced on Entry, Amount of Monthly Allotment, Shipping Master's or Witness' Signature.

PLACE FOR SIGNATURES AND DESCRIPTIONS OF SUBSTITUTES.—NOTE.—Here the Entries are to be made as above, except that the Signature of the Consul or Vice-Consul, Officer of Customs, or Witness before whom the Man is engaged, is to be substituted for that of the Shipping Master.

ACCOUNT OF APPRENTICES ON BOARD.

Table with columns: Christian and Surnames of the Apprentices at length, Date of Registry of Indenture, Port at which Indenture was Registered, Date of Registry of Assignment (if any), Port at which Assignment (if any) was Registered.

NOTE.—Any Erasure, Interlineation, or Alteration, in this Agreement, except in the case of Substitutes, will be void, unless attested by some Shipping Master, Officer of Customs, Consul or Vice-Consul, to be made with the consent of the persons interested.

I declare to the truth of the entries in this Agreement, delivered to the Shipping Master at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.

Master.

INDORSEMENTS.

INDORSEMENTS.

INDORSEMENTS.



[C]

## ACCOUNT OF WAGES.

Name of Ship and Official Number.	Name of Master.	Description of Voyage or Employment.

Name of Seaman.	Date of Engagement.	Date of Discharge.	Rate of wages.

	Amount.	Deductions.	Amount.
Wages :— for months days..		Advance.....	
		Allotment.....	
		Fines and Forfeitures.....	
Deductions as $\text{\pounds}$ contra.....			
Balance due ..... $\text{\$}$		Total Deductions.... $\text{\$}$	

Dated at the Port of  
this day of 18 .

Signature of Master.

[D]

## [D] CERTIFICATE OF DISCHARGE FOR SEAMEN.

Name of Ship.	Official Number.	Port of Registry.	Registered Tonnage.	Description of Voyage or Employment.

Name of Seaman.	Place of Birth.	Date of Birth.

Capacity.	Date of Entry.	Date of Discharge.	Place of Discharge.

Character for Ability in whatever Capacity.	Character for Conduct.

I CERTIFY that the above particulars are correct, and that the above-named Seaman was discharged accordingly.

Dated this                      day of                      18 .  
 (Countersigned)              Seaman.              (Signed)                      Master

*Witness*

*Address of Witness*

*Occupation of Witness*

**NOTE.**—One of these Certificates must be filled up and delivered to every Seaman who is discharged.

[E]

[E]

(See Section 32.)

## CERTIFICATE.

SHIPPING OFFICE.

*Port of*

18

I HEREBY CERTIFY, That all the requirements of the Seamen's Act, 1873, have been complied with to my satisfaction, in case of the Ship \_\_\_\_\_, Official No. \_\_\_\_\_, of \_\_\_\_\_ tons, Master (or, as the case may be), That \_\_\_\_\_ Master of the \_\_\_\_\_, Official No. \_\_\_\_\_, of \_\_\_\_\_ tons, has opened articles at this Office and the Master and Mate have duly signed the same, producing their Certificates of Competency to me before signing, and that the said agreement so partially signed is in my office waiting an engagement of a portion of the crew.

Master, No. of Certificate

Mate, do do

*Shipping Master.*

## [F] REGULATIONS FOR MAINTAINING DISCIPLINE.

*(Referred to in the Form of Agreement A.)*

All or any of these Regulations may be adopted by agreement between a Master and his crew and thereupon the offences specified in such of them as are so adopted will be legally punishable by the appropriate fines or punishments. These Regulations are all numbered, and the numbers of such of them as are adopted must be inserted in the space left for that purpose in the Agreement, and a copy of these Regulations must be made to correspond with the Agreement by erasing such of the Regulations as are not adopted, and must then be attached to and kept with the Agreement which the Master of the ship takes with him. If the Agreement is made before a Shipping Master, his signature must be placed opposite such of the Regulations as are adopted.

For the purpose of legally enforcing any of the following penalties, the same steps must be adopted as in the case of other offences punishable under the Act,—that is to say, a statement of the offence must, immediately after its commission, be entered in the log-book by the direction of the Master, and must at the same time be attested to be true by the signatures of the Master and the Mate, or one of the Crew; and a copy of such entry must be furnished, or the same must be read over, to the offender, before the ship reaches any Port or departs from the Port at which she is, and an entry that the same has been so furnished or read over, and of the reply, if any, of the offender, must be made and signed in the same manner as the entry of the offence. These entries must, upon discharge of the offender, be shown to the Shipping Master before whom the offender is discharged, or, in the case of

a Canadian Home-trade ship, to some Shipping Master at or near the place where the Crew is discharged; and if he is satisfied that the offence is proved, and that the entries have been properly made, the fine must be deducted from the offender's wages, and paid over to the Shipping Master.

If, in consequence of subsequent good conduct, the Master thinks fit to remit or reduce any fine upon any member of his Crew which has been entered in the log-book, and signifies the same to the Shipping Master, the fine shall be remitted or reduced accordingly. If wages are contracted for by the Voyage or by Share, the amount of the fines is to be ascertained in the manner in which the amount of forfeiture is ascertained in similar cases under Section 99.

	Offence.	Amount of Fine or Punishment.	Shipping Master's Signature or Initials.
1	Not being on board at the time fixed by the agreement. ....	Two Days' Pay.	
2	Not returning on board at the expiration of leave. ....	One Day's Pay.	
3	Insolence or contemptuous language or behaviour towards the master or any mate. ....	One Day's Pay.	
4	Striking or assaulting any person on board or belonging to the ship. ....	Two Days' Pay.	
5	Quarrelling or provoking to quarrel. ....	One Day's Pay.	
6	Swearing or using improper language. ....	One Day's Pay.	
7	Bringing or having on board spirituous liquors. ....	Three Days' Pay.	
8	Carrying a sheath-knife. ....	One Day's Pay.	
9	Drunkenness. First offence. ....	Two Days' half allowance of Provisions.	
	Ditto Second offence. ....		Two Days' Pay.
10	Neglect on the part of officer in charge of the watch to place the look-out properly. ....	Two Days' Pay.	
11	Sleeping or gross negligence while on the look-out. ....	Two Days' Pay.	
12	Not extinguishing lights at the time ordered. ....	One Day's Pay.	
13	Smoking below. ....	One Day's Pay.	
14	Neglecting to bring up, open out, and air bedding, when ordered. ....	Half a Day's Pay.	
15	(For the Cook)—Not having any meal of the Crew ready at the appointed time. ....	One Day's Pay.	
16	Not attending Divine Service on Sunday, unless prevented by sickness or duty of the Ship. ....	One Day's Pay.	
17	Interrupting Divine Service by indecorous conduct. ....	One Day's Pay.	
18	Not being cleaned, shaved, and washed on Sundays. ....	One Day's Pay.	
19	Washing clothes on a Sunday. ....	One Day's Pay.	
20	Secreting contraband goods on board with intent to smuggle. ....	One Month's Pay.	
21	Destroying or defacing the copy of the agreement which is made accessible to the Crew. ....	One Day's Pay.	
22	If any Officer is guilty of any act or default which is made subject to a Fine, he shall be liable to a Fine of twice the number of Days which would be exacted for a like act or default from a Seaman, and such Fine shall be paid and applied in the same manner as other Fines.		

## [G] AUTHORITY FOR ALLOTMENT NOTES.

I HEREBY authorize \_\_\_\_\_, Master of the Ship  
 \_\_\_\_\_, of \_\_\_\_\_, Official Number  
 to give Allotment or Monthly Notes to the Wives, Fathers,  
 Mothers, Grandfathers, Grandmothers, Children or Grandchildren,  
 Brothers and Sisters, of any of the Crew, to the extent of one  
 part of their respective Monthly Wages.

Dated at \_\_\_\_\_  
 the \_\_\_\_\_ day of \_\_\_\_\_ 18

Signed

*Owner, part Owner, or Agent.*

NOTE.—This document, when signed, is to be delivered to the Shipping Master.

[H]  
 OFFICIAL LOG-BOOK OF THE \_\_\_\_\_ FROM  
 TOWARDS \_\_\_\_\_

Date of the Occurrence entered with Day and Hour.	Place of the Occurrence or Situation by Latitude and Longitude at Sea.	Entries required by Act of Parliament.	Amount of any Fine or Forfeiture inflicted.

N. B.—Every Entry in his Log-book required by the Act must be signed by the Master and by the Mate or some other of the Crew; and every entry of illness, injury or death, must also be signed by the Surgeon or Medical Practitioner on board, (if any); and every entry of wages due to, or of the sale of the effects of any Seaman or Apprentice who has died must be signed by the Master and by the Mate, and some other member of the Crew; and every entry of wages due to any Seaman who enters Her Majesty's Service must be signed by the Master and by the Seaman, or by the Officer authorized to receive the Seaman into such service.

71061  
ACTS

(accessed 1/12/49)

OF THE PARLIAMENT

OF THE

LIBRARY  
SUPREME COURT  
OF CANADA.

DOMINION OF CANADA,

PASSED IN THE

THIRTY-SEVENTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

AND IN THE

FIRST SESSION OF THE THIRD PARLIAMENT,

*Begun and holden at Ottawa, on the twenty-sixth day of March, and closed by  
Prorogation on the twenty-sixth day of May, 1874.*

LIBRARY  
SUPREME COURT  
OF CANADA.



LIBRARY  
SUPREME COURT  
OF CANADA.

HIS EXCELLENCY

THE RIGHT HONOURABLE, SIR FREDERICK TEMPLE, EARL OF DUFFERIN,  
GOVERNOR GENERAL.

OTTAWA :

PRINTED BY BROWN CHAMBERLIN,  
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

ANNO DOMINI, 1874.





## 37 VICTORIA.

### CHAP. I.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1874, and the 30th June, 1875, and for other purposes relating to the Public Service.

[Assented to 26th May, 1874.]

**MOST GRACIOUS SOVEREIGN :**

**WHEREAS** it appears by messages from His Excellency the Right Honorable Sir Frederick Temple, Earl of Dufferin, 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 seventy-four, and the thirtieth day of June, one thousand eight hundred and seventy-five, and for other purposes connected with the public service : Preamble. 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 two million four hundred thousand, two hundred and eighty-six dollars and forty-six 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 seventy-three, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy-four, not otherwise provided for, and set forth in Schedule A. to this Act, and also for the other purposes in the said schedule mentioned.

\$2,400,286.46 appropriated for the year ending 30th June, 1874, as per Schedule A.

\$26,168,244.38  
appropriated  
for the year  
ending 30th  
June, 1873, as  
per Schedule  
B.

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 twenty-six million one hundred and sixty-eight thousand, two hundred and forty-four dollars and thirty-eight cents, towards defraying the several charges and expenses of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and seventy-four, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy-five, not otherwise provided for, and set forth in the Schedule B. to this Act, and for other purposes in the said schedule mentioned.

Accounting  
Clause.

3. A detailed account of the sums expended 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.

Statement of  
existing au-  
thority to raise  
money by loan.

4. And whereas, of the amount authorized to be raised by loan for the Intercolonial Railway, without the Imperial guarantee, there remains unborrowed the sum of two million four hundred and thirty-three thousand three hundred and thirty-three dollars and thirty-three cents, and whereas, by the Act thirty-sixth Victoria, chapter sixty, a loan was authorized to the extent of one million five hundred thousand dollars for the improvement of the River St. Lawrence, and by the Act thirty-sixth Victoria, chapter sixty-two, a loan was authorized, to the extent of one million two hundred thousand dollars, for the improvement of the Harbour of Quebec, both of which sums remain unborrowed; and whereas in the Public Accounts of 1872-73, page XLII, it is shewn that on the thirtieth day of June, One thousand eight hundred and seventy-three, there remained a further balance of eight million one hundred and fifty-eight thousand three hundred and sixty-five dollars and fifty-six cents arising from the redemption of debentures in the previous years, which there was authority to meet by the issue of other securities: It is therefore declared that the authority to raise by loan the sums hereinbefore mentioned as remaining unborrowed continues to exist, in addition to the authority given by any Act of the present Session, to raise money for any purpose by way of loan.

For Inter-  
colonial Rail-  
way.

For River St.  
Lawrence, 36  
Vict., c. 60.

For Harbour  
of Quebec, 36  
Vict., c. 62.

Debentures  
redeemed.

The said  
authority  
continued.

## SCHEDULE A.

SUMS granted to Her Majesty by this Act for the financial year ending 30th June, 1874, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
<b>CHARGES OF MANAGEMENT.</b>		
Offices of Assistant Receivers-General and Auditors in the several Provinces and Country Savings Banks, additional .....	8,550 00	
Commission to the Bank of Montreal, for managing the issue of notes and custody of specie at Halifax and St. John, before the organization of the Assistant Receiver-General's Offices .....	2,500 00	
Commission to the Bank of British Columbia, for managing the receipts and payments in that Province from July, 1871, to September, 1872....	1,500 00	12,550 00
<b>CIVIL GOVERNMENT.</b>		
Contingencies of Departments.....		30,000 00
<b>ADMINISTRATION OF JUSTICE.</b>		
Circuit Allowances to Judges in British Columbia .....		5,000 00
<b>POLICE.</b>		
Quebec River Police .....		6,000 00
<b>LEGISLATION.</b>		
Senate, Contingent Expenses of 2nd Session of 2nd Parliament.....	8,648 00	
House of Commons do do .....	11,457 50	
House of Commons, additional for committees .....	7,500 00	
Additional for Printing .....	12,000 00	39,605 00
<b>MARINE HOSPITALS.</b>		
Marine Hospitals .....		7,000 00
<b>MILITIA.</b>		
Maintenance of Dominion Forces, Manitoba .....	60,000 00	
Hudson's Bay Company, for rent of Barracks for Dominion Forces in Manitoba, from 1870 to November 1st, 1873 .....	20,000 00	
Mounted Police, North-West.....	200,000 00	280,000 00
<b>PUBLIC WORKS.</b>		
<i>(Chargeable to Capital).</i>		
Intercolonial Railway construction .....		427,000 00
<b>PUBLIC WORKS.</b>		
<i>(Chargeable to Income).</i>		
Roads and Bridges—Red River route, construction .....	35,000 00	
do Working expenses .....	200,000 00	
	235,000 00	
Carried forward .....	235,000 00	807,155 50

## SCHEDULE A.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	\$ cts. 235,000 00	\$ cts. 807,155 50
<b>PUBLIC WORKS.—Continued.</b>		
(Chargeable to Income.)		
Public Buildings—London Custom House.....	4,500 00	
do London Post Office.....	2,215 91	
do Hamilton do .....	2,000 00	
do Montreal do .....	6,500 00	
do Rents, repairs and furniture.....	50,000 00	
do Heating Buildings, Ottawa.....	5,000 00	
Lighthouses—Cape Beale, British Columbia.....	4,000 00	
Slides and Booms—Extension of Gatineau Boom.....	21,000 00	
Railways—Extension of Intercolonial Railway.....	80,000 00	
Miscellaneous—Dredging .....	15,000 00	
		425,215 91
<b>OCEAN AND RIVER SERVICE.</b>		
Maintenance and repairs of Dominion Steamers.....	15,000 00	
Legal expenses in suit <i>re Queen Victoria</i> .....	800 00	
To make good deficiency to Montreal Decayed Pilot Fund, caused by embezzlement of E. D. David, late Registrar of Trinity House, Montreal.....	16,217 85	
For burial of dead bodies from steamer <i>Atlantic</i> .....	250 00	
		32,267 85
<b>LIGHTHOUSE AND COAST SERVICE.</b>		
Maintenance of lights below Quebec.....	10,000 00	
do do Nova Scotia .....	5,000 00	
do do New Brunswick .....	8,917 00	
do do Prince Edward Island .....	2,408 00	
Lighthouse construction.....	17,500 00	
		43,825 00
<b>FISHERIES.</b>		
Fisheries, Quebec .....	2,500 00	
Fish-breeding.....	3,000 00	
Marine Police.....	5,500 00	
Schooner <i>La Canadienne</i> .....	1,000 00	
		12,000 00
<b>INDIANS.</b>		
For purchase of clothing and presents to Indians assembled at North- West Angle under Treaty of October, 1871 .....	5,003 91	
Protection of Indian Timber at St. Peter's Reserve .....	18 00	
Estimated cost of transport of supplies to North-West Angle .....	600 00	
Annuities and presents to Indians at North-West Angle.....	40,500 00	
Payment to Hudson's Bay Company, for provisions supplied through Com- missioner Simpson in 1871.....	1,263 55	
Payment to Hudson's Bay Company, for advance to Rev. H. Cochran, to enable him to purchase furniture for school-house at St. Peter's.....	10 00	
Appropriation in aid of the preparation and publication of a Grammar and Dictionary of the Cree language.....	300 00	
Payment to S. J. Dawson, for services rendered as an Indian Commis- sioner from May, 1871 .....	1,000 00	
<i>Carried forward</i> .....	48,695 46	1,320,464 26

## SCHEDULE A.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	\$ cts. 48,695 46	\$ cts. 1,320,464 26
<b>INDIANS.—Continued.</b>		
To cover additional payments of annuity in 1873, under treaties 1 and 2...	3,297 00	
Supplies furnished to Indians assembled to receive annuities under those treaties.....	1,037 85	
Supplies furnished to destitute Indians at Stone Fort.....	1,000 00	
Supplies furnished and to be furnished to Indians of Prince Edward Island .....	625 00	
For Indians of Nova Scotia, to supplement grant, 1873-4.....	1,400 00	
For Indians of New Brunswick, to supplement grant, 1873-4 .....	1,400 00	
		57,456 31
<b>MISCELLANEOUS.</b>		
Expenses of Vienna Deputations (whereof \$5,000 authorised by Resolution of the House of Commons) .....	8,000 00	
Funeral of Sir Geo. E. Cartier.....	5,937 35	
Cost of Appeals in re New Brunswick School Act (authorised by Resolution of House of Commons).....	5,000 00	
Expenditure in North-West .....	10,000 00	
Expenditure on account of the Fisheries Commission under Washington Treaty .....	10,000 00	
Judge Polette, on account of the Pacific Railway Commission.....	1,625 00	
Unforeseen expenses.....	15,000 00	
Furniture, Rideau Hall.....	10,000 00	
		65,562 35
<b>COLLECTION OF REVENUES.</b>		
<b>CUSTOMS.</b>		
To provide for increases of salaries authorised by Order in Council of October 31, and since carried out.....	36,639 75	
To provide for probable appointments and promotions.. ....	4,000 00	
		40,639 75
<b>INLAND REVENUE.</b>		
To provide for expenditure under Inspection Act .....		500 00
<b>POST OFFICE.</b>		
Expenditure—Ontario and Quebec .....	55,000 00	
do Nova Scotia .....	20,000 00	
do New Brunswick .....	5,000 00	
do Unforeseen items .....	5,000 00	
		85,000 00
<b>PUBLIC WORKS.</b>		
Repairs and working expenses of Public Works .....	40,000 00	
Working expenses, Prince Edward Island Railway.....	20,000 00	
Increase of Salaries in Crown Timber Office. ....	2,550 00	
		62,550 00
<b>DOMINION LANDS.</b>		
Cost of surveys in progress .....	60,000 00	
do additional survey.....	50,000 00	
		110,000 00
<i>Carried forward</i> ..		298,689 75
		1,742,171 67

## SCHEDULE A.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	\$ cts.	\$ cts.
		\$ cts.
		1,742,171 67
<b>UNPROVIDED ITEMS.</b>		
For details, see Public Accounts, II., p. 293.....		177,832 87
<b>BALANCES CARRIED FORWARD.</b>		
Penitentiaries.....	37,782 62	
Immigration and Quarantine.....	40,423 56	
Militia—Ammunition.....	56,213 88	
do Clothing.....	43,217 26	
do Military Stores.....	82,140 47	
do Contingencies.....	24,943 57	
do Improved Fire Arms.....	11,008 02	
do Ordnance.....	18,249 55	
	<b>235,772 75</b>	
Public Works—Capital.....	38,181 50	
do Income—London Custom House.....	7,168 52	
do do Custom House, &c., Three Rivers.....	2,000 00	
do do do Pictou.....	12,000 00	
do do do Chatham.....	3,900 00	
do do Immigration Stations, London.....	1,987 20	
	<b>27,055 72</b>	
Ocean and River Service—Steam Service between San Francisco and Victoria, British Columbia.....	9,000 00	
do Wreck of <i>Atlantic</i> .....	3,000 00	
	<b>12,000 00</b>	
Lighthouse and Coast Service—Construction of Lighthouses.....	62,055 72	
Fisheries—Marine Police.....	11,205 10	
Miscellaneous—Determination of Boundary between Ontario and the Dominion Lands.....	12,122 40	
do do Longitude of Fort Garry.....	2,550 00	
do Insurrection Losses, North-West.....	1,124 05	
	<b>15,805 45</b>	
		<b>480,282 42</b>
<b>Total</b> .....		<b>2,400,286 46</b>

## SCHEDULE B.

SUMS granted to Her Majesty by this Act, for the financial year ending 30th June, 1875, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
<b>CHARGES OF MANAGEMENT.</b>		
	\$ cts.	\$ cts.
Financial Inspector .....	2,600 00	
Office of Assistant Receiver-General, Toronto .....	7,000 00	
do do do Montreal .....	5,500 00	
do Auditor and do Halifax, N.S. ....	12,000 00	
do do do St. John, N.B. ....	9,000 00	
do do do Fort Garry .....	4,000 00	
do do do Victoria, B.C. ....	9,000 00	
do do do Charlottetown, P.E.I. ....	3,000 00	
Country Savings Banks, New Brunswick, Nova Scotia and British Columbia	10,000 00	
Seigniorial Tenure and Commission .....	6,000 00	
		68,100 00
<b>CIVIL GOVERNMENT.</b>		
The Governor General's Secretary's Office .....	6,350 00	
Aide-de-camp to His Excellency .....	1,800 00	
The Department of the Queen's Privy Council for Canada .....	12,800 00	
do Justice .....	13,300 00	
do Militia and Defence .....	32,250 00	
do Secretary of State .....	26,700 00	
do The Minister of the Interior .....	36,270 00	
do Receiver General .....	20,560 00	
do Finance .....	47,230 00	
do Customs .....	27,280 00	
do Inland Revenue .....	21,300 00	
do Public Works .....	48,680 00	
Post Office Department .....	70,920 00	
Department of Agriculture .....	33,560 00	
do Marine and Fisheries .....	20,900 00	
Treasury Board Office .....	3,200 00	
Marine and Fisheries Department, Agencies .....	14,900 00	
Dominion Lands Office, Manitoba .....	14,615 00	
Public Works Department, British Columbia .....	4,000 00	
Departmental Contingencies .....	175,000 00	
Stationery Office, for Stationery .....	15,000 00	
Stationery Office, additional .....	5,000 00	
Readjustment of Salaries .....	70,000 00	
		21,615 00
<b>ADMINISTRATION OF JUSTICE.</b>		
Miscellaneous .....	10,000 00	
Circuit Allowances, British Columbia .....	10,000 00	
do Manitoba .....	3,000 00	
		23,000 00
<b>POLICE.</b>		
Police of the Dominion .....	25,000 00	
Water Police, Montreal .....	13,395 00	
River Police, Quebec .....	24,500 00	
		62,895 00
Carried forward .....		875,610 00

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....		875,610 00
<b>PENITENTIARIES.</b>		
Penitentiary, Kingston, Ontario .....	100,075 28	
Rockwood Asylum do .....	83,073 50	
Penitentiary, Halifax, N. S. ....	25,448 05	
do St. John, N. B. ....	42,072 62	
do of St. Vincent de Paul, Quebec .....	69,986 46	
Maintenance of Prisoners, Manitoba, British Columbia and Prince Edward Island .....	10,000 00	
Directors of Penitentiaries .....	10,500 00	
		341,155 91
<b>LEGISLATION.</b>		
<b>SENATE.</b>		
Salaries and Contingent Expenses of the Senate .....	46,868 00	
<b>HOUSE OF COMMONS.</b>		
Salaries and Contingencies per Clerk's Estimate .....	85,440 00	
Salaries and Contingencies per Sergeant-at-Arms' Estimate .....	33,570 00	
<b>MISCELLANEOUS.</b>		
Grant to Parliamentary Library .....	7,000 00	
Printing, Binding and Distributing the Laws .....	12,500 00	
Printing, Printing Paper and Bookbinding .....	40,000 00	
Contingencies of the Clerk of the Crown in Chancery .....	1,200 00	
Miscellaneous Printing .....	2,000 00	
Maps for Railway Committee .....	1,695 00	
		230,273 00
<b>ARTS, AGRICULTURE AND STATISTICS.</b>		
Salaries and Contingent Expenses of Statistical Office, Halifax .....	4,100 00	
Salary of 316 Deputy Registrars, Province of Nova Scotia, and allowance for getting Marriage Returns .....	1,880 00	
To meet Expenses in connection with the care of Archives .....	4,000 00	
To meet Expenses in connection with the organization of the Patent Record .....	4,000 00	
To meet the possible amount required in the Fiscal Year for the Census, i.e., the unexpended balance of the year 1872-73, which is to be carried forward and which is estimated at \$130,000; (amount actually carried forward) .....	80,000 00	
		93,980 00
<b>IMMIGRATION AND QUARANTINE.</b>		
Salaries of Immigration Agents and Employés .....	23,450 00	
do do Travelling Agents .....	12,000 00	
Medical Inspection of the Port of Quebec .....	2,600 00	
Quarantine, Grosse Isle .....	12,900 00	
do St. John, N. B. ....	3,400 00	
do Miramichi, N. B.; Pictou, N. S. ....	2,000 00	
do Sydney and Yarmouth, N. S. ....	2,000 00	
<i>Carried forward</i> .....	58,350 00	1,541,018 91

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....	58,350 00	1,541,018 91
<b>IMMIGRATION AND QUARANTINE.—Continued.</b>		
Quarantine, Halifax, N.S. ....	5,260 00	
do Charlottetown, P.E.I. ....	1,000 00	
To meet expenses of further precautionary measures for the Public Health..	20,000 00	
Contingencies of Canadian and other regular Agencies .....	14,000 00	
Travelling expenses of Travelling Agents .....	14,000 00	
Towards assisting Immigration and meeting Immigration expenses and aid to Mennonites .....	245,000 00	
		357,610 00
<b>PENSIONS.</b>		
Samuel Waller, late Clerk, House of Assembly .....	400 00	
L. Gagné, Messenger do .....	72 00	
John Bright do do .....	80 00	
Mrs. Antrobus .....	800 00	
<b>NEW MILITIA PENSIONS.</b>		
Mrs. Caroline McEachern and four children .....	265 00	
Jane Lakey .....	146 00	
Rhoda Smith .....	110 00	
Janet Alderson .....	110 00	
Margaret McKenzie .....	80 00	
Mary Ann Richey and two children .....	336 00	
Mary Morrison .....	80 00	
Louise Prud'homme and two children .....	110 00	
Virginie Charron and four children .....	150 00	
Paul M. Robins .....	146 00	
Charles T. Bell .....	73 00	
Alex. Oliphant .....	109 50	
Charles Lugsden .....	91 25	
Thomas Charters .....	91 25	
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	
James Bryan .....	109 50	
Jacob Stubbs .....	73 00	
Mary Connor .....	110 00	
Mary Hodgins and three children .....	191 00	
John Martin .....	110 00	
A. W. Stevenson .....	110 00	
Mrs. J. Thorburn .....	150 00	
Mrs. P. T. Worthington and children .....	378 00	
Mrs. J. H. Elliott and children .....	130 00	
Ellen Kirkpatrick and three children .....	266 00	
Mrs. George Prentice and children .....	400 00	
Ensign Fahey .....	200 00	
Mary Hannah Temple and child .....	298 00	
<i>Carried forward</i> .....	7,178 25	1,898,628 91

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....	7,178 25	1,898,628 91
<b>PENSIONS.—Continued.</b>		
<b>COMPENSATION TO PENSIONERS.</b>		
In lieu of land.....	8,000 00	15,178 25
<b>MILITIA.</b>		
<b>ORDINARY.</b>		
Salaries of Militia Branch and District Staff .....	35,000 00	
Salaries of Brigade Majors .....	28,500 00	
Allowances for Drill Instruction .....	40,000 00	
Military College, including three Ordinary Schools under District Staff ..	40,000 00	
Ammunition .....	40,000 00	
Clothing .....	25,000 00	
Military Stores .....	25,000 00	
Public Armouries and Care of Arms, including the pay of Storekeepers and Caretakers, Storemen, and the rents, fuel and the light of public armouries.....	52,000 00	
Drill Pay and all other incidental expenses connected with the Drill and Training of the Militia.....	375,000 00	
Contingencies and general service not otherwise provided for, including assistance to Rifle Associations and Bands of Efficient Corps.....	63,000 00	
Targets (Revote) .....	5,000 00	
Drill Sheds and Rifle Ranges .....	10,000 00	
<b>EXTRAORDINARY.</b>		
Gunboats .....	5,000 00	
Maintenance of Fortifications and Buildings connected with Military Grounds.....	50,000 00	
For Improved Firearms ("Snider" Rifles and "Henry-Martini" Rifles)..	40,000 00	
Ordnance and Equipment of Field Batteries of Artillery .....	20,000 00	
Pay, Maintenance and Equipment of "A" and "B" Batteries, Garrison Artillery and Schools of Gunnery including salaries and allowances of the Inspector of Artillery and Warlike Stores and Commandant of "A" Battery at Kingston, and the Commandant of "B" Battery and Inspector of Artillery, &c., for the Province of Quebec .....	100,000 00	
<b>DOMINION FORCES, MANITOBA.</b>		
Pay and Maintenance of Dominion Forces in Manitoba, viz. : 343 Officers, Non-commissioned Officers and Men, including the expense of providing Barrack accommodation and contingencies .....	175,000 00	
<b>MOUNTED POLICE, MANITOBA.</b>		
Pay and contingencies estimated at .....	185,000 00	
		1,313,500 00
<i>Carried forward</i> .....		3,227,307 16

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	\$ cts.	\$ cts.
		3,227,307 16
<b>PUBLIC WORKS AND BUILDINGS.</b>		
<i>(Chargeable to Capital.)</i>		
RAILWAYS.		
Intercolonial Railway (under Commissioners) .....	2,570,000 00	
do Construction, Snow Sheds, Rolling Stock, Offices, &c. ....	230,000 00	
do Branch Line, Father Point .....	250,000 00	
do Extension into Halifax .....	280,000 00	
do Increased accommodation at St. John .....	120,000 00	
Prince Edward Island Railway .....	33,000 00	
Fort Garry and Pembina Railway .....	650,000 00	
Pacific Railway Survey .....	500,000 00	
Pacific Railway, Construction; and Improvements on navigable waters in interior in connection therewith .....	1,500,000 00	
CANALS.		
Lachine Canal .....	1,500,000 00	
St. Lawrence Canals .....	1,000,000 00	
Welland Canal .....	2,000,000 00	
St. Anne's Lock .....	200,000 00	
Carillon and Châte à Blondeau .....	484,000 00	
Grenville Canal .....	454,000 00	
Rideau Canal .....	18,000 00	
Lock at Culbute Rapids .....	140,000 00	
Chambly Canal .....	22,000 00	
St. Peter's Canal .....	75,000 00	
Baie Verte Canal .....	500,000 00	
Miscellaneous Works on Canals .....	15,000 00	
PUBLIC BUILDINGS, OTTAWA.		
Library .....	140,000 00	
Tower .....	12,000 00	
Grounds .....	75,000 00	
Retaining Walls .....	20,000 00	
Workshops .....	40,000 00	
Extension, West Block .....	60,000 00	
Improvement of Ventilation, Parliament Buildings .....	7,125 00	
Fire Walls, Water Service, Attics, and other Works inside Buildings .....	95,000 00	
	449,125 00	
ROADS AND BRIDGES, NORTH WEST.		
Bridge over Red River (Fort Garry) .....	50,000 00	
Lake Superior and Red River Route, Construction .....	67,500 00	
	117,500 00	
Total chargeable to capital .....		13,107,625 00
<b>PUBLIC WORKS AND BUILDINGS.</b>		
<i>(Chargeable to Income.)</i>		
IMPROVEMENT OF RIVERS.		
Improvement of Rivers .....	10,000 00	
Ste. Croix River, N.B. ....	24,000 00	
<i>Carried forward</i> .....	34,000 00	16,334,932 16

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....	34,000 00	16,334,932 16
<b>PUBLIC WORKS AND BUILDINGS.—Continued.</b>		
<b>IMPROVEMENT OF RIVERS.—Continued.</b>		
St. John River, N.B. ....	14,000 00	
St. Lawrence River. Removal of chains and anchors.....	15,000 00	
Richelieu River. Removal of rocks.....	21,000 00	
Red River Navigation, Manitoba .....	2,500 00	
Fraser River. Removal of rocks .....	4,000 00	
River John, Nova Scotia.....	2,000 00	
St. Lawrence. Removal of chains and anchors.....	10,000 00	
	102,500 00	
<b>ROADS AND BRIDGES.</b>		
<b>Lake Superior and Red River Route:—</b>		
Plant and Working Expenses .....	196,500 00	
Roads and bridges .....	4,000 00	
	200,500 00	
<b>PUBLIC BUILDINGS.</b>		
<i>Ontario.</i>		
London, Post Office .....	3,600 00	
Immigration Station .....	2,000 00	
Hamilton, Post Office.....	6,000 00	
Immigration Station .....	2,000 00	
Toronto, Custom House .....	100,000 00	
Savings Bank and Inland Revenue Office .....	15,000 00	
Examining Warehouses .....	60,000 00	
Post Office .....	6,000 00	
Immigration Station .....	1,200 00	
Ottawa, Post Office, Custom House, &c. ....	100,000 00	
<i>Quebec.</i>		
Grosse Isle, Quarantine Station .....	12,000 00	
Lévis, Immigrant Dépôt .....	5,000 00	
Quebec, Post Office .....	9,000 00	
Marine Hospital.....	6,000 00	
Rebuilding Observatory..	2,000 00	
Culler's Office .....	800 00	
Three Rivers, Custom House .....	10,500 00	
Montreal, Immigrant Depot .....	7,300 00	
Post Office .....	215,000 00	
Custom House .....	3,500 00	
Examining Warehouse .....	50,000 00	
<i>New Brunswick.</i>		
St. John, Post Office.....	70,000 00	
Custom House.....	3,000 00	
Examining Warehouse .....	6,500 00	
St. Andrew's Marine Hospital .....	1,300 00	
Westmoreland do .....	5,500 00	
Dalhousie do .....	4,800 00	
<i>Carried forward</i> .....	708,000 00	16,334,932 16
	303,000 00	16,334,932 16

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	708,000 00	\$ cts. 303,000 00
<b>PUBLIC WORKS AND BUILDINGS.—Continued.</b>		
<i>New Brunswick.—Continued.</i>		
Chatham and Newcastle, Custom House .....	1,100 00	
St. John or Partridge Island, Quarantine Station .....	1,000 00	
Miramichi or Middle Island, Quarantine Station .....	800 00	
<i>Nova Scotia.</i>		
Pictou, Custom House .....	10,000 00	
do Quarantine Station .....	1,000 00	
Halifax do .....	3,000 00	
Sydney do .....	3,000 00	
Yarmouth do .....	5,000 00	
Pictou, Marine Hospital .....	12,000 00	
Sydney do .....	16,000 00	
Yarmouth do .....	8,000 00	
<i>Manitoba.</i>		
Custom House, Post Office, &c. ....	72,200 00	
Immigrant Depot .....	1,000 00	
Penitentiary, not including boundary walls, yards and out-buildings .....	30,000 00	
<i>British Columbia.</i>		
Custom House, Inland Revenue, and Marine and Fisheries....	50,000 00	
Post Office, Savings Bank, and Public Works' Offices .....	7,000 00	
Marine Hospital .....	16,000 00	
Penitentiary, not including boundary walls, yards and out-buildings .....	50,000 00	
Public Buildings generally .....	40,000 00	
	1,035,100 00	
<b>FURTHER FOR PUBLIC BUILDINGS.</b>		
Public Buildings, Manitoba .....	12,000 00	
Removal of snow, Ottawa.....	2,000 00	
Gas for Senate and Departmental Buildings (omitted).....	8,000 00	
Fuel and light, Rideau Hall.....	5,000 00	
Custom House, Pictou, to complete.....	12,000 00	
Marine Hospital, Prince Edward Island.....	2,500 00	
Post Office, London.....	2,400 00	
do St. John, New Brunswick.....	10,000 00	
Quarantine Station, Yarmouth, N.S. ....	1,000 00	
Post Office, Ottawa, for ground.....	7,000 00	
Observatory, Quebec.....	2,000 00	
Rents and repairs.....	10,000 00	
	73,900 00	
<b>RENTS, REPAIRS, &amp;C.</b>		
Rents, repairs, furniture, &c.....	150,000 00	
Heating .....	40,000 00	
	190,000 00	
<i>Carried forward</i> .....	1,602,000 00	\$ cts. 16,334,932 16

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	\$ 1,602,000 00	\$ 16,334,932 16
<b>PUBLIC WORKS AND BUILDINGS.—Continued.</b>		
<b>HARBOURS AND PIERS.</b>		
<i>Ontario.</i>		
Collingwood Harbour, Lake Huron.....	20,000 00	
Meaford do .....	12,000 00	
Owen's Sound do .....	10,500 00	
Inverhuron Harbour do .....	5,000 00	
Kincardine do do .....	7,500 00	
Port Albert do do .....	6,000 00	
Bayfield do do .....	36,000 00	
Goderich do do Municipality furnishing equal amount.....	20,000 00	
Goderich Harbour, Lake Huron .....	150,000 00	
Chantry Island Breakwater, Lake Huron .....	100,000 00	
Rondeau Harbour, Lake Erie .....	42,500 00	
Port Stanley, Lighthouse and Pier, Lake Erie .....	7,000 00	
Port Hope, Lake Ontario .....	20,000 00	
Cobourg Harbour, Lake Ontario .....	40,000 00	
Shannonville Harbour, Lake Ontario .....	3,000 00	
Presqu' Ile do do .....	10,000 00	
Kingston do do .....	6,000 00	
Pictou do do .....	6,000 00	
Toronto and St. John, N.B., surveys .....	4,500 00	
<i>Quebec.</i>		
House Harbour .....	4,000 00	
Saguenay River Pier.....	4,000 00	
Bale St. Paul Pier .....	8,500 00	
Rivière du Loup (en haut)—local authorities furnishing same amount.....	3,000 00	
Coteau Pier Extension .....	2,300 00	
<i>New Brunswick.</i>		
Bathurst .....	4,000 00	
Miramichi .....	15,000 00	
Richibucto Harbour .....	20,000 00	
Pointe du Chêne .....	17,000 00	
Hillsboro' .....	1,500 00	
Dipper Harbour .....	12,000 00	
St. John Harbour .....	40,000 00	
<i>Nova Scotia.</i>		
Pictou Landing .....	25,000 00	
McNair's Cove .....	5,000 00	
Tracadie .....	6,500 00	
Port Medway .....	4,500 00	
Liverpool .....	20,000 00	
Jordan Bay .....	28,000 00	
Sissiboo River .....	2,500 00	
Oak Point .....	20,000 00	
Maitland .....	1,000 00	
<i>Carried forward</i> .....	749,800 00	1,602,000 00
		16,334,932 16

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> . . . . .	749,800 00	1,602,000 00
<b>PUBLIC WORKS AND BUILDINGS.—Continued.</b>		16,334,932 16
<i>Cape Breton.</i>		
Mabou Harbour . . . . .	15,000 00	
Ingonish, South . . . . .	40,000 00	
Big Pond . . . . .	500 00	
		805,300 00
<b>FURTHER FOR HARBOURS AND PIERS.</b>		
Removal of obstructions, Victoria Harbour, B. C. . . . .	16,000 00	
Dredging and tug steamer do . . . . .	15,600 00	
Petitcodiac, New Brunswick . . . . .	1,200 00	
Tynemouth do . . . . .	2,500 00	
Shippegan Breakwater, New Brunswick . . . . .	10,000 00	
Herring Cove do . . . . .	10,000 00	
Grand Manan Harbour, N. B. (tonnage dues to be collected by the Government—revote, \$2,000) . . . . .	5,000 00	
Port George, Nova Scotia . . . . .	5,000 00	
Cow Bay do . . . . .	25,000 00	
Metighan Cove do . . . . .	5,000 00	
Yarmouth do . . . . .	1,000 00	
Plympton do . . . . .	1,200 00	
Tignish, Prince Edward Island . . . . .	6,000 00	
Souris and New London, Prince Edward Island . . . . .	4,000 00	
For preservation of navigation and approach to railway wharf, Sackville . . . . .	500 00	
		108,600 00
<b>SLIDES AND BOOMS.</b>		
River Trent District . . . . .	600 00	
Ottawa River District . . . . .	28,000 00	
River des Prairies . . . . .	4,000 00	
St. Maurice River District . . . . .	20,000 00	
Saguenay River District . . . . .	3,200 00	
		56,300 00
<b>MISCELLANEOUS.</b>		
Dredge Vessels . . . . .	112,600 00	
Dredging . . . . .	75,000 00	
		187,600 00
Lighthouse, Cape Beale, British Columbia . . . . .	4,000 00	
Miscellaneous Works not otherwise provided for . . . . .	10,000 00	
Surveys and Inspections . . . . .	45,000 00	
Arbitrations and awards . . . . .	10,000 00	
Telegraph lines, British Columbia . . . . .	13,000 00	
Dredging, general, additional . . . . .	12,000 00	
		2,553,200 00
<b>OCEAN AND RIVER SERVICE.</b>		
<b>DOMINION STEAMERS.</b>		
Maintenance and repairs of steamers <i>Napoleon III.</i> , <i>Druid</i> , <i>Lady Head</i> , and <i>Sir James Douglas</i> . . . . .	96,000 00	
<i>Carried forward</i> . . . . .	96,000 00	19,188,132 16

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....	96,000 00	19,188,132 16
<b>OCEAN AND RIVER SERVICE.—Continued.</b>		
<b>MAIL SUBSIDIES.</b>		
Moiety payable to Allan Line between Halifax and Cork .....	39,541 67	
Steam Communication between Quebec and the Maritime Provinces .....	10,000 00	
Steam Communication between Halifax and St. John, via Yarmouth .....	10,000 00	
Steam Communication on Lakes Huron and Superior .....	12,500 00	
Steam Communication from St. John, New Brunswick, to Ports in Basin of Minas .....	4,000 00	
Steam Service between San Francisco and Victoria, British Columbia .....	54,000 00	
<b>TUG SERVICE.</b>		
Between Montreal and Kingston .....	12,000 00	
do Richibucto and Miramichi .....	4,500 00	
Trinity House, Quebec .....	8,222 00	
To provide for the examination of Masters and Mates .....	7,000 00	
For purchase of life boats, life preservers, and rewards for saving life .....	6,000 00	
To provide for investigation into wrecks and casualties and collection of information relating to disasters to shipping .....	2,500 00	
Expenses in connection with Canadian register and classification of shipping .....	6,000 00	
To provide for salary of Secretary for Pilotage Commissioners at the Port of St. John, N.B. ....	\$800 00	
To provide for salary of Secretary for Pilotage Commissioners at Port of Halifax, N.S. ....	800 00	
	1,600 00	
Steam communication, Lake Superior, and other services (omitted) .....	12,000 00	
Removal of obstructions in navigable waters ..	5,000 00	
Schooner packet service, Prince Edward Island, to and from small ports around the coast and to adjoining Provinces .....	1,000 00	
For raising and repairing steamer <i>Napoleon III.</i> , and repairing steamer <i>Druid</i> , damaged by the ice-bridge at Quebec .....	26,000 00	
		<b>311,863 67</b>
<b>LIGHTHOUSE AND COAST SERVICE.</b>		
Salaries and allowances of lighthouse keepers .....	142,330 00	
Maintenance and repairs .....	262,600 00	
<i>Construction of New Lighthouses, as follows:—</i>		
<b>ONTARIO.</b>		
To rebuild lighthouses (2) at Port Colborne .....	\$8,000 00	
Lighthouse, Point A Cadieux, below Ottawa .....	1,200 00	
Lighthouses, Lake Superior .....	4,000 00	
Lighthouse, Gloucester Bay, Georgian Bay .....	3,000 00	
Fog bells, Ontario .....	3,000 00	
	19,200 00	
<b>QUEBEC.</b>		
<i>Below Quebec.</i>		
Pier and Beacon, Algernon Rock near Pillow Light .....	2,500 00	
Lighthouse between Cap Chatte and the Magdalen River .....	6,000 00	
<i>Carried forward</i> .....	8,500 00	
	424,130 00	19,499,995 83

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	8,500 00	\$ cts. 424,130 00
<b>LIGHTHOUSE AND COAST SERVICE.—Continued.</b>		
<i>QUEBEC.—Continued.</i>		
<i>Below Quebec—(Continued).</i>		
Lighthouse at St. Denis' Wharf, River Ouelle.....	1,000 00	
Lighthouse, Seven Islands, to replace the Lighthouse burned down in 1872.....	5,000 00	
Lights (2) at the mouth of the River Saguenay—Range Lights.	1,000 00	
Fog Whistle (water power) Belle Isle.....	2,000 00	
<i>Between Quebec and Montreal.</i>		
Lighthouse, Ashe Island, River Richelieu.....	1,750 00	
Lighthouse, Bloody Island, River Richelieu.....	1,750 00	
	21,000 00	
<b>NOVA SCOTIA.</b>		
Towards pier and lighthouse, Weasex Ledge.....	5,000 00	
Dwelling for engineer of St. Paul's Island fog whistle.....	1,500 00	
Towards fog whistle and buildings, entrance of Halifax Harbour	10,000 00	
Dwelling for keeper of McKenzie's Point lighthouse, Bras d'Or Lake, C.B.....	600 00	
Beacon light, Kidstone Island, near Baddeck, C.B.....	1,200 00	
Towards fog whistle and buildings, Cape Sable.....	10,000 00	
Towards lighthouse on Guion Island, south coast of Cape Breton	2,000 00	
Bell buoy, south-west point of John's Island, Pubnico.....	1,500 00	
Beacon light on Metigon River Wharf, Digby County.....	400 00	
Lighthouse for Bay Point, Guysboro' County.....	2,000 00	
Beacon light, George's Island, Halifax County.....	300 00	
Towards lighthouse, Betty's Island, county of Halifax.....	3,000 00	
Spindle with cage or beacon on south-east breaker, Country Harbour.....	500 00	
	88,000 00	
<b>NEW BRUNSWICK.</b>		
Lighthouse, Entrance of Beaver Harbor, Charlotte County, N.B.	2,000 00	
Beacon light, Entrance to the Washadamoak Lake, Queen's County, N.B.....	600 00	
Beacon lights, Mark's and Spencer's Points, St. Croix River, Charlotte County.....	1,200 00	
Beacon lights, Pokeshundie Island, near Shippegan.....	1,200 00	
	5,000 00	
<b>BRITISH COLUMBIA.</b>		
Lighthouse, Victoria Harbor.....	2,000 00	
do. Entry Island, Nanaimo Harbor.....	6,000 00	
	8,000 00	
<b>PRINCE EDWARD ISLAND.</b>		
Lighthouse, Wood Island, Indian Rocks, Straits of Northumber- land.....	6,000 00	
Lighthouse, West Cape.....	5,000 00	
Repairs and new apparatus, Cape North Light.....	5,000 00	
	16,000 00	
<i>Carried forward</i> .....	512,130 00	\$ cts. 19,499,995 83

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	\$ cts. 512,130 00	\$ cts. 19,499,995 83
<b>LIGHTHOUSE AND COAST SERVICE.—Continued.</b>		
New buoys and beacons and minor piers and beacons for the entire Dominion .....	12,800 00	524,930 00
<b>FISHERIES.</b>		
Salaries and Disbursements of Fishery Overseers and Wardens :—		
Ontario .....	7,850 00	
Quebec .....	9,000 00	
Nova Scotia .....	12,755 00	
New Brunswick .....	7,580 00	
	37,185 00	
Maintenance and repairs of <i>La Canadienne</i> .....	10,000 00	
Fish-breeding, Fishways, and Oyster Beds .....	15,000 00	
Fisheries service, Prince Edward Island and Manitoba .....	750 00	
Maintenance of a Government schooner employed in the protection of the Gulf Fisheries .....	10,000 00	72,935 00
<b>GEOLOGICAL SURVEY AND OBSERVATORIES.</b>		
<b>OBSERVATORIES.</b>		
Observatory, Quebec .....	2,400 00	
do Toronto .....	4,800 00	
do Kingston .....	500 00	
do Montreal .....	500 00	
do Halifax (Revote) .....	1,500 00	
do New Brunswick .....	850 00	
Grant for Meteorological Observatories, including instruments and cost of telegraphing weather warnings .....	37,000 00	47,550 00
<b>MARINE HOSPITALS AND SICK AND DISTRESSED SEAMEN.</b>		
<b>MARINE HOSPITALS.</b>		
Marine and Immigrant Hospital, Quebec .....	22,000 00	
Montreal General Hospital .....	\$3,000 00	
Other Ports in Quebec .....	2,000 00	5,000 00
St. Catherine's Hospital, Ontario .....	\$500 00	
Kingston Hospital .....	500 00	1,000 00
Halifax General Hospital .....	\$4,000 00	
Other Ports in Nova Scotia .....	10,000 00	14,000 00
Hospital of St. John .....	\$5,000 00	
Other Ports in New Brunswick .....	6,000 00	11,000 00
Ports in British Columbia .....	3,000 00	
Ports in Prince Edward Island .....	1,500 00	
To provide for a building to be used as a hospital at Arichat, C.B. (revote) .....	1,000 00	
Aid towards the extension of the hospital at St. Catherine's .....	2,000 00	
<i>Carried forward</i> .....	60,500 00	20,145,410 83

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....	60,500 09	20,145,410 83
<b>SICK AND DISTRESSED SEAMEN.—Continued.</b>		
<b>EXPENSES OF SHIPWRECKED AND DISABLED SEAMEN.</b>		
Province of Quebec .....	1,000 00	
do Nova Scotia .....	3,500 00	
do New Brunswick .....	2,000 00	
do British Columbia .....	500 00	
do Prince Edward Island .....	500 00	
To reimburse Board of Trade, London, for expenses incurred in connection with Shipwrecked and Distressed Seamen of the Dominion .....	10,000 00	78,000 00
<b>STEAMBOAT INSPECTION.</b>		
Salary of Chairman of the Board and Inspector for West Ontario and Huron District .....	1,800 00	
do Deputy Chairman and Inspector for New Brunswick and Nova Scotia .....	1,400 00	
do Inspector, Toronto District .....	1,200 00	
do do Three Rivers District .....	1,000 00	
do do Quebec District .....	1,000 00	
do do East Ontario District .....	1,000 00	
do do Montreal District .....	1,200 00	
Travelling expenses of Chairman and expenses in connection with the Board of Inspection .....	1,100 00	
Clerk to do .....	300 00	
Travelling and incidental expenses of Inspector for New Brunswick and Nova Scotia and contingencies of office .....	865 00	
Travelling expenses of Inspector, Toronto District, and contingencies of office .....	600 00	
Travelling expenses of Inspector, Three Rivers .....	200 00	
do do Quebec .....	250 00	
do do East Ontario .....	330 00	
do do Montreal .....	405 00	
To provide for expenses, inspecting Prince Edward Island steamers .....	500 00	
For purchase of instruments and test gauges, &c., &c. ....	550 00	
To provide travelling expenses of Inspector, British Columbia .....	500 00	14,200 00
<b>INDIANS.</b>		
For Indians, Quebec .....	1,230 00	
Purchase of blankets for aged and infirm Indians of Ontario and Quebec .....	1,600 00	
Indians, Nova Scotia .....	4,500 00	
Indians, New Brunswick .....	4,500 00	
Payment of annuities under Treaty No. 1 .....	\$14,425 00	
do do No. 2 .....	4,355 00	
Agricultural implements and farming stock to be furnished Indians under Treaties 1 and 2 .....	16,000 00	
Payment of annuities under Treaty No. 3 .....	19,360 00	34,780 00
Agricultural implements do .....	10,060 00	
Ammunition and twine do .....	1,500 00	
Provisions for Indians assembled to receive above annuities .....	30,860 00	13,000 00
<i>Carried forward</i> .....	90,400 00	20,237,610 83

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....	90,490 00	20,237,610 83
<b>INDIANS.—Continued.</b>		
For probable expense in connection with Indians of the Saskatchewan ....	6,000 00	
To meet the expenses attending the making of any treaties which may be concluded during the year with the Indians of the Saskatchewan.....	34,000 00	
Salaries and office expenses.....	22,610 00	
Probable expenses in connection with Indians in British Columbia.....	25,000 00	
Probable expenses in connection with Indians in Prince Edward Island.....	2,000 00	
Miscellaneous expenses.....	3,000 00	
		183,100 00
<b>BOUNDARY SURVEYS.</b>		
To provide one half of the British share of the expenditure on survey of the boundary line between Canada and the United States .....		119,198 80
<b>MISCELLANEOUS.</b>		
Canada Gazette.....	3,900 00	
Miscellaneous printing .....	5,000 00	
Expenses connected with the Noon Gun at Ottawa.....	400 00	
Unforeseen Expenses; Expenditure thereof to be under Order in Council, and a detailed Statement to be laid before Parliament during the first fifteen days of the next Session .....	50,000 00	
Commutation in lieu of remission of duties on articles imported for the use of the Army and Navy.....	10,000 00	
Salaries and Expenses of the Council for the North West Territories .....	5,000 00	
Miscellaneous expenses in the North West not otherwise provided for.....	5,000 00	
		79,300
<b>COLLECTION OF REVENUES.</b>		
<b>Customs.</b>		
Salaries and contingent expenses of the several Ports, viz. :—		
In Province of Ontario.....	209,628 00	
do Quebec .....	190,216 00	
do New Brunswick.....	88,046 00	
do Nova Scotia.....	107,659 75	
do Manitoba and North West Territory.....	9,960 00	
do British Columbia.....	21,940 00	
do Prince Edward Island.....	22,500 00	
Salaries and travelling expenses of Inspectors of Ports .....	11,000 00	
Contingencies of Head Office, covering printing, stationery, advertising, telegraphing, &c., for the several Ports of Entry .....	15,000 00	
To cover appointments and promotions, &c. ....	10,000 00	
	685,939 75	
<b>Excise.</b>		
Salaries of Officers and Inspectors of Excise.....	168,350 00	
<i>Carried forward</i> .....	168,350 00	685,939 75
		20,619,209 63



SCHEDULE B.—*Concluded.*

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....	50,945 00	1,065,689 75
<b>COLLECTION OF REVENUES.—Continued.</b>		
<b>PUBLIC WORKS.—Continued.</b>		
<b>Maintenance and Repairs.—Continued.</b>		
Repairs and working expenses of above .....	532,400 00	
Intercolonial and other Government Railways in Nova Scotia and New Brunswick .....	2,055,000 00	
Intercolonial and other Government Railways in Prince Edward Island. ....	292,500 00	
Telegraph Lines, British Columbia.....	27,000 00	
	2,867,845 00	
<b>POST OFFICE.</b>		
For Ontario and Quebec .....	1,052,000 00	
New Brunswick .....	128,000 00	
Nova Scotia .....	172,000 00	
Manitoba .....	26,000 00	
British Columbia .....	78,000 00	
Prince Edward Island .....	49,500 00	
	1,505,500 00	
<b>DOMINION LANDS.</b>		
Surveys of Land, North West.....		100,000 00
<b>MINOR REVENUES.</b>		
To defray expenses connected with minor revenues.....		10,000 00
		5,549,034 75
Total .....		26,168,244 36

## CHAP. 2.

An Act to authorize the raising of a Loan for the construction of certain Public Works, with the benefit of the Imperial guarantee for a portion thereof.

[Assented to 26th May, 1874.]

**W**HEREAS one of the terms and conditions on which the Preamble. colony of British Columbia was admitted into union with the Dominion of Canada, by an Order of Her Majesty in Council of the sixteenth day of May, one thousand eight hundred and seventy-one, was that the Government of the Dominion should secure the construction of a railway (in this Act referred to as the Pacific Railway) to connect the sea-board of British Columbia with the railway system of Canada, in the manner more particularly mentioned in the Schedules to the said Order;

And whereas it is expedient to raise by way of loan for the Imp. Act 33, 34 V., c. 45. purpose of the construction of the Pacific Railway, and also for the improvement and enlargement of the Canadian canals, a sum of money not exceeding eight million pounds sterling;

And whereas by the Act of the Parliament of Canada of the Act of Canada 31 V., c. 41. year one thousand eight hundred and sixty-eight, chapter forty-one, the Governor in Council was authorized to raise by way of loan upon the guarantee of the Commissioners of Her Majesty's Treasury (in this Act referred to as "The Treasury"), for the purpose of the construction of the fortifications therein mentioned, sums not exceeding in the whole one million one hundred thousand pounds sterling, which sums so raised with the interest thereon and the sinking fund for paying off the loan, were to be a charge upon the Consolidated Revenue Fund of Canada, next after the appropriation for the construction of the Intercolonial Railway;

And whereas by the Act of the Parliament of the United Imp. Act 33, 34 V., c. 82. Kingdom, known as "*The Canada Defences Loan Act, 1870*," the Treasury were authorized to guarantee the payment of the principal of such loan and of interest thereon at a rate not exceeding four per cent., but no portion of such loan has been raised, and no such guarantee has been given, or can, by reason of the repeal of the Act last mentioned, hereafter be raised or given;

And whereas by the Act of the Parliament of the United Imp. Act 36, 37 V., c. 45. Guarantee by Treasury. Kingdom, known as "*The Canada (Public Works) Loan Act, 1873*,"—after the recital of the facts aforesaid, and that it is expedient to authorize the Treasury to guarantee a portion not exceeding two million five hundred thousand pounds of such loan of eight million pounds for the above mentioned purposes, and to guarantee a further portion of the said loan not exceeding one million one hundred thousand pounds in substitution for a guarantee of a loan under "*The Canada Defences Loan Act, 1870*,"—the said Act is repealed; and it is enacted that, subject to certain conditions to be observed by the Parliament of Canada,  
"The

"The Treasury may guarantee in such manner and form and on such conditions as they think fit the payment of the principal of and interest (at a rate not exceeding four per cent. per annum) on all or any part of any loan raised by the Government of Canada for the purpose of the construction of the Pacific Railway and the improvement and enlargement of the Canadian canals, so that the total amount so guaranteed from time to time do not exceed three million six hundred thousand pounds;"—and it is expedient to accept the said guarantee on the conditions mentioned in 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:—

Loan not exceeding £8,000,000 stg. authorized.

1. The Governor in Council may, from time to time, authorize the raising by way of loan, for the purposes of the construction of the Pacific Railway and of the improvement and enlargement of the Canadian canals, such sum or sums of money as it may, from time to time, be found expedient to raise for such purposes, not exceeding in the whole eight million pounds sterling; and the money so raised shall be appropriated and applied strictly to the purposes aforesaid and to no other purpose whatsoever; and such appropriation shall be assured to the satisfaction of the Treasury, and separate accounts shall be kept of such money: Provided that the Governor in Council may authorize the advance out of the consolidated revenue fund of such sums as it may be necessary to expend for the purposes aforesaid, before they are raised by loan under this Act, such advances to be repaid to the Consolidated Revenue Fund out of the said loan.

Proviso: advance from Con. Rev. Fund until loan is effected.

Part of loan not guaranteed by Treasury,—how to be raised.

2. Such portion of the said loan as shall not be raised upon the guarantee of the Treasury may be raised in such manner as the Governor in Council may direct, under the provisions of the Act of the Parliament of Canada, passed in the thirty-fifth year of Her Majesty's reign, intituled "*An Act respecting the Public Debt, and the raising of Loans authorized by Parliament;*" and the principal and interest thereof shall be chargeable upon the Consolidated Revenue Fund of Canada.

Part of loan guaranteed by Treasury,—conditions to be observed.

3. Of the said sum of eight million pounds, a sum not exceeding three million six hundred thousand pounds may be raised with the guarantee of the Treasury in such manner and form and on such conditions as they think fit, at a rate of interest not exceeding four per cent. per annum, and subject to the following provisions:—

Rank of charge on Con. Rev. Fund.

1. The Consolidated Revenue Fund of Canada is hereby charged with the payment of the principal and interest of any loan guaranteed by the Treasury under this Act and "*The Canada (Public Works) Loan Act, 1873,*" immediately after the charge for the loan of the sum of three hundred thousand pounds sterling, payable to the Hudson's Bay Company, created by Act of the Parliament of Canada, of the year one thousand eight hundred  
and

and sixty-nine, chapter one, as amended by the Act of the same Parliament, of the year one thousand eight hundred and seventy-one, chapter three;

2. The Government of Canada shall pay a sinking fund at the rate of one per cent. per annum on the entire amount of the loan guaranteed by the Treasury as aforesaid, and the Consolidated Revenue Fund of Canada is hereby charged with the payment of such sinking fund immediately after the principal and interest of such last mentioned loan;

Sinking Fund.

3. The Consolidated Revenue Fund of Canada is hereby charged with any sum issued out of the consolidated fund of the United Kingdom, under "*The Canada (Public Works) Loan Act, 1873*," with interest thereon at the rate of five per cent. per annum, immediately after the said sinking fund;

Interest in certain cases.

4. The due payment and application of the money raised by any loan guaranteed by the Treasury under the Act last mentioned, shall be assured and certified in such manner as the Treasury may, from time to time, direct;

Treasury to be satisfied as to application of loan.

5. The annual sums for the sinking fund shall be remitted to the Treasury by half yearly payments in such manner as they, from time to time, direct, and for the investment and accumulation thereof under their direction in the names of four Trustees nominated from time to time,—two by the Treasury and two by the Government of Canada;

Remittances to Treasury.

6. The said sinking fund may be invested only in such securities as the Government of Canada and the Treasury from time to time agree upon, and shall, whether invested or not, be applied from time to time under the direction of the Treasury, in discharging the principal guaranteed by the Treasury as aforesaid; and the interest arising from such securities (including the interest accruing in respect of any part of any loan discharged by means of the said sinking fund), and the resulting income thereof shall be invested and applied as part of such sinking fund.

Investment of Sinking Fund.

4. Subject to the foregoing provisions of this Act, the moneys raised under the authority thereof shall be applied and expended for the purposes hereinbefore mentioned, in such manner and in such proportions as the Parliament of Canada may have authorized; and a detailed account of all moneys so expended shall be laid before the House of Commons of Canada, during the first fifteen days of the then next session of the Canadian Parliament.

Application of moneys raised under this Act.

Accounts.

5. This Act may be cited as "*The Pacific Railway and Canals Loan Act, 1874*."

Short title.

## CHAP. 3.

An Act to declare the intention of the Act thirty-sixth Victoria, chapter thirty, as regards the subsidy to be allowed to Nova Scotia.

[Assented to 26th May, 1874.]

Preamble.  
36 V., c. 30,  
cited.

WHEREAS doubts have arisen under the first section of the Act thirty-sixth Victoria, chapter thirty, intituled "*An Act to re-adjust the amounts payable to, and chargeable against the several Provinces of Canada, by the Dominion Government, so far as they depend on the debt with which they respectively entered the Union,*" as to whether the increased subsidy to be allowed to the Province of Nova Scotia under the said Act should be based on the sum of eight million dollars mentioned in the one hundred and fourteenth section of "*The British North America Act, 1867,*" or on the sum of nine million, one hundred and eighty-six thousand, seven hundred and fifty-six dollars, to which the said sum of eight million dollars was increased by the Act thirty-second and thirty-third Victoria, chapter two, intituled "*An Act respecting Nova Scotia;*" For the removal of such doubts, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

33 V., c. 2.

Intention of  
36 V., c. 30,  
declared.

1. It was and is the intention of the Act first above mentioned (thirty-sixth Victoria, chapter thirty) that the increased subsidy to be allowed to the Province of Nova Scotia under the said Act, should be based upon the said sum of nine million, one hundred and eighty six thousand, seven hundred and fifty-six dollars, as if that sum had been mentioned in the one hundred and fourteenth section of "*The British North America Act, 1867,*" instead of the said sum of eight million dollars.

## CHAP. 4.

An Act to amend the Act thirty-sixth Victoria, chapter thirty-one, for the re-adjustment of the Salaries of Judges and other purposes.

[Assented to 26th May, 1874.]

Preamble.  
36 V., c. 31,

In amendment to the Act passed in the thirty-sixth year of Her Majesty's Reign, intituled "*An Act for the re-adjustment of the Salaries and allowances of the Judges and other Public Functionaries and Officers, and of the indemnity to the Members of the Senate and House of Commons,*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Lt. Governor  
P. E. I.

1. The salary of the Lieutenant Governor of Prince Edward Island, shall be seven thousand dollars per annum.



“ vince shall be composed of one Chief Justice and twenty-five  
 “ Puisne Judges, the salaries of the several Judges of the Court  
 “ of Queen’s Bench and the Superior Court for the said Province,  
 “ shall be as follows :—

Salaries of  
 Judges in  
 Quebec.

“ The Chief Justice of the Court of “ Queen’s Bench.....	\$6,000 per annum.
“ Four Puisne Judges of the said Court, “ each .....	5,000 ”
“ The Chief Justice of the Superior “ Court.....	6,000 ”
“ Nine Puisne Judges of the said Court “ each .....	5,000 ”
“ Thirteen Puisne Judges of the said “ Court, each .....	4,000 ”
“ Three Puisne Judges of the said “ Court, each .....	3,500 ”

How the Act  
 shall be con-  
 strued.

And the said Act shall be construed and have effect as if the said substituted section had made part of the said Act at the time of its passing as the fourth section thereof.

Salaries of  
 Chief Justice  
 and Judges in  
 appeal,  
 Ontario.

6. The salary of the Chief Justice of Appeal in Ontario shall be six thousand dollars per annum, and the salaries of the three additional Judges to be appointed in pursuance of the Act of the Legislature of the Province of Ontario, passed in its now last session, as Justices of the Court of Error and Appeal for the said Province, shall be five thousand dollars each per annum ; which salaries shall be payable from the time of their appointment, respectively.

Salaries, how  
 paid.

7. The salaries mentioned in this Act shall be paid out of the Consolidated Revenue Fund of Canada, as the salaries mentioned in the Act hereby amended.

Section 12 of  
 36 V., c. 31  
 repealed.  
 Retiring  
 allowance to  
 County Judges  
 in Ontario,  
 New Brun-  
 swick or P. E.  
 Island.

8. The twelfth Section of the Act of 1873, thirty-sixth Victoria, chapter thirty-one, is hereby repealed, and in case any Judge of a County Court, in either of the Provinces of Ontario, New Brunswick or Prince Edward Island, becomes, after having continued in such office of Judge of a County Court, in either of the said Provinces for fifteen years, or upwards, afflicted with some permanent infirmity, disabling him from the due execution of his office, or in case he should have continued in such office of Judge of a County Court, in either of the said Provinces, for twenty-five years or upwards, then in case such Judge resigns his office, Her Majesty may, by letters patent, under the Great Seal of Canada, reciting the state of the case, grant such County Judge an annuity equal to two-thirds of the annual salary of which he was in receipt at the time of his resignation, to continue thenceforth, during his natural life, and be payable *pro rata* for any period less than a year during such continuance, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada ; and if any person receiving,

ing a retiring allowance or annuity under any previous Act, or under the said Act or the present Act, or any Act amending it, is or becomes entitled to any salary in respect of any public office under the Government of Canada, such salary shall be reduced by the amount of such retiring allowance or annuity. As to Retired Judges appointed to other offices.

9. This Act and the Act hereby amended, with the Acts it amends, shall be construed as forming one Act with the Act passed in the thirty-first year of Her Majesty's Reign, intituled "*An Act respecting the Governor General, the Civil List, and the Salaries of certain Public Functionaries.*" Act to be construed as one with those amended.

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## CHAP. 5.

An Act to continue for a limited time certain temporary provisions in the Act respecting the admission of Prince Edward Island into the Dominion.

[Assented to 26th May, 1874.]

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

1. The second and third sections of the Act passed in the thirty-sixth year of Her Majesty's Reign, intituled, "*An Act respecting the admission of the colony of Prince Edward Island, as a Province of the Dominion,*" which would otherwise expire at the end of the present session, shall be and are hereby continued and shall remain in force until the first day of January, in the year of Our Lord One thousand eight hundred and seventy-five, and thence until the end of the then next session of the Parliament of Canada, and no longer. 36 V., c. 40. ss 2, 3, continued

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## CHAP. 6.

An Act to amend the Act thirty-first Victoria, chapter forty-four, and other Acts amending the same; and the Tariff of Duties of Customs imposed by the said Acts, and to alter certain Duties of Excise.

[Assented to 26th May, 1874.]

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

1. So much of any Act imposing or respecting duties of Customs, or of any schedule annexed to any such Act, or of any Certain duties repealed and new duties Order

substituted on articles mentioned in section 2.

Order in Council under any Act, as imposes any specific duty of Customs on any of the goods or articles mentioned in the next following section is hereby repealed; and the Specific Duties mentioned in the said section shall be substituted for those imposed on them by any such Act, or Schedule or Order.

The new duties.

2. There shall be raised, levied, collected and paid on the following articles, when imported into Canada, or taken out of warehouse for consumption therein, the several duties of Customs set opposite to them respectively, that is to say:—

Cigars.....	per lb.	\$0 70
Tea, Green or Japan.....	“ “	0 04
“ Black.....	“ “	0 03
Coffee, Green.....	“ “	0 02
“ Ground or Roasted.....	“ “	0 03

Spirits and Strong Waters, viz:—

Spirits not sweetened.

Spirits and Strong Waters, not having been sweetened or mixed with any article so that the degree of strength thereof cannot be ascertained by Sykes' hydrometer,—for every gallon of the strength of proof by such hydrometer, and so in proportion for any less strength than the strength of proof, and for every greater or less quantity than a gallon, viz:—

Brandy, Geneva, Alcohol, Rum, Gin, (including Old Tom,) Whiskey, and unenumerated articles of like kind .....	per gallon	\$1.00
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Spirits sweetened.

Other Spirits, being sweetened or mixed so that the degree of strength cannot be ascertained as aforesaid, namely:—

Rum-Shrub, Cordials, Tafia, Scheidam Schnapps, Bitters, and unenumerated articles of like kind .....	per gallon	\$1.50
Cologne Water and Perfumed Spirits, not in flasks .....	per gallon	1.50
Cologne Water and Perfumed Spirits, when in flasks or bottles; for each flask or bottle not weighing more than four ounces.....	.....	0.05
Unenumerated Spirits and Strong Waters	per gallon	1.50

Spirits mixed with other ingredients.

Spirits and Strong Waters imported into Canada, mixed with any ingredient or ingredients, and although thereby coming under the denomination of Proprietary Medicines, Tinctures, Essences, Extracts or any other denomination, shall be nevertheless deemed "Spirits or Strong Waters," and subject to duty as such.

FRUITS preserved in Brandy or other Spirits	per gallon.....	\$1.50
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3. So much of any such Act or schedule, as aforesaid, as imposes any duty of Customs upon Tobacco and Snuff or Wines, is hereby repealed; and the following articles, when imported into Canada, or taken out of warehouse for consumption therein, shall be respectively charged with the several duties of Customs hereinafter mentioned, that is to say:—

Duties on certain other articles repealed and others substituted.

Tobacco and Snuff, twelve and one-half *per centum ad valorem*, and twenty-five cents per pound;

Tobacco.

Wines of all kinds, including Ginger, Orange, Lemon, Gooseberry, Strawberry, Raspberry, Elder and Currant Wines, a specific duty of thirty cents per gallon (five quart and ten pint bottles to be held to contain a gallon) on all wines containing less than twenty per cent. of alcohol, and not worth more than forty cents per gallon;

On all other Wines, except sparkling, sixty cents per gallon when imported in wood; and if imported in bottle, one dollar and fifty cents per dozen of quart bottles, (five whereof contain a gallon), and so in proportion;

Wines.

On all Sparkling Wines, three dollars per dozen of quart bottles, (five whereof contain a gallon), being at the rate of one dollar and twenty-five cents per gallon, and so in proportion:

Provided always that no liquor containing more than twenty-five per cent. of alcohol shall be admitted as wine.

Proviso.

4. So much of any such Act or schedule, as aforesaid, as imposes any duty of Customs on "non-enumerated" goods and packages is hereby repealed, and the following provisions substituted therefor, that is to say:—

New duties on certain packages and on non-enumerated goods.

The following packages, viz:—Bottles, Jars, Demi-johns and Carboys, whatever be their contents, and Brandy Casks, barrels or other packages in which spirituous liquors, wines and malt liquors are contained, and barrels or other packages in which petroleum oils or the products thereof are contained; and all goods not enumerated in this or any other Act as charged with any duty of Customs, and not declared free of duty by this Act or some other Act or provision unrepealed by this Act, shall be charged with a duty of Customs of seventeen and one half *per centum ad valorem*, when imported into Canada, or taken out of warehouse for consumption therein:

The duty.

But all packages not hereinbefore specified, and not specially charged with duty under section four of the Act thirty-first Victoria, chapter forty-four, or any other unrepealed enactment, and being the ordinary or usual packages in which goods are packed for exportation according to the general custom and usage of trade, shall be free of duty.

Proviso as to certain packages.

Duty of ten per cent *ad valorem* imposed on certain goods now free of duty or subject to a higher rate.

5. So much of any such Act or schedule as aforesaid, as declares any of the following goods being "**Manufactures and Products of Manufactures,**" that is to say,—

Locomotive Engine Frames, Axles, Cranks, Hoop Iron or Steel for tires of wheels, bent and welded Crank Axles, Piston Rods, Guide and Slide Bars, Crank Pins and Connecting Rods, Machinery, for mills and factories of kinds which are not then manufactured in the Dominion,  
Cotton Netting, for India-rubber shoes and gloves,  
Cotton Warp, not coarser than No. 40,  
Cotton Thread, in hanks, colored and unfinished, Nos. 3 and 4 ply, white, not under No. 20 yarn,  
Cotton Thread, on spools,  
Glass Paper and Glass Cloth,  
Woollen Netting for India-rubbers and gloves,  
Linen Machine Thread,  
Plush, for hatters' use, and for gloves,  
Prunella,  
Machine Twist and Silk Twists,  
Felt used for gloves,  
Felt for hats and boots,—

The duty.

to be free of duty, or subject to any higher duty than ten *per centum ad valorem* is hereby repealed; and the said goods or articles respectively when imported into Canada or taken out of warehouse for consumption therein, shall be charged with a duty of Customs of ten *per centum ad valorem*.

Duty of five per cent *ad valorem* imposed on certain goods now free of duty.

6. So much of any such Act or schedule as aforesaid, as declares any of the following goods being "**Manufactures and Products of Manufactures,**" that is to say,—

Ship materials, viz :—

Binnacle Lamps,  
Blocks and patent bushes for blocks  
Bunting,  
Compasses,  
Dead Eyes,  
Dead Lights,  
Deck Plugs,  
Knees, iron,  
Pumps and pump gear,  
Riders, iron,  
Shackles,  
Sheaves,  
Signal Lamps,  
Steering apparatus,  
Travelling Trucks,  
Wedges,  
Cables, hemp or grass,  
Cordage,  
Sail cloth or canvas,  
Varnish, black and bright

Iron

Iron of the following descriptions, viz :—

Iron, scraps and galvanized,

Bars, puddled,

Blooms and Billets, puddled or not puddled,

Bolts and spikes, galvanized,

Wire, whether galvanized or not, except for wire rigging,

to be free of duty, is hereby repealed; and the said goods when imported into Canada or taken out of warehouse for consumption therein, shall be charged with a duty of Customs of five *per centum ad valorem*. The duty.

7. Schedule C. to the Act passed in the thirty-first year of Her Majesty's reign, chaptered forty-four, containing the list of "Free Goods," is hereby further amended by striking out of the said schedule under the heading "Drugs, Dye Stuffs, Oils and Colors not elsewhere specified," the words "Woods when chiefly used in Dyeing," and substituting therefor the words "Woods unmanufactured, when chiefly used in Dyeing;" and by adding to the said schedule, under the heading, "Manufactures and products of manufactures," the words "Wool Waste," and under the heading "Natural Products," the words "Flax Seed." Schedule C of free goods, to 31 V., c. 44, amended.

8. The fair market value for duty of all goods upon which any *ad valorem* duty of Customs is chargeable under this Act or any other Act, shall be ascertained and determined, except as herein-after provided, in accordance with the provisions of the sections twenty-nine to forty-six, both inclusive, of the Act passed in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting the Customs*,"—so much of any Act as is inconsistent with this section being hereby repealed. How the value of goods for duty shall be ascertained. 31 V., c. 6.

9. Whereas difficulties have frequently arisen in determining the fair market value for duty of goods imported into Canada, being the manufacture or production of foreign countries or of Great Britain, such as Musical Instruments, Sewing Machines, Agricultural Machines or Implements, Medical preparations, commonly called Patent Medicines and other similar goods, the prices of which are published by the manufacturers or producers, or persons acting in their behalf, it is hereby enacted that the Governor in Council may, from time to time, fix and determine a certain rate of discount which may be deducted from such published prices of any such manufactures or productions, and the remainder of such published prices after deducting such rate of discount, shall be deemed and taken to be the fair market values for duty of any such manufactures or productions as may or shall be specified in such Order in Council, anything in this or any other Act to the contrary thereof notwithstanding. Special provision as to the value of certain articles.

10. The fourth section of the Act passed in the thirty-fourth year of Her Majesty's reign, intituled: "*An Act to amend the Act relating to Duties of Customs*," is hereby repealed, and the following is substituted therefor:— Section 4 of 34 V., c. 10 repealed, and new section substituted.

Governor in Council may admit certain machinery free, until 1st January 1875.

"4. Notwithstanding anything contained in this or any other Act, the Governor may until the first day of January, One thousand eight hundred and seventy-five, authorize the admission free of duty of any machinery to be used in any Canadian manufactory, on satisfactory evidence that like machinery is not then manufactured in Canada."

31 V., c. 8, amended.

11. The sub-section numbered two, of the thirty-first section of the Act thirty-first Victoria, chapter eight, intituled "*An Act respecting the Inland Revenue*" as amended by the first section of the Act thirty-first Victoria, chapter fifty, is hereby repealed, and the following substituted therefor:—

Duty of excise on spirits increased.

"2. On every wine gallon of spirits of the strength of proof by Sykes' hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for any less quantity than a gallon, seventy-five cents."

Duties of excise on tobacco, snuff, and liquors increased.

12. The sub-sections numbered respectively six, seven and eight, substituted by the Act thirty-third Victoria, chapter nine, for the sub-sections so numbered of the said thirty-first section of the said Act thirty-first Victoria, chapter eight, are hereby repealed, and the following substituted therefor, respectively:—

"6. On Cavendish Tobacco and Snuff, and on manufactured Tobacco of all kinds, except Cigars and common Canada Twist, on every pound or less quantity than a pound, twenty cents."

"7. On common Canada Twist, otherwise called *tabac blanc en torquette*, being the unpressed leaf, rolled and twisted, and made wholly from raw tobacco, the growth of Canada, for every pound or less quantity than a pound, ten cents."

Abatement for moisture on cigars.

"8. On Cigars, for every pound or less quantity than a pound, forty cents: subject to an abatement or allowance for moisture in calculating the weight for duty, to be fixed from time to time by regulations to be made by the Governor in Council."

When the increased duties under this Act shall be held to have come into force.

13. The foregoing sections of this Act, and the alterations thereby made in the duties of Customs or of Excise, on any articles or goods, shall be held to have come into force and to have taken effect on the first day of May, in the present year of Our Lord One thousand eight hundred and seventy-four, and to apply to and determine the duty payable on any article or goods imported into Canada or taken out of warehouse for consumption therein, or (as respects duties of Excise) manufactured or made or on which duties of Excise have become payable, on or after said day: But all duties of Customs or of Excise paid under authority of the resolutions of the House of Commons, passed on the fourteenth day of April in the said year, on any goods entered for duty between that date and the said first day of May, shall be deemed and taken to be the lawful duties payable thereon; provided,

Proviso.

Proviso.

vided, nevertheless, that the Minister of Customs or the Minister of Inland Revenue, respectively, may order the refund of any sum so paid in excess of the duties with which such goods are chargeable under this Act.

14. So much of any Order in Council now in force under the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered twelve, as imposes any duty on Tea or Coffee imported into Canada from the United States, and so much of the said Act or of the Act passed in the same year of Her Majesty's Reign and chaptered eleven, as provides that Tea or Coffee imported, in any way, into Canada, shall be free of duty, is hereby repealed.

Certain provisions of 34 V., chaps. 11 and 12, as to tea and coffee repealed.

15. The foregoing sections of this Act shall be construed and taken as forming one Act with the Acts hereinbefore cited and amended; and all words and expressions used in this Act, shall have the meaning assigned to them in the said Acts, and all provisions of the said Acts, and of the regulations made or to be made under them or either of them, or continued in force by them or either of them, shall apply to the duties imposed by or payable under this Act, except in so far as they may be inconsistent with it.

How this Act, &c., shall be construed and apply.

## CHAP. 7.

An Act to amend "*An Act to make further provision as to Duties of Customs in Manitoba and the North West Territories,*" and further to restrain the importation or manufacture of Intoxicating Liquors into or in the North West Territories,

[Assented to 26th May, 1874.]

IN amendment of the Act passed in the thirty-sixth year of Her Majesty's Reign, intituled, "*An Act to make further provision as to Duties of Customs in Manitoba and the North West Territories,*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.

1. The period limited by the first section of the Act herein above cited is hereby extended, so that the Duties of Customs chargeable by law in Rupert's Land at the time of the passing of the Act referred to in the said section, shall be continued without increase in the Province of Manitoba and the North West Territories, until the first day of July, One thousand eight hundred and seventy four, subject to the exception made in the first subsection of the said section, and to the exceptions and provisions hereinafter contained.

Period limited by 26 V. c. 39, extended.

Subs. 2 of s. 1 of 36 V. c. 39, repealed and new provisions substituted.

2. From and after the passing of this Act sub-section two of the first section of the said Act shall be and is hereby repealed, except as to things done or penalties incurred under it, and the following sub-sections substituted therefor, as part of the said Act :

Importation or making of intoxicating liquors into or in N. W. Territories prohibited.

"2. Spirits, strong waters, spirituous liquors, wines, and fermented and compounded liquors and intoxicating drink of every kind are hereby prohibited to be imported into any part of the North West Territories; nor shall any spirits, strong waters, spirituous liquors, wines or fermented or compounded liquors or intoxicating drink of any kind be manufactured or made in the said North West Territories, or brought into the same from any Province of Canada, except by special permission in writing of the Lieutenant Governor of the said Territories: and if any spirits or strong waters, spirituous liquors, wines or fermented or compounded liquors or intoxicating drink are imported or manufactured or made in the said Territories or brought into the same, in contravention of this Act, they shall be absolutely forfeited and may be seized by any Officer of the Customs or Excise or by any Constable wheresoever found; and on complaint made before him, any judge, stipendiary magistrate or justice of the peace, may, on the evidence of one credible witness that this Act has been contravened in respect thereof, order the said spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors, or intoxicating drink so seized to be forthwith destroyed, or in case of the same not having been seized, then on complaint as aforesaid, such judge, stipendiary magistrate, or justice of the peace, may issue a search warrant, as in cases of stolen goods under the Acts in force respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences and upon the same being found may cause them to be forthwith destroyed."

Seizure and forfeiture for contravention.

Penalty.

"3. Any person in whose possession or on whose premises such spirits, strong waters, spirituous liquors, wines or fermented or compounded liquors, or intoxicating drink of any kind may be or may have been found, shall be liable to a penalty not exceeding two hundred dollars, nor less than fifty dollars, one half of which shall go to the informer."

How appropriated.

How recoverable.

"4. Any penalty incurred under this Act shall be recoverable with costs of prosecution by summary conviction on the evidence of one credible witness, before any judge, stipendiary magistrate or justice of the peace having jurisdiction in the North West Territories, who shall, on payment of the same, pay the informer his share thereof; and in case of non-payment of the penalty and costs immediately after conviction, the convicting justice may, in his discretion, levy the same by distress and sale, or commit the person so convicted and making default in payment of the said penalty and costs, to any common gaol or house of correction or lock-up house within the North West Territories for a period not exceeding six months, unless the said penalty and costs be sooner paid."

Imprisonment in default of payment.

"5. No seizure, prosecution, conviction or commitment under this Act shall be invalid on account of want of form, so long as the same is according to the true intent and meaning of this Act." Conviction, &c., not invalid for want of form.

3. After the expiration of the licenses now issued, licenses to manufacture spirits or other excisable articles within the Provinces of Manitoba and British Columbia shall be issued only for the following places, namely:—Victoria and New Westminster in British Columbia, and Fort Garry in Winnipeg in Manitoba, and such other places as may, from time to time, be named for the purpose by order of the Governor in Council. Licenses to manufacture spirits to be issued only at certain places in British Columbia.

4. This Act shall be construed as one Act with the Act, hereby amended. Act to be one with 36 V. c. 39.

## CHAP. 8.

An Act to impose License duties on Compounders of Spirits; to amend the "Act respecting the Inland Revenue;" and to prevent the Adulteration of Food, Drink and Drugs.

[Assented to 26th May, 1874.]

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

### DEFINITION.

1. All spirits distilled or made in Canada shall be deemed and called Canadian Spirits. Interpretation clause.

*Compounded Spirits* shall mean and include all articles containing Canadian or other spirits, which are enumerated in the first schedule to this Act, or which may be added to such schedule by any order of the Governor in Council.

"*Compounder*" shall mean and include every person who by himself or his agent compounds or mixes for sale by wholesale any of the articles enumerated in the first schedule to this Act, or which may be added to such schedule by order of the Governor in Council.

*Adulterated Liquor* shall mean and include all spirituous and malt liquors, wines, cordials or other intoxicating liquors to which has been added any of the ingredients named in the second schedule to this Act, or added to such schedule by order of the Governor in Council.

*Adulterated Food or Drink* shall mean and include all articles

articles of food or drink with which there has been mixed any deleterious ingredient, or any material or ingredient of less value than is understood or implied by the name under which the article is offered for sale.

*Food* means and includes every article used as food in the state in which it is offered for sale, or that is used in the preparation of food by admixture therewith, either before, during or after cooking.

*Drink* means and includes any liquid used as a beverage, and any article used in or for the preparation or partial preparation of any beverage.

*Drug* means and includes all articles used for curative or medicinal purposes.

Compounders  
must be  
licensed.

2. From and after the coming into force of this Act no person except such as shall have been licensed as herein provided shall carry on the business of a compounder.

Conditions of  
license and  
amount and  
form of bond.

3. A license to carry on business and to act as a compounder, and to sell by wholesale the articles compounded under such license may be granted to any party who has complied with the provisions of this Act: provided that the granting of the license has been approved by the District Inspector of Inland Revenue, and that the party has, jointly and severally with two good and sufficient sureties, entered into a bond to Her Majesty, her heirs and successors, in the sum of one thousand dollars; and such bond shall be taken before the Collector of Inland Revenue, who shall cause such sureties to justify as to their sufficiency before him by affidavit endorsed upon such bond, and shall be conditioned for the rendering of all accounts and the payment of all duties and penalties which the party to whom the license is granted will become liable to render or pay under the provisions of this Act, and that such party will faithfully comply with the requirements thereof according to their true intent and meaning, as well with regard to such accounts and penalties, as to all other matters and things whatsoever.

Conditions of  
bond.

Duty on  
license.

4. The party in whose name a license is granted to act as a compounder, shall upon receiving such license pay to the Collector of Inland Revenue the sum of fifty dollars.

Accounts to be  
kept.

5. Every compounder shall make such entries and returns and keep such books and accounts as may be, from time to time, determined by Departmental regulations.

Inland Revenue  
Act to  
apply to com-  
pounder and  
his premises,  
and to his  
license.

6. All the definitions as to what constitutes the premises of a distiller and the utensils of a distiller, and all the liabilities of a distiller as to making entry of and designating his utensils and apparatus, or as to designating the apartments of the premises

premises in which the business is carried on, shall apply to the compounder, and to his premises and utensils, and every license granted to a compounder shall be a license under the Act respecting the Inland Revenue herein cited.

7. All the articles made by a compounder shall be liable to the same restrictions and provisions as to their removal from the premises in which they are made, and as to their removal from place to place, as Canadian or other spirits are liable to. And to articles made by him.

8. Every article made by a compounder shall be designated by some label or brand which shall shew the name of the compounder and the place at which such article was made; and the Governor in Council may, when it is deemed expedient so to do, order that such brands or labels, shall be in the form of a stamp, issued by the Department of Inland Revenue. Articles so made to be designated by label, &c.

9. The Act passed in the thirty-first year of Her Majesty's reign and intituled "*An Act respecting the Inland Revenue*," is hereby amended by repealing section one hundred and thirty-six of the said Act and substituting the following in its place:— S. 136 of 31 V., c. 8, repealed and new section substituted.

"136. Every person who shall put into any bags, packages or casks which have been stamped or branded under this Act, any article or commodity subject to excise on which the duty imposed by this Act has not been paid or secured, or which has not been inspected as herein required, and every vendor of any package labelled, branded or sealed as required by this Act who shall fail to obliterate or deface such label, brand or seal before removing or allowing it to be removed from the licensed premises in which the article is made in the manner directed or required by any Departmental regulation in that behalf— Penalty for using stamped or branded packages for goods on which duty has not been paid without defacing the stamp, &c.

"Shall be guilty of a misdemeanor, and shall forfeit and pay, for every such offence, a penalty of five hundred dollars, and in addition thereto shall be punishable, at the discretion of the Court before which the case is tried, by imprisonment for a period of not more than three months. Punishment.

2. "Every person who shall bring or cause to be brought into any place licensed under this Act, or who shall knowingly permit to remain in any licensed place belonging to him, or in which any business subject to excise is carried on under his supervision or control, any box, jar, barrel, bag or other package, such as is used for containing any of the articles subject to excise which are made in such licensed premises, and having attached to it any stamp, mark or brand, or a part of any stamp, mark or brand affixed thereto, under any provision of this Act, as evidence that the duty to which the contents of such box, jar, barrel, bag or other package is liable, has been paid or secured, or that the inspection to which such article is liable has been made, without first giving an exact return or account, with a description of such packages and Or bringing stamped vessels, &c., into manufacturer's premises without observing certain conditions.

and of the marks or labels then upon them to the office of Inland Revenue, under whose survey his premises are, and obtaining a permit thereto—

Penalty and forfeiture.

“Shall forfeit and pay a penalty of five hundred dollars, and all articles subject to excise on the premises at the time such packages are discovered shall be seized as forfeited to the Crown.”

Subs. 2 of s 42, repealed and new subs. substituted.

10. Sub-section two of the forty-second section of the Act above cited is hereby repealed, and the following substituted therefor:—

Measuring fluids by gallons.

“2. All quantities of fluids shall be stated in the aforesaid books, returns, statements and descriptions, in gallons; and the quantity of any fluid in gallons shall, for all the purposes of this Act, be determined by weighing or gauging in such manner as may be, from time to time, prescribed by any Departmental regulation in that behalf.”

S. 79 amended  
Computation of duty for half-months.

11. Section seventy-nine of the Act above cited is hereby amended by adding the following words:—“And the duty exigible on any article made during any half month shall be computed at the rate of duty to which it is or may be liable on the day upon which the return respecting it is required to be made; and no exciseable article shall be removed from the place in which it is made until an account of it has been included in the return herein mentioned, unless such removal is permitted by some general regulation made by the Department of Inland Revenue in that behalf.”

Removal of goods not allowed.

Ss. 39, 57, 65, 66 and 80, amended.  
Measurement by bushels to be replaced by centals.

12. The thirty-ninth, fifty-seventh, sixty-fifth, sixty-sixth and eightieth sections of the Act above cited are hereby amended by removing therefrom the words “bushel” or “bushels,” wherever they or either of them occur in the said sections. And for the purpose of comparing the gauges of grain and malt as required by any provision of the said Act, the Department of Inland Revenue may, by regulation in that behalf, substitute such measure of capacity as will represent as nearly as may be a cental of barley or the sub-multiple of the cental: Provided always, that such substitution shall not increase or diminish the rate of duty charged on malt nor the quantity of malt required to be produced from a given quantity of barley or grain.

Proviso.

Governor in Council may add or take away articles in schedules.

13. It shall be lawful for the Governor by Order in Council to add to either of the schedules to this Act, or to remove from either of the said schedules any article or ingredient the addition or removal of which may, by him, be deemed necessary in the public interest. Every such order shall be published in the *Canada Gazette*, and shall take effect at the expiration of thirty days from the date of such publication.

Analysts of food, &c., to be appointed.

14. The Governor may appoint in each Inland Revenue Division one or more persons possessing competent medical,

medical, chemical and microscopical knowledge, as analysts of food, drink and drugs purchased, sold or offered for sale within such division, and may cause such remuneration to be paid to such analysts as he may deem proper.

**15.** The officers of Inland Revenue, the Inspectors and Deputy Inspectors of Weights and Measures, and the Inspectors and Deputy Inspectors acting under the Act respecting the Inspection of staple commodities, or any of them, shall when required to do so by any regulation made in that behalf by the Department of Inland Revenue, procure and submit samples of food or drink or drugs suspected to be adulterated, to be analysed by the analysts appointed under this Act; and upon receiving a certificate signed by an analyst, that such article of food, or drink or drug is adulterated, shall seize the articles from which the sample was taken; and every such seizure shall be a seizure under the Act respecting the Inland Revenue herein cited, and shall be dealt with accordingly.

Duty of Inland Revenue officers.

Adulterated articles to be seized and destroyed.

**16.** Every analyst appointed under this Act shall report quarterly to the Department of Inland Revenue the number of articles of food, drink or drugs analyzed by him under this Act during the foregoing quarter, and shall specify the nature and kind of adulterations detected in such articles of food, drink or drugs; and all such reports or a synopsis of them shall be printed and laid before Parliament as an appendix to the annual report of the Minister of Inland Revenue.

Analysts to report quarterly to Department.

**17.** Any officer or person authorized under this Act may procure samples of food, drink and drugs which are required to be analyzed under this Act from any person having such articles in his possession, or selling or exposing the same for sale: he may procure such samples either by purchasing the same or by requiring the person in whose possession they are to shew him and allow him to inspect all such articles in his possession, and the place or places in which such articles are stored, and to give him samples of such articles on payment or tender of the value of such samples.

Power to procure samples of articles offered for sale.

**18.** If the person having such articles in his possession, or his agent or servant when required in pursuance of this Act, refuses or fails to admit the officer, or refuses or omits to shew all or any of the said articles in his possession, or the place where any such articles are stored, or to permit the officer to inspect the same, or to give any samples thereof, or to furnish the officer with such light or assistance as he may require, he shall be liable to the same penalty and forfeiture as if he knowingly sold or exposed for sale adulterated articles.

Penalty for refusal to admit officer, or furnish samples, &c.

**19.** When the officer has by either of the means aforesaid procured samples of the articles to be analyzed, he shall cause the same to be analyzed by one of the analysts appointed under this

Officer to cause samples to be analyzed.

Duty of analyst. His certificate and its use.

this Act; and he shall give reasonable notice to the person from whom the sample was obtained, to enable such person, if he thinks fit, to attend when the sample is opened for analysis: and if it appears to the person so analyzing that the sample is adulterated within the meaning of this Act, he shall certify such fact, and the certificate so given shall be received as evidence in any proceedings that may be taken against any person in pursuance of this Act,—subject to the right of any person against whom proceedings are taken to require the attendance of the person making the analysis, for the purpose of cross-examination.

Right of party from whom the sample is obtained to prevent tampering with it.

**20.** The person from whom any sample is obtained under this Act may require the officer obtaining it to annex to every vessel containing any such sample the name and address of such person, and to secure with a seal or seals belonging to him the vessel containing the sample and the address annexed thereto in such manner that the vessel cannot be opened or the name and address taken off without breaking such seals; and a corresponding sample sealed by such officer with his own seal shall, if required, be left with the person from whom the sample is taken for reference in case of disputes as to the correctness of the analysis or otherwise; and the certificate of the person who analyses such samples shall state the name and address of the person from whom they were obtained, and that the vessels were not open, and that the seals securing to the vessels the name and address of such person were not broken until such time as he opened the vessels for the purpose of making his analysis; and in such case as aforesaid no certificate shall be receivable in evidence unless there is contained therein such statement as above or to the like effect.

What the certificate must shew.

Expense of analysis, how paid.

**21.** Any expenses incurred in analyzing any food, drink or drugs in pursuance of this Act shall, if the person from whom the sample is taken be convicted of having in his possession, selling or exposing for sale adulterated food, drink or drugs in contravention of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly. In any other event such expenses shall be paid as part of the expenses of the officer who procured the sample.

Penalty on persons mixing deleterious articles with food, &c.

**22.** Every person who shall wilfully admix, and every person who shall order any other person to admix with any article of food or drink any deleterious or poisonous ingredient or material to adulterate the same for sale, and every person who shall wilfully admix and every person who shall order any other person to admix any ingredient or material with any drug to adulterate the same for sale, shall, for the first offence, forfeit and pay a penalty of one hundred dollars, together with the costs attending the conviction, and for the second offence shall be guilty of a misdemeanor, and be imprisoned for a period not exceeding six calendar months with hard labor.

Second offence.

**23.** Every person who shall sell or offer for sale any article of food or drink with which, to the knowledge of such person, any deleterious ingredient or material injurious to the health of persons eating or drinking such article has been mixed, and every person who shall sell as unadulterated any article of food or drink or any article commonly used in the preparation of food or drink or any drug which is adulterated, shall, for every such offence, on conviction of the same, pay a penalty of one hundred dollars, together with the costs attending such conviction; and if any person so convicted shall afterwards commit a like offence, he shall pay a penalty of two hundred dollars, and in either case the adulterated articles shall be seized as forfeited to the Crown.

Or offering articles so mixed for sale.

And for subsequent offence.

**24.** Any person who shall sell any article of food or drink or any drug, knowing the same to have been mixed with any other substance with intent fraudulently to increase its weight or bulk, and who shall not declare such admixture to any purchaser thereof before delivering the same, and no other, shall be deemed to have sold an adulterated article of food, or drink, or drug as the case may be, under this Act,

Who shall be held to have sold adulterated food, &c.

Every person who mixes or causes to be mixed with any intoxicating liquors sold or exposed for sale by him, any deleterious ingredient, that is to say, any of the ingredients specified in the second schedule to this Act, or added to such schedule by any Order in Council made under this Act, or any ingredient deleterious to health;

As to adulterated drinks.

Every person who sells, or keeps, or exposes for sale any intoxicating liquors mixed with any deleterious ingredient; and

Keeping or selling them.

Every compounder, or dealer in, and every manufacturer of intoxicating liquors, who has in his possession or in any part of the premises occupied by him as such, any adulterated liquor, knowing it to be adulterated, or any deleterious ingredient specified in the second schedule hereto, or added to such schedule by order of the Governor in Council, for the possession of which he is unable to account to the satisfaction of the court before which the case is tried, shall be deemed knowingly to have exposed for sale adulterated liquor; and shall be liable for the first offence to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding one month, with or without hard labour; and for the second or any succeeding offence, to a penalty not exceeding four hundred dollars, or to imprisonment for a time not exceeding three months with or without hard labour.

Compounders, &c., knowingly having adulterated liquors in possession.

Penalty.

Subsequent offence.

**25.** This Act shall be read and construed as one Act with the Act passed in the thirty-first year of Her Majesty's reign, and entitled "*An Act respecting the Inland Revenue*," and every clause, matter or thing, in the said Act, whether enacted with special reference to any particular business or trade, or with general reference to the collection of Revenue; or the prevention, detection or punishment of

How this Act shall be construed and applied.  
31 V., c. 8.

of

of fraud or neglect in relation thereto, shall extend, apply, be construed and have effect with reference to this Act as if they had been enacted with special reference to the matters and things herein enacted.

Penalties, &c., to be enforced as if incurred under that Act.

Every penalty or forfeiture hereby imposed may be enforced and dealt with as if imposed under the said Act, and every compounder, and the apparatus used by him, and the place in which his business is carried on, and the articles made or compounded by him, or used in compounding any such article, shall be "subject to excise" under the said Act; and any person acting as a compounder without a license shall be liable to the like penalties and forfeitures as a distiller acting without a license under the said Act; and a license under this Act shall be granted and renewable or forfeited as and for like periods and on like conditions, as a distiller's license under the said Act, subject to any provisions or alterations made by regulations, of the Governor in Council, as hereinafter provided.

Governor in Council may make regulations for purposes of this Act.

The Governor in Council may, from time to time, make such regulations as to him may seem necessary for carrying into effect the provisions of this Act, and for declaring, in cases of doubt, to what extent the provisions of the Act herein cited shall apply to the enforcement of the provisions of this Act; and every such regulation published in the *Canada Gazette* shall have the same effect in law as if contained in this Act.

Commencement, and short title.

**26.** This Act shall take effect from and after the first day of January, 1875, and may be cited as the "*Inland Revenue Act of 1875.*"

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## SCHEDULES TO WHICH THIS ACT REFERS.

### FIRST SCHEDULE.

Imitations of British or foreign wines, brandy, rum, gin, old tom, Geneva schnapps, British or foreign whiskey, and bitter liqueurs and cordials when containing alcohol.

### SECOND SCHEDULE.

#### *Deleterious Ingredients.*

Cocculus indicus, chloride of sodium (otherwise common salt), copperas, opium, Indian hemp, strychnine, tobacco, darnel seed, extract of logwood, salts of zinc or lead, alum, and any extract or compound of any of the above ingredients.

## CHAP. 9.

## An Act respecting the Elections of Members of the House of Commons.

[Assented to 26th May, 1874.]

**H**ER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Every writ for the election of a member of the House of Commons of Canada shall be dated and be returnable on such days as the Governor General shall determine, and shall be addressed to the Sheriff or to the Registrar of Deeds, or to one of the Sheriffs or of the Registrars for the Electoral District or a portion of the Electoral District for which the election is to take place, who shall be the Returning Officer at such election;

Writs of Election, and Returning Officers.

And in case there is no such Sheriff or Registrar, then to such other person as the Governor General may appoint as such Returning Officer;

In case the Sheriff, the Registrar, or any other person to whom the writ for any Electoral District in the Province of Ontario, or in the Province of Quebec, may have been addressed, should refuse, be disqualified or be unable to act, then the Governor General, and in the other Electoral Districts the Lieutenant Governors in their respective Provinces, may appoint another person to act as such Returning Officer.

2. The Governor General shall fix the day for the nomination of candidates at the election, and shall at every general election, fix one and the same day for the nomination of candidates in all the Electoral Districts, except in the Electoral Districts in the Provinces of Manitoba and of British Columbia, and in the Electoral Districts of Muskoka and Algoma, in the Province of Ontario, and of Gaspé and Chicoutimi and Saguenay, in the Province of Quebec.

Day of nomination of Candidates, how fixed. Exceptions.

The Governor General shall also fix one and the same day for the nomination of candidates for the several elections in the Province of Manitoba.

3. The day so fixed by the Governor General shall be named in the writs of election for the several Electoral Districts respectively, to which such day shall apply.

To be named in the writs.

4. The writs of election shall be in the form Schedule A. and shall be transmitted by mail to the respective Returning Officers, unless otherwise ordered by the Governor General.

Form of Writ, &c.

Who shall not  
act as Election  
Officers.

5. None of the persons hereinafter mentioned shall be appointed Returning Officers or Deputy Returning Officers, Election Clerks or Poll Clerks, that is to say :—

*Firstly*: Members of the Queen's Privy Council for Canada or of the Executive Council of any of the Provinces of the Dominion ;

*Secondly*: Members of the Senate or Members of the Legislative Council of any of the Provinces of the Dominion ;

*Thirdly*: Members of the House of Commons or Members of the Legislative Assemblies of the several Provinces of the Dominion ;

*Fourthly*: Ministers, Priests, or Ecclesiastics of any religious faith or worship ;

*Fifthly*: Judges of the Courts of Superior, Civil and Criminal jurisdiction, or judges of any County or District Court, Insolvent Court or Vice-Admiralty Court ;

*Sixthly*: Persons who have served in the Parliament of the Dominion in the session immediately preceding the election, or in the then present session of Parliament ;

*Seventhly*: Sheriffs, Registrars, or other persons who shall have been found guilty by the House of Commons, or by any Court for the trial of Controverted Elections, or other competent tribunal, of any offence or dereliction of duty under this Act.

Who shall not  
be bound to  
act as such.

6. None of the persons hereinafter mentioned, unless they are Sheriffs or Registrars or Town Clerks or Assessors, shall be obliged to act as Returning Officers, Deputy Returning Officers, Election Clerks or Poll Clerks, that is to say :—

*Firstly*: Professors in any University, College, High School, or Academy ;

*Secondly*: Physicians or Surgeons ;

*Thirdly*: Millers ;

*Fourthly*: Postmasters, Customs Officers, or Clerks in Post Offices or Customs Offices ;

*Fifthly*: Persons being sixty years of age or upwards ;

*Sixthly*: Persons having previously served as Returning Officers at the election of a member for the House of Commons.

Endorsing  
receipt, and  
oath of Re-  
turning Officer.

7. On receiving the writ of election, the Returning Officer shall forthwith endorse thereon the date at which he shall have received

received the same, and, before taking any further action thereon, he shall take the oath of office in the form, Schedule B. to this Act.

8. The Returning Officer, by a commission under his hand, and in the form, Schedule C of this Act, shall appoint an Election Clerk, and may, at any time during the election, appoint, in the same manner another Election Clerk, in case the one so appointed shall resign, refuse or be unable to perform his duties as such.

Appointment  
of Election  
Clerk.

9. The duty of the Election Clerk shall be to assist the Returning Officer in the performance of his duties, and to act in his stead as Returning Officer, whenever the Returning Officer shall be disqualified, or unable, or shall refuse to perform his duties, and shall not have been replaced by another.

Duty of Elec-  
tion Clerk.

10. The Election Clerk shall, before acting as such, take the oath of office in the form, Schedule D to this Act.

Oath of office

11. The Returning Officer shall ascertain from the lists of voters, which, under the provisions of this Act, are to be used at the election, and, in Electoral Districts where there are voters entitled to vote but there are no lists of voters, from such other information as may be within his reach—the number of, or probable number of persons qualified to vote in each city, town, ward, parish, township, local municipality or other locality, where voters are so entitled to vote; and if such city, town, ward, parish, township, local municipality or other locality has not been subdivided for electoral purposes into polling districts by the Legislature, or by the local authorities under the legislation of the Province where in such Electoral District is situate, or where such subdivision comprises more than three hundred voters, he shall subdivide the said city, town, ward, parish, township, local municipality or other locality or subdivision, into polling districts in a convenient manner, so that there shall be at least one polling district for every two hundred voters; and he shall also fix a polling station in a central and convenient place in each polling district; and the Returning Officer may in his discretion grant such additional polling places in such polling districts as the extent of the district and the remoteness of any body of its voters from the polling place may render necessary, although the voters thereof may be less than the number above specified.

Returning  
Officer to ascer-  
tain persons  
qualified to  
vote, and by  
what means.

To constitute  
Polling dis-  
tricts in cer-  
tain cases, and  
appoint pol-  
ling districts.

12. In the Electoral Districts in the Province of British Columbia, and in the Electoral Districts of Muskoka and Algoma, in the Province of Ontario, and of Gaspé, in the Province of Quebec, the Returning Officers shall fix the day for the nomination of candidates, and also the day and places for holding the polls. The nomination in any of the said Electoral Districts shall not take place less than fifteen days nor more than thirty days after the proclamation hereinafter required shall have been posted up, and the day for holding the polls shall not be less than fifteen days nor

Nomination  
and polling  
days in certain  
Electoral  
Districts.

more than thirty days after the day on which the nomination is to take place,—neither the day of nomination nor the day of posting the proclamation being reckoned:

In Chicoutimi and Saguenay.

In the Electoral District of Chicoutimi and Saguenay the nomination shall not take place less than eight days, nor more than fifteen days after the proclamation; and the day of holding the polls shall not be less than eight days, nor more than fifteen days after the day on which the nomination is to take place:

Polling days in other districts.

In all the other Electoral Districts the proclamation hereinafter required shall be posted up, at least eight days before the day fixed for the nomination of candidates; and the day for holding the polls shall be the seventh day next after the expiration of the day fixed for the nomination of candidates, that is on the same or corresponding day of the week next after that on which the nomination shall have taken place, or if such seventh day be a Sunday or a statutory holiday, then on the next following day not being a Sunday nor a statutory holiday.

Cases of unforeseen delays provided for.

**13.** In cases when, from unforeseen delays, accident or otherwise, the proclamation hereinafter mentioned could not be posted up so as to leave the required delay between the posting up of the proclamation and the nomination day appointed by the Governor General, or by the Returning Officer, as the case may be, or in case any candidate should die after being nominated and before the close of the polls, the Returning Officer may fix another day for the nomination of candidates,—which day shall be the nearest day possible after allowing the number of days required by the preceding section between the posting up of the proclamation and the nomination day; and in every such case the Returning Officer shall, with his return, make to the Clerk of the Crown in Chancery a special report of the causes which may have occasioned the postponement of the election.

Proclamation by Returning Officer.

**14.** Within twenty days after the reception of the writ in the Electoral Districts of the Province of British Columbia, and in the Electoral Districts of Muskoka and Algoma, in the Province of Ontario, and in those of Gaspé and Chicoutimi and Saguenay, in the Province of Quebec, and within eight days after such reception in the other Electoral Districts of the Dominion, the Returning Officer shall, by a proclamation under his hand, issued in the English and French languages in every Electoral District in the Province of Quebec and in the Province of Manitoba, and in the English language only in the other Electoral Districts, indicate,—

*Firstly*: The place and time fixed for the nomination of candidates;

*Secondly*: The day on which the poll for taking the votes of the electors is to be held, in case a poll shall be required;

*Thirdly*:

*Thirdly* : The several polling stations fixed by him, and the territorial limits to which they shall respectively apply ;

*Fourthly* : The time when and the place where the Returning Officer shall sum up the number of votes given to the several candidates,—

Such proclamation to be in the form, Schedule E to this Act. Form.

15. The Returning Officer shall cause the said proclamation to be posted up at four of the most prominent and conspicuous places in each city, town, village, (or ward of such city, town or village, when it is subdivided into wards) and at four of the most prominent and conspicuous places in each parish, township or division of parish or township, within the Electoral District for which the election is to take place. How to be published.

16. The place fixed for the nomination of candidates shall be at the court house, city or town hall, or other public or private building, in the most central or most convenient place for the great body of the electors of each Electoral District. Place of nomination.

17. The time appointed for the nomination of candidates shall be from the hour of twelve at noon until the hour of two in the afternoon of the day fixed for that purpose. Time.

18. Any twenty-five electors may nominate a candidate or as many candidates as may be required to be elected for the Electoral District for which the election is held, by producing to the Returning Officer at the time and place indicated in the proclamation,—a writing in the form of Schedule F., under their hands, giving the names, residence and addition or description of each person proposed, in such manner as sufficiently to identify such candidate : Form of nomination.

Each candidate shall be nominated by a separate nomination paper ; but the same electors, or any of them, may subscribe as many nomination papers as there are members to be elected : Each candidate separately.

Such nomination papers may also be filed with the Returning Officer at any other place, and at any time between the date of the proclamation and the day of nomination, with the same effect as if produced at the time and place fixed for the nomination ; and at the close of the time for nominating the candidates, the Returning Officer shall deliver to every candidate or agent of a candidate applying for the same, a duly certified list of the names of the several candidates who shall have been nominated. And any votes given at the election for any other candidates than those so nominated shall be null and void. Nomination papers may be filed with Receiving Officer at other places and times. Votes for candidates not nominated, null.

19. No nomination paper shall be valid and acted upon by the Returning Officer unless it be accompanied by the consent in writing Consent of candidate named.

writing of the person therein nominated, except in case such person be absent from the Province in which the election is to be held, when such absence shall be stated in the nomination paper;

And deposit  
of fifty dollars

Nor unless a sum of fifty dollars be paid to the Returning Officer at the time the nomination paper shall be filed with him: And the receipt of the Returning Officer shall in every case be sufficient evidence of the production of the nomination paper, consent of candidate, and of the payment herein mentioned:

Application  
of deposit

The sums so paid shall be applied by the Returning Officer towards the payment of the election expenses.

No real prop-  
erty qualifi-  
cation required  
of candidate.

Provided:  
He must be  
a British  
subject.

**20.** From and after the passing of this Act no qualification in real estate shall be required of any candidate for a seat in the House of Commons of Canada, any Statute or law to the contrary notwithstanding: but such candidate shall be either a natural born subject of the Queen, or a subject of the Queen naturalized by an Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the legislature of one of the Provinces of Upper Canada, Lower Canada, Canada, Nova Scotia, New Brunswick, Manitoba, British Columbia or Prince Edward Island, or of this Parliament.

Nomination  
paper, how to  
be attested.

**21.** The Returning Officer shall require the person or one or more of the persons producing such nomination paper to make oath before him, that he or they know the several persons who have signed such nomination paper to be electors duly entitled to vote; and that they have signed the same in his or their presence; and that the consent of the candidate has been signed in his or their presence, or that the person named as candidate is absent from the Province, as the case may be. This oath may be in the form, Schedule G to this Act, and its having been taken shall be mentioned on the back of the said nomination paper.

Return when  
no more can-  
didates than  
members to be  
elected.

**22.** Whenever only one candidate, or only such a number of candidates as are required by law to be elected to represent the Electoral District for which the election is held have been nominated within the time fixed for that purpose, the Returning Officer shall make his return to the Clerk of the Crown in Chancery that such candidate or candidates, as the case may be, is or are duly elected for the said Electoral District, of which return he shall send within forty-eight hours a duplicate or certified copy to the person or persons elected, and such return shall be in the form, Schedule H to this Act.

Report with  
return.

**23.** The Returning Officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings and of any nomination proposed and rejected for non-compliance with the requirements of this Act.

**24.** If more candidates than the number required to be elected for the Electoral District are nominated in the manner required by this Act, it shall be the duty of the Returning Officer to grant a poll for taking the votes of the electors; and to cause to be posted up notices of his having granted such poll, indicating the names, residences and occupations of the candidates so nominated, in the order in which they shall be printed on the ballot papers herein-after mentioned; which notices shall, as soon as possible after the nomination, be placarded at all the places where the proclamation for the election was posted up. Such notices shall be in the form of Schedule HH to this Act.

Poll, and notice thereof.

Form.

**25.** Any candidate nominated may withdraw at any time after his nomination and before the closing of the poll, by filing with the Returning Officer a declaration in writing to that effect, signed by himself; and any votes cast for the candidate who shall have so withdrawn shall be null and void: and in case, after the withdrawal, there should remain but one candidate, or no more than the number to be elected, then it shall be the duty of the Returning Officer to return as duly elected the candidate or candidates so remaining, without waiting for the day fixed for holding the poll, or for the closing of the poll if such withdrawal be filed on the polling day.

Withdrawal of candidates.

If no more remain than there are members to be elected.

**26.** Whenever a poll has been granted, the same shall be opened at the hour of nine of the clock in the forenoon, and kept open until five o'clock in the afternoon of the day fixed for holding it; and the votes at the several polling stations shall be given on that day, and by ballot.

Hours for polling.

**27.** The ballot of each voter shall be a paper (in this Act called a ballot paper) showing the names and description of the candidates alphabetically arranged in the order of their surnames, or if there be two or more candidates with the same surname, in the order of their other names, and the ballot paper shall be in the form, Schedule I to this Act.

Ballot paper and form of.

**28.** On a poll being granted, it shall be the duty of the Returning Officer,—

Duties of Returning Officer when a poll is required.

*Firstly:* To appoint, by a commission under his hand, in the form, Schedule J to this Act, one Deputy Returning Officer for each polling district comprised in the Electoral District, who shall, before acting as such, take the oath of office in the form, Schedule K to this Act;

Deputies.

*Secondly:* To furnish each Deputy Returning Officer with a copy of the list or of such portion of the list of voters as contains the names, arranged alphabetically, of the electors qualified to vote at the polling station for which he is appointed,—such copy being first certified by himself or by the proper custodian of the lists from which such copies are taken;

List of voters.

*Thirdly:*

**Ballot Box.** *Thirdly*: To deliver to each Deputy Returning Officer, two days at least before the polling day, a ballot box to receive the ballot papers of the voters,—which ballot box shall be made of some durable material, with one lock and key, and a slit or narrow opening in the top, and so constructed that the ballot papers may be introduced therein, but cannot be withdrawn therefrom without the box being unlocked ;

**Ballot papers.** *Fourthly*: To furnish each Deputy Returning Officer with a sufficient number of ballot papers and envelopes (all being of the same description, and as nearly as possible alike) to supply the number of voters on the list of such polling district, and with the necessary materials for voters to mark their ballot papers ;

**Directions for voters.** *Fifthly*: To furnish to each Deputy Returning Officer at least ten copies of printed directions for the guidance of voters in voting,—which printed directions the Deputy Returning Officer shall, before or at the opening of the poll, on the day of polling, cause to be posted up in some conspicuous places outside of the polling station, and also in each compartment of the polling station.

**Obtaining lists of voters.** **29.** The Returning Officer shall obtain the different lists of voters, or copies or extracts thereof, from the Registrars, Town Clerks, Clerks of the Peace or such other officers as may by law be the proper custodians of such lists, or of duly certified duplicates or copies thereof ; and every such officer who shall omit or refuse to furnish such lists, copies or extracts of the voters lists within a reasonable time to the Returning Officer requiring the same, shall incur a penalty of not less than two hundred and not exceeding two thousand dollars.

**If ballot box be not furnished.** **30.** Whenever the Returning Officer fails to furnish to the Deputy Returning Officer in any polling district the ballot box, within the time prescribed by this Act, it shall be the duty of such Deputy Returning Officer in such polling district to cause one to be made.

**Poll Clerk.** **31.** Each Deputy Returning Officer shall forthwith appoint by commission under his hand in the form, Schedule L to this Act, a Poll Clerk, who before acting as such shall take the oath in the form, Schedule M to this Act.

**Poll Clerk to act as D. R. O. in certain cases.** **32.** In case any Deputy Returning Officer should refuse or be unable to act, the Returning Officer may appoint another person to act in his place as Deputy Returning Officer ; and in case no such appointment be made, the Poll Clerk without taking another oath of office, shall act as Deputy Returning Officer.

**And appoint a Poll Clerk under him.** Whenever the Poll Clerk acts as Deputy Returning Officer, he shall, by a commission in the form, Schedule N to this Act, appoint a Poll Clerk to act in his stead, who shall take the oath required by the next preceding section of this Act.

**33.** The poll, when granted, shall be held in each polling district in a room or building of convenient access, with an outside door for the admittance of the voters, and having, if possible, another door through which they may leave after having voted. One or two compartments shall be made within the room, so arranged that each voter may be screened from observation, and may, without interference or interruption, mark his ballot paper.

Where the poll shall be held.

**34.** Each Deputy Returning Officer shall open the poll assigned to him at the hour of nine of the clock in the morning and keep the same open until five of the clock in the afternoon; and shall, during that time, receive, in the manner hereinafter prescribed, the votes of the electors duly qualified to vote at such polling place.

Hours for polling.

**35.** In addition to the Deputy Returning Officer and the Poll Clerk, the candidates and their agents (not exceeding two in number for each candidate) in each polling station, and, in the absence of agents, two electors to represent each candidate, on the request of such electors, and no others, shall be permitted to remain in the room where the votes are given, during the whole time the poll remains open.

Who may be present in the polling station.

**36.** Any person producing to the Returning Officer or Deputy Returning Officer, at any time, a written authority from a candidate to represent him at the election or at any proceeding of the election, shall be deemed an agent of such candidate within the meaning of this Act:

Who may act as agents for candidates.

One of the agents of each candidate, and, in the absence of such agent, one of the electors representing each candidate, if there be such elector, on being admitted to the polling station shall take the oath to keep secret the names of the candidates for whom any of the voters may have marked his ballot paper in his presence, as hereinafter required; such oath shall be in the form of Schedule N N to this Act.

Oath of secrecy.

**37.** At the hour fixed for opening the poll, the Deputy Returning Officer and the Poll Clerk shall, in the presence of the candidates, their agents and such of the electors as may be present, open the ballot box and ascertain that there are no ballots or other papers in the same, after which the box shall be locked, and the Deputy Returning Officer shall keep the key thereof.

Opening the poll: shewing and locking ballot box.

**38.** Immediately after the ballot box shall have been closed as above provided, the Deputy Returning Officer shall call upon the electors to vote.

Calling voters.

**39.** The Chancellor and Vice-Chancellors of Ontario, and the judges of any court now existing or to be hereafter created whose appointment shall rest with the Governor General of the Dominion, shall be disqualified and incompetent to vote at the election of a member of the House of Commons of Canada.

Certain judges may not vote.

Who shall be entitled to vote.

**40.** Subject to the exceptions hereinabove contained, all persons qualified to vote at the election of representatives in the House of Assembly or Legislative Assembly of the several Provinces composing the Dominion of Canada, and no others, shall be entitled to vote at the election of members of the House of Commons of Canada for the several Electoral Districts comprised within such Provinces respectively; and all lists of voters made and prepared, and which would, according to the laws in force in the said several Provinces, be used if the election were that of a representative or representatives to the House of Assembly or Legislative Assembly of the Province in which the election is held (where such lists are required to be made), shall be the lists of voters which shall be used at the elections of members of the House of Commons to be held under the provisions of this Act.

Where electors shall vote.

**41.** Each elector shall vote at the polling station of the polling district in which he is qualified to vote and no other; and it shall be the duty of the Returning Officer to secure the admittance of every elector into the polling station, and to see that he is not impeded or molested at or about the polling station.

Provisions as to election officers or agents entitled to vote.

**42.** The Returning Officer, on the request of any elector entitled to vote at one of the polling stations, who shall be appointed Deputy Returning Officer or Poll Clerk, or who shall be named the agent of any of the candidates for a polling station other than the one where he is entitled to vote, shall give to such elector a certificate that such Deputy Returning Officer, Poll Clerk or Agent is entitled to vote at such election at the polling station where such elector shall be stationed during the polling day, and on the production of such certificate such Deputy Returning Officer, Poll Clerk or Agent shall have the right to vote at the polling station where he shall be placed during the polling day, instead of at the polling station of the polling district where he would otherwise have been entitled to vote:—But no such certificate shall entitle any such elector to vote at such polling station unless he has been actually engaged as such Deputy Returning Officer, Poll Clerk or Agent during the day of polling.

Proviso.

Conditions of voting: declaration of voter.

**43.** Each elector, being introduced, one at a time for each compartment, into the room where the poll is held, shall declare his name, surname and addition, which shall be entered or recorded in the voters' list to be kept for that purpose by the Poll Clerk, and, if the same be found on the list of electors for the polling district of such polling station, he shall receive from the Deputy Returning Officer a ballot paper on which such Deputy Returning Officer shall have previously put his initials, and an envelope:

Oath of voter if required.

Provided that such elector, if required by the Deputy Returning Officer, the Poll Clerk, one of the candidates or one of their agents, or by any elector present, shall, before receiving his ballot paper and envelope, take the oath or oaths of qualification required by the laws in force in the Province where the election is held, from a voter

voter at the election of a member of the House of Assembly of that Province; the words "House of Commons of Canada" being in such case substituted for "House of Assembly" or such other change being made to make the oath applicable to the election of a member of the House of Commons of Canada, and which the Deputy Returning Officer or Poll Clerk is hereby authorized to administer.

44. If there be any Electoral District in or for which the election law of the Province where such district is situate does not require lists of voters to be made to entitle them to vote, then in such case any elector claiming his ballot paper, shall declare his name, surname, addition and qualification, which shall be entered on a list kept for that purpose by the Poll Clerk; and before receiving his ballot paper such elector may be required by the Deputy Returning Officer, the Poll Clerk, one of the candidates or of their agents, or by any elector present to take the oath of qualification required by the law in force in such Province from a voter at the election of a member of the House of Assembly; the words "House of Commons of Canada" being in such case substituted for "House of Assembly," or such other change being made as may be required to make the oath applicable to the election of a member of the House of Commons of Canada,—which oath the Deputy Returning Officer or Poll Clerk is hereby authorized to administer.

Form of oath if no voters' lists.

45. The elector, on receiving the ballot paper and envelope shall forthwith proceed into one of the compartments of the polling station and there mark his ballot paper, making a cross on the right-hand side, opposite the name of the candidate (or candidates, if more than one is to be elected) for whom he intends to vote, after which he shall fold it up and place it in the envelope, and close the same, and shall then hand the envelope containing such ballot paper to the Deputy Returning Officer, who shall, immediately and in the presence of the elector, place the same in the ballot box.

Mode of voting.

46. Every elector shall vote without undue delay, and shall quit the polling station so soon as his ballot paper has been put into the ballot box.

Despatch to be used.

47. No elector shall be allowed to take his ballot paper out of the polling station; and whoever shall do so shall thereby incur a penalty not exceeding two hundred dollars.

Ballot paper not to be carried away.

48. The Deputy Returning Officer, on application of any voter who is unable to read or incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall assist such voter by marking his ballot paper in the manner directed by such voter, in the presence of the sworn agents of the candidates, or of the sworn electors representing them, in the polling station, and of no other person, and by placing such ballot paper in an envelope and then in the ballot box:

Case of voter who cannot mark his ballot paper.

And

List to be kept.

And the Returning Officer shall cause a list to be kept of the names of voters whose ballot papers have been so marked, in pursuance of this section, with the reason why each ballot paper was so marked. And whenever the Deputy Returning Officer shall not understand the language spoken by any elector claiming to vote, he shall swear an interpreter, who shall be the means of communication between him and such elector, with reference to all matters required to enable such elector to vote.

Interpreter allowed in certain cases.

Entry of names of electors voting.

49. The Poll Clerk shall enter on the voters' list, to be kept by the Poll Clerk (in the form of Schedule O to this Act), opposite the name of each elector voting, the word "*Voted*," as soon as his ballot paper shall have been deposited in the ballot box. He shall also enter on the same list the word "*Sworn*" or "*Affirmed*" opposite the name of each elector to whom the oath or affirmation of qualification shall have been administered, and the words "*Refused to be sworn*" or "*Refused to affirm*" opposite the name of each elector who has refused to take the oath or to affirm.

When there are no lists of voters required by law.

50. When no lists of voters are required by the law in force in the Province or Electoral District for which the election takes place, then the Deputy Returning Officer shall cause the name, surname and addition of every voter to be entered on a list to be made and kept for that purpose; upon which list shall be entered the word "*Voted*" opposite the name of each voter who shall have voted; or "*Sworn*" or "*Affirmed*," or "*Refused to be sworn*" or "*to affirm*," as the case may be, as above provided.

Voter refusing to be sworn.

51. No voter having refused to take the oath or affirmation of qualification required as aforesaid by this Act, when requested so to do shall receive a ballot paper or be admitted to vote.

Voting more than once forbidden.

52. No person shall vote more than once in the same Electoral District at the same election, but each elector may vote for as many candidates as are required to be elected to represent the Electoral District for which the election is held.

Case of elector in whose name another has voted.

53. If a person, representing himself to be a particular elector named on the register or list of voters, applies for a ballot paper after another person has voted as such elector, the applicant, upon taking the oath in the form of Schedule P to this Act, and otherwise establishing his identity to the satisfaction of the Deputy Returning Officer, shall be entitled to receive a ballot paper, on which the Deputy Returning Officer shall put his initials, together with a number corresponding to a number entered on the list of voters opposite the name of such voter, and he shall thereupon be entitled to vote as any other elector:

Entry on List.

The name of such voter shall be entered on the list of voters, and a note shall be made of his having voted on a second ballot issued under the same name, and of the oath or affirmation of qualification

qualification having been required and made, as well as of any objections made on behalf of any and which of the candidates.

**54.** A voter who has inadvertently dealt with the ballot paper or envelope given him, in such manner that either or both cannot be conveniently used, may, on delivering the same to the Deputy Returning Officer, obtain another ballot paper or envelope in the place of that so delivered up. Elector spoiling his ballot paper.

**55.** Immediately after the close of the poll, the Deputy Returning Officer shall, in the presence of the Poll Clerk and the candidates or their agents, and if the candidates and their agents are absent, then in the presence of at least three electors, open the ballot box and proceed to count the number of votes given for each candidate. In doing so he shall reject all ballot papers which are not similar to those supplied by the Deputy Returning Officer; all those contained in any envelope different from those supplied by the Deputy Returning Officer; all those by which votes have been given for more candidates than are to be elected; all those contained in the same envelope when such envelope contains more than one; and finally all those upon which there is any writing or mark by which the voter could be identified: Counting the votes by Deputy Returning Officer. Rejected ballots.

The other ballot papers being counted, and a list kept of the number of votes given to each candidate, and of the number of rejected ballot papers, all the ballot papers indicating the votes given for each candidate respectively shall be put into separate envelopes or parcels, and those rejected shall also be put into a different envelope or parcel, and all these parcels, being endorsed so as to indicate their contents, shall be put back into the ballot box. Duty of Deputy Returning Officer after counting the votes.

**56.** The Deputy Returning Officer shall take a note of any objection made by any candidate, his agent or any elector present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection; and the decision of such Deputy Returning Officer shall be final, subject only to reversal on petition questioning the election or return: Objections to ballot papers.

Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the Deputy Returning Officer. To be numbered.

**57.** The Deputy Returning Officer shall make out a statement of the accepted ballot papers, of the number of votes given to each candidate, of the rejected ballot papers, of the spoiled and returned ballot papers, and of those unused and returned by him; and he shall make and keep by him a copy of such statement, and enclose in the ballot box the original statement, together with the voters' list and a certified statement, at the foot of each list, of the total number of electors who voted on each such list, and such other lists and documents as may have been used at such election. The ballot box shall then be locked and sealed, and shall be delivered to the Statement to be inclosed in ballot box for Returning Officer.

the Returning Officer, or to the Election Clerk, who shall receive or collect the same, and in case of both of them being unable to do so, then to one or more persons specially appointed for that purpose by the Returning Officer, and who shall, on delivering the ballot boxes to the Returning Officer, take the oath in Schedule PP to this Act:

Oath of person delivering ballot box to Returning Officer

Oaths to be attached.

The Deputy Returning Officer and the Poll Clerk shall respectively take the oaths in forms, Schedules Q and R to this Act, which shall be annexed to the statement above mentioned.

Certificates to candidates.

**58.** The several Deputy Returning Officers, on being requested so to do, shall deliver to each of the candidates, their agents, or in the absence of such candidates or agents, to the electors present representing the candidates, a certificate of the number of votes given for each candidate, and of the number of rejected ballot papers.

Summing up of votes by Returning Officer.

**59.** The Returning Officer at the place, day and hour appointed by his Proclamation, and after having received all the ballot boxes, shall proceed to open them, in the presence of the Election Clerk, the candidates or their representatives, if present, and of at least two electors, if the candidates or their representatives are not present, and to add together the number of votes given for each candidate, from the statements contained in the several ballot boxes returned by the Deputy Returning Officers:

Declaration thereon.

The candidate who shall, on the summing up of the votes, be found to have a majority of votes shall be then declared elected.

Casting vote of Returning Officer.

**60.** When, on the final addition of votes by the Returning Officer, an equality of votes is found to exist between any of the candidates, and the addition of a vote would entitle any of such candidates to be declared elected, the Returning Officer shall give such additional or casting vote, but shall in no other case have the right to vote.

Return of candidate elected.

**61.** The Returning Officer, within four days after such verification, shall transmit his return to the Clerk of the Crown in Chancery, that the candidate having the largest number of votes has been duly elected; and shall forward to each of the respective candidates, a duplicate or copy thereof, and such return shall be in the form, Schedule S to this Act:

Report with return.

The Returning Officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings, in which report he shall make any observation he may think proper as to the state of the ballot boxes or ballot papers as received by him:

Voters' lists, &c., with the return.

The Returning Officer shall also transmit to the Clerk of the Crown in Chancery, with his return, the original statements of the several

several Deputy Returning Officers, referred to in section fifty-eight of this Act, together with the voters' lists used in the several polling districts, and any other lists and documents used or required at such election, or which may have been transmitted to him by the Deputy Returning Officers :

Such return and report shall be sent through the post office, Transmission. after being registered.

**62.** In case the ballot boxes should not have all been returned Adjournment if ballot boxes are missing. on the day fixed for adding up the number of votes given to the several candidates, the Returning Officer shall adjourn the proceedings to a subsequent day,—such subsequent day not being more than a week later than the day originally fixed, for the purpose of adding up the votes.

**63.** In case the ballot boxes or any of them have been destroyed, Provision in case of loss of ballot boxes. lost, or for any other reason are not forthcoming within the delay so fixed, the Returning Officer shall ascertain the cause of the disappearance of such ballot boxes, and shall call on each of the Deputy Returning Officers whose ballot boxes are missing, or on any other person having the same, for the lists, statements and certificates, or copies of the lists, statements and certificates of the number of votes given to each candidate required by this Act, the whole verified on oath—which oath the Returning Officer is hereby authorized to administer ; and in case such lists or statements, or copies thereof, cannot be obtained, he shall ascertain by such evidence as he may be able to obtain the total number of votes given to each candidate at the several polling places, and he shall return the candidate having the majority of votes ; and shall mention specially in his report to be sent with the return the circumstances accompanying the disappearance of the ballot boxes, and the mode by which he ascertained the number of votes given to each candidate.

**64.** The Clerk of the Crown in Chancery shall, on receiving the return of any member elected to the House of Commons, give Notice of return in Canada Gazette. notice in the ordinary issue of the *Canada Gazette* of the name of the candidate so elected.

**65.** The Clerk of the Crown in Chancery shall retain in his Duty of Clerk of the Crown in Chancery as to retention of papers, &c. possession the papers transmitted to him by any Returning Officer, with the return, for at least one year, if the election is not contested during that time, and, if the election be contested, then for one year after the termination of such contestation.

**66.** No person shall be allowed to inspect any rejected ballot In what cases only rejected ballot papers may be inspected. papers in the custody of the Clerk of the Crown in Chancery, except under the rule or order of one of Her Majesty's Superior Courts, or a Judge thereof ; such rule or order to be granted by such Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting

stituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and, any such order, for the inspection or production of ballot papers may be made, subject to such conditions as to persons, time, place and mode of inspection or production, as the Court or Judge making the same may think expedient, and shall be obeyed by the Clerk of the Crown in Chancery.

And as to  
counted ballot  
papers.

**67.** No person shall, except by order of a tribunal having cognizance of petitions complaining of undue returns or undue elections, be allowed to inspect any counted ballot papers in the custody of the Clerk of the Crown in Chancery; and such order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the tribunal making the order may think expedient.

**68.** No person shall—

Certain Acts  
prohibited.

*Firstly:* Forge or counterfeit or fraudulently alter, deface or fraudulently destroy any ballot paper or the initials of the Deputy Returning Officer signed thereon; or

*Secondly:* Without authority supply any ballot paper to any person; or

*Thirdly:* Fraudulently put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in; or

*Fourthly:* Fraudulently take out of the polling place any ballot paper; or

*Fifthly:* Without due authority destroy, take, open, or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the Election:

Attempts.

No person shall attempt to commit any offence specified in this section:

Contravention  
to be misde-  
meanor, and  
how punish-  
able.

Any contravention of this section shall be a misdemeanor; and any person found guilty thereof shall be punishable, if he be a Returning Officer, Deputy Returning Officer or other officer engaged at the election, by a fine not exceeding one thousand dollars or by imprisonment for any term less than two years, with or without hard labor, in default of paying such fine; and if he be any other person, by a fine not exceeding five hundred dollars, or by imprisonment for any term not exceeding six months, with or without hard labor, in default of paying such fine.

Property of  
ballot boxes,  
&c.

**69.** The property of the ballot boxes, ballot papers, envelopes and marking instruments procured for or used at any election, shall be in Her Majesty.

**70.** Every officer and clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of this Act, shall forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum not exceeding five hundred dollars, in addition to the amount of all actual damages thereby occasioned to such person.

Punishment of misfeasance, &c., by election officers.

**71.** After the close of every election the Returning Officer shall cause to be deposited in the custody of the Sheriff or of the Registrar of the county or registration division in which the nomination was held, the ballot boxes used at the election, and the Sheriff or Registrar shall, at the next ensuing election, deliver such ballot boxes to the Returning Officer named for such election.

Custody of ballot boxes after election.

**72.** Every officer, clerk and agent in attendance at a polling place, shall maintain and aid in maintaining the secrecy of the voting at such polling place; and shall not communicate before the poll is closed to any person any information as to whether any person on the voters' list has or has not applied for a ballot paper or voted at that polling place.

Provisions for maintenance of secrecy.

2. No officer, clerk, or agent, and no person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to the candidate for whom any voter at such polling place is about to vote or has voted.

3. No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate for whom any voter at such polling place is about to vote or has voted.

4. Every officer, clerk and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting; and shall not attempt to ascertain at such counting, or communicate any information obtained at such counting, as to the candidate for whom any vote is given in any particular ballot paper.

5. No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

6. Any contravention of this section shall be punishable by a fine not exceeding two hundred dollars, or by imprisonment for any term not exceeding six months, with or without hard labor, in default of paying such fine.

Punishment for contravention.

**73.** Where a candidate on the trial of an election petition claiming the seat for any person, is proved to have been guilty, by himself

Votes to be struck off candidate, for

bribery, &c.,  
in certain  
cases.

himself or by any person on his behalf, of bribery, treating, or undue influence in respect of any person who voted at such election, or where any person retained or employed for reward by or on behalf of such candidate for all or any of the purposes of such election, as agent, clerk, messenger, or in any other employment, is proved on such trial to have voted at such election, there shall on the trial of such election petition be struck off from the number of votes appearing to have been given to such candidate, one vote for every person who voted at such election, and is proved to have been so bribed, treated or unduly influenced, or so retained or employed for reward as aforesaid.

Personation,  
what shall be.

**74.** A person shall for all purposes of the laws relating to Parliamentary elections be deemed to be guilty of the offence of personation, who, at an election of a member of the House of Commons, applies for a ballot paper in the name of some other person, whether such name be that of a person living or dead, or of a fictitious person, or who having voted once at any such election applies at the same election for a ballot paper in his own name:

Punishment.

The offence of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation by any person, shall be punishable by a fine not exceeding two hundred dollars, and by imprisonment for a term not exceeding six months.

To be a cor-  
rupt practice.

**75.** The offence of personation shall be deemed to be a corrupt practice within the meaning of the *Dominion Controverted Elections' Act, 1874*, and of this Act.

Disqualifica-  
tion of candi-  
date guilty of  
personation.

**76.** If, on the trial of any election petition questioning the election or return for any Electoral District, any candidate or other person is found by the report of the judge, by himself or his agents with his actual knowledge and consent, to have been guilty of personation, or by himself or his agents to have aided, abetted, counselled or procured the commission at such election of the offence of personation by any person, his election shall be declared null and void; and such candidate or such other person shall be incapable of being elected or sitting in the House of Commons for any Electoral District during the continuance of the Parliament for which the election is held, and during the then next Parliament.

Secrecy of vote  
protected.

**77.** No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state for whom he has voted.

#### GENERAL PROVISIONS.

Candidate  
may act as his  
own agent<sup>a</sup>

**78.** A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in pursuance of this Act be authorized to attend.

**79.** Where in this Act any expressions are used, requiring or authorizing any act to be done, or inferring that any act or thing is to be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorized to attend, and as have, in fact, attended at the time and place where such act or thing is being done; and the non-attendance of any agents or agent at such time and place shall not, if the act or thing be otherwise duly done, invalidate in any wise the act or thing done.

As to provisions requiring presence of agents, &c.]

**80.** No election shall be declared invalid by reason of a non-compliance with the rules contained in this Act as to the taking of the poll or the counting of the votes, or by reason of any want of qualification in the persons signing a nomination paper received by the Returning Officer, under the provisions of this Act, or of any mistake in the use of the forms contained in the schedules to this Act, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake did not affect the result of the election.

Mistakes of form only not fatal.

**81.** Every Returning Officer and every Deputy Returning Officer from the time they shall respectively have taken the oath of office until the day after the closing of the elections, shall be a conservator of the peace invested with all the powers appertaining to a Justice of the Peace.

Returning Officer and D. R. O. to be conservators of peace.

**82.** Such Returning Officer or Deputy Returning Officer may require the assistance of Justices of the Peace, constables or other persons present, to aid him in maintaining peace and good order at such election; and may also, on a requisition made in writing by any candidate, or by his agent, or by any two electors, swear in such special constables as he deems necessary.

May command assistance, &c.

Special constables.

**83.** Such Returning Officer or Deputy Returning Officer may arrest or cause to be arrested by verbal order, and place in the custody of any constables or other persons, any person disturbing the peace and good order at the election, and may cause such person to be imprisoned under an order signed by him until any period not later than the close of the poll.

May arrest disturbers.

**84.** The Returning Officer or Deputy Returning Officer may, during the nomination day and polling day at any election, require any person within half a mile of the place of nomination or of the polling station, to deliver to him any fire-arm, sword, stave, bludgeon or other offensive weapon in the hands or personal possession of such person, and any person refusing to deliver such weapon shall be liable to a fine not exceeding one hundred dollars, and to imprisonment not exceeding three months in default of payment of such fine.

May demand offensive weapons.

**85.** Every person convicted of a battery, committed during any day

Punishment of day battery

within two miles of poll.

day whereon any election, or any poll for any election, is begun, holden, or proceeded with, within the distance of two miles of the place where such election or such poll is begun, holden or proceeded with, shall be deemed guilty of an aggravated assault, and shall be punished accordingly.

Strangers not to enter polling districts armed.

**86.** 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 firearms, swords, staves, bludgeons or the like; nor shall any person whosoever, 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 one mile of the place where the poll for such polling district is held, unless called upon to do so by lawful authority.

Entertainment of electors forbidden.

**87.** No candidate shall, at any election, nor shall any other person, either provide or furnish drink or other refreshment at the expense of such candidate, to any elector during such election, or pay for, procure or engage to pay for, any such drink or other refreshment.

Flags, &c., not to be furnished or carried.

**88.** No candidate 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 the polling, by such person or any other, as a party flag to distinguish the bearer thereof and those who may 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.

**89.** No candidate or any other person, shall furnish or supply any ribbon, label or 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

day of any such election or polling, or within eight days before such day, or during the continuance of such election.

**90.** Every person offending against any of the provisions of the four next preceding sections, shall be deemed guilty of a misdemeanor, punishable by fine not exceeding one hundred dollars, or imprisonment not exceeding three months, or by both, in the discretion of the court.

Punishment for contra-vention.

**91.** No spirituous or fermented liquors or strong drinks shall be sold or given at any hotel, tavern or shop or other place within the limits of any polling district, during the whole of the polling day at any election for the House of Commons, under a penalty of one hundred dollars for every offence; and the offender shall be subject to imprisonment, not exceeding six months, at the discretion of the judge or court, in default of payment of such fine.

Taverns to be closed; and no intoxicating liquors to be sold on polling day.

Punishment.

#### PREVENTION OF CORRUPT PRACTICES AT ELECTIONS.

**92.** The following persons shall be deemed guilty of bribery and shall be punishable accordingly:—

Certain acts to be deemed bribery.

(1.) Every person who directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure, or to endeavor 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 corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election;

(2.) Every person who, directly or indirectly, by himself, or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure, or to endeavor 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 corruptly does any such act as aforesaid, on account of any voter having voted or refrained from voting at any election;

(3.) Every person who directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavor to procure the return of any person to serve in the House of Commons, or the vote of any voter at any election;

(4.) Every person, who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, or promises or endeavors to procure the return of any person to serve in the House of Commons, or the vote of any voter at any election;

(5.)

(5.) Every person who advances or pays, or causes 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, or corrupt practices at any election, or who knowingly pays or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery or corrupt practices at any election :

Punishment for such offences.

And 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, with full costs of suit :

Provide : as to lawful expenses.

Provided always, that the actual personal expenses of any candidate, his expenses for actual professional services performed, and *bonâ fide* payments for the fair cost of printing and advertising, shall be held to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act.

Certain acts by voters to be deemed bribery

**93.** The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly :—

(1.) Every voter who, before or during any election, directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election ;

(2.) Every person who, after any election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election :

Punishment for such offences.

And 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.

Offence of treating defined.

**94.** Every candidate who corruptly, by himself or by or with any person, or by any other ways or means on his behalf, at any time either before or during any election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, refreshment or provision to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person or any other person to give or refrain from giving his vote at such election, shall be deemed guilty of the offence of treating, and shall forfeit the sum of two hundred dollars to any person who shall sue for the same, with full costs of suit, in addition to any other penalty to which he may be liable therefor under any other provision of this Act, and on the trial of an election petition, there shall be struck off from the number of votes given for such candidate, one vote for every

Votes to be struck off on trial of election

every person who shall have voted and is proved on such trial to have corruptly accepted or taken any such meat, drink, refreshment or provision :

And the giving or causing to be given to any voter on the nomination day or day of polling on account of such voter having voted or being about to vote, any meat, drink or refreshment, or any money or ticket to enable such voter to procure refreshment, shall be deemed an unlawful act, and the person so offending shall forfeit the sum of ten dollars for each offence to any person suing for the same, with full costs of suit.

Giving meat or drink to electors.

Penalty.

**95.** Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of any force, violence or restraint, or inflicts, or threatens the infliction by himself, or by or through any other person, of any injury, damage, harm or loss, or in any manner practises 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 by abduction, duress or any fraudulent device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of any voter, or thereby compels, induces or prevails 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 be guilty of a misdemeanor, and shall also forfeit the sum of two hundred dollars to any person suing for the same, with full costs of suit.

Threats of violence, &c., forbidden.

Punishment.

**96.** And whereas doubts may arise as to whether the hiring of teams and vehicles to convey voters 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 paying for any horse, team, carriage, cab or other vehicle, by any candidate or by any person on his behalf, to convey any voter or voters to or from the poll, or to or from the neighbourhood thereof, at any election, or the payment by any candidate, or by any person on his behalf, of the travelling and other expenses of any voter, in going to or returning from any election are and shall be unlawful acts; and the person so offending shall forfeit the sum of one hundred dollars to any person who shall sue for the same; and any voter hiring 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 any voter or voters to or from the polling place or places, shall, *ipso facto*, be disqualified from voting at such election, and for every such offence shall forfeit the sum of one hundred dollars to any person suing for the same.

Recital of doubts<sup>1</sup>

Paying for conveyance of voters to poll illegal.

Penalty.

Disqualification of voters offending.

**97.** Every candidate who corruptly, by himself or by or with any other person on his behalf, compels or induces or endeavors to induce any person to personate any voter, or to take any false oath in

Subornation of personation, &c.

Penalty. in any matter wherein an oath is required under this Act, shall be guilty of a misdemeanor, and shall in addition to any other punishment to which he may be liable for such offence, be liable to forfeit the sum of two hundred dollars to any person suing for the same.

Certain offences to be corrupt practices.

**98.** The offences of bribery, treating, or undue influence, or any of such offences, as defined by this or any other Act of the Parliament of Canada, personation or the inducing any person to commit personation, or any wilful offence against any one of the six next preceding sections of this Act shall be corrupt practices within the meaning of the provisions of this Act.

No excuse of privilege, &c., allowed for not answering questions in proceedings touching elections.

**99.** 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 other tribunal, 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 president of the tribunal 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 tribunal.

Contracts or promises relating to elections void.

**100.** 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.

#### PUNISHMENT FOR CORRUPT PRACTICES.

Corrupt practice by candidate or his agent to void election.

**101.** If it is found by the report of any court, judge or other tribunal for the trial of election petitions, that any corrupt practice has been committed by any candidate at an election, or by his agent, whether with or without the actual knowledge and consent of such candidate, the election of such candidate, if he has been elected, shall be void.

Effect of corrupt practice by a candidate.

**102.** If it is proved before any court, judge or other tribunal for the trial of election petitions, that any corrupt practice has been committed by or with the actual knowledge and consent of any candidate at an election, or if he be convicted before any competent court of the misdemeanor of bribery or undue influence, he shall be held guilty of corrupt practices, and his election, if he has been elected, shall be void, and he shall, during the seven years next after the date of his being so proved or found guilty, be incapable

capable of being elected to, and of sitting in the House of Commons, and of voting at any election of a member of that House, or of holding an office in the nomination of the Crown or of the Governor, in Canada.

**103.** If, on the trial of any election petition, any candidate is proved to have personally engaged at the election to which such petition relates, as a canvasser or agent in relation to the election, any person, knowing that such person has, within eight years previous to such engagement, been found guilty of any corrupt practice, by any competent legal tribunal, or by the report of any judge or other tribunal for the trial of election petitions, the election of such candidate shall be void.

Employing agent who has been guilty of corrupt practices.

**104.** Any person other than a candidate, found guilty of any corrupt practice in any proceeding in which, after notice of the charge, he has had an opportunity of being heard, shall, during the eight years next after the time at which he is so found guilty, be incapable of being elected to, and of sitting in the House of Commons, and of voting at any election of a member of the House of Commons, or of holding any office in the nomination of the Crown or of the Governor, in Canada.

Punishment of others than candidates for corrupt practices.

**105.** If at any time after any person has become disqualified under any of the four next preceding sections of this Act, the witnesses or any of them, on whose testimony such person shall have so become disqualified, are, upon the prosecution of such person, convicted of perjury in respect of such testimony, it shall be lawful for such person to move the court before which such conviction shall take place, to order, and such court shall, upon being satisfied that such disqualification was procured by reason of such perjury, order that such disqualification shall thenceforth cease and determine; and the same shall cease and determine accordingly.

Removal of disqualification procured by perjury.

#### PENALTIES AND PUNISHMENTS GENERALLY.

**106.** If any Returning Officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of Commons for any Electoral District, such person may, in case it has been determined on the hearing of an election petition respecting the election for such Electoral District, that such person was entitled to have been returned, sue the Returning Officer having so wilfully delayed, neglected or refused duly to make such return of his election, in any court of record in the Province in which such Electoral District is situate, and shall recover a sum of five hundred dollars, together with all damages he has sustained by reason thereof, and full costs of suit: provided such action be commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of the trial of the petition relating to such election.

Liability of Returning Officer not returning candidate elected.

Proviso.

**107.** If any person unlawfully, either by violence or stealth takes

Stealing or tampering

with poll books.

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 writ of election, or any return to a writ of election, or any report, certificate or affidavit, or any document 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 be guilty of felony, and shall be liable to imprisonment 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 a period not less than two years, with or without hard labour; and it shall not be necessary in any indictment for such offence, to allege that the article in respect of which the offence is committed, is of any value or the property of any person.

Felony.  
Punishment.

Neglect of duty by election officers.

**108.** Any Returning Officer, Deputy Returning Officer, Election Clerk or Poll Clerk, who refuses or neglects to perform any of the obligations or formalities required of him by this Act, shall for each such refusal or neglect forfeit the sum of two hundred dollars to any person suing for the same.

Penalty.

Recovery of penalties and forfeitures.

**109.** All penalties and forfeitures (other than fines in cases of misdemeanor) imposed by this Act, shall be recoverable, with full costs of suit, by any person who will sue for the same by action of debt 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 the period fixed by the court, the offender shall be imprisoned in the common gaol of the place, for any term less than two years, unless such fine and costs be sooner paid.

Allegation and proof in suits for penalties.

**110.** It shall be sufficient for the plaintiff, in any action or suit given by this Act, to state in the declaration that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence for which the action or suit is brought, and that the defendant hath acted contrary to this Act, without mentioning the writ of election or the return thereof.

Evidence of husbands and wives.

**111.** In any such civil action, suit or proceeding as last aforesaid, the parties to the same and the husbands or wives of such parties respectively, shall be competent and compellable to give evidence, to the same extent and subject to the same exceptions as in other civil suits in the same Province; but such evidence shall not thereafter be used in any indictment or criminal proceeding under this Act against the party or person giving it.

Proviso.

**112.** It shall be lawful for any criminal court before which any prosecution is instituted for any offence against the provisions of this Act, to order payment by the defendant to the prosecutor of such costs and expenses as appear to the court to have been reasonably incurred in and about the conduct of such prosecution; but the court shall not make such order, unless the prosecutor before or upon the finding of the indictment or the granting of the information, enters into a recognizance with two sufficient sureties, in the sum of five hundred dollars, and to the satisfaction of the court, to conduct the prosecution with effect and to pay the defendant his costs in case he be acquitted.

Criminal Court may allow costs to prosecutor in certain cases.

**113.** In case of an indictment or information by a private prosecutor for any offence against the provisions of this Act, if judgment be given for the defendant, he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of such indictment or information,—such costs to be taxed by the proper officer of the court in which the judgment is given.

Or to defendant acquitted.

**114.** In any indictment or prosecution for bribery or undue influence, or any other corrupt practice, and in any action or proceeding for any penalty for bribery, or undue influence, or any other corrupt practice, it shall be sufficient to allege that the defendant was, at the election, at or in connexion with which the offence is intended to be alleged to have been committed, guilty of bribery or undue influence or any other corrupt practice, describing it by the name given to it by this Act or otherwise (as the case may require); and in any criminal or civil proceeding in relation to any such offence, the certificate of the Returning Officer in this behalf, shall be sufficient evidence of the due holding of the election and of any person named in such certificate having been a candidate thereat.

Allegation and evidence of corrupt practice.

**115.** It shall not be necessary on the trial of any suit or prosecution 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.

Production of writ of election, &c., not required.

**116.** The Clerk of the Crown in Chancery may deliver certified copies of any writ, lists of voters, returns, reports and other documents in his possession relating to any election, except ballot papers; and such copies so certified shall be received and be held as *prima facie* evidence before any election judge or court, and before any court of justice in the Dominion of Canada.

Clerk of the Crown in Chancery may deliver certified copies of certain papers.

**117.** Whenever it shall appear to the court or judge trying an election petition, that any officer, elector, or other person, has contravened any of the provisions of this Act—for which contravention such officer, elector, or other person, might be liable to a fine or penalty (other than fines and penalties imposed for any offence amounting to a misdemeanor or felony), such court or judge may order

Power of Court or Judge trying an election petition to impose certain penalties.

order that such officer, elector, or other person, be summoned to appear before such court or judge, at the place, day and hour fixed in such summons for hearing the charge:

Proceedings in such case.

If, on the day so fixed by the summons, the party summoned do not appear, he shall be condemned, on the evidence already adduced on the trial of the election petition, to pay such fine or penalty as he may be liable to for such contravention, and in default of paying such fine, to the imprisonment imposed in such case under the provisions of this Act:

And if on the day so fixed the party so summoned do appear, the court or judge, after hearing such party and such evidence as may be adduced, shall give such judgment as to law and justice may appertain.

All fines recovered under this section shall belong to Her Majesty:

Proviso.

No fine shall be imposed under this section if it shall appear to the judge or court that the party has already been sued for the same offence, nor shall any such fine be imposed for any offence proved only by the evidence or admission of the party committing it.

Bribery, &c., not triable at Q.S.

**118.** No indictment for bribery or undue influence, personation or other corrupt practice shall be triable before any Court of Quarter or General Sessions of the Peace.

Limitation of suits, &c.

**119.** Every prosecution for any misdemeanor under this Act, and every action, suit or proceeding for any pecuniary penalty given by this Act to the person suing for the same, shall be commenced within the space of one year next after the act committed, and not afterwards (unless the same be prevented by the withdrawal or absconding of the defendant out of the jurisdiction of the court), and being commenced shall be proceeded with and carried on without wilful delay.

Perjury.

**120.** Every person taking any oath or affirmation under this Act, who wilfully swears or affirms falsely, shall be deemed guilty of perjury.

#### ELECTION EXPENSES.

No payment to be made except through authorized agent.

**121.** No payment (except in respect of the personal expenses of a candidate) and no advance, loan or deposit, shall be made by or on behalf of any candidate at any election, before or during or after such election, on account of such election, otherwise than through an agent or agents, whose name or names, address or addresses, have been declared in writing to the Returning Officer, on or before the nomination day, or through an agent or agents to be appointed in his or their place, as herein provided; and any person

son making any such payment, advance, loan or deposit otherwise than through such agent or agents shall be guilty of a misdemeanor :

It shall be the duty of the Returning Officer, to publish on or before the nomination day the name and address or the names and addresses of the agent or agents appointed in pursuance of this section :

Names of agents to be published.

In the event of the death or legal incapacity of any agent appointed in pursuance of this section, the candidate shall forthwith appoint another agent in his place, giving notice to the Returning Officer of the name and address of the person so appointed, which shall be forthwith published as hereinbefore provided, by the Returning Officer.

In case agent cannot act.

**122.** All persons who have any bills, charges or claims upon any candidate for or in respect of any election, shall send in such bills, charges or claims within one month after the day of the declaration of the election, to such agent or agents as aforesaid; otherwise such persons shall be barred of their right to recover such claims, and every or any part thereof: Provided always, that in the event of the death, within the said month, of any person claiming the amount of any such bill, charge or claim, the legal representative of such person shall send in such bill, charge or claim, within one month of his obtaining probate or letters of administration, or of his becoming otherwise able to act as such legal representative, otherwise the right to recover such claim shall be barred as aforesaid; and provided also, that such bills, charges and claims shall and may be sent in and delivered to the candidate, if and so long as, during the said month, there shall, owing to death or legal incapacity, be no such agent; and provided also, that the agent shall not pay any such bill, charge or claim without the authority of the candidate, as well as the approval of the agent.

Bills and claims to be sent in within one month, or right to be barred.

Proviso.

Proviso.

**123.** A detailed statement of all election expenses incurred by or on behalf of any candidate, including such expected payments as aforesaid, shall, within two months after the election (or in cases where by reason of the death of the creditor no bill has been sent in within such period of two months, then within one month after such bill has been sent in) be made out and signed by the agent, or if there be more than one, by every agent who has paid the same (including the candidate in cases of payments made by him) and delivered with the bills and vouchers relative thereto to the Returning Officer; and the Returning Officer for the time being shall, at the expense of the candidate, within fourteen days, insert or cause to be inserted, an abstract of such statement, with the signature of the agent thereto, in some newspaper published or circulating in the electoral district where the election was held: and any agent or candidate who makes default in delivering to the Returning Officer the statements required by this section shall incur

Publication of detailed statement of expenses.

Penalty for default.

Bills, &c., to be preserved.

incur a penalty not exceeding twenty dollars for every day during which he so makes default; and any agent or candidate who willfully furnishes to the Returning Officer any untrue statement shall be guilty of a misdemeanor: and the said Returning Officer shall preserve all such bills and vouchers, and during the six months next after they shall have been delivered to him, shall permit any voter to inspect the same on payment of a fee of twenty cents.

Who may not act as agents for candidates.

**124.** No Returning Officer, or Deputy Returning Officer, for any Electoral District, nor any partner or clerk of either of them, shall act as agent for any candidate in the management or conduct of his election for such Electoral District; and if any Returning Officer, Deputy Returning Officer, or the partner or clerk of either of them so acts, he shall be guilty of misdemeanor.

Personal expenses, what to be.

**125.** The words "personal expenses," as used in this Act with respect to the expenditure of any candidate in relation to the election at which he is a candidate, shall include the reasonable travelling expenses of such candidate, and the reasonable expenses of his living at hotels, or elsewhere, for the purpose of and in relation to such election.

#### FEEs AND EXPENSES.

Fees for services and disbursements.

**126.** The fees hereinafter mentioned, and no other, subject to the provisions hereinafter made, shall be allowed to the several officers hereinafter mentioned, respectively, for their services and disbursements at any election, that is to say:—

*To Returning Officers, when no poll is taken.*

1. For the personal services of the Returning Officer, forty dollars.
2. For the personal services of the Election Clerk, four dollars.
3. For one Constable, if considered necessary, one dollar.
4. For printing proclamations, actual cost.
5. For posting proclamations, not less than four in each polling district, for each mile necessarily travelled from place to place, as allowed to sheriffs on summoning jurors, ten cents.
6. For each mile necessarily travelled by Returning Officer and Election Clerk in going to and returning from the place of nomination, ten cents.
7. For use, when a public building is not obtainable, of private building for nomination—actual cost, not exceeding four dollars.

*To*

*To Returning Officers when polls are taken.*

8. For the personal service of the Returning Officer, sixty dollars.
9. For the personal services of the Election Clerk, eight dollars.
10. For services of one constable, if considered necessary at the nomination, one dollar.
11. For printing proclamations, lists of candidates, and directions to voters, actual cost.
12. For posting proclamations (as in item 5) per mile, ten cents.
13. For each mile necessarily travelled posting up any advertisement to be so posted up, in appointing and swearing the Deputy Returning Officers, and furnishing them with ballot boxes, ballot papers, envelopes, printed directions for the guidance of voters and voters' lists, ten cents.
14. For each mile necessarily travelled for collecting the ballot boxes and voters' lists, used at each poll, and for swearing the Deputy Returning Officers after the close of the poll, ten cents.
15. For each mile necessarily travelled by Returning Officer and Election Clerk in going to and returning from the place of nomination, ten cents.
16. For each mile travelled in establishing polling sub-divisions, when such divisions have not been made by the local authorities or preceding Returning Officer, ten cents.
17. For copies of voters' lists duly certified by the custodian thereof, ten cents per folio of 100 words.
18. For each certificate of such custodian, fifty cents.
19. For making up and transmitting returns to the Clerk of the Crown in Chancery, postage and telegrams, actual disbursements.
20. For services necessary under section sixty-four,—a reasonable sum to be determined by Order in Council.
21. For use, when a public building is not obtainable, of private building for nomination—cost, not exceeding four dollars.
22. For ballot boxes when furnished by him, and for ballot papers and envelopes, and for any other disbursements absolutely required and not hereinbefore provided for, actual disbursements.

*To*

*To Deputy Returning Officers.*

23. For swearing the Poll Clerk before and after the polls, one dollar.

24. For taking the polls, four dollars.

25. For services of Poll Clerk, two dollars.

26. For services of one Constable, if considered necessary, one dollar.

27. For mileage of Deputy and Polling Clerk in going to and returning from the polling station, neither exceeding in any case 20 miles, each mile, ten cents.

28. Actual expenses incurred for the use of polling stations not exceeding ten dollars in cities, nor four dollars in other constituencies.

29. For making compartment or screen in polling-room, not exceeding three dollars.

Fees, &c., to be paid out of Consolidated Revenue Fund

And such fees, allowances and disbursements shall be paid to the Returning Officer, by warrant of the Governor directed to the Receiver General, out of the Consolidated Revenue Fund of Canada, 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: The Returning Officers shall certify the correctness of the accounts of their respective Deputy Returning Officers.

Fees, &c., may be increased in certain electoral district

Whenever an election is held for the Electoral District of Gaspé or Chicoutimi and Saguenay in the Province of Quebec, or for the Electoral District of Algoma or Essex, in the Province of Ontario, or for any Electoral District in either of the Provinces of Manitoba or British Columbia, and it shall appear to the Governor in Council that the fees and allowances above provided are not sufficient remuneration for the services required to be performed, the Governor in Council may authorize the payment of such further and additional sum or sums of money for such services as may be considered just and reasonable compensation therefor:

Governor in Council may make new tariff, and revise and amend it.

Provided that, inasmuch as the mode of conducting elections established by this Act is new in Canada, if it should appear to the Governor in Council that the provisions above made in the present section are inadequate or insufficient for the purpose for which they are intended (that is a fair and just but economical remuneration for the services performed), the Governor in Council may make a tariff of fees, costs and expenses to be paid and allowed to Returning Officers, and other persons employed at or with  
respect

respect to elections under this Act, and may, from time to time, revise and amend such tariff, which shall then be substituted for that above mentioned, as respects any election held after the making or the revising or amending thereof; but a copy of any such tariff and of any amendment thereof shall be laid before the House of Commons at the then next Session of Parliament.

MISCELLANEOUS PROVISIONS.

**127.** Any person before whom it is hereby required or intimated by any form in the schedule to this Act, that any oath be taken, or any affirmation made in the manner herein provided, shall have power to administer the same, and shall do so gratuitously; and the Returning Officer at any election shall have power to administer any oath or affirmation required with respect to such election by this Act; and the Deputy Returning Officer may administer such oath or affirmation, except only such as may be required to be administered to the Returning Officer.

Administra-  
tion of oaths.

**128.** Where the Returning Officer or his Deputy is by this Act required or authorized to give any public notice, and no special mode of giving the same is mentioned, he may give the same by advertisement, placards, handbills or such other means as he may think best calculated to give the information to the electors.

Mode of giving  
notices

**129.** If the time limited by this Act for any proceeding, or the doing of any thing under its provisions, expires or falls upon a Sunday, or any day which is a holiday under the Interpretation Act, the time so limited shall be extended to, and such thing may be done on the day next following which is not a Sunday or holiday.

Reckoning  
a time.

**130.** In this Act the word "Election" means an election of a member to serve in the House of Commons; the words "Electoral District" mean any place in Canada entitled to return a member to the House of Commons; the word "oath" includes "affirmation" in cases where a solemn affirmation is by law allowed instead of an oath; and the Interpretation Act applies to this Act.

Interpretation

**131.** One copy of this Act, and of such extracts from the election or other laws of the several Provinces of the Dominion, and of such instructions approved by the Governor in Council as may be required to carry out the elections according to the provisions 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.

Copies of this  
Act, &c., to be  
sent to Return-  
ing Officers.

**132.** The Clerk of the Crown in Chancery may cause to be made for the first election, for each Electoral District, such a number of ballot boxes as may be required; or may give to the Returning Officers such instructions as may be deemed necessary to secure ballot boxes of a uniform size and shape, and also as to the mode of making the compartments in the polling stations,—such instructions being first approved of by the Governor in Council.

Making of  
ballot boxes,  
compartments  
&c.

36 V., c 27  
repealed.

As to Pro-  
vincial laws  
touching elec-  
tions.

**133.** The Act passed by the Parliament of Canada in the thirty-sixth year of Her Majesty's reign, intituled: "*An Act to make temporary provision for the election of Members to serve in the House of Commons,*" is hereby repealed, except only as to elections held, rights acquired, or liabilities incurred before the coming into force of this Act; and no enactment or provision contained in any Act of the legislature of the late Province of Canada, or any of the Provinces now composing the Dominion of Canada, respecting elections of members of the elective house of the legislature of any such Province, shall apply to any election of a member or members of the House of Commons, held after the passing of this Act, except only such enactments and provisions as may be in force in such Province at the time of such last mentioned election, relating to the qualification of electors and the formation of voters' lists, and which will apply for like purposes to elections of members of the House of Commons, as provided in this Act.

Commence-  
ment of Act

**134.** This Act shall come into force on the first day of July next after the passing thereof.

Short title<sup>1</sup>

**135.** This Act may be cited as "*The Dominion Elections Act, 1874.*"

## SCHEDULE OF FORMS.

### A.

#### *Writ of Election.*

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith;—To the Sheriff (Registrar or other Returning Officer, as the case may be) of the County (or as the case may be) of \_\_\_\_\_, GREETING:

Whereas by the advice of Our Privy Council for Canada, We have ordered a Parliament to be holden at Ottawa, on the day of \_\_\_\_\_ next, (*omit this Preamble, except in the case of a General Election*). We command you that, notice of the time and place of election being duly given, you do cause Election to be made according to law of a Member (*or as the case may be*) to serve in the House of Commons of Canada, for the Electoral District of \_\_\_\_\_, (*except in case of a General Election, insert here in the place of \_\_\_\_\_, deceased, or otherwise, stating the cause of vacancy*) and (*except in the Electoral Districts mentioned in section two*) that you do cause the nomination of candidates at such Election to be held on the day of \_\_\_\_\_ next,) and do cause the name (*or names*) of such member (*or members*) when so elected, whether he (*or they*) be present or absent, to be certified to our Clerk of the Crown in Chancery, on or before the day of \_\_\_\_\_ next.

Witness

Witness, Our Right Trusty and Well-beloved, &c., Governor General (or Administrator of the Government) of our Dominion of Canada, at our City of Ottawa, the \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of Our Reign and in the year of Our Lord 18 \_\_\_\_\_

*Indorsement.*

Received the within Writ on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

(Signed,) A. B.,  
Sheriff of (or as the case may be),

Returning Officer.

B.

*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.

*Certificate of 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 Section 7 of the "The Dominion Elections Act, 1874."

In testimony whereof, I have delivered to him this Certificate.

(Signature,) C. D.,  
Justice of the Peace.

C.

*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                      , in the  
year 18                      .

(Signature,)                      A. B.,  
Returning Officer.

D.

*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 in civil cases, 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.

*Certificate of the Election Clerk having taken the Oath of Office.*

I, the undersigned, hereby certify that on the day 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 Section 10 of "The Dominion Elections Act, 1874."

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.

E.

*Proclamation of the Returning Officer declaring the time and place fixed for the nomination of Candidates, and also the day for opening the Poll, and the polling stations and polling districts.*

PROCLAMATION.

Electoral District of                      , to wit :

Public Notice is hereby given to the Electors of the Electoral District aforesaid, that, in obedience to Her Majesty's Writ to me directed, and bearing date the                      day of                      18                      , I require the presence of the said Electors at (*describe the place where the Nomination is to take place*), in the County (*or Township, or in the City or Town*) of                      , on the                      day of the month of                      , from noon until two of the clock in the afternoon, for the purpose of nominating a person (*or persons, as the*

*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 \_\_\_\_\_, from the hour of nine in the morning till five of the clock in the afternoon in each of the Polling Districts, that is to say:

For the Polling District No. 1, consisting of (or bounded as follows, or *otherwise describing it clearly*) at describing the Polling Station:—  
(and so continuing for all the other Polling Districts and Stations in the Electoral District).

And further that on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ I shall open the ballot boxes, sum up the votes given for the several candidates and return as elected the one (or as the case may be) having the majority of votes.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, in the year 18 \_\_\_\_\_

(Signature,) \_\_\_\_\_ A. B.,  
Returning Officer.

### F.

#### *Nomination Paper, &c.*

We, the undersigned Electors of the Electoral District of \_\_\_\_\_ hereby nominate (*names, residence and additions or descriptions of person or persons nominated*) as a candidate at the election now about to be held of a member to represent the said Electoral District in the House of Commons of Canada.

Witness our hands at \_\_\_\_\_ in the said Electoral District,  
this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_  
Signed, by the said electors, in presence }  
of \_\_\_\_\_, of \_\_\_\_\_ (additions.) }

*Signatures with residence and additions.*

I, the said \_\_\_\_\_, nominated in the foregoing Nomination Paper, hereby consent to such nomination.

Witness my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_  
Signed by the said nominee, in presence }  
of \_\_\_\_\_, of \_\_\_\_\_, (additions.) }

*Signature.*

## G.

*Oath of Attestation of the Nomination Paper.*

I, A. B., of \_\_\_\_\_, (additions) solemnly swear (or if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I know (mentioning the names of the signers known to him), and that they are duly qualified as Electors of the Electoral District of \_\_\_\_\_, to vote at an election of a member to serve in the House of Commons of Canada, and that they respectively signed the foregoing (or within) nomination paper in my presence; and further (if the case be so), that I know the said \_\_\_\_\_, thereby nominated as a candidate, and that he signed his consent to the nomination in my presence.

Sworn (or affirmed) before me, at \_\_\_\_\_ }  
 , this \_\_\_\_\_, day of \_\_\_\_\_ } (Signature,) A. B.  
 , 18 \_\_\_\_\_ }  
 C. D.,  
 Justice of the Peace.

*The forms in this Schedule may be varied according to circumstances, the intention of the Act being complied with; and the assent of the candidate may be sworn to by a separate elector, if the facts require it to be so.*

## H.

*Return when there are no more Candidates than Members to be elected.*

I hereby certify that the member (or members) elected for the Electoral District of \_\_\_\_\_, in pursuance of the within written writ, is (or are) A. B. of \_\_\_\_\_ in \_\_\_\_\_, (and C. D. of \_\_\_\_\_ as in the nomination paper), no other candidate having been nominated (or the other or all other candidates having withdrawn as the case may be.)

(Signed,) R. O., Returning Officer.

## H H.

*Notice of Poll being granted, and of Candidates Nominated.*

## NOTICE.

Electoral District of \_\_\_\_\_, to wit:  
 Public notice is hereby given to the Electors of the Electoral  
 District



## DIRECTIONS FOR THE GUIDANCE OF ELECTORS IN VOTING.

The voter is to vote only for one candidate, unless two members are to be returned for the Electoral District, in which case he may vote for one or for two candidates as he thinks fit.

The voter will go into one of the compartments, and with a pencil there provided, place a cross opposite the name or names of the candidate or candidates for whom he votes, thus ×.

The voter will then fold the ballot, so as to show a portion of the back only, he will then place it in the envelope, which he will close in the usual way, and deliver to the Deputy Returning Officer, who will place it in the ballot box. The voter will then forthwith quit the polling station.

If a voter inadvertently spoils a ballot paper or envelope, he can return it to the proper officer, who, on being satisfied of the fact, will give him another.

If the voter votes for more candidates than he is entitled to vote for, or places any mark on the ballot paper or envelope by which he can afterwards be identified, his vote will be void, and will not be counted.

If the voter takes a ballot paper or envelope out of the polling station, or fraudulently puts any other paper into the ballot box, than the ballot paper given him by the Deputy Returning Officer, he will be subject to be punished by fine or by imprisonment for a term not exceeding six months, with or without hard labor.

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J.

*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 the votes of the Electors by ballot according to law, at the polling station, 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 \_\_\_\_\_, at nine 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

and to take at the said polling place, by ballot, in the manner by law provided, the votes of the electors voting at the said Polling place, and after counting the votes given and performing the other duties required of you by law, to return to me forthwith the ballot box sealed with your seal, and inclosing the ballots, envelopes, voters' list, and other documents required by law, together with this commission.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day  
of \_\_\_\_\_, in the year 18 \_\_\_\_\_.

(Signature,) \_\_\_\_\_ A. B.,  
Returning Officer.

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K.

*Oath of Deputy Returning Officer.*

I, the undersigned G. H., appointed Deputy Returning Officer, for the polling district, No. \_\_\_\_\_, 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, favor, or affection. So help me God.

(Signature,) \_\_\_\_\_ G. H.,  
Deputy Returning Officer.

*Certificate of a Deputy Returning Officer 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 No. \_\_\_\_\_ of the Electoral District of \_\_\_\_\_, took and subscribed the oath (or affirmation) of office, required in such case of a Deputy Returning Officer, by section 28 of "The Dominion Elections Act, 1874."

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.

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L.

## L.

*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, No. \_\_\_\_\_, of the Electoral District of \_\_\_\_\_, I have appointed, and do hereby appoint you to be Poll Clerk for the said \_\_\_\_\_ polling district.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, in the year 18 \_\_\_\_\_.

(*Signature,*) G. H.,  
Deputy Returning Officer.

## M.

*Oath of Poll Clerk.*

I, the undersigned, I. J., appointed Poll Clerk for the polling district, No. \_\_\_\_\_, 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 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, favor, or affection. So help me God.

(*Signature,*) I. J.,  
Poll Clerk.

*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, No. \_\_\_\_\_, of the Electoral District of \_\_\_\_\_ took and subscribed before me the oath (*or affirmation*) of office required of a Poll Clerk in such cases by section 31 of "The Dominion Elections Act, 1874."

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.

N.

*Commission of a Poll Clerk by a Poll Clerk acting as Deputy Returning Officer.*

To \_\_\_\_\_ of (*insert his residence and legal addition*)

Know you, that in my capacity of Acting Deputy Returning Officer for the polling district No. \_\_\_\_\_ of the electoral district of \_\_\_\_\_, in consequence of the decease (or incapacity to act as *the case may be*) of the Deputy Returning Officer for the said polling district, whose Poll Clerk I was, I have appointed, and do hereby appoint you to be Poll Clerk for the said polling district, No. \_\_\_\_\_, of the said Electoral District.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the year 18 \_\_\_\_\_

(*Signature*), \_\_\_\_\_ P. C.,  
Poll Clerk, Acting as Deputy Returning Officer.

*The oath and certificate of its having been taken will be the same as in the case of a Poll Clerk appointed by the Deputy Returning Officer.*

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N. N.

*Oath of Agent of a Candidate, or of Elector representing a Candidate, under Section 36.*

I, the undersigned, G. H., Agent for (*or* Elector representing) J. K., one of the candidates at the election now pending 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 will keep secret the names of the candidates for whom any of the voters at the polling station in the polling district, No. \_\_\_\_\_, may have marked his ballot paper in my presence at this election. So help me God.

(*Signature*), \_\_\_\_\_ G. H.,

Sworn (*or affirmed*) before me, at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

A. B.,  
Returning Officer.  
*or* Justice of the Peace.

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O.

## O.

*Form of Voters List.*

Number of the Voters.	NAMES OF THE VOTERS.	Their legal addition.	Their place of residence.	Owners.	Tenants or Occupants.	Residence or other qualification.	Objections.	Sworn or affirmed.	Voters refusing to be sworn or affirmed.	Voters voting after others voted in their names.

NOTE.—*The qualification need not be inserted except where there are no Provincial lists of voters.*

## P.

*Oath of identity by voter receiving a ballot paper and envelope, after another has voted in his name.*

I solemnly swear, (or if he be one of the persons permitted to by law to affirm in civil cases, solemnly affirm) that I am A. B., of (as on the voters' list) whose name is entered on the voters' list now shown me. So help me God.

## PP.

*Oath of Messenger sent to collect the Ballot Boxes.*

I, A. B., of \_\_\_\_\_, messenger appointed by C. D., Returning Officer, for the Electoral District of \_\_\_\_\_, in the Province of \_\_\_\_\_, do solemnly swear that the several boxes to the number of \_\_\_\_\_ now delivered by me to the said Returning Officer have been handed to me by the several Deputy Returning Officers at the present election for the said Electoral District (or by—*here insert the names of the Deputy Returning Officers who have delivered*

*livered said boxes*), that they have not been opened by me, nor any other person, and that they are in the same state as they were when they came into my possession. (*Should any change have taken place the deponent shall vary his deposition by fully stating the circumstances*).

(Signature,) A. B.

Sworn (or affirmed) and subscribed before me, at \_\_\_\_\_ this  
day of \_\_\_\_\_, in the year 18 \_\_\_\_\_

(Signature,) X. Y.,  
Justice of the Peace.  
or A. B.,  
Returning Officer.  
or G. H.,  
Deputy Returning Officer.

Q.

*Oath of the Deputy Returning Officer after the closing of the Poll.*

I, the undersigned, Deputy Returning Officer for the polling district No. \_\_\_\_\_, 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 voters' list kept for the said polling district, under my direction, hath been so kept correctly; and that the total number of votes polled in the said list is \_\_\_\_\_

\_\_\_\_\_ and that, to the best of my knowledge and belief, it contains a true and exact record of the votes given at the polling station in the said polling district, as the said votes were taken thereat; that I have faithfully counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the report, packets of ballot papers, and other documents required by law to be returned by me to the Returning Officer, have been faithfully and truly prepared and placed within the ballot box, as this oath (*or affirmation*) will be, to the end that the said ballot box being first carefully sealed with my seal may be transmitted to the Returning Officer according to law.

(Signature,) G. H.,  
Deputy Returning Officer,

Sworn before me at \_\_\_\_\_, in the County of \_\_\_\_\_  
, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

(Signature) X. Y.,  
Justice of the Peace.  
or, A. B.,  
Returning Officer.

R.

R.

*Oath of the Poll Clerk after the closing of the Poll.*

I, the undersigned, Poll Clerk for the polling district No. ,  
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 the voters' list 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; that the total number of  
votes polled in the said list is ; and that to the best  
of my knowledge and belief, it contains a true and exact record  
of the votes given at the polling station in the said polling dis-  
trict, (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  
in the year 18 .

(Signature,)

X. Y.,  
Justice of the Peace,  
or, A. B.,  
Returning Officer.  
or, G. H.,  
Deputy Returning Officer.

S.

*Return after a Poll has been taken.*

I hereby certify that the member (or members) elected for the  
Electoral District of , in pursuance of the  
within written writ, as having received the majority of votes law-  
fully given, is (or are) A. B., &c., (names, &c., as in the nomination  
papers.

(Signed,)

R. O.,  
Returning Officer.

## CHAP. 10.

An Act to make better provision for the trial of Controverted Elections of Members of the House of Commons, and respecting matters connected therewith.

[Assented to 26th May, 1874.]

**W**HEREAS it is expedient by one law, common to the whole Dominion of Canada, to make better provision for the trial of Election Petitions, and the decision of matters connected with Controverted Elections of Members of the House of Commons of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The Act passed in the thirty-sixth year of Her Majesty's reign, intituled: "*An Act to make better provision respecting Election Petitions, and matters relating to Controverted Elections of Members of the House of Commons,*" is hereby repealed, except only as respects Elections held before the passing of this Act; with respect to which, and all matters connected with or pending upon them, it shall remain in force; and the Acts and enactments repealed by the said Act shall remain repealed, notwithstanding its repeal.

36 V., c. 27  
repealed.

Exception.

2. This Act may be cited for all purposes as "*The Dominion Controverted Elections Act, 1874.*"

Short title.

3. In this Act, and for the purposes thereof, the expression, "the Court," as respects Elections in the several Provinces hereinafter mentioned, respectively, shall mean the Courts hereinafter mentioned, or any Judges thereof, viz:—

Interpretation  
clause.

"The Court."

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

2. In the Province of Ontario, any of the following Courts, viz: the Court of Error and Appeal, the Court of Queen's Bench, the Court of Common Pleas and the Court of Chancery, and the Chancellor, and Vice-Chancellors of the said Court, for that Province;

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

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

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

6.

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

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

Powers of the court to be as in ordinary cases, when not otherwise provided.

And each of the said Courts, respectively, shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority, with reference to an election petition and the proceedings thereon, as if such petition were an ordinary cause within its jurisdiction ; and in the Province of Quebec, the cause of action shall be held to have arisen at the place where the election was held, and the election petition shall be presented to the Court in the judicial district in which such place lies ;

“The Judge.”

The expression “the Judge,” shall mean the judge trying the election petition, or performing any duty to which the enactment in which the expression occurs has reference, and the word “judge” shall include the Chief Justice of the Court, and the Chancellor and Vice-Chancellors of the Court of Chancery of the Province of Ontario.

Interpretation of other terms.

4. The following terms shall, in this Act, have the meaning hereinafter assigned to them, unless there is something in the context repugnant to such construction, that is to say :—

“Member,” shall mean a member of the House of Commons of Canada ;

“Election,” shall mean an election of a member to serve in the House of Commons of Canada ;

“Electoral District,” shall mean an electoral district entitled to return a member or members ;

“Candidate,” shall mean any person elected to serve as a member, and any person who has been nominated as a candidate at an election ;

“Corrupt practices,” or “corrupt practice,” shall mean acts in reference to elections which are declared to be corrupt practices by “*The Dominion Elections Act, 1874*,” or any other Act of the Parliament of Canada, or recognized as such by the common law of Parliament ;

“Rules of Court,” shall mean rules to be made as hereinafter mentioned ;

“Prescribed,” shall mean “prescribed by this Act, or by the rules of Court made in virtue of this Act ;”

“Clerk of the Court,” shall mean the Clerk of the Crown, Chief Clerk,

Clerk, or Prothonotary, or any officer of the Court, prescribed for the purpose in question.

5. For the purposes of this Act, the expression, "the Speaker," The Speaker. shall mean the Speaker of the House of Commons; and when the office of Speaker is vacant, or when the Speaker is absent from Canada, or is unable to act, the Clerk of the House of Commons, or any other officer for the time being performing the duties of the Clerk of the said House, shall be deemed to be substituted for and included in the expression "the Speaker."

6. The rotation or order in which any duties, assigned by this Act to a single judge, shall be performed by the Judges of the Court respectively, and in Ontario the distribution of cases under this Act among the courts mentioned in subsection 2 of section 3, shall, if not prescribed by the law of the Province or the practice of the Court, be arranged by the Judges among themselves: Rotation of judges and courts for duty under this Act. Provided always, that in all election cases pending in the Province of Ontario, the petitions may be heard and all questions disposed of by any Judge of the Superior Courts of that Province, although not of the Judges composing the Elections Court, under the provisions of the Act of one thousand eight hundred and seventy-three, chapter twenty-seven. Proviso: as to cases now pending.

7. A petition complaining of an undue return, or undue election of a member, or of no return or double return, or of any unlawful act, by any candidate not returned, by which he is alleged to have become disqualified to sit in the House of Commons, at any election held after the passing of this Act, may be presented to the Court by any one or more of the following persons:— Election petitions, what and by whom to be made.

1. Some person who had a right to vote at the election to which the petition relates: or

2. A candidate at such election.

And such petition is in this Act called an election petition: Provided always that nothing herein contained shall prevent the sitting member from objecting under section 10, to any further proceeding on the petition by reason of the ineligibility or disqualification of the petitioner, or from proving under section 66, that the petitioner was not duly elected.

8. The following enactments are made with respect to the presentation of an election petition under this Act:— Election petitions.

1. The petition may be in any prescribed form; but if or in so far as no form is prescribed, it need not be in any particular form, but it must complain of the undue election or return of a member, or that no return has been made, or that a double return has been made, or of matter contained in any special return made, or of Form and contents.

of some such unlawful act as aforesaid by a candidate not returned, and it must be signed by the petitioner, or all the petitioners if there are more than one.

Time for presenting.

2. The petition must be presented not later than thirty days after the day of publication in the *Canada Gazette* of the receipt of the return to the writ of election by the Clerk of the Crown in Chancery, unless it questions the return or election upon an allegation of corrupt practices, and specifically alleges a payment of money or other act of bribery to have been committed by any member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practice, in which case the petition may be presented at any time within thirty days after the date of such payment or act so committed; and in case any such petition is presented, the sitting member, whose election and return is petitioned against, may, not later than fifteen days after service of such petition against his election and return, file a petition complaining of any unlawful and corrupt act by any candidate at the same election who was not returned and who is not a petitioner, and on whose behalf the seat is not claimed;

How presented.

3. Presentation of a petition shall be made by delivering it at the office of the clerk of the court, during office hours, or in any other prescribed manner;

Security to be given.

4. At the time of the presentation of the petition, security for the payment of all costs, charges and expenses that may become payable by the petitioner,—

(a.) To any person summoned as a witness on his behalf, or

(b.) To the member whose election or return is complained of (who is hereinafter referred to as the respondent), or

(c.) To the Returning Officer, if his conduct be complained of, or

(d.) To the candidate not elected, whose conduct is complained of as aforesaid,—

Shall be given on behalf of the petitioner;

Security. Amount of, and how given.

5. The security shall be to the amount of one thousand dollars, and shall be given by a deposit of money with the Clerk of the Court;

Gold or Dominion Notes.

6. The deposit shall not be valid unless it is made in gold coin, or Dominion notes being a legal tender under the Statutes of the Dominion at the time when the deposit is made;

Receipt for deposit.

7. The Clerk of the Court shall give a receipt for such deposit which shall be evidence of the sufficiency thereof;

8. On the presentation of the petition, the Clerk of the Court shall send a copy thereof by mail to the Returning Officer of the Electoral District to which the petition relates, who shall forthwith publish the same in such Electoral District. Copy of petition to Returning Officer.

9. Notice of the presentation of a petition under this Act, and of the security, accompanied with a copy of the petition, shall, within five days after the day on which the petition shall have been presented, or within the prescribed time, or within such longer time as the court, or any judge thereof, may, under special circumstances or difficulty in effecting service, allow, be served by the petitioner on the respondent or respondents. In case service cannot be effected on the respondent or respondents either personally or at his or their domicile within the time granted by the court or judge, then it may be effected upon such other person, or in such other manner as the court or judge, on the application of the petitioner, may appoint. Notice to respondents. Service of notice.

10. Within five days after the service of the petition and the accompanying notice, the respondent may present in writing any preliminary objections or grounds of insufficiency which he may have to urge against the petition or the petitioner, or against any further proceeding thereon, and shall, in such case, at the same time, file a copy thereof for the petitioner. The court, or any judge thereof, shall hear the parties upon such objections and grounds, and shall decide the same in a summary manner. Preliminary objections to petition. How decided.

11. Within five days after the decision upon the preliminary objections, if presented and not allowed, or on the expiration of the time for presenting the same, if none be presented, the respondent may file a written answer to the petition, together with a copy thereof for the petitioner; but whether such answer be or be not filed, the petition shall be held to be at issue, after the expiration of the said five days, and the court may at any time thereafter, upon the application of either party, fix some convenient time and place for the trial of the petition. Respondent's answer. Petition at issue.

12. The Clerk of the Court shall, as soon as may be, make out a list of all petitions presented under this Act, and which are at issue, placing them in the order in which they were presented, and shall keep at his office a copy of such list (hereinafter referred to as the election list,) open to the inspection of any person making application; and such petitions, as far as conveniently may be, shall be tried in the order in which they stand on such list. List of petitions at issue to be made.

13. Every election petition shall be tried by one of the judges of the court, without a jury: and it shall be competent for the judge, on such trial, to decide any question raised as to the admissibility of the evidence offered, or to receive such evidence under reserve, and subject to adjudication at the final hearing: Trial of petition.

The trial of an election petition shall take place in the electoral district Place of trial.

**Proviso.** district, the election or return for which is in question : Provided always, that if it appears to the court that special circumstances exist, which make it desirable that the petition should be tried elsewhere than in such electoral district, the court may appoint such other place for the trial as may appear most convenient :

**Notice.** Notice of the time and place at which an election petition will be tried shall be given in the prescribed manner, not less than fourteen days before that on which the trial is to take place :

**Adjournments.** The judge at the trial may adjourn the same from time to time, and from any one place to another, in the same electoral district, as to him may seem convenient.

PRELIMINARY EXAMINATION OF PARTIES, ETC., AND PRODUCTION OF DOCUMENTS.

**When and how parties to petition may be examined.** 14. Any party to an election petition, whether petitioner or respondent, may at any time after such petition is at issue, before or pending the trial thereof, be examined by or before a judge or an examiner, in the manner hereinafter directed, by a party adverse in point of interest, touching any matter raised by such petition ; and any party so examined may be further examined on his own behalf, in relation to any matter respecting which he has been examined in chief ; and when one of several petitioners or respondents has been so examined, any other petitioner or respondent, united in interest, may be examined on his own behalf, or on behalf of those united with him in interest, to the same extent as the party so examined : Provided that such explanatory examination must be proceeded with immediately after the examination in chief, and not at any future period, except by leave of the court or a judge.

**Candidate claiming seat may be examined.** 15. Where any petition has been filed claiming the seat for a candidate, such candidate, although not a party to the petition, may be orally examined as if he were a petitioner.

**How such examination shall be conducted.** 16. Any party to be examined orally, under the provisions of this Act, shall be so examined by or before a judge, a county court judge, a master in chancery, clerk of the crown, or special examiner of the court in which such election petition is pending, or before any barrister-at-law named for the purpose by the court or the judge ; and such examination shall take place in the presence of the parties, their counsel, agents or attorneys ; and the party so examined orally shall be subject to cross-examination and re-examination ; and such examination, cross-examination and re-examination shall be conducted as nearly as may be in the mode now in use in courts of common law on a trial at *nisi prius*, or in chancery at the hearing of a cause, or in the Province of Quebec at the trial of a civil cause by a jury ; subject to the provisions hereinafter made.

17. The depositions taken upon any such oral examination as aforesaid, shall be taken down in writing by the examiner, not ordinarily by question and answer, but in the form of a narrative; and when completed shall be read over to the witness, and signed by him, in the presence of the parties, or of such of them as may think fit to attend: Provided always that, in case the witness shall refuse or be unable to sign the said depositions, then the examiner shall sign the same; and such examiner may upon every examination, state any special matter to the court if he shall think fit: Provided also, that it shall be in the discretion of the examiner to put down any particular question or answer, if there should appear to be any special reason for so doing; and any question or questions which may be objected to shall, at the request of either party, be noticed or referred to by the examiner in or upon the depositions; and he shall state his opinion thereon to the counsel, agents, attorneys or parties; and if requested by either party he shall refer to such statement on the face of the depositions.

Form of depositions to be narrative.

Proviso.

Proviso: questions may be put down in certain cases.

18. When the examination before the examiner shall have been concluded, the original depositions authenticated by the signature of such examiner, shall be transmitted by him to the office of the court to be there filed; and any party to the petition may have a copy thereof, or of any part or portion thereof, upon payment for the same in such manner as shall be prescribed by the court in that behalf.

Depositions to be transmitted to the Court.

19. The attendance of a party or other person for oral examination or cross-examination before the examiner, may be required by a writ *subpoena ad testificandum* or *duces tecum*, in like manner as such party or person would be required to attend the trial of the petition, and any party or person upon being served with such writ shall be bound to attend before the examiner; but such party or person shall be entitled to the like payment for attendance and expenses as if he had been subpoenaed to attend upon the trial.

Compelling attendance of parties or persons to be examined.

20. The sheriff, gaoler or other officer having the custody of any prisoner, may take such prisoner for examination before the examiner, under the authority of this Act, if so ordered by the court or a judge thereof.

Persons in custody.

21. Forty-eight hours' notice of any such oral examination or cross-examination shall be given to the opposite party or parties.

Notice.

22. Any party or person refusing or neglecting to attend at the time and place appointed for his examination or cross-examination, or refusing to be sworn or to answer any lawful question put to him by the examiner, or by any party entitled so to do, or his counsel, agent or attorney, may be punished as for a contempt of court: Provided always that if any witness shall demur or object to any question or questions which may be put to him, the question or questions so put, and the demurrer or objection of the witness thereto, shall be taken down by the examiner, and transmitted

Neglecting to attend or refusing to answer, to be contempt.

Witness may demur to questions.

by him to the office of the court to be there filed; and the validity of such demurrer or objection shall be decided by the court or a judge thereof; and the costs of and occasioned by such demurrer or objection shall be in the discretion of the court or judge.

Use of depositions.

**23.** Any party to a petition shall be entitled to use, upon the trial of such petition, depositions taken by or before the examiner, in accordance with the provisions of this Act: Provided that where such party uses any portion of a deposition so taken, it shall be competent for the party against whom it is used to put in the entire evidence so taken, as well that in chief as that in explanation.

Proviso.

Production, inspection and copies of documents.

**24.** Any party to any election petition, whether petitioner or respondent, may, at any time after such petition is at issue, before or pending the trial thereof, obtain a rule, or order of the court or of the judge, requiring the adverse party to produce within ten days after the service thereof, under oath, all documents in his custody or power relating to the matters in question, saving all just exceptions; and to deposit the said documents with the clerk of the court; and upon such documents being produced, the party requiring such production, or his agent or attorney may inspect the same and take examined copies thereof: Provided that when any person upon whom a rule to produce has been served wishes to avail himself of any such exception as above mentioned, he must in his affidavit on production assign a sufficient reason why he should not produce and deposit the same in manner aforesaid.

Proviso.

Rule for production, how obtained.

**25.** The rule referred to in the preceding section shall be a rule in the nature of a side bar rule, and shall issue in vacation as in term, and may be obtained on the last as well as other days of term; and such rule shall be dated the day of the week, month and year on which the same was drawn up, and need not specify any other time or date; and such rule may be obtained by the party requiring the same, his agent or attorney, from the clerk of the court.

Service.

**26.** The rule for the production of documents shall not require personal service, and it shall be sufficient to serve the same upon the agent or attorney of the party.

Affidavit on production.

**27.** The affidavit on production to be made by the party who has been served with the rule for production, may be in the form or to the effect of the schedule to this Act, varied as the facts require.

Penalty for disobedience.

**28.** Any party neglecting or refusing to obey a rule for the production of documents, may be punished as for a contempt of court.

Decision and

**29.** At the conclusion of the trial the judge shall determine whether

whether the member whose election or return is complained of, or any and what other person was duly returned or elected, or whether the election was void, and other matters arising out of the petition, and requiring his determination, and shall, except only in the case of appeal hereinafter mentioned, immediately after the expiration of eight days from the day on which he shall so have given his decision, certify in writing such determination to the Speaker, appending thereto a copy of the notes of the evidence, and the determination thus certified shall be final to all intents and purposes.

certificate of judge.

To be certified to Speaker.

**30.** When any charge is made in an election petition of any corrupt practice having been committed at the election to which the petition refers, the judge shall, in addition to such certificate, and at the same time, report in writing to the Speaker, as follows—

Judge's report if corrupt practices are charged.

(a.) Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at such election, stating the name of such candidate, and the nature of such corrupt practice;

(b.) The names of any persons who have been proved at the trial to have been guilty of any corrupt practice;

(c.) Whether corrupt practices have, or whether there is reason to believe that corrupt practices have extensively prevailed at the election to which the petition relates.

**31.** The judge may, at the same time, make a special report to the Speaker, as to any matters arising in the course of the trial, an account of which ought, in his judgment, to be submitted to the House of Commons.

Special report at his discretion.

**32.** When upon the application of any party to an election petition duly made to the judge, it appears to such judge, that the case raised by the petition can be conveniently stated as a special case, such judge may direct the same to be so stated, and any such special case shall, as far as may be, be heard before such judge, who shall thereupon give such judgment as to justice may appertain, and in case the decision be final the judge shall certify to the Speaker his decision on such special case, in the manner and time specified in section twenty-nine of this Act:

Judge may direct a special case to be stated.

Decision thereon.

**33.** Provided also, that in the Province of Quebec, any party to the petition may, within the said delay of eight days from the day on which the judge has given his decision, deposit with the clerk of the court at the place where the petition has been tried, the sum of one hundred dollars, (with an additional sum of ten dollars for making up and transmitting the record, if the trial has been had elsewhere than at Quebec or Montreal), and may then file in the same office an inscription for review, notice of which must be given to each of the opposite parties, and the record, with

Provision for review in Province of Quebec. Conditions. Deposit.

a copy of the decision and any orders made in the case, shall be transmitted to the clerk of the court at Quebec or Montreal as the case may require, and all other proceedings shall be had as in a case in review; and the court shall determine and certify its determination and decision to the Speaker upon the several points and matters as well of fact as of law upon which the judge might otherwise have determined or certified his decision, in the same manner as the judge would otherwise have done in pursuance of Sections twenty-nine, thirty and thirty-one of this Act and the determination of the court thus certified shall be final to all intents and purposes; and the money deposited as aforesaid shall be dealt with as a deposit in a case of review:

Deposit how  
dealt with.

Court of  
Review in  
Quebec cases.

**34.** In the next preceding section, the expression "The Court," as respects any election in the Province of Quebec, shall mean any three judges of the Superior Court sitting in review at the City of Quebec, if the election has been tried in any of the judicial districts of Quebec, Three Rivers, Saguenay, Chicoutimi, Gaspé, Rimouski, Kamouraska, Montmagny, Beauce or Arthabaska; and any three judges of the Superior Court sitting in review at the City of Montreal, if the election has been tried in any of the judicial districts of Montreal, Ottawa, Terrebonne, Joliette, Richelieu, St. Francis, Bedford, St. Hyacinthe, Iberville or Beauharnois:

Appeal from  
decision of  
Judge in other  
Provinces than  
Quebec.

**35.** Provided also, that in any other of the Provinces any party to the petition who may be dissatisfied with the decision of the Judge on any question of law or of fact, and desires to appeal against the same, may within the said delay of eight days from the day on which the judge has given his decision, deposit in the court of which the said judge is a member, with the proper officer of the court whose duty it is to receive moneys ordered to be paid into court in other cases, the sum of one hundred dollars by way of security for costs, and thereupon the clerk, registrar or other proper officer of the said court shall set the matter of the said petition down for hearing before the full court of which the said judge is a member as aforesaid, on the first or second paper day of the next term, if the said judge be a member of a court of common law, or on the rehearing list of the next term if the said judge be a member of the Court of Chancery for Ontario, and the party so appealing shall thereupon within three days or such further time as the judge may upon application allow, give to the other parties to the said petition, affected by the said appeal, or their respective attorneys or agents, by whom such parties were represented in the trial of the said petition, notice in writing that the matter of the said petition has been so set down to be heard in appeal as aforesaid, in and by which notice the said party so appealing as aforesaid may, if he desires, limit the subject of the said appeal to any special and defined question or questions, and the said appeal shall thereupon be heard and determined by the said full court; and such judgment shall be pronounced both upon questions of law and of fact as should in the  
opinion

Notice to  
other parties,  
its purport.

Hearing and  
judgment.

opinion of the said court have been delivered by the said judge ; and the court may make such order as to the return of the said deposit and as to the costs of the said appeal, as it may think just ; and the registrar, clerk or other proper officer of the said court shall thereupon certify to the Speaker, the judgment and decision of the said court upon the several questions and matters of fact as well as of law upon which the judge might otherwise have determined or certified his decision in pursuance of this Act, in the same manner as the judge would otherwise have done, and the said judgment and decision shall be final to all intents and purposes.

Certificate to Speaker.

Judgment to be final.

**36.** The Speaker shall, at the earliest practicable moment after he receives the certificate and report or reports (if any) of the court or judge, give the necessary directions and adopt all the proceedings necessary for confirming or altering the return, or for the issuing of a new writ for a new election, (for which purpose the Speaker may address his warrant, under his hand and seal, to the Clerk of the Crown in Chancery,) or for otherwise carrying the determination into execution, as circumstances may require :

Speaker's duty on receiving judge's certificate.

The Speaker shall, without delay, communicate to the House of Commons the determination, report and certificate of the court or judge, and his own proceedings thereon :

To inform the House.

Where the judge makes a special report, the House of Commons may make such order in respect of such special report, as they think proper.

If there is a special report.

**37.** Unless the judge otherwise directs, any charge of corrupt practices may be gone into, and evidence in relation thereto received, before any proof has been given of agency on the part of any candidate in respect of such corrupt practices.

As to evidence of corrupt practices.

**38.** An election petition may be presented, and the trial of an election petition under this Act shall be proceeded with, notwithstanding the acceptance by the respondent of an office of profit under the Crown, or the resignation of his seat, but the respondent may, notwithstanding anything in this or any other Act contained, accept office at any time after the election, subject always to the provisions of the twelfth section of the Act passed in the thirty-first year of Her Majesty's reign, and intituled "*An Act further securing the Independence of Parliament,*" in construing which after this Act is in force, the words "court or judge" shall be substituted for the words "election committee."

Acceptance of office or resignation not to stop proceedings.

Proviso : 31 V., c. 25.

**39.** The trial of an election petition under this Act shall be proceeded with, notwithstanding the prorogation of the Parliament of Canada.

Nor a prorogation.

## PROCEDURE.

Service of  
petition, &c.

**40.** An election petition under this Act, and notice of the date of the presentation thereof, and a copy of the deposit receipt shall be served as nearly as may be in the manner in which a writ of summons is served in civil matters, or in such other manner as may be prescribed.

Joint respon-  
dents.

**41.** Two or more candidates may be made respondents to the same petition, and their cases may, for the sake of convenience, be tried at the same time ; but as regards the security required under section eight of this Act, and for all other purposes of this Act such petition shall be deemed to be a separate petition against each respondent,

When more  
than one  
petition as to  
same election.

**42.** Where under this Act more petitions than one are presented relating to the same election or return, all such petitions shall, in the election list, be bracketed together, and shall be dealt with, as far as may be, as one petition ; but such petitions shall stand in the election list in the place where the last presented of them would have stood if it had been the only one presented as to such election or return, unless the court orders otherwise.

Judge may  
extend time  
for taking  
proceedings.

**43.** The judge shall, upon sufficient cause being shown, have power on the application of any of the parties to a petition, to extend from time to time the period limited by this Act for taking any steps or proceedings by such party.

## JURISDICTION AND RULES OF COURT.

Judges of the  
court to make  
rules.

**44.** The judges of the several courts in each Province respectively, or a majority of them, may, from time to time, make and may, from time to time, revoke and alter general rules and orders (in this Act referred to as rules of court) for the effectual execution of this Act and of the intention and object thereof, and the regulation of the practice and procedure and costs with respect to election petitions and the trial thereof, and the certifying and reporting thereon :

Their effect.

(2.) Any general rules and orders made as aforesaid, and not inconsistent with this Act, shall be deemed to be within the powers conferred by this Act, and shall, while unrevoked, be of the same force as if they were enacted in the body of this Act :

To be laid  
before the  
House of  
Commons.

(3.) Any general rules and orders made in pursuance of this section, shall be laid before the House of Commons within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament.

Practice in  
cases not  
provided for.

**45.** Until rules of court have been made by the judges of the several courts in each Province in pursuance of this Act, and so far as such rules do not extend, the principles, practice and rules on

on which election petitions touching the election of members of the House of Commons in England, are, at the time of passing of this Act, dealt with, shall be observed so far as consistently with this Act they may be observed by the courts and the judges thereof.

#### RECEPTION, EXPENSES AND JURISDICTION OF THE JUDGE.

46. The judge shall be received and attended at the place where he is about to try an election petition under this Act, if he be not resident there, in the same manner, so far as circumstances will admit, as if he were about to hold a sitting at *nisi prius*, or a sitting of the provincial court of which he is a member.

Reception and attendance of judge.

47. The travelling expenses of the judge, and all expenses incurred by the sheriff or other officer in consequence of any sitting for the trial of an election petition, and providing a court room and accessories, shall be defrayed in like manner as ordinary travelling expenses of the judge in the Province are payable by the Dominion of Canada.

Expenses how paid.

48. On the trial of an election petition and in other proceedings under this Act, the judge shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority as a judge of one of the superior courts of law or equity for the Province in which such election was held, sitting in term, or presiding at the trial of an ordinary civil suit, and the court held by him for such trial shall be a court of record.

Powers of the judge.

#### WITNESSES.

49. Witnesses shall be subpoenaed and sworn in the same manner, as nearly as circumstances will admit, as in cases within the jurisdiction of the superior courts of law or equity in the same Province; and shall be subject to the same penalties for perjury.

Witnesses how summoned and sworn.

50. On the trial of an election petition under this Act, the judge may, by order under his hand, compel the attendance of any person as a witness who appears to him to have been concerned in the election to which the petition refers, and any person refusing to obey such order shall be guilty of contempt of court. The judge may examine and re-examine any witness so compelled to attend or any person present, although such witness and person be not called and examined by any party to the petition. After the examination of a witness as aforesaid by a judge, such witness may be cross-examined by or on behalf of the petitioner and respondent, or either of them.

Compelling attendance of witnesses.  
Examination.

51. The judge may, in his discretion, employ a shorthand writer to take down the oral evidence given by witnesses at the trial of the petition, and the expense of employing such shorthand writer shall be costs in the case.

Short-hand writer may be employed to take down oral evidence.

Witness not to be excused from answering by any privilege.

Proviso: as to use of answers.

**52.** No person shall be excused from answering any question put to him under this Act, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or 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 that such answer will tend to criminate himself, shall be used in any criminal proceeding against any such person, other than an indictment for perjury, if the judge gives to the witness a certificate that he claimed the right to be excused on the grounds aforesaid, and made full and true answers to the satisfaction of the judge.

Expenses of witnesses.

How paid.

**53.** The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition under this Act, according to the scale allowed to witnesses on the trial of civil actions in the superior courts of law or equity in the same Province, may be allowed to such person by a certificate under the hand of the judge or of the clerk of the court; and such expenses, if the witness was called and examined by the judge, shall be deemed part of the expenses of providing a court, and in other cases shall be deemed costs of the party calling the witness, and shall be taxed against such party interested in the trial of such petition, as the judge may determine.

#### WITHDRAWAL AND ABATEMENT OF ELECTION PETITIONS.

Withdrawal of petitions, to be by leave of the Court or the Judge.

To be after notice.

Substitution of a petitioner.

Additional security may be ordered in certain cases.

**54.** An election petition under this Act shall not be withdrawn without the leave of the court or judge (according as the petition is then before the court, or before the judge for trial) upon special application to be made in and at the prescribed manner, time and place:

No such application shall be made until the prescribed notice has been given, in the Electoral District to which the petition relates, of the intention of the petitioner to make an application for the withdrawal of his petition:

On the hearing or the application for withdrawal, any person, who might have been a petitioner in respect of the election to which the petition relates, may apply to the court or judge to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition:

The court or judge may, if it or he think fit, substitute as petitioner any such applicant as aforesaid, and may further, if the proposed withdrawal is, in the opinion of the court or judge, induced by any corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that, to the extent of the sum named in such security, the original petitioner shall be liable to pay the costs of the substituted petitioner:

If

If no such order be made with respect to the security given If not ordered. on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within the prescribed time after the order of substitution :

Subject as aforesaid, a substituted petitioner shall stand in the Effect of same position, as nearly as may be, and be subject to the same substitution. liabilities as the original petitioner :

If a petition is withdrawn, the petitioner shall be liable to pay Costs. the costs of the respondent, unless the court or judge otherwise orders :

When there are more petitioners than one, no application to with- All petitioners draw a petition shall be made except with the consent of all the must join in petitioners. withdrawal.

55. In every case of withdrawal of an election petition, under Report to this Act, if the court or judge is of opinion that the withdrawal of Speaker if such petition was the result of any corrupt arrangement or in withdrawal be consideration of the withdrawal of any other petition, the court or corrupt. judge shall report such opinion to the Speaker, stating the reasons thereof and the circumstances attending the withdrawal.

56. An election petition under this Act shall be abated by the Abatement by death of a sole petitioner, or of the survivor of several petitioners ; death of petitioner.

The abatement of a petition shall not affect the liability of the Costs. petitioner to the payment of costs previously incurred ;

On the abatement of a petition, the prescribed notice of such Notice of abatement having taken place shall be given in the electoral abatement. district to which the petition relates ; and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the court or judge, in and at the prescribed manner, time and place, to be substituted as a petitioner ;

The court or judge may, if it or he think fit, substitute as a Substitution petitioner any such applicant who is desirous of being substituted, of new and on whose behalf security to the same amount is given as is petitioner. required in the case of a new petition.

57. If before or during the trial of any election petition under this Act, any of the following events happen in the case of the respondent, that is to say,— Abatement by

(1.) If he dies ;

(2.) If the House of Commons has resolved that his seat is vacant ;

(3.)

(3.) If he gives notice to the court or judge in and at the prescribed manner and time, that he does not intend to oppose or further to oppose the petition ;

(4.) If he is summoned to Parliament as a Member of the Senate,—

Notice.

New respondent.

Adjournment of trial.

Liability of new respondent.

Notice of such event having taken place shall be given in the Electoral District to which the petition relates, and within the prescribed time after the notice is given any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the court or judge to be admitted as a respondent to oppose the petition or so much thereof as may remain undisposed of, and such person shall, on such application, be admitted accordingly to oppose such petition or such undisposed of portion thereof, either with the respondent, if there be one, or in place of the respondent ; and any number of persons, not exceeding three, may be so admitted ; and if either of such events happen during the trial the judge shall adjourn the same, in order to the giving of notice that such event has happened, as herein provided ; and the person or persons so admitted shall have the same liability as the respondent with respect to any costs thereafter incurred.

Respondent not opposing petition.

58. A respondent who has given the prescribed notice that he does not intend to oppose or further oppose the petition, shall not be allowed to appear or act as a party against such petition in any proceedings thereon, and shall not sit or vote in the House of Commons until the House has been informed of the report on the petition ; and the court or judge shall, in all cases in which such notice has been given in the prescribed time and manner, report the same to the Speaker.

Double return, and respondent not opposing.

59. When an election petition under this Act complains of a double return, and the respondent has given notice in the prescribed time and manner that it is not his intention to oppose the petition, and no party has been admitted, in pursuance of this Act, to oppose the petition, then the petitioner, if there be no petition complaining of the other member returned on such double return, may withdraw his petition, by notice addressed to the prescribed officer, and upon such withdrawal, the prescribed officer shall report the fact to the Speaker, and the House of Commons shall, thereupon, give the necessary directions for amending the said double return, in such manner as the case may require.

#### COSTS.

Costs of proceedings under this Act.

60. All costs, charges and expenses of and incidental to the presentation of an election petition under this Act, and to the proceedings consequent thereon, with the exception of such costs, charges and expenses as are by this Act otherwise provided for, shall be defrayed by the parties to or those opposing the petition, in such manner

manner and in such proportions as the court or judge may determine,—regard being had to the disallowance of any costs, charges, or expenses which may, in the opinion of the court or judge, have been caused by vexatious conduct, unfounded allegations or unfounded objections, on the part either of the petitioner or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused whether such parties are or are not on the whole successful ;

The costs may be taxed in the prescribed manner, but according to the same principles as costs are taxed between parties in actions at law, and such costs may be recovered in the same manner as the costs in actions at law in the same Province, or in such other manner as may be prescribed.

How taxed and recovered.

**61.** In the event of costs being awarded in favor of any party against any petitioner, such party shall, after the expiration of thirty days from the rendering of the decision by the judge, or, in case of an appeal, by the court, upon the production of a certificate of taxation from the proper officer, be entitled to receive out of the deposit the amount taxed to him as aforesaid, if the aggregate of the costs taxed against the said petitioner, certificates whereof are within the said period of thirty days filed with the registrar, clerk or other proper officer, do not exceed the deposit, or if the total amount of the said certificates so filed as aforesaid exceed the deposit, then his proportion thereof; and in the event last aforesaid such party shall be entitled forthwith to issue execution, according to the practice in ordinary cases, against the petitioner's goods or lands, for the residue of the costs so taxed to him as aforesaid.

Recovery of costs against petitioner out of deposit.  
Or if deposit insufficient, by execution.

#### MISCELLANEOUS.

**62.** If the time limited by this Act for any proceeding, or the doing of anything under its provisions, expires or falls upon a Sunday, or any day which is a holiday under the Interpretation Act, the time so limited shall be extended to, and such thing may be done on the day next following, which is not a Sunday or such holiday.

As to Sundays and holidays.

**63.** All elections held after the passing of this Act, shall be subject to the provisions thereof, and shall not be questioned otherwise than in accordance therewith ; but no election or return held or made prior to the passing of this Act, shall be controverted or questioned under it, and all contestations of such elections or returns shall be governed by the laws then in force with respect to controverted elections for the House of Commons. But the provisions of sections thirty-three, thirty-four and thirty-five of this Act shall apply to all proceedings upon election petitions pending under "*The Controverted Elections Act, 1873,*" at the time of the passing hereof.

To what elections this Act shall apply.  
Sections 33, 34, 35, to apply to pending cases under 36 V. c. 28,

If Returning Officer is complained of.

**64.** Whenever any election petition complains of the conduct of any Returning Officer, such Returning Officer shall, for all the purposes of this Act, except the admission of respondents in his place, be deemed to be a respondent.

If the complaint be no return.

**65.** A petition under this Act, complaining of no return, may be presented, and shall be deemed to be an election petition within the meaning of this Act, and such order may be made thereon by the court or judge as it may deem expedient for compelling a return to be made; or the court or judge may allow such petition to be tried in the manner hereinbefore provided with respect to ordinary election petitions.

If the seat be claimed for person not returned.

**66.** On the trial of a petition under this Act complaining of an undue return and claiming the seat for some person, the respondent may give evidence to show that the election of such person was undue, in the same manner as if he had presented a petition complaining of such election.

Who may practise in cases under this Act.

**67.** Any person who, according to the law of the Province in which the petition is to be tried, is entitled to practise as an attorney-at-law or solicitor, before the superior courts of such Province, and who is not a member of the House of Commons, may practise as attorney or agent, and any person who according to such law, is entitled to practise as a barrister-at-law or advocate before such courts, and who is not a member of the House of Commons, may practise as counsel, in the case of such petition and all matters relating thereto, before the court or judge in such Province.

## SCHEDULE.

*(Form of Affidavit on production of Books and Papers.)*

In the *(name of Court)*

Form of affidavit on production of books, &c.

Election for \_\_\_\_\_ holden on the \_\_\_\_\_ day of \_\_\_\_\_ A.D.  
I, \_\_\_\_\_ of \_\_\_\_\_ make oath and say:—

1. That I have in my possession or power the documents relating to the matters in question set forth in the first and second parts of the first schedule hereto annexed.

2. I object to produce the said documents set forth in the second part of the said first schedule.

3. *(State upon what grounds objection is made, and verify the facts as far as may be.)*

4. I have had, but have not now, in my possession or power the documents relating to the matters in question set forth in the second schedule hereto annexed.

5. The last mentioned documents were last in my possession or power on (*state when.*)

6. (*State what has become of the last mentioned documents, to whom you have given them, and in whose possession they now are.*)

7. According to the best of my knowledge, remembrance, information and belief, I have not now, and never had in my own possession, custody or power, or in the possession, custody or power of my agents or attorneys, agent or attorney, or in the possession, custody or power of any other person on my behalf, any deed, account, book of accounts, minutes, voucher, receipt, letter, memorandum, paper, or writing, or any copy of or extract from any such document or other document whatever, relating to the matters in question, or any of them, or wherein any entry has been made relative to such matters, or any of them, other than and except the documents set forth in the first and second schedule hereto annexed.

Sworn, &c.

(*Annex the schedules mentioning the documents in question.*)

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## CHAP. 11.

An Act to indemnify Stanislaus Francis Perry, for having sat and voted as a Member of the House of Commons, under the circumstances therein mentioned.

[Assented to 26th May, 1874.]

**W**HEREAS it appears that Stanislaus Francis Perry was a Member of the Legislative Assembly of Prince Edward Island when that Province became part of the Dominion of Canada, that desiring to become a candidate at the first election of Members of the House of Commons for the said Province after the Union, he resigned his seat in the said Legislative Assembly by sending his resignation to the Lieutenant Governor of the Province, he being himself then Speaker of the said Assembly, and that he hath never since acted as a member thereof;—that before the last general election, he again resigned his seat by a letter addressed to the Lieutenant Governor of the said Province of Prince Edward Island, the said letter bearing date the twenty-fourth day of January last;—that he was a candidate a second time at the last general election, and was elected for the Electoral District

Preamble.  
Case of S. F.  
Perry of P. E.  
Island recited.

36 V., c. 2.

District of Prince County by a large majority of votes;—that no sitting of the Legislative Assembly took place between the date when the said Province became part of the Dominion of Canada and the said last election;—that the time for petitioning against his return has now elapsed, and no election petition has been presented against his return;—that the laws of Prince Edward Island recognize the right of a Member to resign his seat in the local legislature, and the said Stanislaus Francis Perry has taken, in so far as it was possible for him to do so and in good faith, every step in his power to divest himself of his position as a Member of the Legislative Assembly;—and that according to the spirit and intent of the Act passed in the thirty-sixth year of Her Majesty's reign and intituled "*An Act to render Members of the Legislative Councils and Legislative Assemblies of the Provinces, now included or which may be hereafter included within the Dominion of Canada, ineligible for sitting or voting in the House of Commons of Canada,*" he was not disqualified to be a candidate at the last election or to sit or vote in the House of Commons of Canada, and it is expedient to remove all doubts as to the right of the said Stanislaus Francis Perry so to sit or vote and to indemnify him for having done so: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

S. F. Perry declared eligible, and indemnified for having sat and voted,—and against all suits, &c., founded on his having done so.

1. The said Stanislaus Francis Perry is hereby declared to have been and to be capable of being elected, and of sitting and voting in the House of Commons of Canada, notwithstanding any irregularity in his said resignation as a Member of the Legislative Assembly of Prince Edward Island, and of his being on account of such irregularity, nominally a Member of the said Assembly at the time of his Election as a Member of the House of Commons; and he is hereby indemnified and exonerated from all liability to any penalty or other responsibility and from any suit, demand or judgment which may have been or may be hereafter brought or rendered against the said Stanislaus Francis Perry, with respect to any such penalty or responsibility for so sitting and voting, while not otherwise disqualified.

This Act may be pleaded as a bar to any such suit.

2. This Act may be pleaded as a bar and discharge to any action or suit pending, or which may be brought against the said Stanislaus Francis Perry, for any matter, cause, or thing mentioned in this Act, and shall also be a discharge of any judgment for any such penalty as is mentioned in the next preceding section, and any costs of such judgment.

## CHAP. 12.

## An Act to attach the Village of Richmond Hill to the Electoral District of the West Riding of the County of York.

[Assented to 26th May, 1874.]

**W**HEREAS the Village of Richmond Hill, which has been lately incorporated, is situated partly in the Electoral District of the West Riding of the County of York, and partly in the Electoral District of the East Riding of the said county; and whereas the corporation of the said village has, by petition, prayed that the said village may be attached to the Electoral District of the West Riding of the County of York; and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. From and after the passing of this Act, the incorporated Village of Richmond Hill shall, for purposes of elections to the House of Commons of Canada, be attached to and form part of the Electoral District of the West Riding of the County of York.

*Preamble.*  
Village of Richmond Hill to be part of West Riding of York.

## CHAP. 13.

## An Act to amend an Act respecting the Public Works of Canada.

[Assented to 26th May, 1874.]

**I**N amendment of an Act passed in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting the Public Works of Canada*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

*Preamble.*  
31 V., c. 12.

1. The compensation money agreed upon or awarded by the official arbitrators for any lands or property acquired or taken by the Minister of Public Works, and which may under the said Act be taken by the said Minister without the consent of the proprietor, shall stand in the stead of such lands or property; and any claim to or incumbrance upon such lands or property shall, as respects the Crown, be converted into a claim to such compensation money or to a proportionate amount thereof, and shall be void as respects the lands or property themselves, which shall, by the fact of the taking possession thereof under the said Act, become and be absolutely vested in the Crown, as shall also any lands or property taken possession of by the Crown under the said Act, whether there be or be not any conveyance, agreement or award respecting the same,—subject always, to the determination of the compensation to be paid, and to the payment thereof when such conveyance, agreement or award shall have been made.

Compensation to stand in the place of land taken without consent of owner, as to all charges thereon.

All lands taken under the said Act, vested in the Crown.

*Proviso.*

Compensation may be paid into court in certain cases.

If the lands be in any other Province than Quebec.

If no compensation has been determined.

Notice to parties interested.

Court to distribute the compensation money.

If the lands are in Quebec, confirmation of title to be obtained.

If there is no conveyance or award.

2. If the party conveying such lands or property could not, without the said Act, have conveyed the same or agreed for the compensation to be paid therefor, or if any owner or party to whom the compensation money or any part thereof is payable, refuses to execute the proper conveyance or other requisite instrument of transfer of the premises, or if the party entitled to claim the same cannot be found or is unknown to the Minister, or if the Minister has reason to fear any claim or incumbrance, or if for any other reason he deems it advisable,—then if the lands or property so acquired or taken are situate in any of the Provinces of Canada, other than Quebec, the Minister may pay such compensation money or award, or if there has been no compensation money agreed upon or amount awarded, then such sum of money as in the opinion of the Minister shall be sufficient compensation for such lands or property into the office of one of the superior courts for the Province in which the lands are situate (with the interest thereon for six months), and may deliver to the clerk of the court a copy of the conveyance or of the agreement or award, if there be no conveyance certified by the Minister, and if there be neither conveyance nor award may deliver to the said clerk a notice specifying the lands or property so acquired or taken.

2. A notice in such form and for such time as the court may appoint, shall be inserted by the clerk in some newspaper, if there be any, published in the district or county in which the lands are situate, which shall state that the title of the Crown, that is, the conveyance, agreement or award, or if there be none such, then the notice of the Minister to the clerk of the court as hereinbefore provided is under the said Act, and shall call upon all persons entitled to the lands or to any part thereof or representing or being the husbands of any parties so entitled, or claiming to hold or represent incumbrances thereon or interests therein, to file their claims to the compensation or any part thereof; and all such claims shall be received and adjudged upon by the court, and the said proceedings shall forever bar all claims to the compensation or any part thereof, including any claim in respect of dower, as well as in respect of all mortgages or incumbrances upon the same; and the court shall make such order for the distribution, payment or investment of the compensation and for the securing of the rights of all parties interested as to right and justice and according to the provisions of this Act and to law shall appertain.

3. If the lands or property so acquired or taken are situate in the Province of Quebec, the Minister may pay such compensation money or award, or if there have been none such, then such sum of money as in the opinion of the Minister shall be sufficient compensation for such lands or property, into the hands of the Prothonotary of the Superior Court for the district in which the land is situate (with the interest thereon for six months), and deliver to the said prothonotary an authentic copy or a copy verified by him of the conveyance or of the agreement, or award, or if there be none such, then a notice of the Minister to the prothonotary specifying

specifying the lands or property so acquired or taken ; and the same shall be deemed the title of the Crown to the lands or property therein mentioned, and proceedings shall be had for the confirmation of such title of the Crown in like manner as in other cases of confirmation of title, except that in addition to the usual contents of the notice in such cases, the prothonotary shall state that the title of the Crown, that is the conveyance, agreement or award, or if there be none such, then the notice of the Minister to the prothonotary as hereinbefore provided is under the said Act, and shall call upon all persons entitled to the lands or property or any part thereof, or representing or being the husband of any party so entitled, to file their claims to the compensation or any part thereof ; and all such claims shall be received and adjudged upon by the court ; and the said proceedings shall forever bar all claims to the compensation or any part thereof (including dower not yet open) as well as in respect of any mortgage, hypothec or incumbrance upon the same, and the court shall make such order for the distribution, payment or investment of the compensation and for the security of the rights of all parties interested as to right and justice and the provisions of this Act and to law shall appertain.

Notice to parties interested.

Court to distribute the compensation money.

4. The costs of the proceedings or any part thereof shall be paid by the Minister or by any other party as the court may order, and if the order of distribution be obtained in less than six months from the payment of the compensation into the court or to the prothonotary, the court shall direct a proportionate part of the interest to be returned to the Minister ; and if from any error, fault or neglect of the Minister it is not obtained until after the six months have expired, the court shall order the Minister to pay into court or to the prothonotary the interest for such further period as may be right

As to costs of such proceedings.

5. Provided always, that in any case where the price or compensation money agreed for or awarded does not exceed one hundred dollars, it may, in any Province, be paid to the party who under the Act hereby amended can lawfully convey the lands or property or agree for the compensation to be made in the case, with the same effect as if it had been paid into court under this Act ; saving always the rights of any other party to such compensation money as against the party receiving the same.

Proviso : if compensation does not exceed \$100.

6. If any party entitled to any compensation as aforesaid is dissatisfied with the amount so paid by the Minister into a court or to the prothonotary of a court as aforesaid, the question of the amount of compensation may be referred to the Board of Arbitrators or to one or any greater number of Arbitrators as he may see fit, and proceedings thereon shall be had according to this Act, and the Minister may pay the amount of any award thereon into a court or to the prothonotary of a court as the case may be, and the court shall make such order as to the same as if it had been paid in as compensation as hereinbefore mentioned.

Proviso : for arbitration if any party entitled is dissatisfied with amount paid into court.

**Interpretation clause.**  
**'Conveyance.'** 3. The term "conveyance" in this Act includes a "surrender" to the Crown, and any conveyance to the Crown or to the Minister of Public Works, or any officer of that Department, in trust for or to the use of the Crown, shall be held to be a surrender; and no surrender, conveyance, agreement or award under the said Act or this Act shall require registration or enrolment to preserve the rights of the Crown under it, but may be registered in the Registry Office of Deeds for the place where the lands lie, if the Minister of Public Works deems it advisable.

**"Lands and property."** 2. The expression "lands and property" includes real rights, easements, servitudes and damages, and all other things for which compensation is to be paid by the Crown under the said Act.

**Section 26 of 31 V., c. 12, amended.**  
**Proviso.** 4. So much of the twenty-sixth section of the said Act, as requires that the compensation in any case therein referred to, shall be paid within six months after it has been agreed on, appraised or awarded, shall not apply to any case where such compensation is paid into court under this Act, except that such payment into court shall be made within the said time; and all the foregoing provisions of this Act shall apply to any lands or property taken, or the compensation for which was agreed upon or awarded, before the passing of this Act, but in such last mentioned case the compensation if paid into court shall be so paid within six months after the passing of this Act.

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## CHAP. 14.

An Act to provide for the construction of the Canadian Pacific Railway:

[Assented to 26th May, 1874.]

**Preamble.**

Recital of part of order of H. M. in Council admitting British Columbia into the Dominion.

**W**HEREAS by the terms and conditions of the admission of British Columbia into Union with the Dominion of Canada, set forth and embodied in an address to Her Majesty adopted by the Legislative Council of that Colony in January, One thousand eight hundred and seventy-one, under the provisions of the one hundred and forty-sixth section of "*The British North America Act, 1867*," and laid before both the Houses of the Parliament of Canada during the Session of One thousand eight hundred and seventy-one, and concurred in by the Senate and House of Commons of Canada, and embodied in addresses of the said Houses to Her Majesty under the said section of "*The British North America Act, 1867*," and approved by Her Majesty and embodied in the Order of Her Majesty in Council of the sixteenth day of May, One thousand eight hundred and seventy-one, admitting British Columbia into the Union under the said Act as part of the Dominion of Canada, from the twentieth day of July, One thousand eight hundred and seventy-one, it is among other things provided:

That

That the Government of the Dominion shall construct a railway <sup>Agreement.</sup> from the Pacific towards the Rocky Mountains, and from such point as may be selected for the purpose east of the Rocky Mountains towards the Pacific, to connect the seaboard of British Columbia with the Railway System of Canada: and further that the Government of the Dominion shall secure the commencement of such railway within two years and its completion within ten years from the date of the Union;—the Government of British Columbia agreeing to convey to the Dominion Government, in trust, to be appropriated in such manner as the Dominion Government may deem advisable in furtherance of the construction of the said railway, a similar extent of public lands along the line of railway, throughout its entire length in British Columbia, (not to exceed, however, twenty miles on each side of the said line) as may be appropriated for the same purpose by the Dominion Government from the public lands in the North-West Territories and the Province of Manitoba, subject to certain conditions for making good to the Dominion Government from contiguous lands the quantity of land which may be held under pre-emption right or by Crown grant within the said limits, and for restraining the sale or alienation by the Government of British Columbia during the said two years of lands within the said limits.

And whereas the House of Commons of Canada resolved in the Session of the year One thousand eight hundred and seventy-one, that the said railway should be constructed and worked by private enterprise and not by the Dominion Government, and that the public aid to be given to secure its accomplishment should consist of such liberal grants of land and such subsidy in money or other aid, not increasing the then existing rate of taxation, as the Parliament of Canada should thereafter determine; And whereas the Statute thirty-fifth Victoria, chapter seventy-one, was enacted in order to carry out the said agreement and resolution; but the enactments therein contained have not been effectual for that purpose.

Resolutions of House of Commons and Act 35 V., c. 71.

And whereas by the legislation of this present Session, in order to provide means for meeting the obligations of the Dominion, the rate of taxation has been raised much beyond that existing at the date of the said resolution: And whereas it is proper to make provision for the construction of the said work as rapidly as the same can be accomplished without further raising the rate of taxation: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Tariff act of present session, c. 6.

1. A railway to be called the "Canadian Pacific Railway" shall be made from some point near to and south of Lake Nipissing to some point in British Columbia on the Pacific Ocean, both the said points to be determined and the course and line of the said railway to be approved of by the Governor in Council.

Railway to be made from near L. Nipissing to the Pacific.

**2.** The whole line of the said railway, for the purpose of its construction, shall be divided into four sections;—the first section to begin at a point near to and south of Lake Nipissing, and to extend towards the upper or western end of Lake Superior, to a point where it shall intersect the second section hereinafter mentioned; the second section to begin at some point on Lake Superior, to be determined by the Governor in Council, and connecting with the first section, and to extend to Red River, in the Province of Manitoba; the third section to extend from Red River, in the Province of Manitoba, to some point between Fort Edmonton and the foot of the Rocky Mountains, to be determined by the Governor in Council; the fourth section to extend from the western terminus of the third section to some point in British Columbia on the Pacific Ocean.

**3.** Branches of the said railway shall also be constructed as follows, that is to say:—

*First.*—A branch from the point indicated as the proposed eastern terminus of the said railway to some point on the Georgian Bay, both the said points to be determined by the Governor in Council.

*Secondly.*—A branch from the main line near Fort Garry, in the Province of Manitoba, to some point near Pembina on the southern boundary thereof.

**4.** The branch railways above mentioned shall, for all intents and purposes, be considered as forming part of the Canadian Pacific Railway, and as so many distinct sections of the said railway, and shall be subject to all the provisions hereinafter made with respect to the said Canadian Pacific Railway, except in so far as it may be otherwise provided for by this Act.

**5.** A line of electric telegraph shall be constructed in advance of the said railway and branches, along their whole extent respectively, as soon as practicable after the location of the line shall have been determined upon.

**6.** The gauge of the said railway shall be four feet eight inches and a half, and the grades thereof, and the materials and manner of and in which the several works forming part thereof shall be constructed, and the mode of working the railway, including the description and the capacity of the locomotive engines and other rolling stock, shall be such as may be determined by the Governor in Council.

**7.** The said Canadian Pacific Railway and the branches or sections hereinbefore mentioned, and the stations, bridges and other works connected therewith, and all engines, freight and passenger cars and rolling stock shall be constructed under the general superintendence of the Department of Public Works.

8. The Governor in Council may divide the several sections of the said railway into sub-sections, and may contract with any person, co-partnership or company incorporated or to be hereafter incorporated (hereinafter referred to as the "Contractors," which expression shall be understood to include a single "Contractor" for any such work) for the construction of any section or sub-section of the said railway, including all works connected therewith, and all rolling stock required to work the same, and for the working of the same as hereinafter provided, on such terms and conditions as by the Governor in Council may be deemed just and reasonable, subject to the following provisions:—

Sub-sections may be made and given out by contract.

What the contracts shall include.

Conditions to be observed.

1. That the works on any section or sub-section of the said railway shall not be given out to any contractor or contractors except after tenders shall have been obtained for the same ;

Tenders.

2. That the contract for any portion of the said works shall not be given to any contractors unless such contractors give satisfactory evidence that they possess a capital of at least four thousand dollars per mile of their contract, and of which twenty-five per cent. in money, government or other sufficient securities approved by the Governor in Council, shall have been deposited to the credit of the Receiver General, in one or more of the chartered banks of the Dominion, to be designated for that purpose by the Governor in Council as security for the completion of the contract; and the Governor in Council may make such further conditions as he may deem expedient for securing the performance of the contract, as well with respect to the construction as to the working of the railway after completion, and any such condition shall be valid and may be enforced as provided by the contract ;

Contractors must have capital and give security on it.

Further security may be required.

3. That the total sum to be paid to the contractors shall be stipulated in the contract, and shall be ten thousand dollars for each mile of the section or sub-section contracted for, and that such sum shall be paid to the contractors as the work progresses by monthly payments in proportion to the value of the work then actually performed, (according to the estimates of the engineers designated for the purpose by the Minister of Public Works,) as compared with the value of the whole work contracted for, including rolling stock and all things to be done or furnished by the contractors; and except money arising from the sale of lands, as hereinafter provided, no further sum of money shall be payable to the contractors as principal, but interest at the rate of four per cent. per annum for twenty-five years from the completion of the work, on a sum (to be stated in the contract) for each mile of the section or sub-section contracted for shall be payable to the contractors, and guarantees for the payment thereof shall be given from time to time to the contractors in like manner and proportion, and on like conditions, as payments are to be made on the principal sum above mentioned; and the tenders for the work shall be required to state the lowest sum per mile on which such interest and guarantees will be required ;

Total sum per mile, payable in money limited, and how to be paid.

Guarantee may be given for interest only, on a further sum for 25 years; and on what conditions.

Tenders to state lowest sum for guarantee.

Subsidy in  
land :

Location of  
land, and con-  
ditions of sub-  
sidy : sales of  
land, &c., by  
government.

Quality of  
lands.

Proviso as to  
location.

4. That a quantity of land, not exceeding twenty thousand acres for each mile of the section or sub-section contracted for, shall be appropriated in alternate sections of twenty square miles each along the line of the said railway or at a convenient distance therefrom, each section having a frontage of not less than three miles nor more than six miles on the line of the said railway, and that two-thirds of the quantity of land so appropriated shall be sold by the Government at such prices as may be from time to time agreed upon between the Governor in Council and the contractors, and the proceeds thereof accounted for and paid half-yearly to the contractors free from any charge of administration or management,—the remaining third to be conveyed to the contractors. The said lands to be of fair average quality, and not to include any land already granted or occupied under any patent, license of occupation or pre-emption right; and when a sufficient quantity cannot be found in the immediate vicinity of the railway, then the same quantity, or as much as may be required to complete such quantity, shall be appropriated at such other places as may be determined by the Governor in Council.

When to be  
appropriated.

Proviso : as to  
conditions of  
land subsidy.

5. That the said blocks of land to be appropriated as aforesaid, shall be designated by the Governor in Council as soon as the line of railway, or of any section or sub-section thereof, is finally located: Provided that all such payments of the proceeds of lands sold, and conveyances of lands to be granted shall be so made and granted from time to time as the work of construction is proceeded with, in like manner and proportion and on like conditions as the money and guarantees above mentioned, and subject to any conditions of the contract as respects the construction or the working of the railway after completion.

Right of way  
through pub-  
lic lands.

6. That the Governor in Council may further grant to the contractors the right of way through government lands, as also any such lands required for stations or work-shops, and generally all such lands as may be necessarily required for the purpose of constructing or working the said railway.

Cost of sur-  
veys.

7. That the cost of surveys and of locating the line of the several sections and sub-sections of the said railway shall be part of the subsidy or consideration allowed to the contractors or not, as may be determined by the Governor in Council and agreed upon in the contract entered into with the contractors.

Railway, &c.,  
to be property  
of contractors  
and worked  
by them.  
Conditions.

8. Each section or sub-section of the said railway, as it is in whole or in part completed, shall be the property of the contractors for the same, and shall be worked by and for the advantage and benefit of such contractors under such regulations as may, from time to time, be made by the Governor in Council, as regards the rates chargeable for passengers and freight, the number and description of trains to be run, and the accommodation to be afforded for freight and passengers.

9. All and every the provisions of the "*Railway Act, 1868*," in so far as the provisions therein contained are applicable to the said Canadian Pacific Railway, or any section or sub-section thereof, and are not inconsistent with or repugnant to the provisions of this Act, shall be considered as forming part of this Act, and are hereby incorporated therewith. Railway Act, 1868, to apply.

10. In applying the said Railway Act to the Canadian Pacific Railway or any portion thereof, the expression "the Railway" shall be construed as meaning any section or sub-section of the said railway, the construction of which has been undertaken by any contractors,—and the expression "the Company" shall mean the contractors for the same; and such contractors shall have all the rights and powers vested in Companies by the said Act. How interpreted for that purpose.

11. As respects the said railway, the eighth section of "*The Railway Act, 1868*," relating to *Plans and Surveys*, shall be subject to the following provisions:— Section 8 modified as to "plans and surveys."

It shall be sufficient that the map or plan and book of reference for any portion of the line of the railway, not being within any district or county for which there is a Clerk of the Peace, be deposited in the office of the Minister of Public Works of Canada, and any omission, mis-statement or erroneous description of any lands therein may be corrected by the contractor with the consent of the Minister, and certified by him; and the railway may then be made in accordance with such certified correction. Deposit of map or plan, &c.

The eleventh sub-section of the said eighth section of the Railway Act shall not apply to any portion of the railway passing over ungranted lands of the Crown, or lands not within any surveyed township in any Province; and in such places, deviations not exceeding five miles from the line shown on the map or plan, approved by the Minister of Public Works, shall be allowed, on the approval of the engineer employed by the said Minister, without any formal correction or certificate, and any further deviation that may be authorized by the Governor in Council, and the railway made in accordance with such authorized deviation. Deviations.

The map or plan and book of reference made and deposited in accordance with this section, after approval by the Government, shall avail as if made and deposited as required by the said "*The Railway Act, 1868*," for all the purposes of the said Act, and of this Act; and any copy of the same or extract therefrom, certified by the said Minister or his deputy, shall be received as evidence in any court of law in Canada. Proof of map or plan, &c.

It shall be sufficient that a map or profile of any part of the completed railway, which shall not lie within any county or district having a registry office, be filed in the office of the Minister of Public Works. When there is no registry office.

Sections, re-  
specting in-  
cumbrances  
how to apply.

12. The provision made in sub-sections thirty, thirty-one and thirty-two, of section nine of "*The Railway Act, 1868*," as to incumbrances on lands acquired for, the said railway shall apply to lands so acquired in the Provinces of Manitoba and British Columbia, and in the North-West Territories; and as respects lands in the North-West Territories, the Court of Queen's Bench for the Province of Manitoba shall be held to be the Court intended by the said sub-sections.

Exercise of  
certain judi-  
cial powers in  
British Co-  
lumbia,  
Manitoba and  
N. W. Terri-  
tories.

13. In the Provinces of British Columbia and Manitoba, any judge of a superior or county court shall have all the powers given by the said Act to a County Judge, and in the North-West Territories such powers shall be exercised by a Judge of the Court of Queen's Bench of the Province of Manitoba.

Power to take  
materials.

14. It shall be lawful for the contractors to take from any public lands adjacent to or near the line of the said railway, all stone, timber, gravel and other materials which may be necessary or useful for the construction of the railway; and also to lay out and appropriate to the use of the contractor a greater extent of lands, whether public or private, for stations, depots, workshops, buildings, side-tracks, wharves, harbors, and roadway, and for establishing screens against snow, than the breadth and quantity mentioned in "*The Railway Act, 1868*," such greater extent taken, in any case, being allowed by the government, and shown on the maps or plans deposited with the Minister of Public Works.

And to take  
extra land for  
stations, &c.

Notices in  
Gazette.

15. As respects places not within any Province, any notice required by "*The Railway Act, 1868*," to be given in the "Official Gazette" of a Province, may be given in the *Canada Gazette*.

Form of con-  
veyances to  
contractors.

16. Deeds and conveyances of lands to the contractors (not being letters patent from the Crown) may, in so far as circumstances will admit, be in the form following, that is to say:—

" Know all men by these presents, that I, A.B., in consideration of            paid to me by the contractors for section  
(or as the case may be,) of the Canadian Pacific Railway the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said contractors for section  
successors and assigns, all that tract or parcel of land (*describe the land*) to have and to hold the said land and premises unto the said contractors, their successors and assigns for ever.

" Witness my hand and seal, this            day of  
One thousand eight hundred and

" Signed, sealed and delivered )            A. B.            [L.S.]  
in presence of            )

" C.D.

" E.F."

or in any other form to the like effect.

17. Her Majesty's naval and military forces, whether Imperial or Canadian, regular or militia, and all artillery, ammunition, baggage, provisions, or other stores for their use, and all officers and others travelling on Her Majesty's naval or military or other service, and their baggage and stores shall, at all times, when the contractors shall be thereunto required by one of Her Majesty's principal Secretaries of State, or by the Commander of Her Majesty's forces in Canada, or by the Minister of Militia and Defence of Canada, or by the Chief Naval Officer on the North American Station on the Atlantic or on the Pacific Ocean, be carried on the said railway by the contractors on such terms and conditions, and under such regulations as the Government shall, from time to time, make.

Terms of conveyance of H. M. troops, stores, &c., by contractors.

18. The Justices of the Peace for any county or district in British Columbia and Manitoba, assembled in general or quarter sessions, shall have the power vested by section forty-nine of "*The Railway Act, 1868*," in the justices so assembled in the Province of Ontario as to the appointment of railway constables, and in places where there are no such sessions, any two Justices of the Peace in any Province, or in any place not within a Province, shall have the powers given by the said section to any two Justices of the Peace in Ontario for the appointment and dismissal of any such constables; and where there is no Clerk of the Peace the record of the appointment of constable shall be dispensed with.

As to exercise of powers of Justices of the Peace under Railway Act.

#### GENERAL PROVISIONS.

9. Any felony or misdemeanor in contravention of the "Penal Clauses" of "*The Railway Act, 1868*," committed in the Province of Manitoba or British Columbia, shall be tried, punished, and dealt with in such Province, by and before the court or tribunal having cognizance of felonies and misdemeanors respectively (as the case may be), and punished in the manner provided by the said Act; and, if committed in any place not within the Province, may be tried, punished and dealt with by any court having like jurisdiction, in British Columbia, Manitoba or Ontario, in any of which Provinces the offender may be arrested and dealt with as if the offence had been committed there; or he may be arrested in the territory where the offence is committed, and committed by any Justice of the Peace for such territory for trial at such court, and in such county, district or place in either of the said Provinces, as the justice may think most convenient, and to the common gaol whereof he may commit such offender, and authorize his being conveyed by any constable; and if the punishment to which he is sentenced be imprisonment in the penitentiary, and there be no penitentiary in the Province, such imprisonment shall be in the common gaol for the place where he is convicted; and any offence against the said "Penal Clauses," or any other section of the said Act thereby cognizable before a Justice or Justices of the Peace, shall be cognizable before a Justice or Justices of the Peace

As to offences against penal clauses of Railway Act, 1868.

Where triable, &c.

Imprisonment.

**Pecuniary penalties.**

To apply to any portion made by Govt.

Peace for the place where the offence is committed; and if any pecuniary penalty be imposed, and there be no party entitled to receive it under the said Act, it shall be paid to the Receiver General, to the credit of the Railway Inspection Fund. And this section shall apply as well to any part of the said railway, constructed by the Government of Canada as a public work, as to any portion thereof constructed by contractors.

**Right of purchase of Railway from contractors by Govt. to be reserved.**

**10.** In every contract for the construction of the said railway or of any section or sub-section thereof, the Government of Canada shall reserve the right to purchase under the authority of Parliament, the said railway or such section or sub-section thereof, on payment of a sum equal to the actual cost of the said railway, section or sub-section, and ten per cent. in addition thereto,—the subsidies in land and money granted or paid by the government for the construction of the said railway being first returned or deducted from the amount to be paid, the lands sold being valued at the full amount the contractors may have received from the sale of such lands as may have been sold.

**As to contracts for any part of main line.**

**11.** No contract for the construction of any portion of the main line of the said railway shall be binding until it shall have been laid before the House of Commons for one month without being disapproved, unless sooner approved by a resolution of the House.

**Any portion may be made by Government as a public work if found more advantageous.**

**12.** In case it shall be found by the Governor in Council more advantageous to construct the said railway or any portion thereof, as a public work of the Dominion of Canada, the construction thereof shall be let out by contracts offered to public competition, and the Governor in Council may establish from time to time the mode and regulations under which the contract shall be given, and the railway or such portion thereof shall be constructed and worked after it shall have been completed, including the rates to be charged for freight and passengers; such regulations not being contrary to any of the provisions of the Acts regulating the Department of Public Works or to any other Act or law in force in the Dominion.

**Provision in such case.**

**How branch line to Georgian Bay may be made by contractors.**

**13.** The branch railways shall be constructed as follows, that is to say: That section of the first branch extending from the eastern terminus of the first section of the said railway to some point on the Georgian Bay to be fixed as aforesaid, shall be constructed by contractors as a private enterprise on the same terms and conditions as provided with respect to the main line of the said railway, or any section thereof,—or as a public work of the Dominion under such contract or contracts as may be agreed upon and sanctioned by the Governor in Council.

**Or as a public work.**

**Bonuses or subsidies in aid of Railways from eastern terminus to existing or**

**14.** The Governor in Council may also grant such bonus or bonuses, subsidy or subsidies to any company or companies already incorporated or to be hereafter incorporated, not exceeding twelve thousand dollars per mile, as will secure the construction

tion of the branch lines extending from the eastern terminus of the said Canadian Pacific Railway to connect with existing or proposed lines of railway; the granting of such bonuses or subsidies to be subject to such conditions for securing the running powers and other rights over and with respect to the whole or any portion of the said branch railway, to the owners or lessees of the main line of the said railway or of any section thereof, or to the owners or lessees of any other railway connecting with the said branch railway, as the Governor in Council may determine; but every Order in Council granting such subsidy shall be laid before the House of Commons for its ratification or rejection, and shall only be operative after its ratification by resolution of the House.

proposed Railways.

Conditions.

Ratification by House of Commons required.

15. The Governor in Council may, at any time after the construction of the said branch railway, make with the company or companies owning any portion of the said branch railway, such arrangement for leasing to such company or companies any portion of the said branch railway which may belong to the government, on such terms and conditions as may be agreed upon,—such lease not to exceed a term of ten years; and may also make such other arrangements as may be deemed advantageous for working the said railway in connection with that portion of the said branch railway belonging to such company or companies: Provided no such contract for leasing the said branch railway, and no such agreement for working the said railway in connection with any other railway shall be binding until it shall have been laid before the House of Commons for one month without being disapproved unless sooner approved by a resolution of the House.

Arrangements for leasing or working any portion made by Government.

Proviso: for approval of House of Commons.

16. The branch of the said railway, from Fort Garry to Pembina, in the Province of Manitoba, shall be built either as a private enterprise, on the terms and conditions on which the main line may be constructed, or as a public work of the Dominion, under such contract or contracts as may be agreed upon and sanctioned by the Governor in Council.

Branch from Fort Garry to Pembina, how to be made.

17. The Governor, by Order in Council, shall have the right to determine the time when the works on each section or sub-section of the said railway shall be commenced, proceeded with, and completed.

Commencement, &c., of works on any section.

18. The contractors shall furnish such information of the progress of the works as may be required by the Minister of Public Works, and such statistical details, accounts and information as may be required from them after completion.

Information to be furnished by contractors.

19. The Minister of Public Works shall, within one month of the opening of each session, lay before the two Houses of Parliament a report of the progress of the works, and of the sums expended, together with copies of all contracts entered into since the

Report by Minister of P. W. to Parliament at each session.

the

the last report made to Parliament, for the construction of the said railway or any portion thereof, or for the running or working of the same.

**20.** The Governor in Council shall have the power at any time to suspend the progress of the work until the then next session of Parliament.

**21.** Out of the sums of money to be raised under the Act of the present session, intituled "*An Act to authorize the raising of a loan for the construction of certain Public Works, with the benefit of the Imperial guarantee for a portion thereof;*" and subject to the provisions of the said Act, the Governor in Council may from time to time apply sums not exceeding in the whole two million five hundred thousand pounds sterling out of the sum so raised with the Imperial guarantee, and sums not exceeding in the whole fifteen million dollars out of the sum raised under the said Act without the Imperial guarantee, for the construction of the said railway, and the purposes of this Act.

**22.** Separate accounts of the money expended under this Act and of the sums proceeding from the sale of any of the lands appropriated by this or any other Act for the constructing or assisting in the construction of said railway and branches thereof, shall be kept by the Receiver-General, and all sums required for the carrying out of this Act shall be paid out of money, mentioned in this or the next preceding section, and not out of any other fund, except that the Governor in Council may (as provided by the Act last cited) authorize the advance, out of the Consolidated Revenue Fund, of such sums as it may be necessary to expend for the purposes aforesaid, before the said loans can be raised,—such sums to be repaid to the Consolidated Revenue Fund out of the loans.

**23.** The Act intituled "*An Act respecting the Canadian Pacific Railway,*" passed in the session of 1872, by the Parliament of Canada, is hereby repealed.

**24.** This Act may be cited as "*The Canadian Pacific Railway Act, 1874.*"

## CHAP. 15.

## An Act to amend the Act respecting the construction of the Intercolonial Railway.

[Assented to 26th May, 1874.]

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

1. Section three of the Act passed in the thirty-first year of Her Majesty's reign, intituled, "*An Act respecting the construction of the Intercolonial Railway,*" with so much of any other part of the said Act as authorizes the appointment of any Commissioner or Commissioners for the construction and management of the said railway, or the continuance of any such Commissioner in office, or as may be in any way inconsistent with this Act, shall be repealed upon, from and after the first day of June, in the present year of our Lord One thousand eight hundred and seventy-four; and upon, from and after the said day the said Intercolonial Railway shall be a public work vested in Her Majesty, and under the control and management of the Minister of Public Works, and all works and property, real or personal, thereunto appertaining, or constructed or acquired by the Commissioners under the said Act, shall be vested as aforesaid and under the control and management of the said Minister.

31 V., c. 13, s. 3, repealed, and the railway and works transferred to department of Public Works.

2. All the powers and duties vested or assigned by the Act hereby amended in or to the Commissioners appointed under it, shall, upon, from and after the said day, be transferred to and vested in the Minister of Public Works, and all contracts, bonds, agreements, or engagements lawfully entered into, by or with the said Commissioners, as such, shall enure to the use of Her Majesty, and may be enforced and carried out under the authority of the Minister of Public Works, as if they had been entered into with Her Majesty under the authority of the Act passed in the thirty-first year of Her Majesty's reign, intituled, "*An Act respecting the Public Works of Canada.*"

Powers and duties of commissioners transferred to Minister of Public Works.

31 V., c. 12.

3. The powers of the Commissioners hereby transferred to the Minister of Public Works shall, as respects the said Intercolonial Railway and works, be in addition to any powers the said Minister may as such have with respect to the same as a public work under the Act last cited and the Minister may, in any case relating to the said railway and works, exercise any powers given him by either of the Acts hereinbefore cited and applicable to such case.

Powers to be additional to those now vested in the Minister.

## CHAP. 16.

## An Act to authorize the transfer of the Windsor Branch of the Nova Scotia Railway to the Western Counties Railway Company.

[Assented to 26th May, 1874.]

Preamble.

Orders in Council, and agreements recommended.

WHEREAS by resolution of the House of Commons, passed on the twenty-third day of May, in the year eighteen hundred and seventy-three, it was resolved: That the Government be authorized to enter into negotiations during the Parliamentary recess with some reliable association or company for the transfer of the railway from Windsor to the trunk line from Halifax to Truro, upon condition that such association or company extend the railway from Annapolis to Yarmouth, subject to the approval of Parliament at the next session; and whereas the Western Counties Railway Company, being a Company incorporated under the Act of the Legislature of the Province of Nova Scotia, passed during the session of the year of Our Lord eighteen hundred and seventy, having undertaken to build a railway from Annapolis to Yarmouth, have represented that the work has been undertaken and commenced in view of the provisions of the hereinbefore recited resolution of the House of Commons; and whereas the said company being desirous of having the said privilege transferred to them, have proposed for the acceptance of His Excellency the Governor in Council certain terms of transfer to them of the railway from Windsor to the trunk line from Halifax to Truro; and whereas such proposal was, by Order of the Governor in Council of the twenty-second October, eighteen hundred and seventy-three, adopted, subject to the approval of Parliament; and whereas a further proposal in connection with the transfer of the said railway to the said company was made by the said company and approved by the Governor in Council, by Order in Council of the thirtieth day of October, in the year eighteen hundred and seventy-three; and whereas it is expedient to approve of the said agreements so respectively entered into and adopted as hereinbefore mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

The said agreements confirmed.

1. The agreements hereinbefore referred to, and set forth in the Schedules A and B to this Act, being such as were adopted by the Orders of the Governor in Council of the twenty-second and thirtieth days of October, eighteen hundred and seventy-three, and all the matters and things therein contained, are hereby approved and declared to be as effectual to all intents and purposes as if the said agreements had been entered into in pursuance of sufficient authority in that behalf, given before the adoption of such agreements by Act of the Parliament of Canada.

2. Until arrangements are completed for giving possession to the Western Counties Railway Company of the said Windsor Branch Railway for the purpose of operating it until the completion of their line from Annapolis to Yarmouth, as provided in the agreement or proposal hereinafter recited, it shall be competent for the Government to make such other arrangements as may be necessary by continuing the working of the same by the Windsor and Annapolis Railway Company or otherwise.

Working arrangements until possession is given to the W. C. R. Company.

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### SCHEDULE A.

1416. *Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the twenty-second October, eighteen hundred and seventy-three.*

On a memorandum, dated twenty-first October, eighteen hundred and seventy-three, from the Hon. the Minister of Public Works, submitting the accompanying proposal made by the Western Counties Railway Company, of Nova Scotia, and recommending its adoption.

The Committee advise that the accompanying proposal be adopted as recommended, subject to the approval of Parliament.

Certified.

(Signed,) W. A. HIMSWORTH,  
Clerk.

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To the Honorable  
The Minister of Justice,  
&c., &c., &c.

*Proposal made to His Excellency the Governor General in Council by the Western Counties Railway Company, incorporated under an Act of the Legislature of Nova Scotia, passed in the year of Our Lord One thousand eight hundred and seventy.*

Whereas by a resolution passed by the House of Commons in Parliament assembled on the twenty-third day of May, Anno Domini, eighteen hundred and seventy-three, it was resolved:

That the Government be authorized to enter into negotiations during the Parliamentary recess with some reliable association or company for the transfer of the railway from Windsor to the trunk line from Halifax to Truro, upon condition that such association or Company extend the railway from Annapolis to Yarmouth, subject to the approval of Parliament at the next Session.

And whereas the said Western Counties Railway Company have undertaken to build a railway from Annapolis to Yarmouth; and

Whereas the said work has been undertaken and commenced in view of the provisions of the above resolution; and

Whereas the said Company are desirous of having the said railway, in the said resolution mentioned, transferred to them;

The said Company therefore propose, for the acceptance of His Excellency the Governor General in Council, the following terms of transfer, viz:—

1st. The said Company will undertake to receive the said railway and appurtenances on the first day of December, Anno Domini, eighteen hundred and seventy-three, and from that date to work it efficiently and keep the same in repair at their own proper costs and charges, collecting, receiving and appropriating to their own use all the tolls and earnings of the same;

2nd. That on the completion of the Western Counties Railway from Yarmouth to Annapolis (now in progress of construction), the said railway and appurtenances from Windsor to the trunk line, shall be and become absolutely the property of the said Western Counties Railway Company;

3rd. That in consideration of the premises, the said Company hereby engage to prosecute the work of building the railway from Yarmouth to Annapolis, and complete the same with all reasonable despatch.

Dated at Ottawa, D.C., this twentieth day of October, Anno Domini, eighteen hundred and seventy-three.

(Signed)—GEO. B. DOANE, President W. C. R. Cy.  
JAS. WENT. BINGAY, Secretary W. C. R. Cy.

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#### SCHEDULE B.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the thirtieth October, eighteen hundred and seventy-three.*

On a Memo. from the Hon. the Minister of Public Works, dated twenty-ninth October, eighteen hundred and seventy-three, reporting that he has received from the Western Counties Railway Company of Nova Scotia (through Mr. George B. Doane, their President) a proposal to the following effect:—

1st. That the Western Counties Railway Company shall carry free

free of charge, all passengers holding Government Tickets, on all their passenger trains running between Halifax and Windsor Junction.

2nd. That the said Company or their Agents or Assigns, shall have running powers over the Intercolonial Railway between Halifax and Windsor Junction, with such privileges as have been hitherto granted in the agreement with the Windsor and Annapolis Railway.

The Committee on the recommendation of the Minister of Public Works, respectfully advise that the terms of the above proposal be approved.

Certified.

(Signed,) W. A. HIMSWORTH,  
C.P.C.

## CHAP. 17.

An Act to authorize the advance of a certain sum to the Province of British Columbia, for the construction of a Graving Dock at Esquimalt, and for other purposes.

[Assented to 26th May, 1874.]

**H**ER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows;—

1. In lieu of the guarantee of interest at the rate of five per cent. per annum for ten years from the completion of the works, on such sum not exceeding one hundred thousand pounds sterling, as may be required for the construction of a first-class Graving Dock at Esquimalt, as provided by the terms of the Order of the Queen in Council for the admission of British Columbia into the Union, advances may be made from time to time by the Governor in Council, out of the Consolidated Revenue Fund, for the construction of such Graving Dock, upon certificates of the progress of the work,—such advances not to exceed in the whole two hundred and fifty thousand dollars.

Advance of \$250,000 substituted for guarantee for graving dock at Esquimalt.

2. The Governor in Council may in his discretion advance from time to time to any Province of Canada, such sums as may be required for local improvements in the Province, and not exceeding in the whole the amount by which the debt of the Province for which Canada is responsible then falls short of the debt with which the Province was allowed to enter the Union,—such advances to be deemed additions to the debt of the Province, with permission to the Province to repay them to Canada, on such notice, in such sums and on such other conditions as the Dominion Government and that of the Province may agree upon; any amount so repaid being deducted from the debt of the Province in calculating the subsidy payable to it.

Advances authorized to other Provinces in certain cases, and on what conditions.

## CHAP. 18.

An Act to authorize the purchase of the Pier or Break-water at Cow Bay, N.S., and to provide for its maintenance.

[Assented to 26th May, 1874.]

Preamble.

WHEREAS it is expedient, in the public interest, that the Government of the Dominion should acquire the property of certain works in the Harbour of Cow Bay, Cape Breton, and that certain tonnage dues should be levied on vessels frequenting that port: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Purchase on valuation by engineers, authorized.

1. The Governor in Council may authorize the acquisition for the Dominion, of the pier or wharf forming the said harbour from the present proprietors, at a value to be ascertained after examination by the engineers of the Department of Public Works.

Governor in Council may impose harbour dues, &c.

2. The Governor in Council may, from time to time, impose and cause to be levied such tonnage dues, not exceeding ten cents per ton of the registered measurement of each vessel, on all vessels entering the port, and such tolls on merchandize landed on the pier as he may deem reasonable and necessary. All Orders in Council imposing such dues or tolls shall come in force upon their publication in the *Canada Gazette*.

How to be collected and appropriated.

3. The dues and tolls so imposed shall be collected by the Collector of Customs or such other person as may be appointed by the Governor for the purpose; and no vessel shall be entered or cleared without payment of the tonnage dues to which she is liable, which shall be payable once only in each year on all vessels under one hundred tons, and twice in each year on all vessels of or over one hundred tons: the proceeds of such dues and tolls shall be paid to the Receiver General, and form part of the consolidated revenue fund, towards making good the amount which may be expended in acquiring the property of the Harbour and maintaining the works.

Account to Parliament.

4. An account of the moneys expended under this Act and of the income received under it, shall be laid yearly before Parliament at the then next Session thereof.

## CHAP. 19.

## An Act to amend the Dominion Lands Act.

[Assented to 26th May, 1874.]

**I**N amendment of "*The Dominion Lands Act*," Her Majesty, Preamble.  
by and with the advice and consent of the Senate and House  
of Commons of Canada, enacts as follows:—

**1.** Section fourteen of "*The Dominion Lands Act*," passed in the thirty-fifth year of Her Majesty's reign, Section 14 of 35 V., c. 23 amended. chapter twenty-three, is hereby amended by inserting after the word "the," where it occurs the first time in the said section, the words "township subdivision."

**2.** The sub-section of the fifteenth section of the said Act, Section 15 amended. numbered one, is hereby amended by adding at the end thereof after the words "a half-quarter section or eighty acres," the words "a quarter quarter section or forty acres."

**3.** Section eighteen of the said Act is hereby repealed, and the Section 18 repealed. following is substituted in lieu of, and shall be read as the said eighteenth section:—

"18. Provided that the Company's one twentieth of the lands New section substituted. in fractional townships shall be satisfied out of one, or other, or both, as the case may be, of the sections nos. eight and twenty-six as above, in such fractional townships, the allotment thereof to be effected by the Minister of the Interior and the said Company, or some person duly authorised by them respectively."

**4.** Section twenty of the said Act is hereby amended by adding Section 20 amended. the following sub-section at the end thereof:

"2. Provided further, that one-twentieth of the revenue derived New sub-section added to section 20. from timber limits which may be granted in unsurveyed territory within the fertile belt, as hereinafter provided, shall be annually, so long as the townships comprised in the same remain unsurveyed, paid and accounted for to the Company,—such one-twentieth to cease or to be diminished in proportion as the townships comprised in such limits, or any of them, may be surveyed, in which event, the Company shall receive their one-twentieth interest in the lands in such townships in sections eight and twenty-six as hereinbefore enacted: Proviso. Provided, nevertheless, that on such sections being surveyed as aforesaid, should the same or either of them prove to have been denuded of timber by the lessee, to the extent of one half or more, then, in such case the Company shall not be bound to accept such section or sections so denuded, and shall have the right to select a section or sections to an equal extent in lieu thereof from any unoccupied lands in such township."

Section 25  
amended.

5. Section twenty-five of the said Act is hereby amended by adding the following sub-section at the end thereof:—

New sub-section  
added to  
section 25.

"2. Provided that in the absence of any court, commissioners, or other tribunal established by the Legislature of the Province or Territory within which the lands in question lie, to determine the legal representatives of such deceased officer or soldier, the Minister of the Interior may refer any case arising under the provisions of this section to the court authorized to be established under the Act passed in the thirty-sixth year of Her Majesty's reign, chapter six, intituled "*An Act respecting claims to Lands in Manitoba for which no Patents have issued*," and the provisions thereof shall be and are hereby declared to be in this respect applicable to cases arising under this section."

36 V., c. 6.

Section 29  
amended.

6. Section twenty-nine of the hereinbefore first-cited Act is hereby amended by striking out the words "shall be put up," in the eighth line of the said section, and inserting the words "may be withdrawn from ordinary sale or settlement and offered," in lieu thereof.

Section 30  
amended.

7. Section thirty of the said hereinbefore first cited Act is hereby amended by inserting the words "by scrip or" after the word "payment" where the same occurs in the second line of the said section,

Section 33  
amended.

8. Section thirty-three of the said hereinbefore first cited Act is hereby amended by striking out the word "twenty-one" in the second line of the said section, and inserting the word "eighteen" in lieu thereof.

Sub-section 1  
repealed.  
New section  
substituted.

2. The sub-section numbered one of the said thirty-third section is hereby repealed and the following substituted therefor:—

Entry for  
homestead  
right to give  
right of in-  
terim entry  
for purchase  
of adjoining  
quarter section  
subject to  
certain con-  
ditions.

"1. The entry of a person for a homestead right shall entitle him to receive at the same time therewith an interim entry for any adjoining quarter section then unclaimed, and such interim entry shall entitle such person to take and hold possession and cultivate the same, (but not to cut wood thereon for sale or barter) in addition to his homestead, and at the expiration of the period of three years or upon the sooner obtaining a patent for the homestead under the fifteenth sub-section of this section, to purchase the said adjoining quarter section at the Government price, but the right to such interim entry shall cease and be forfeited together with all improvements on the land upon any forfeiture of the homestead right under the fourteenth sub-section of this section; and the provisions of this section applicable to homestead rights shall apply to land for which an interim entry is obtained except as herein varied:"

Proviso.

Provided always, that the right to an interim entry given by the

the said sub-section as so amended shall not belong to any settler brought in under the provisions of sections fourteen and fifteen of this Act.

3. Sub-section eleven of the said thirty-third section of the said Act is hereby so amended as to read as follows:—

Sub-section  
11 of s. 33  
amended.

“ 11. At the expiration of three years the settler or his widow, her heirs or devisees, or if the settler leaves no widow, his heirs or devisees, upon proof to the satisfaction of the local agent, that he or his widow or his or her representatives as aforesaid, or some of them, have (except in the case of entry upon contiguous lands as hereinbefore provided) resided upon and cultivated the land for the three years next after the filing of the affidavit for entry, or in the case of a settler on unsurveyed land, who may, upon the same being surveyed, have filed his application as provided in sub-section five, upon proof, as aforesaid, that he or his widow, or his or their representatives, as aforesaid, or some of them, have resided upon and cultivated the land for the three years next preceding the application for patent, shall be entitled to a patent for the land, provided such claimant is then a subject of Her Majesty by birth or naturalization:”

New sub-sect.  
substituted.  
Right of  
representa-  
tives of settler  
deceased.

Provided always, that the right of the claimant to obtain a patent under the said sub-section as amended, shall be subject to the provisions of section fifteen of this Act.

a Proviso.

4. Sub-section fifteen of the said thirty-third section is hereby amended by striking out the words “forming an addition to the grant thereof” in the fourth line of the said sub-section, and inserting the words “appertaining to the same” in lieu thereof.

Sub-section 15  
of section 33  
amended.

5. The following sub-section is hereby added after the sixteenth sub-section of the said thirty-third section as sub-section 16 a.

Sub-section  
added after  
sub-sect. 16.

“ 16 a. The Minister of the Interior may at any time order an inspection of any homestead or homesteads in reference to which there may be reason to believe the foregoing provisions, as regards settlement and cultivation, have not been, or are not being carried out, and may, on a report of the facts, cancel the entry of such homestead or homesteads.”

Inspection of  
homesteads.

6. Sub-section seventeen of the said thirty-third section shall be subject to the provisions of section fifteen of this Act, so that an assignment or transfer of a homestead right before the issue of the patent shall be valid if made for a charge created under the said section.

Sub-section 17  
amended.

9. Section forty-four of the said hereinbefore first cited Act is hereby repealed, and the following is substituted for and shall be read as the said section forty-four:—

Section 44  
repealed.

New section substituted for section 44.

Provision as to working of coal mines.

"44. The Minister of the Interior shall have power to protect any person or persons desiring to carry on coal mining in unsurveyed territory, in the possession of the lands on which such mining may be carried on,—provided, that before entering on the working of such mines, such person or persons make written application to the local agent to purchase such land; such application must be accompanied by a description by a deputy surveyor setting forth generally the situation and the dimensions of such land, and shall also be accompanied by payment of the price thereof, estimating the number of acres (which shall not exceed six hundred and forty) at the rate of one dollar per acre. Such application shall be filed by the agent receiving the same—and on the survey of the township containing the land applied for being effected, the claimant or claimants shall be entitled to a patent for such number of acres, in legal subdivisions, including and covering the mine worked, as shall correspond to the application and to the extent of land paid for :

Proviso : as to H. B. Co.:

Proviso : as to survey.

" Provided that all operations under this section shall be subject to the rights of the Hudson's Bay Company to sections 8 and 26 as hereinbefore enacted : Provided further, that the survey of the township within which such land may be situate, shall not be delayed beyond a period of five years after the date of the purchase of such land, without the consent of the Hudson's Bay Company thereto first had and obtained :

Proviso : continuous working required.

" Provided further that such mine shall have been continuously worked, to the satisfaction of the Minister of the Interior during the interim between the application and the survey ; but if the same should at any time during such interim cease to be worked for twelve consecutive months, unless the lands in question be no longer valuable for mining purposes, then the claim of the parties to the land shall lapse, and the mine shall be forfeited to the Crown, together with any and all purchase money which may have been paid to the Government on account thereof."

Sub-section 1 of section 46 amended.

10. The sub-section numbered one of the forty-sixth section of the said hereinbefore first cited Act is hereby amended by inserting the words "The Minister of the Interior may direct that" at the commencement of the said sub-section.

Sub-section 5 of section 46 repealed, and

2. Sub-section five of the said forty-sixth section is hereby repealed, and the following is substituted for, and shall be read as the said sub-section five :—

New sub-section substituted.

Apportionment of wood lots,

5. "The local agent, as settlers shall apply for homestead rights in the township, and in the same order as such applications shall be made, shall, if so requested, apportion to each quarter section so applied for, one of the adjacent wood lots, and such wood lot shall be paid for by the applicant at the rate of one dollar per acre, and shall be entered on the local agent's books and be returned  
by

by him as in connection with the homestead so entered; and on such homestead claimant fulfilling all the requirements of this Act in that behalf, a patent shall issue to him for such wood lot."

11. The fifty-first section of the said hereinbefore first cited Act is hereby amended by inserting after sub-section nine the following as sub-section 10 :— Section 51 amended.

"10. Provided further that in cases where application may be made for limits on which to cut timber in unsurveyed territory, the Governor in Council may, on the recommendation of the Minister of the Interior, authorise the same to be leased for such bonus as may be deemed fair and reasonable,—such leases to be subject nevertheless to the foregoing conditions of this section, except as to that part of sub-section one which provides for the erection of mills, which provision, in respect to limits in unsurveyed territory may, if considered expedient by the Minister of the Interior, be dispensed with." Sub-section added.  
Leases to cut timber.

12. Section one hundred and eight of the said hereinbefore first cited Act is hereby repealed, and the following is substituted for, and shall be read as the said section :— Section 108 repealed.

"108. All proceedings properly taken under the respective Orders in Council, on the subject of the *Public Lands in the Province of Manitoba*, dated the twenty-fifth of April, one thousand eight hundred and seventy-one, and the twenty-sixth of May following the said date, are hereby confirmed, and the said respective Orders, except the provision therein respecting pre-emption rights, which is hereby repealed and done away with, (and except such of the provisions thereof as may be inconsistent with the provisions of this Act, and which are hereby revoked), shall be and remain in force: Provided that this enactment shall in no way affect the provisions of the Act passed in the thirty-sixth year of Her Majesty's reign, Chapter thirty-eight." New section substituted.  
Proceedings under Orders in Council confirmed.  
Proviso.

13. The schedule to the said hereinbefore first cited Act is hereby amended by striking out the form "B" therein contained and substituting the following in lieu thereof:— Schedule B repealed.

### " FORM B.

#### "AFFIDAVIT IN SUPPORT OF CLAIM FOR HOMESTEAD RIGHT.

I, A. B., do solemnly swear (or affirm as the case may be) that I am over eighteen years of age, that I have not previously obtained a homestead under the provisions of the *Dominion Lands Acts*, that to the best of my knowledge and belief there is no person residing on the land in question or entitled to enter the same as a homestead, and that the application is made for my exclusive use and benefit, and for the purpose of actual settlement. So help me God." New schedule B.

Provision in case of parties settling large tracts without expense to government, by bringing in settlers.

**14.** If any person or persons undertake to settle any of the public lands of the Dominion free of expense to the Government, in the proportion of one family to each alternate quarter section, or not less than sixty-four families in any one township, under the Homestead provisions of the Act hereby amended, the Governor in Council may withdraw any such township from public sale and general settlement; and may, if he thinks proper, having reference to the settlement so effected and to the expense incurred by such person or persons in procuring the same, order the sale of any other and additional lands in such township to such person or persons at a reduced price, and may make all necessary conditions and agreements for carrying the same into effect.

Such parties may obtain a lien for sums advanced to settlers.

**15.** The expenses, or any part thereof, incurred by any person or persons, for the passage money or subsistence in bringing out an Immigrant, or for aid in erecting buildings on the homestead or in providing farm implements or seed for such Immigrant, may, if so agreed upon by the parties, be made a charge on the homestead of such immigrant, which with interest thereon, must be satisfied before a patent shall issue for the land: Provided, that in no case shall the charge for principal moneys advanced against such homestead exceed in amount two hundred dollars, and that an acknowledgment by such immigrant of the debt so incurred shall have been filed in the Dominion Lands office: And provided further, that no greater rate of interest than six per cent per annum, shall be charged on the debt so incurred by such immigrant.

Proviso.

Proviso.

#### ASSIGNMENTS.

Surveyor-general to keep a register of assignments.

**16.** The Surveyor General shall keep a book for registering, at the option of the parties interested, the particulars of any assignment made, as well by the original nominee, purchaser, or locatee or lessee of Dominion Lands, or his heir or legal representative, as by any subsequent assignee, and upon such assignment being produced with the affidavit of due execution thereof, and of the time and place of such execution, and the names, residences, and occupations of the witnesses, the said Surveyor General shall cause the material particulars of every such assignment to be registered in such book of registry, and shall cause to be endorsed on every such assignment a certificate of such registration, and every such assignment so registered shall be valid against any one previously executed, and subsequently registered or unregistered, but all assignments to be registered must be unconditional, and all the conditions of sale, grant or location, must have been complied with, or if dispensed with, then so dispensed with by the Minister of the Interior, before such registration is made.

Conditions of registration.

If any subscribing witness cannot be found.

**17.** If any subscribing witness to any such assignment is deceased, or cannot be found, the said Surveyor General may register such assignment on the production of an affidavit proving the death or the absence of such witness, and the hand-writing of the party making such assignment.

## TOWNSHIP PLANS AND PATENT LISTS.

18. The Surveyor General shall transmit to the Registrar of every county and registration district, and division, in Manitoba and the North West Territories, a copy of the plan of each township or parish within such county, district or division which has been previously surveyed, and the survey of which has been confirmed, and shall also at the same time transmit a list of all Dominion Lands, within such county, district or division, for which patents may have previously issued; and further, shall, as early as possible in each year thereafter, transmit to such Registrar a copy of the map of each township in such county, district or division, surveyed in the year next preceding, together with a list of the lands in such county, district or division, patented during such year. All of such copies of plans, maps and lists of lands patented shall be certified by the Surveyor General.

Surveyor-general to transmit certain information to registrars of counties, &c.

Certified by him.

## LAND SCRIP.

19. Whereas by the fifth sub-section of the thirty-second section of the Act passed in the thirty-third year of Her Majesty's reign, chapter three, it is provided that the rights of common and of cutting hay held and enjoyed by the settlers in the Province of Manitoba may be commuted by grants of land from the Crown; and whereas the method of commuting the said rights by an issue of scrip redeemable only in land is most convenient and expedient; and whereas it is also expedient to affirm the principle that rights to Dominion land may be satisfied by an issue of scrip; therefore, the Orders of the Governor in Council, dated respectively the sixth day of September and the seventeenth day of April last past, providing for the issue of scrip in commutation of the rights of common and of cutting hay in Manitoba, are hereby confirmed.

Certain Orders in Council authorizing the issue of scrip for land rights confirmed.

20. The Governor in Council may, if deemed by him expedient, satisfy any claim which may hereafter arise to grants of Dominion Lands, by an issue of scrip redeemable only by its receipt in payment for such land.

Further authority to issue scrip.

## TARIFF OF FEES.

21. The Governor in Council may establish a tariff of fees to be charged for all copies of maps, township plans and field notes; also for registering assignments; and all fees received under such tariff shall be accounted for by the Surveyor General, and shall form part of the Revenue from Dominion Lands.

Fees for documents furnished from Surveyor general's office.

22. The persons qualified to act as surveyors of Dominion Lands under the Act hereby amended, shall hereafter be called and known as "Dominion Land Surveyors" and whenever "Deputy Surveyors of Dominion Lands" are mentioned or referred to in the said Act, surveyors of Dominion Lands shall be intended and understood.

Change of official style of Surveyor of Dominion Lands.

23. This Act shall be construed as one Act with the Act hereby amended, and they may be cited together as *The Dominion Lands Acts*, which shall be sufficient citation of both.

Interpretation. Short title.

## CHAP. 20.

## An Act respecting the appropriation of certain Dominion Lands in Manitoba.

[Assented to 26th May, 1874.]

Preamble.  
33 V., c. 3.

**W**HEREAS by the thirty-first section of the Act thirty-third Victoria, chapter three, it was enacted as expedient towards the extinguishment of the Indian title to the lands in the Province of Manitoba to appropriate one million four hundred thousand acres of such lands for the benefit of the children of the half-breed heads of families residing in the Province at the time of the transfer thereof to Canada;

And whereas no provision has been made for extinguishing the Indian title to such lands as respects the said half-breed heads of families residing in the Province at the period named;

And whereas it is expedient to make such provision, and it is deemed advisable to effect the same by grants of land or by an issue of scrip redeemable in Dominion Lands;

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

Grant to half-breed heads of families.

**1.** To effect the purpose above mentioned, each half-breed head of a family resident in the Province on the fifteenth day of July, one thousand eight hundred and seventy, shall be entitled, in the discretion of and under regulations to be made by the Governor General in Council, to receive a grant of one hundred and sixty acres of land or to receive scrip for one hundred and sixty dollars, the latter to be receivable in payment for the purchase of Dominion Lands.

Who shall be deemed such heads of families.

**2.** For the purpose of this Act the term "half-breed heads of families" shall be held to include half-breed mothers as well as half-breed fathers, or both, as the case may be:

Proviso.

But the land or scrip to which any half-breed mother shall be entitled under this Act shall be granted or allotted and given to such half-breed mother on such conditions as the Governor in Council may, from time to time, determine;

Case of death of such head after 15th July, 1870.

And in the event of the death of any half-breed father or half-breed mother, or both, between the fifteenth day of July, one thousand eight hundred and seventy, and the granting of the land or the issuing of the scrip, the land or scrip to which such half-breed head of a family is entitled shall be granted or distributed to such members of the family and on such conditions as the Governor in Council may, from time to time, determine,

3. Whereas it is expedient to afford facilities to parties claiming lands under the third and fourth sub-sections of the thirty-second section of the Act thirty-third Victoria, chapter three, to obtain letters patent for the same,—

Who shall be entitled to patents under 33 V., c. 3, s. 32, sub-secs. 3 and 4.

Be it enacted, that persons satisfactorily establishing undisturbed occupancy of any lands within the Province prior to, and being by themselves or their servants, tenants or agents, or those through whom they claim, in actual and peaceable possession thereof on the eighth day of March, One thousand eight hundred and sixty-nine, shall be entitled to receive letters patent therefor, granting the same absolutely to them respectively in fee simple.

4. And whereas by the Act thirty-sixth Victoria, chapter thirty-seven it was provided that forty-nine thousand acres should be set apart from the ungranted lands of the Crown in Manitoba, to be divided as Free Grants to persons resident in the Province, being original white settlers who came into the country under the auspices of Lord Selkirk, between the years one thousand eight hundred and thirteen and one thousand eight hundred and thirty-five, both inclusive, or the children, not being half-breeds, of such original settlers :

Case under 36 V., c. 37, recited.

And whereas it was thereby intended to give each of such settlers and their children one hundred and forty acres of land, and, in the absence of an exact census, the number of claimants was assumed as not to exceed three hundred and fifty, and the grant of land, forty-nine thousand acres, was estimated accordingly :

And whereas an accurate census of such persons and their children shews that they number five hundred and thirty or thereabouts, and an equal division of the land so set apart, as above, would only give to each claimant ninety-two acres and four-tenths of an acre :

Census of persons entitled, and their request

And whereas it is expedient to recognize the right of each of such claimants to a grant of one hundred and sixty acres :

And whereas the said persons and their children have requested that such grant may be by an issue of scrip, and it is considered expedient to concede such request :

And whereas it is also expedient to recognize the claims to free grants of land on the part of certain original white settlers in the said Province, who settled in the country at an early date, but not under the auspices of Lord Selkirk, and to provide for the same by an issue of scrip, therefore—

Case of others not provided for by that Act.

Each and every person now resident in the said Province, being original white settlers who came into the Red River country, whether under the auspices of Lord Selkirk or otherwise, between the years one thousand eight hundred and thirteen and one thousand eight hundred and thirty-five, both inclusive, or the children

Grant of scrip in the cases above mentioned.

children, not being half-breeds, of such original white settlers, shall be entitled under regulations to be made by the Governor General in Council to receive scrip for one hundred and sixty dollars, the same to be receivable in payment for the purchase of Dominion Lands.

36 V., c. 37  
repealed.

5. The said Act, thirty-sixth Victoria, chapter thirty-seven, is hereby repealed.

## CHAP. 21.

An Act to amend certain Laws respecting Indians, and to extend certain Laws relating to matters connected with Indians to the Provinces of Manitoba and British Columbia.

[Assented to 26th May, 1874.]

Preamble.

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

31 V., c. 42,  
s. 12, and 32;  
33 V., c. 6, s. 3  
repealed, and  
new section  
substituted for  
the latter.

1. The twelfth section of the Act thirty-first Victoria, chapter forty-two, intituled "*An Act providing for the organization of the Department of the Secretary of State of Canada, and for the management of Indian and Ordnance Lands,*" and the third section of the Act thirty-second and thirty-third Victoria, chapter six, intituled "*An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act thirty-first Victoria, chapter forty-two,*" are hereby repealed, and the following shall be read in lieu of the last mentioned section:—

Provisions for  
preventing the  
supplying of  
intoxicating  
liquors to  
Indians.

3. 1. Whoever sells, exchanges with, barter, supplies, or gives to any Indian man, woman or child in Canada, any kind of intoxicating liquor, or causes or procures the same to be done, or connives or attempts thereat or opens or keeps, or causes to be opened or kept on any land set apart or reserved for Indians, a tavern, house, or building where intoxicating liquor is sold, bartered, exchanged, or given, or is found in possession of intoxicating liquor in the house, tent, wigwam, or place of abode of any Indian, shall, on conviction thereof before any Justice of the Peace upon the evidence of one credible witness other than the informer or prosecutor, be liable to imprisonment for a period not exceeding two years, and be fined not more than five hundred dollars, one moiety to go to the informer or prosecutor, and the other moiety to Her Majesty, to form part of the fund for the benefit of that tribe or body of Indians with respect to one or more members of which the offence was committed; and the commander or person in charge of any steamer or other vessel, or boat, from or on board of which any intoxicating liquor shall have been sold, bartered, exchanged, supplied or given to any Indian man, woman or child, shall

Punishment  
for contraven-  
tion, by fine  
and imprison-  
ment.

If supplied  
from or on  
board any  
vessel,

shall be liable, on conviction thereof before any Justice of the Peace, upon the evidence of one credible witness other than the informer or prosecutor, to be fined not exceeding five hundred dollars for each such offence, the moieties thereof to be applicable as hereinbefore mentioned, and in default of immediate payment of such fine any person so fined may be committed to any common gaol, house of correction, lock-up, or other place of confinement by the Justice of the Peace before whom the conviction shall take place, for a period of not more than twelve months, or until such fine shall be paid; and in all cases arising under this section, Indians shall be competent witnesses: but no penalty shall be incurred in case of sickness where any intoxicating liquor is made use of under the sanction of any medical man or under the directions of a minister of religion.”

Indians competent as witnesses.  
Proviso.

“2. The keg, barrel, case, box, package or receptacle whence intoxicating liquor has been sold, exchanged, bartered, supplied or given, and as well that in which the original supply was contained as the vessel wherein any portion of such original supply was supplied as aforesaid, and the balance of the contents thereof, if such barrel, keg, case, box, package, receptacle or vessel aforesaid respectively, can be identified, and any intoxicating liquor imported or manufactured or brought into and upon any land set apart or reserved for Indians, or into the house, tent, wigwam or place of abode of any Indian, may be seized by any constable wheresoever found on such land; and on complaint before any Judge, Stipendiary Magistrate or Justice of the Peace, he may, on the evidence of any credible witness that this Act has been contravened in respect thereof, declare the same forfeited, and cause the same to be forthwith destroyed; and the person in whose possession they were found may be condemned to pay a penalty not exceeding one hundred dollars, nor less than fifty dollars, and the costs of prosecution; and one-half of such penalty shall belong to the prosecutor, and the other half to Her Majesty for the purposes hereinbefore mentioned, and in default of immediate payment the offender may be committed to any common gaol, house of correction, lock-up or other place of confinement for any time not exceeding six months unless such fine and costs are sooner paid.”

Forfeiture of the package containing such liquors.

Seizure of liquor.

And forfeiture.

Penalty on persons having such packages, &c., in possession.

“3. When it shall be proved before any Judge, Stipendiary Magistrate or Justice of the Peace that any vessel, boat, canoe, or conveyance of any description upon the sea or sea-coast, or upon any river, lake or stream in Canada, is employed in carrying intoxicating liquor, to be supplied to any Indian or Indians, such vessel, boat, canoe, or conveyance so employed may be seized and declared forfeited as in the last sub-section mentioned, and sold, and the proceeds thereof paid to Her Majesty for the purposes hereinbefore mentioned.”

Forfeiture of the vessel, boat, canoe, &c., carrying liquors to be supplied to Indians.

“4. It shall be lawful for any constable, without process of law, to arrest any Indian whom he may find in a state of intoxication, and to convey him to any common gaol, house of

Indian drunk may be arrested.

of correction, lock-up or other place of confinement, there to be kept until he shall have become sober; and such Indian shall, when sober, be brought before any Judge, Stipendiary Magistrate, or Justice of the Peace, and if convicted of being so found in a state of intoxication, shall be liable to imprisonment in any common gaol, house of correction, lock-up or other place of confinement, for any period not exceeding one month. And if any Indian having been so convicted as aforesaid, shall refuse, upon examination, to state or give information of the person, place, and time, from whom, where and when he procured intoxicating liquor, and if from any other Indian, then, if within his knowledge, from whom, where and when such intoxicating liquor was originally procured or received, he shall be liable to imprisonment as aforesaid for a further period not exceeding fourteen days."

And must, on conviction, declare how he got the liquor. Punishment for refusal.

Interpretation clause. "Intoxicating liquor."

"5. The words 'intoxicating liquor' shall mean and include all spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors or intoxicating drink of any kind whatsoever, and intoxicating liquor or fluid; as also opium and any preparation thereof, whether liquid or solid; and any other intoxicating drug or substance, and tobacco or tea mixed or compounded or impregnated with opium or with other intoxicating drug or substance, and whether the same, or any of them, be liquid or solid."

Want of form not to invalidate proceedings under this Act.

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

31 V., c. 42, s. 14 amended.

2. The following shall be taken and read as part of the fourteenth section of the thirty-first Victoria, chapter forty-two, that is to say:—

Certain sales, exchanges, &c., to be void.

"Nor shall the same be sold, bartered, exchanged or given by any tribe, band or body of Indians or any Indian of any such tribe, band or body to any person or persons other than a tribe, band or body of Indians or any Indian of any tribe; and any such sale, barter, exchange or gift, shall be absolutely null or void, unless any such sale, barter, exchange or gift be made with the written assent of the Indian agent; and any person who may buy or otherwise acquire any presents or property purchased as aforesaid without the written consent of the Indian agent as aforesaid shall be guilty of a misdemeanor, and be punishable by fine not exceeding two hundred dollars, or by imprisonment not exceeding six months in any place of confinement other than a Penitentiary."

Punishment of purchaser, &c.

Manner in which Indians, &c., may give evidence in criminal cases.

3. Upon any inquest, or upon any enquiry into any matter involving a criminal charge, or upon the trial of any crime or offence whatsoever, or by whomsoever committed, it shall be lawful for any Court, Judge, Stipendiary Magistrate, Coroner or Justice of the Peace to receive the evidence of any Indian or aboriginal native or native of mixed blood, who is destitute of the knowledge of

of God, and of any fixed and clear belief in religion or in a future state of rewards and punishments, without administering the usual form of oath to any such Indian, aboriginal native or native of mixed blood as aforesaid, upon his solemn affirmation or declaration to tell the truth, the whole truth and nothing but the truth, or in such form as may be approved by such Court, Judge, Stipendiary Magistrate, Coroner or Justice of the Peace, as most binding in his conscience.

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

Further provision in the same matter.

5. The court, judge, Stipendiary Magistrate, or Justice of the Peace shall, before taking any such evidence, information or examination, caution every such Indian, aboriginal native or native of mixed blood as aforesaid, that he will be liable to incur punishment if he do not so as aforesaid tell the truth.

Court to warn Indian of his liability to punishment for false statement.

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

When written declarations of Indians may be used in criminal proceedings.

7. Every solemn affirmation or declaration in whatever form made or taken by any person as aforesaid shall be of the same force and effect, as if such person had taken an oath in the usual form, and shall, in like manner, incur the penalty of perjury in case of falsehood.

Effect of declaration, &c., taken by any person as aforesaid.

8. An Indian is hereby defined to be a person within the definition contained in the fifteenth section of the thirty-first Victoria, chapter forty-two, as amended by the sixth section of the thirty-second and thirty-third Victoria, chapter six, and who shall participate in the annuities and interest moneys and rents of any tribe, band or body of Indians.

Indian defined.

9. Upon, from and after the passing of this Act, the Acts and portions of Acts hereinafter mentioned of the Parliament of Canada shall be and are hereby extended to and shall be in force in the Provinces of Manitoba and of British Columbia; and all enactments and laws theretofore in force in the said Provinces, inconsistent

Certain Acts and laws to be in force in British Columbia and Manitoba,

Others re-  
pealed.

inconsistent with the said Acts, or making any provision in any matter provided for by the said Acts, other than such as is made by the said Acts, shall be repealed on and after the passing of this Act.

The Acts and  
parts of Acts  
extended by  
s. 9.

**10.** The Acts and portions of Acts hereinbefore mentioned and hereby extended to and to be in force in the Provinces of Manitoba and of British Columbia, are as follows:—

1. Sections six to twenty-five both inclusive, and sections twenty-eight, twenty-nine, thirty, thirty-seven, thirty eight, thirty-nine and forty-two, of the Act passed in the thirty-first year of Her Majesty's reign, and intituled: "*An Act providing for the organization of the Department of the Secretary of State of Canada, and for the management of Indian and Ordnance Lands;*"

2. Sections one to twenty-one, both inclusive, and section twenty-four of the Act passed in the thirty-second and thirty-third years of Her Majesty's reign, intituled: "*An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act thirty-first Victoria, chapter forty-two;*"

3. Sections one, three, six, seven, eight, nine and sixteen, of the Act passed in the thirty-sixth year of Her Majesty's reign, and intituled: "*An Act to provide for the establishment of the Department of the Interior.*"

Governor in  
Council may  
exempt  
Indians or  
Indian lands  
in Manitoba  
or British  
Columbia,  
from the  
operation of  
certain Acts,  
&c. and again  
subject them  
to the same.

**11.** The Governor in Council may, by proclamation from time to time, exempt from the operation of the Act passed in the thirty-first year of Her Majesty's reign, and intituled: "*An Act providing for the organization of the Department of the Secretary of State of Canada, and for the management of Indian and Ordnance Lands,*" or from the operation of an Act passed in the thirty-second and thirty-third years of Her Majesty's reign, intituled "*An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act thirty-first Victoria, chapter forty-two,*" or from the operation of the Act passed in the thirty-first year of Her Majesty's reign, and intituled: "*An Act to provide for the establishment of the Department of the Interior,*" or from the operation of this Act, or from the operation of any one or more of the clauses of any one or more of the said Acts, the Indians or any of them, or any tribe of them or the Indian lands or any portions of them in the Province of Manitoba, or in the Province of British Columbia, or in either of them, and may again, by proclamation, from time to time, remove such exemption.

And may ext-  
end and ap-  
ply certain  
other Acts

**12.** The Governor in Council may, by proclamation from time to time, direct the application of the Act passed in the thirty-first year of Her Majesty's reign, and intituled "*An Act providing for*  
*the*

*the organization of the Department of the Secretary of State of Canada, and for the management of Indian and Ordnance Lands;*" and of an Act passed in the thirty-second and thirty-third years of Her Majesty's reign, intituled "*An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act thirty-first Victoria, chapter forty-two;*" and an Act passed in the thirty-sixth year of Her Majesty's reign, and intituled "*An Act to provide for the establishment of the Department of the Interior;*" or of any one or more of the clauses of any one or more of the said Acts to the Indians or any of them or any tribe of them or the Indian lands or any portions of them, or that the same be in force generally in the North West Territories.

and enactments, generally to any Indians or Indian lands in N. W. Territories.

13. The second, third, and seventh sections of the Ordinance, No. 85, of the Revised Statutes of British Columbia are hereby repealed.

Ordinance of R. S. of B. C. repealed in part.

14. This Act shall be construed as one Act with the Acts thirty-first Victoria, chapter forty-two, and thirty-second and thirty-third Victoria, chapter six.

Act how to be construed.

## CHAP. 22.

An Act to amend "*An Act respecting the administration of Justice and for the establishment of a Police Force in the North-West Territories.*"

[Assented to 26th May, 1874.]

**I**N amendment of the Act cited in the title to this Act (36 Victoria, Chapter 35), Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. From and after the passing of this Act, sections 10, 12, 15, 16, 19, 20, 22, 23, 24, 26, 34, and 35 of the said Act are hereby repealed, and the following sections are substituted in lieu thereof, and shall be read as if originally enacted as part thereof:—

Sections of 36 V., c. 35 repealed.

### MOUNTED POLICE FORCE.

10. The Governor in Council may constitute a Police Force in and for the North-West Territories, and the Governor may, from time to time, as may be found necessary, appoint by commission a Commissioner of Police, an Assistant Commissioner of Police, and one or more Inspectors, Sub-Inspectors and Surgeons, together with a Paymaster, Quartermaster and Veterinary Surgeon of Police, each of whom shall hold office during pleasure.

Police force and officers.

Constables and sub-constables.

**12.** The Governor in Council may, from time to time, authorize the Commissioner of Police to appoint, by warrant under his hand, such number of constables and sub-constables as he may think proper, not exceeding in the whole three hundred men; and the Commissioner may delegate this authority to any commissioned officer of the force; and such number thereof shall be mounted as the Governor in Council may, at any time, direct.

Mounted men.

Officers to be magistrates, and men constables: and where, and for what purposes.

**15.** The Commissioner shall have all the powers of a Stipendiary Magistrate under this or any other Act in force in the North-West Territories. The Assistant Commissioner and Inspectors, and such other officers as the Governor in Council may approve, shall be *ex-officio* Justices of the Peace; and every constable and sub-constable of the force shall be a constable in and for the whole of the North-West Territories, for carrying out any laws or ordinances in force therein, and also in every Province in the Dominion for the purpose of carrying out the criminal and other laws of the Dominion.

Articles of engagement.

**16.** Every constable and sub-constable shall, upon appointment to the said force, sign articles of engagement; and any penalty which may be therein assigned may be enforced; and one condition in the said articles shall always be that he shall serve for the period of three years, unless he be dismissed or discharged therefrom by the Commissioner. The engagement shall be contracted to the Commissioner, and may be enforced by the Commissioner for the time being.

Enforcement.

Duties of the force.

**19.** It shall be the duty of the force, subject to the orders of the Commissioner,—

Prevention of crime.

1. To perform all duties which now are or shall be hereafter assigned to constables in relation to the preservation of the peace, the prevention of crime and of offences against the laws and ordinances in force in the North-West Territories and the criminal and other laws of the Dominion, and the apprehension of criminals and offenders, and others who may be lawfully taken into custody;

Attending judges, &c.

2. To attend upon any Judge, Stipendiary Magistrate, and Justice of the Peace when specially required, and to execute all warrants and perform all duties and services in relation thereto, which may, under this Act or the laws and ordinances in force in the North-West Territories, or the criminal or other laws of the Dominion, lawfully be performed by constables;

Conveying prisoners.

3. To perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners and lunatics, to or from any courts, places of punishment or confinement, asylums or other places;

Making searches for intoxicating liquors.

4. Upon information or upon reasonable grounds of suspicion, and without the necessity of any intervention or process of law,  
to

to enter any shop, store, hut, tent, wigwam, dwelling or building or place or enclosure (but no constable or sub-constable shall so enter any hut, tent, wigwam or dwelling, unless accompanied by or under orders of a commissioned officer); and also to enter, and for such purpose to stop and detain while travelling, any vessel, canoe, carriage, wagon, cart, sleigh or other vehicle or means of conveyance of any description, and to dig in, rummage and search all parts thereof, and any kegs, barrels, cases, boxes or packages or receptacles of any kind for spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors or intoxicating drink, of any kind,—and any such kegs, barrels, cases, boxes or packages or other receptacles of any kind whatever found containing the same to break up and utterly destroy, and all spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors or intoxicating drink, to pour out, spill, waste and utterly to destroy forthwith; And destroying the same.

5. And for these purposes and the performance of all the duties assigned to them by or under the authority of this Act, they shall in addition to the powers and duties conferred or imposed by this Act, have all the powers, authority, protection and privileges which any constable has or shall hereafter by law have. Powers for such purposes.

20. The Governor in Council may establish the precedence of rank of the several commissioned officers and, from time to time, make rules and regulations for any of the following purposes, viz:—To regulate and prescribe the clothing, arms, training and discipline of the Force; to regulate and prescribe the duties and authorities of the Commissioner and the several other commissioned officers of the force, and the several places at or near which the same, or the force or any portions thereof may, from time to time, be stationed; and generally all and every such matters and things for the good government, discipline and guidance of the force as are not inconsistent with this Act: and such rules and regulations may impose penalties, not exceeding in any case thirty days' pay of the offenders, for any contravention thereof, and may direct that such penalty when incurred may be deducted from the offenders pay: they may determine what officer shall have power to declare such penalty incurred, and to impose the same; and they shall have force as if enacted by law. Governor in Council may make regulations, and for what purpose.  
May impose penalties.

22. Any member of the force who shall be found guilty of disobedience of the lawful commands of his superior, or who shall strike his superior, or who shall be guilty of any oppressive or tyrannical conduct towards an inferior, or shall be convicted of intoxication, however slight, or who shall directly or indirectly receive any gratuity without the Commissioner's sanction, or any bribe, or who shall embezzle or misapply any public moneys, arms, ammunition, clothing, appointments or public property or stores, or who shall take and convert to his own use any of the necessaries belonging Enforcing discipline in the Force and punishing offences by members of the Force.

belonging to any comrade, without his consent, or who shall wear any party emblem, or shall otherwise manifest political partizanship, or shall wear any medal (not granted by the sovereign) or any badge whatsoever, without authority from the Commissioner, or who shall make use of any mutinous words, or shall overhold any complaint or be guilty of any mutinous or insubordinate conduct, or who shall knowingly make any false return or statement, or sign any false certificate or be privy thereto, or who shall make any alteration or erasure (for the purpose of fraud or deceit) in any public documents, or shall forge the name of any person on any warrant, summons, or other public document, or who shall make any false entry in any official book, or diary, or who shall wilfully omit to make an entry therein as to the performance of any duty, matter or thing which ought to be so entered, or who shall by any concealment or wilful omission attempt to evade the true spirit and meaning of this Act, or of the rules, orders or regulations respecting the force, or who shall refuse or omit to make a true and faithful return of all fines received by him, or to which he may be entitled upon any conviction in which he shall have been a prosecutor or witness, or who shall be convicted of any offence by a court of justice, or who shall unduly overhold any allowances or any other public money entrusted to him, or who shall be guilty of gambling, or who shall misapply any money or goods levied under any warrant or taken from any prisoner, or who shall give notice or otherwise cause to be intimated, either directly or indirectly, to any person against whom there shall be a warrant or order, notice thereof, with a view to the evasion of such warrant or order, or who shall divulge any matter or thing which it may be his duty to keep secret, or who shall make any anonymous complaint to the Government or the Commissioner, or who shall communicate without the Commissioner's authority, either directly or indirectly, to the public press, any matter or thing touching the force, or who, knowing where any offender shall be residing or concealed, shall not immediately inform his superior of the same, or shall not take due and prompt measures for the arrest of such person, or who shall wilfully or through negligence or connivance allow any person to escape, or who shall use any cruel, harsh or unnecessary violence towards any prisoner or other person, or who shall leave any post on which he has been placed as a sentry or on other duty, or who shall absent himself from his duties or quarters without leave, or who shall be guilty of any prevarication before any court, or upon any enquiry, or who shall behave in a scandalous or infamous manner, or shall be guilty of disgraceful conduct, or who shall be seen in any public house when not necessarily there on duty or by the permission of a superior officer, or who shall be guilty of profane or grossly immoral conduct, or who shall directly or indirectly borrow money from or through any other member of the force of inferior rank for his own private use or benefit, or who shall violate any standing order, rule or regulation, or any order, rule or regulation hereafter to be made, or who shall be guilty of any disorder or neglect to the prejudice of morality or discipline, though not specified in this Act or in any lawful rules

or

or regulations, shall be held to have committed a breach of discipline, and, if a commissioned officer, shall be dismissed the service, or if a chief, staff or other constable shall, in the discretion of the Commissioner, be dismissed the service and thereby forfeit any benefit arising from his past service, or shall suffer suspension or loss of rank, or be liable to a fine not exceeding one month's pay, to be deducted in one sum or by monthly instalments from any pay accrued or accruing to the offender, or in failure thereof, to be levied by warrant under the hand of the Commissioner or Assistant Commissioner, or an Inspector, or any Justice of the Peace, from the goods and chattels of the offender, in addition to and besides any punishment to which the offender may be liable under any law in force in the North-West Territories, or in any Province in which the offence may be committed in respect thereof.

Punishment for offences.

**23.** Any commissioned officer or any member of the force suspended or dismissed shall forthwith deliver up to the Commissioner or to a commissioned officer or to any constable authorized to receive the same, his clothing, arms, accoutrements and all property of the Crown in his possession as a member of the force or used for police purposes; and in case of his refusing or neglecting so to do, shall incur a penalty of fifty dollars, in addition to the value of the articles not delivered up, and the penalty and value aforesaid shall be recoverable with costs of prosecution by summary conviction before any judge, Stipendiary Magistrate, or Justice of the Peace having jurisdiction in the North-West Territories, who, in case of non-payment of the penalty and value aforesaid and costs immediately after conviction, may in his discretion levy the same by distress and sale, or commit the person so convicted and making default in payment of the said penalty and value aforesaid and costs, to any common gaol or house of correction or lock-up house within the North-West Territories, for a period not exceeding six months, unless the said penalty and costs be sooner paid.

Enforcing delivery of arms by members of the Force dismissed or suspended.

**24.** Whenever the Commissioner shall deem it advisable to make or cause to be made any special enquiry into the conduct of any commissioned officer, or any member of the Police Force, or into any complaint against any of them, he or the commissioned officer or officers whom he may appoint for that purpose, may examine any person on oath or affirmation on any matters relative to such enquiry, and may administer such oath or affirmation, and shall have power to, and may compel the attendance of any necessary witnesses, in the same way as if the proceedings were before Justices, under the "*Act respecting the duties of Justices of the Peace, out of Sessions, in relation to persons charged with indictable offences.*"

Inquiries respecting conduct of members of the Force.

**26.** It shall be lawful for the Governor in Council, from time to time, to fix the sums to be annually paid to the Commissioner and other officers of the said force, regard being had to the number of constables and sub-constables, from time to time, actually organized

Governor in Council to fix remuneration, within certain rates.

organized and enrolled, and the consequent responsibility attaching to their offices aforesaid, respectively, and to the nature of the duty or service and amount of labour devolved upon them; but such sums shall not exceed the amounts following, that is to say:—

	Per annum.
Commissioner of Police, not exceeding.....	\$2,600
Assistant Commissioner, not exceeding.....	1,600
Each Inspector, not exceeding.....	1,400
Each sub-Inspector, not exceeding.....	1,000
Paymaster, not exceeding.....	1,200
Quarter-Master, not exceeding.....	800
Surgeon, not exceeding.....	1,400
Veterinary Surgeon, not exceeding.....	700
Chief and Staff Constables, not exceeding \$1.25 per day.	
Constables, not exceeding \$1 per day.	
And sub-Constables, not exceeding seventy-five cents per day.	

Arrangement with any Province for use of Police Force.

**35.** The Governor in Council may, from time to time, enter into arrangements with the Government of any Province of the Dominion for the use or employment of the said Police Force, or any portion thereof, in aiding the administration of justice in such Province, and in carrying into effect the laws of the Legislature thereof; and may, in any such arrangement, agree and determine the amount of money which shall be paid by the Province using the same in respect of such services of the said force.

## CHAP. 23.

An Act to amend "*An Act for the organization of the Department of Marine and Fisheries of Canada.*"

[Assented to 26th May, 1874.]

Preamble.

**H**ER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

"Secretary" to be read "Deputy," in 31 V., c. 57.

**1.** Wherever the word "Secretary" occurs in the Act passed in the thirty-first year of Her Majesty's reign, intituled "*An Act for the organization of the Department of Marine and Fisheries of Canada,*" the word "Deputy" shall be deemed and taken to be substituted therefor, and as if the same had originally formed part of the said Act at the time of the passing thereof.

Said Deputy to come under Civil Service Act: 31 V., c. 34, sch. A.

**2.** The Deputy of the Minister of Marine and Fisheries under the last mentioned Act, as hereby amended is hereby declared to be the officer bearing that designation in "*The Canada Civil Service Act, 1868,*" and the Schedule A thereto annexed.

Acts done by Deputy as Secretary confirmed.

**3.** Nothing herein contained shall invalidate any act done by the said Deputy as the Secretary of the said Minister, before the passing of this Act.

CHAP.

## CHAP. 24.

## An Act to exempt Transports from Port and Harbour Dues.

[Assented to 26th May, 1874.]

**H**ER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. All Transports or vessels employed exclusively in carrying troops shall be exempt from any Port or Harbour duties, at any port or harbour in Canada, whether the same be imposed directly by the Parliament of Canada, or by any local or other authorities subject to its control.

Transports exempted from all Port and Harbor dues.

## CHAP. 25.

## An Act respecting Carriers by Water.

[Assented to 26th May, 1874.]

**W**HEREAS it is expedient to define the liabilities and rights of Carriers by water in the Dominion of Canada with respect to certain matters, touching which different rules may now prevail in some Provinces thereof: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Carriers by water shall, at the times and in the manner and on the terms of which they have respectively given public notice, receive and convey according to such notice, all persons applying for passage, and all goods offered for conveyance, unless in either case there is reasonable and sufficient cause for not doing so:

Duties and responsibility of carriers by water defined and limited as to goods.

They shall be responsible not only for goods received on board their vessels, but also for goods delivered to them for conveyance by any such vessel, and they shall be bound to use due care and diligence in the safe-keeping and punctual conveyance of such goods, subject to the provisions hereinafter made:

They shall be liable for the loss of or damage to goods entrusted to them for conveyance as aforesaid,—

Except that they shall not be liable to any extent whatever to

make

make good any loss or damage happening without their actual fault or privity, or the fault or neglect of their agents, servants or employees,—

(1.) To any goods on board any such vessel, or delivered to them for conveyance therein, by reason of fire or the dangers of navigation;

(2.) Arising from any defect in or from the nature of the goods themselves, or from armed robbery or other irresistible force;

(3.) To any gold, silver, diamonds, watches, jewels, or precious stones, money, or valuable securities, or article of great value not being ordinary merchandise, by reason of any robbery, theft, embezzlement, removal or secreting thereof, unless the true nature and value thereof has, at the time of delivery for conveyance, been declared by the owner or shipper thereof to the carrier or his agent or servant, and entered in the bill of lading or otherwise in writing.

As to loss or damage to personal baggage of passengers. Liability limited.

2. Carriers by water shall be liable for the loss of or damage to the personal baggage of passengers by their vessels, and the oath or affirmation of any such passenger shall be *prima facie* evidence of the loss of or damage to such articles, and of their value; provided that such liability shall not extend to any greater amount than five hundred dollars, or to the loss of or damage to any such valuable articles as are mentioned in the next preceding section, unless the true nature and value of such articles so lost or damaged have been declared and entered, as provided by the said section.

Interpretation "goods," "valuable securities."

3. In this Act, the word "goods" means and includes goods, wares, merchandise, and articles of any kind whatsoever; and the expression "valuable securities" shall have the meaning assigned to that expression in and by the "*Act respecting larceny and other similar offences*," and any Act amending the same.

## CHAP. 26.

### An Act to amend "*The Pilotage Act, 1873*."

[Assented to 26th May, 1874.]

Preamble.  
36 V., c 54.

WHEREAS by "*The Pilotage Act, 1873*," it is among other things provided, that the Governor General may within thirty days after the commencement of that Act, appoint, by instruments under the Great Seal of Canada, three persons to be with others the first Commissioners under the said Act at the City of Halifax, and a like number of persons to be, with others, the first Commissioners under the said Act at the City of Saint John; and whereas by the said Act

the

the first day of January, one thousand eight hundred and seventy-four, was fixed for the commencement thereof, and the appointments above mentioned were not made within thirty days after such commencement, but the other persons to be commissioners under the said Act at each of the cities aforesaid were duly elected, and all the requirements of the Act were complied with as respects them; Therefore in amendment of the said Act and for the avoidance of doubts in the cases aforesaid, 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 said Act as limits the time for the appointment of such three Commissioners as aforesaid at the City of Halifax, and the City of St. John, respectively, is hereby repealed, and such appointments may be made at any time after the passing of this Act, as if no time had been limited for making them.

36 V., c. 54,  
amended as to  
appointment  
of commissioners  
at Halifax  
and St. John.

## CHAP. 27.

An Act to extend certain Acts therein mentioned to the Province of Prince Edward Island.

[Assented to 26th May, 1874.]

**W**HEREAS it is expedient to extend certain Acts hereinafter mentioned to the Province of Prince Edward Island: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Subject to the exceptions and limitations in the following sections of this Act, such of the enactments and provisions contained in the several Acts mentioned in the Schedule A. hereunto annexed, as apply equally to all the Provinces to which the said Acts respectively extend at the time of the passing of this Act, and are not limited to any one or more of the said Provinces in particular, or to any Territorial Division in any one or more of them, shall upon, from and after the first day of July next after the passing of this Act extend and apply to, and shall have the same force and effect in and in relation to the Province of Prince Edward Island as they then have respectively in and in relation to the other Provinces to which they now extend and apply; and as if the said Province of Prince Edward Island were expressly named or referred to in the said Acts wherever such other Provinces are mentioned or referred to therein:

Acts men-  
tioned in  
Schedule A  
extended to  
Prince  
Edward Is-  
land, subject  
to certain  
limitations.

2. Provided always,—

1. That the Acts mentioned under the Number one, in the said Schedule A (thirty-first Victoria, chapter sixty-four, and thirty-third

Proviso, as to  
31 V., c. 64,  
and 33 V.,  
c. 19

Victoria,

Victoria, chapter nineteen), shall be held to have extended and applied to the said Province upon and from the first day of July, one thousand eight hundred and seventy-three, and the duties collected under them on or after that day, to have been lawfully demanded and paid :

As to 33 V.,  
c. 17.

2. The sixth and seventh sections of the Act mentioned under the number five in the said Schedule A (thirty-third Victoria, chapter seventeen,) shall not apply to ships sailing from the said Province before the first day of October, one thousand eight hundred and seventy-four, but all the provisions thereof with respect to the appointment of examiners, and to examinations and certificates, shall come into force therein on the said first day of July, one thousand eight hundred and seventy-four :

As to certain  
Acts of Gene-  
ral Assembly  
of P. E. Island.

3. The Acts of the General Assembly of Prince Edward Island, mentioned in Schedule B, hereunto annexed, shall be repealed upon, from and after the said first day of July next after the passing of this Act, as shall also all other Acts or laws in force in the said Province, which are inconsistent with this Act, or make any provision in any matter provided for by the Acts extended to that Province by this Act, subject to the provisions hereinafter made, and except as to rights acquired or penalties incurred under them, with respect to which they shall remain in force.

Proviso,  
certain powers  
given to  
Governor in  
Council as to  
the Acts men-  
tioned in Sch.  
A. & B.

3. Provided always, that the Governor may, by Order in Council published in the *Canada Gazette*, postpone or suspend the coming into force of any Act mentioned in Schedule A, or of any provision thereof, and may postpone or suspend the repeal of any Act mentioned in Schedule B, or of any part thereof until such time later than the first day of July, in the year one thousand eight hundred and seventy-four, as he may deem expedient, and the said postponement or repeal shall take effect as if made in this Act.

Amendments  
made in this  
session to Acts  
in Sch. A. to  
apply.

4. The extension of the Acts mentioned in Schedule A to the said Province, shall be understood to be subject to any amendment of the said Acts, made in this present session of Parliament.

## SCHEDULE A.

### *Acts of the Parliament of Canada extended to the Province of Prince Edward Island.*

1.—31 Victoria, chapter 64, intituled “An Act respecting the treatment and relief of sick and distressed mariners :” as amended by 33 Victoria, chapter 19, intituled “An Act to amend the Act respecting the treatment and relief of sick and distressed mariners.”

2.—31 Victoria, chapter 65, intituled “An Act respecting the Inspection of Steamboats, and for the greater safety of passengers by them :” as amended by 32-33 Victoria, chapter 39, intituled “An Act to amend the Act respecting the Inspection of Steamboats and for the greater safety of passengers by them :” as amended

amended by 36 Victoria, chapter 53, intituled "An Act to amend the Acts respecting the Inspection of Steamboats:" and by any Act passed in the present Session.

3.—32-33 Victoria, chapter 38, intituled "An Act respecting inquiries and investigations into Shipwrecks, and other matters."

4.—33 Victoria, chapter 14, intituled "An Act respecting the coasting trade of Canada."

5.—33 Victoria, chapter 17, intituled "An Act respecting Certificates to Masters and Mates of Ships."

6.—33 Victoria, chapter 16, intituled "An Act to make provision for discipline on board of Canadian Government Vessels."

7.—36 Victoria, chapter 8, intituled "An Act with respect to the carriage of dangerous goods in ships."

8.—36 Victoria, chapter 54, intituled "An Act respecting Pilotage."

9.—36 Victoria, chapter 55, intituled "An Act respecting Wreck and Salvage."

10.—36 Victoria, chapter 56, intituled "An Act respecting Deck Loads."

11.—36 Victoria, chapter 57, intituled "An Act to provide for keeping order on board Passenger Steamers."

12.—36 Victoria, chapter 128, intituled "An Act relating to Shipping, and for the registration, inspection and classification thereof."

13.—36 Victoria, chapter 129, intituled "An Act respecting the shipping of Seamen."

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#### SCHEDULE B.

*Acts of the General Assembly of Prince Edward Island to be repealed under the foregoing Act.*

1.—26 Victoria, chapter 3, intituled "An Act relating to Steam Navigation in this Island."

2.—7 William IV., chapter 19, intituled "An Act to regulate the duties and charges of Pilots, and to repeal the Acts formerly passed for that purpose."

3.—11 Victoria, chapter 18, intituled "An Act to extend the provisions of the Act relating to Pilots."

4.—33 Victoria, chapter 13, intituled "An Act to amend certain Acts therein mentioned, relating to Pilots."

5.—18 Victoria, chapter 16, intituled "An Act relating to the offices of Controller of Customs and Navigation Laws for Charlottetown, and Collector of Excise and Registrar, and his Assistant and Surveyor of Shipping."

6.—28 Victoria, chapter 18, intituled "An Act to make provisions for the regulation of seamen shipped on board of any ship or vessel owned in or belonging to Prince Edward Island, while such ship or vessel shall be within the precincts of the said Island."

## CHAP. 28.

An Act respecting the extension and application of "*The Fisheries Act*," to and in the Provinces of British Columbia, Prince Edward Island and Manitoba.

[Assented to 26th May, 1874.]

Preamble.

WHEREAS it is expedient to extend "*The Fisheries Act*" to the Provinces of British Columbia and Prince Edward Island, subject to the provisions hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

The said Act 31 V., c. 60, extended to B. C. and P. E. I.

1. The Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's reign, and intituled "*An Act for the regulation of Fishing and protection of Fisheries*," is hereby extended to and shall apply to the Province of British Columbia, and to the Province of Prince Edward Island, as if they had respectively formed part of the Dominion of Canada at the time of the passing of the said Act: Provided always, nevertheless, that the operation and enforcement of the said Act, in each of the said Provinces respectively, shall be and is hereby suspended until the time to be appointed for its coming into operation and being enforced in such Province by proclamation of the Governor General.

Proviso: operation to await Proclamation.

Provision as to coming into force in Manitoba of 31 V., c. 60. 34 V., c. 13. cited.

2. And whereas the said Act was and is, with other Acts of the Parliament of Canada, extended to the Province of Manitoba, by the Act passed in the thirty-fourth year of Her Majesty's reign, and intituled "*An Act respecting the force and effect of the Acts of the Parliament of Canada, in and in relation to the Province*"

Province of Manitoba, and the Colony of British Columbia when it becomes a Province of the Dominion," but has not hitherto been put into operation or enforced in that Province, and it is expedient to make provision for its coming into operation and being enforced therein; therefore the operation and enforcement of the said Act, shall, as respects the Province of Manitoba, be suspended until the time to be appointed for its coming into operation and being enforced in the said Province by proclamation of the Governor General.

Operation of 31 V., c. 60, suspended until Proclamation.

3. Upon, from and after the day to be appointed for the coming into operation in any one of the said Provinces, the said Act shall be in force and apply in each Province, in like manner as it is in force and applies in all the other Provinces of Canada mentioned in the said Act and not solely to or in any one or more of them in particular: Provided always that any regulation or regulations or any amendment thereof, or any appointment of any officer or person for the purposes of the said Act, may be made before the day appointed for the coming into operation and enforcement of the said Act in any one of the said Provinces, to take effect therein after the said day.

Effect of Proclamation.

Proviso, as to regulations, appointment of officers, etc., previously made.

4. Upon, from and after the day appointed for the coming into operation and enforcement of the said Act in any one of the said Provinces, all Acts or laws then in force in such Province inconsistent with the said Act or with any regulation under it, and in force in such Province, or making any provision in any matter provided for by the said Act or by any such regulation shall be repealed.

Repeal of inconsistent Acts or laws.

## CHAP. 29.

An Act for the removal of obstructions, by wreck and like causes, in Navigable Waters of Canada, and other purposes relative to wrecks.

[Assented to 26th May, 1874.]

WHEREAS it frequently happens that the navigation of the rivers and other waters of the Dominion, is obstructed by wrecks and other obstacles hereinafter mentioned; for remedy thereof, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Whenever in the opinion of the Minister of Marine and Fisheries, the navigation of any river, lake, bay, creek, harbour, or other navigable water over which the jurisdiction of the Parliament of Canada extends, is obstructed, impeded or rendered more difficult or dangerous by reason of the wreck, sinking or lying ashore or grounding, waters,

Minister of Marine and Fisheries may cause removal of obstructions caused by wrecks, &c., in navigable waters.

grounding, of any vessel or craft whatever, or of any part thereof, or other thing, and whether the cause of such obstruction occurred before or after the passing of this Act,—then if such obstruction continues for more than twenty-four hours, the said Minister may, under the authority of an order of the Governor in Council, cause the same to be removed or destroyed in such manner and by such means as he may think fit, including the use of gunpowder or other explosive substance if he deems it advisable, and may cause such vessel, craft, or its cargo or the material or thing causing or forming part of such obstruction to be conveyed to such place as he may think proper, and to be there sold by auction or otherwise as he may deem most advisable, and may apply the proceeds of such sale to make good the expenses incurred for the purposes aforesaid,—paying over any surplus of such proceeds to the owner or owners of the things sold, or other parties entitled to such proceeds or any part thereof, respectively.

May sell vessel causing obstruction, or its cargo, &c., to defray expenses of removal.

Notice to be given of existence of obstruction—to and by whom given.

Penalty for neglect.

Proviso, as to existing laws and powers.

2. The owner, master or person in charge of any vessel or craft or other thing, by which any such obstruction or obstacle as aforesaid is caused, shall forthwith give notice of the existence of that obstacle to the said Minister, or to the Collector of Customs, at the nearest or most convenient port, under a penalty of forty dollars for every day during which he neglects so to do without lawful or reasonable excuse; but neither such notice nor anything in this Act shall be construed to exempt such owner, master or person from any obligation or responsibility with respect to such obstruction imposed on him by any other law then in force, or to derogate from or impair any power or right vested by any such law in any Trinity House or other authority with respect to such obstruction, and not incompatible with the powers hereby vested in the Minister of Marine and Fisheries, under this Act.

Recovery and apportionment of penalty.

32, 33 V., c. 31.

3. Any pecuniary penalty imposed by this Act shall be recoverable and payment thereof enforced in a summary manner, with costs, before any two Justices of the Peace, or any magistrate having the powers of two such justices, under the "*Act respecting duties of Justices of the Peace, out of sessions, in relation to summary convictions and orders*;" and one moiety of such penalty shall belong to the prosecutor and the other moiety to the Crown for the public uses of the Dominion, unless the same be recovered on the evidence of such prosecutor alone,—in which case the whole shall belong to the Crown for the uses aforesaid.

The Minister may appoint a person to make the enquiry, in case of wreck, &c., instead of Collector of Customs, under 32, 33 V. c. 38.

4. The Minister of Marine and Fisheries may appoint any officer of the Government of Canada by his name or title of office, and, without otherwise naming or designating him, to make the enquiry mentioned in the first four sections of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, and intitled "*An Act respecting inquiries and investigations into shipwrecks and other matters*," and such officer shall then have and perform all the powers and duties assigned by the said Act to any principal officer of Customs or other person appointed for the like purpose by the said Minister under

under the first section of the said Act; and the Governor in Council may appoint any officer or officers of the Government of Canada or any body corporate, commissioner or commissioners, constituted for any public purpose subject to the legislative authority of the Parliament of Canada, by his, their or its name or names, or title or titles of office, or corporate name, to be a court or tribunal under and for the purposes of the fifth and six following sections of the said Act, and such officer or officers or body corporate, commissioner or commissioners, shall then have and perform all the powers and duties assigned by the said Act to any such court or tribunal constituted under it.

5. In this Act the word "vessel" includes every description of ship, vessel, boat or craft of any kind, and whether propelled by steam or otherwise, and whether used as a sea-going vessel or on inland waters only.

## CHAP. 30.

### An Act further to amend the "Act respecting the Inspection of Steamboats."

[Assented to 26th May, 1874.]

**I**N amendment of the Act passed in the thirty-first year of Her Majesty's reign, and intituled "*An Act respecting the Inspection of Steamboats, and for the greater safety of Passengers by them:*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sub-section six of section seven of the said Act is hereby repealed, as respects boilers made after the passing of this Act, and the following substituted therefor:—

"6. And no boiler made after the passing of this Act shall be made of boiler plate which has not been stamped or marked with the name of the maker thereof; and before a certificate shall be granted with respect to any boiler, a declaration on oath by the maker of the boiler, stating the name of the maker of the plates used in the construction thereof, shall be furnished to the Inspector, which oath may be taken before any Justice of the Peace in Canada."

2. All that part of sub-section two of section sixteen of the said Act, after the words "that is to say," is hereby repealed, and the following substituted therefor:—

"For every steamboat of the gross tonnage of less than fifty tons, one such boat;

II

For

New sub-section substituted for 31 V., c. 65, s. 7, sub-s. 6, as to maker's name on boiler-plate.

New sub-section substituted for 31 V., c. 65, s. 16, sub-s. 2, as to number of life-boats, &c., carried.

"For every steamboat of the gross tonnage of fifty tons and upwards, but less than one hundred tons, not less than two such boats ;

"For every steamboat of the gross tonnage of one hundred tons and upwards, but less than three hundred tons, not less than two such boats, in addition to the life-boat above required ;

"For every steamboat of the gross tonnage of three hundred tons and upwards, not less than three such boats, in addition to the life-boat above required.

Precautions to be taken with regard to life-boats, &c.

Proviso when steamer carries two lifeboats.

"All such boats shall be hung in separate davits, with lowering apparatus complete and ready for instant lowering: Provided that in any case where any such steamboat carries two lifeboats one of the other boats may be carried on the hurricane deck without davits. The boats shall be covered with canvas or tarpaulin covers to protect them from the sun and weather, and masters of steamers are to detail their crews and exercise them in lowering and handling the boats at least once a week. When wood is used as fuel in the boilers of high-pressure steamers, the covers for the boats shall be made of wood covered with zinc. And every boat shall have the name of the steamboat to which it belongs and of her port of registry legibly painted on her bows and stern :

Proviso as to freight steamboats.

"Provided that 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."

New section substituted for 31 V., c. 65, s. 21, as to pumps and hose.

3. Section twenty-one of the said Act is hereby repealed, and the following substituted therefor:—

"21.—Every steamboat carrying passengers shall have at least three double-acting forcing pumps, with chamber at least four inches in diameter, two to be worked by hand and one by steam, (if steam can be employed independent of and not worked by the main engine, otherwise, all three by hand,) one whereof shall be placed near the stern, one near the stem, and one amidships, each having a suitable well-fitted hose of at least two-thirds the length of the steamboat, kept at all times in perfect order, clear of freight or other obstructions, with hose coupled and ready for immediate use ; each pump and coupling shall be provided with a hose-wrench chained to the same, and each of the said pumps shall be supplied with water by a pipe connected therewith, and passing through the side of the steamboat, so low as to be at all times in the water when the boat is afloat :

Proviso as to steamboats below a certain size.

"2. Provided that in steamboats not exceeding two hundred tons measurement, engine-room included, two of such pumps

“pumps (one of which may be the steam-pump) may be dispensed with, and in steamboats of over two hundred tons, but not exceeding five hundred tons measurement, engine-room included, one of such hand-pumps may be dispensed with, but in these cases the hose shall be of such length as to reach easily to every part of the steamboat; and in steamboats where only one pump is used, such pump shall be placed where directed by the Inspectors.”

4. Section twenty-four of the said Act is hereby repealed, and the following substituted therefor:—

“24. And on board every steamboat there shall be placed in some conspicuous place, accessible to all the passengers, a copy of this Act and of the amendments thereto, and in every cabin, state-room and in other conspicuous places about the vessel, a printed paper to be filled up by the owner or master of the steamboat, shewing the number of pumps and boats, with their capacity, and also the number of fire-buckets, axes and life-preservers on board of such steamboat, and the method of adjusting such life-preservers to the body, and a statement of the places where such buckets, axes and life-preservers are kept. The name of the steamer shall be painted or stamped on all the buckets, axes and life-preservers.

New section substituted for 31 V., c. 65, s. 24, as to keeping accessible copy of Act; and posting in view, particulars of life saving apparatus, &c.

“Inflammable matter when carried on any steamboat shall invariably be stowed away as far as possible from the boiler, and from places where its ignition is possible.”

Storage of inflammable matter.

5. Section sixteen of the said Act is hereby so amended as to allow any steamboat to carry two lifeboats, each capable of sustaining inside and outside thirty persons, and fitted as provided by the said section (as amended by any subsequent Act) instead of one lifeboat capable of so sustaining fifty persons.

Any steamer may carry two lifeboats of a certain description.

6. The said Act as hereby amended shall remain subject to the provisions of the subsequent Acts amending or extending it, or suspending the operation thereof in any Province of Canada.

31 V. c. 65, as amended, to remain subject to amending Acts.

7. The Governor in Council may, from time to time, make, alter or repeal rules and regulations requiring steamboats to carry chemical fire extinguishers, and prescribing the number of such fire extinguishers to be carried by steamboats of different sizes and classes respectively; and such rules and regulations being published in the *Canada Gazette*, as required by the Act hereby amended, shall, while in force, have effect and be enforced by the inspectors and others as if made under the Act hereby amended; and any contravention thereof shall be punishable as an offence against the said Act.

Regulations as to chemical fire extinguishers.

## CHAP. 31.

## An Act to amend the "Act respecting the Trinity House and Harbour Commissioners of Montreal."

[Assented to 26th May, 1874.]

Preamble.  
36 V., c. 61.

**I**N amendment of the Act passed in the thirty-sixth year of Her Majesty's Reign, intituled "*An Act respecting the Trinity House and Harbour Commissioners of Montreal.*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

One of the members of the Corporation elected by the Montreal Board of Trade to cease to be such member after Aug. 1, 1874.

1. From and after the first day of August next after the passing of this Act, one of the members of the Corporation of the Harbour Commissioners of Montreal elected by the Montreal Board of Trade (to be determined by ballot by the members of the said Board) shall cease to form part of the said Corporation of the said Harbour Commissioners of Montreal, and so much of the Act cited in the preamble to this Act as is inconsistent with this section, is hereby repealed.

Of whom the Corporation shall afterwards consist. Proviso.

2. The said Corporation shall thereafter be constituted and consist of nine members, five of whom shall be appointed by the Governor, and the remaining four shall be elected as at present provided by law: Provided always that the rotation shall be every four years instead of every five years as at present provided.

Proviso as to the election, &c., of the member representing the Shipping Interest.

3. The member of the said Corporation now representing the Shipping Interest shall remain in office until the first Monday in August in the year 1876, when he shall go out of office, and at noon upon the said day the Shipping Interest shall in the manner and at the place mentioned in the eleventh section of the said Act, elect a member of the said Corporation, who shall hold office during three years, and upon the like day at the same hour and place in every third year, an election of a member of the Corporation to represent the Shipping Interest shall be held: Provided always that the member so going out of office may always be re-elected, and that whenever the first Monday in August on which the election would otherwise be held, is a statutory holiday, the election shall be held on the next following day not being such holiday.

Proviso.

Salary of Chairman of Harbour Commissioners.

4. The Harbour Commissioners may pay to the Chairman of the Board, an annual salary not exceeding two thousand dollars out of the revenues of the harbour.

Collector of Customs at any Port to collect tolls

5. The Corporation of the Harbour Commissioners of Montreal, may require the Collector of Customs at any port, to collect on its behalf such portion of the tolls, rates, duties and dues authorized to

to be levied in the Harbour of Montreal as it may be deemed upon goods, expedient for the convenience of trade to collect through such &c., landed in collector, upon such goods, wares, merchandise and things as may Harbour of be landed or transhipped within the harbour and forwarded Montreal and in bond for entry under the Customs laws, to any other forwarded in port; and the tolls, rates, duties and dues aforesaid, upon any bond to such goods, wares, merchandise and things so forwarded as aforesaid, shall port. be payable and may be collected at any such port; and the provisions of any Act respecting the Corporation of the Harbour Commissioners of Montreal in respect to tolls, rates, duties and dues Certain provisions to apply. aforesaid, shall be applicable to any goods, wares, merchandise and things so forwarded, at any such port, as if the same were the Port of Montreal.

6. The necessary forms of entry of such tolls, rates, duties and dues, shall be furnished by the said Harbour Commissioners to the Collector to make monthly returns to collector at any port as aforesaid, and it shall be the duty of Harbour Commissioners each Collector of Customs to make monthly returns and payment of any sums received by him thereupon to the said Harbour Commissioners.

7. The twelfth and thirteenth sections of the said Act are hereby repealed, and the provisions respecting elective members S. 12 and 13 of 36 V., c. 61 repealed, of the Corporation, contained in the fourteenth, fifteenth, sixteenth, seventeenth and eighteenth sections of the said Act, shall and application of others restricted. after the said first day of August next after the passing of this Act, apply only to members of the Corporation representing the Shipping Interest.

8. Anything inconsistent with this Act contained in the Act mentioned in the preamble hereto is hereby repealed. Inconsistent enactments in 36 V., c. 61 repealed.

## CHAP. 32.

An Act to provide for the appointment of Port Wardens at certain Ports of the Dominion:

[Assented to 26th May, 1874.]

WHEREAS the increasing trade and business in many of the Preamble. ports of the Dominion, at which no provision now exists for the appointment of Port Wardens, renders it necessary to make such provision: Therefore 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, from time to time, determine at what ports in the Dominion, it is expedient that Port Wardens should be appointed, and at and for any such port a Port Warden Governor may appoint Port Wardens.

Certain Ports  
excepted.

Warden may be appointed under this Act, by the Governor : Provided always that this Act shall not apply to the Ports of Quebec, Montreal and Saint John, New Brunswick, for which provision is already made.

Fees to Port  
Warden.

2. The Port Warden shall receive no fees whatever, other than such as strictly appertain to the business of his office ; all such fees shall be recorded in his books ; and he shall make a certified annual return to the Minister of Marine and Fisheries, of the receipts and expenses of his office and a report of the doings of his office, within seven days after the thirty-first day of December in each year.

Annual  
return.

His office,  
books and seal.

3. The Port Warden shall, at his own expense, keep an office during the season of navigation, and shall have a seal of office, and the necessary books, in which all his acts as Port Warden shall be recorded, which books shall be open for inspection on payment of a fee of twenty-five cents.

Port Warden  
on request to  
examine and  
note the con-  
dition of  
cargo, &c., on  
any vessel.

4. It shall be the duty of the Port Warden, on being notified and requested by any of the parties interested, to proceed in person on board of any vessel for the purpose of examining the condition and stowage of her cargo ; and if there be any goods damaged on board such vessel, he shall inquire, examine, and ascertain the cause or causes of such damage, and make a memorandum thereof, and enter the same in full on the books of his office.

Survey if bulk  
has been  
broken before  
arrival in Port.

5. The master of any vessel which has broken bulk for the purpose of lightening or other necessary purpose, previous to her arrival in any harbour for which there is then a Port Warden, shall, immediately on the discovery of any damaged cargo, proceed to have a survey held on the same in the manner herein prescribed, before the same shall be moved out of the place in which it was originally stowed ; and if, after the arrival in port of any vessel from beyond the seas, or from a passage over any of the great lakes contiguous to the Province of Ontario, which has not had occasion to lighten, break bulk, or otherwise discharge any portion of her cargo before coming into the harbour, the hatches of such vessel shall have been first opened by any person not a Port Warden, and the cargo or any part thereof shall come from on board such ship in a damaged condition, these facts shall be *prima facie* evidence that such damage occurred in consequence of improper stowage or negligence on the part of the persons in charge of the vessel ; and such default shall, until the contrary be shewn, be chargeable to the owner, master or other person interested as part owner or master of the said vessel.

What shall be  
*prima facie*  
evidence of  
improper stow-  
age.

Port Warden  
on request to  
ascertain cause  
of damage to  
any goods.

6. The Port Warden shall, when required, proceed to any ship, steamer or other vessel, warehouse, dwelling or wharf, and examine any merchandise, vessel, material, produce or other property, said to have been damaged on board any vessel, and enquire, examine

amine and ascertain the cause of such damage, make a memorandum thereof, and of such property, and record in the books of his office a full and correct statement thereof.

7. The Port Warden shall, when required, be surveyor on any vessel which may have suffered wreck or damage, or which shall be deemed unfit to proceed on her voyage; he shall examine the hull, spars, rigging and all appurtenances thereof, shall specify what damage has occurred, and record in the books of his office, a full and particular account of all surveys held on such vessel; he shall call to his assistance, if necessary, in such survey, one or more carpenters, sail-makers, riggers, shipwrights or other persons skilled in their profession, who shall each be entitled to a fee not exceeding five dollars, to aid him in the examination and survey; but no such surveyor shall be interested in the case: the Port Warden shall also, if required, be surveyor of the repairs necessary to render such vessel seaworthy, and his certificate that these repairs have been properly made shall be evidence that the vessel is seaworthy.

To be surveyor of wrecks or damaged vessels.

To see that vessels are seaworthy.

8. The Port Warden shall have cognizance of all matters relating to the surveys of vessels and their cargoes, arriving in port damaged, and when requested shall, on payment of the regular fee, give certificates of such surveys.

Surveys of damaged vessels and cargoes.

9. The master of any vessel intending to load grain in bulk, for any port not within the limits of inland navigation nor within the Dominion of Canada, shall, before taking in any of such grain, notify the Port Warden from time to time while the different chambers are being prepared, to survey and inspect the said vessel as well as the dunnage and lining boards: the Port Warden in such case shall ascertain whether such vessel is in a fit state to receive and carry the cargo intended for her to its destination; he shall record in his books the condition of the vessel; if he finds she is not fit to carry the cargo in safety, he shall state what repairs are necessary to render her seaworthy; before beginning to load each chamber he shall be careful to see that it is properly dunnaged and lined, and provided with shifting boards, and that the board and plank used for these purposes have been properly seasoned; he shall examine the pumps and see that they are properly lined and dunnaged; he shall enter in the books of his office all particulars connected with these surveys, and grant the necessary certificates.

Duty of master of vessel loading with grain in bulk, for port out of Canada, &c.

Duty of Port Warden.

10. It shall be the duty of the Port Warden, when required, to decide what amount of dunnage is necessary below cargo, and also between wheat and other grain, and the flour to be stowed over it, and his certificate that such dunnage has been used, shall be *prima facie* evidence of the good stowage of the cargo so far as these points are concerned.

Duty of Port Warden as to dunnage.

11. The master of any vessel wholly or partly laden with grain, for any port not within the limits of inland navigation nor within

Further duties of master and Port Warden within

As to vessels laden with grain.

within the Dominion of Canada, shall, before proceeding on his voyage, or clearing at the Custom House for the same, notify the Port Warden, whose duty it shall then be to proceed on board such vessel, and examine whether she is in a fit state to proceed to sea or not: if she is found unfit, the Port Warden shall state in what particulars, and on what conditions only she will be deemed in a fit state to leave, and shall notify the master not to leave the port until the required conditions have been fulfilled; and in case of the master refusing or neglecting to fulfil the same, the Port Warden shall notify the Collector of Customs, in order that no clearance may be granted for the vessel until such required conditions have been fulfilled, and a certificate thereof granted by the Port Warden or his deputy.

Valuing and measuring vessels by Port Warden.

**12.** The Port Warden shall, when required, estimate the value and measurement of any vessel, when the same is in dispute or otherwise needed, and shall record the same in the books of his office.

Duty of auctioneer selling condemned vessels, materials or goods.

**13.** It shall be the duty of every auctioneer making a sale of any vessel condemned, or ship's materials, or goods damaged on board a ship or vessel, whether sea-going or of inland navigation, sold for benefit of underwriters or others concerned, in any harbour for which there is then a Port Warden, to file a statement of the same at the office of the Port Warden within ten days after such sale; no underwriters' sale shall take place until after at least two days' public advertisement or notice, and such sale shall not be at an hour earlier than eleven, nor later than three o'clock in the day.

Port Warden to arbitrate between master and consignee, &c.

**14.** It shall be the duty of the Port Warden, when required in writing by all parties in interest, to hear and arbitrate upon any difficulty or matter in dispute between the master or consignee of any vessel, and any proprietor, shipper or consignee of the cargo, and to keep a record thereof.

Sale of damaged vessels or goods on account of underwriters.

**15.** No goods, vessels or other property at a place where there is a Port Warden, shall be sold as damaged for account of underwriters, unless a regular survey and condemnation has previously been had, and the Port Warden shall in all such cases be one of the surveyors.

Notice by Port Warden.

**16.** Before proceeding to act in any case in the performance of his duties, the Port Warden shall give reasonable notice, where practicable, to all parties interested or concerned in the case.

And to him.

**17.** All notices, requests, or requirements to or from the Port Warden must be given in writing, and a reasonable time before action is required.

Port Warden may initiate proceedings.

**18.** The Port Warden may in any case where he thinks it right and necessary, initiate proceedings, and hold surveys, and obtain

obtain process, as if required by the parties concerned under the provisions of this Act,—and whenever the Port Warden is mentioned in any provision of this Act, such provision shall always be understood to apply to any Deputy Port Warden, if there is such.

Deputy Port Warden.

19. On the demand of any party interested, the Port Warden shall furnish certificates in writing, under his hand, of any matters of record in his office; he shall also furnish when required, copies of any entries in his books or documents filed in his office, upon payment of a reasonable compensation.

Port Warden to furnish copies of documents, &c. in his office.

20. On application, the Port Warden shall supply, to any master of a vessel arriving in the harbour, a copy of the regulations relating to the office of Port Warden, once in each year.

And copies of regulations of harbour.

21. In all matters regarding surveys, and other matters concerning the value, state or classification of vessels and like subjects, the Port Warden shall conform to, and be governed by the regulations of Lloyd's, so far as they are applicable to the circumstances of the case.

To conform to regulations of Lloyd's.

22. Should any dispute arise between the Port Warden and any party interested in any case where his presence has been required, either party may appeal to the council of the board of trade or chamber of commerce, where there is one, and it shall be the duty of the Secretary of such board or chamber, on a requisition being presented to him to that effect, to summon forthwith a meeting of the said council who, or not less than three of them, shall immediately investigate and report on the case submitted to them, and their determination or that of a majority of them, made in writing, shall be final and conclusive.

Disputes with Port Warden, to be settled by board of trade.

23. The party against whom the council of the board of trade or chamber of commerce shall decide shall pay all the expenses, and the council shall determine the amount of fees or charges payable in each case, which shall never exceed twenty dollars.

Costs in such case.

24. All certificates issued under the hand of the Port Warden or his Deputy, and sealed with the seal of his office, referring to matters recorded in his books, shall be received as *prima facie* evidence of the existence and contents of such record, in any court in Canada.

Certificates of Port Warden to be evidence.

25. The council of the board of trade or chamber of commerce, if there is one, may, from time to time, establish a tariff of fees to be paid to the Port Warden for services performed by him and his deputies, by the masters or owners of sea-going vessels, and by others in respect of whom the duties of the said Port Warden are required to be performed,—which tariff, being first approved by the Governor in Council, shall

Tariff of fees, to be paid to Port Warden, to be made by board of trade or Governor in Council.

be

be enforced until repealed or altered by the said Governor in Council, or by the said council of the board of trade or chamber of commerce, as it may be at any time, with the approval of the Governor in Council; and when there is no board of trade or chamber of commerce the Governor in Council shall make such tariff; but such fees shall not exceed the rates hereinafter mentioned, that is to say:—

**Maximum rates.**

**Survey of vessel, damaged goods, &c.**

1. For every survey and the certificate thereof by the Port Warden and his assistant, of the hatches and cargo of any vessel, or of the hull, spars and rigging thereof, or the survey of damaged goods, a fee, including the certificate thereof, not exceeding eight dollars each, and such further sum, not exceeding five dollars, as may be payable to shipwrights or other skilled persons employed by him;

**Valuation and inspection of vessel.**

2. For every valuation of a vessel for average, and every inspection of a vessel intended to load, a fee to be graduated according to the tonnage of such vessel, but not in any case to exceed ten dollars;

**Hearing and settling disputes.**

3. For hearing and settling disputes of which the Port Warden is authorized to take cognizance, and for the fees on appeal to the council of the board of trade or chamber of commerce, a sum to be graduated according to the value of the thing or the amount in dispute, but in no case to exceed twenty dollars:

**Rates may be altered, &c., by board of trade or Governor in Council.**

4. The foregoing maximum rates, comprehending the fees for the incidental proceedings, certificates and copies, may be altered and apportioned, and the particular service distinguished, and the fee therefor assigned, and the person by whom the same shall be paid, may be indicated in such a way as the council of the board of trade or chamber of commerce, may from time to time, appoint; and all rates and fees so established shall be subject to the approval of the Governor in Council, who shall have power from time to time to disallow or modify and alter such fees and rates.

**Penalties for contravention of ss. 9, 11 and 13.**

26. The penalty for any and every infraction or breach of the ninth or of the eleventh section of this Act, shall be the sum of eight hundred dollars; and for every infraction or breach of the thirteenth section of this Act, the sum of twenty dollars; and any and every such penalty as aforesaid shall be recoverable in the manner prescribed by the "*Interpretation Act*," in cases where penalties are imposed, and the recovery is not otherwise provided for; and the whole of any pecuniary penalty imposed by this Act shall belong to the Crown, and shall be paid over to the Receiver General, by the officer or person receiving it, and shall be appropriated in such manner as the Governor in Council may direct.

**Recovery and appropriation.**

**Further duties of Port Warden, under regulations of Governor in Council**

27. The Port Warden shall have such other and further duties as may be assigned to him from time to time by any regulations made by order of the Governor in Council; and the council of the

the board of trade or chamber of commerce may, from time to time, make such suggestions to the Governor as they may deem expedient, with respect to any such other and further duties, or any modification of the duties hereinbefore assigned to the Port Warden for the harbour; and such other or further duties may be assigned or such modification made, by Order in Council accordingly: any such Order in Council may be amended or repealed, and new provision made, and any regulations so made shall, while unrepealed, have the force of law, as if contained in this Act.

28. No officer of Customs shall grant a clearance to any vessel wholly or partly loaded with grain, for the purpose of enabling her to leave the harbour for any port not within the limits of inland navigation nor within the Dominion of Canada, unless nor until the master of such vessel produces to him a certificate from the Port Warden or his deputy, to the effect that all the requirements of this Act have been fully complied with if such grain be laden in bulk; nor unless or until such master produces to him a certificate from the Port Warden or his deputy, that all the requirements of this Act, have been fully complied with, if such vessel be wholly or partly laden with grain, otherwise than wholly or partly in bulk; and if any vessel wholly or partly loaded with grain attempts to leave the harbour for any port not within the limits of inland navigation nor within the Dominion of Canada, without a clearance, any officer of Customs, or any person acting under the direction of the Minister of Marine and Fisheries, or the chief officer of the River Police, may detain such vessel until such certificate is produced to him.

Clearance not to be granted to any vessel carrying grain, unless the requirements of this Act have been complied with.

29. The expression "the harbour" in this Act, means the harbour for which the Port Warden is appointed; the expression "the board of trade or chamber of commerce" means the board of trade or chamber of commerce for the city or town or place adjoining the harbour for which the Port Warden is appointed.

Interpretation.

30. This Act may be cited as "*The General Port Wardens' Act*, Short title. 1874."

## CHAP. 33.

An Act further to amend the "Act to provide for the appointment of a Port Warden for the Harbour of Montreal."

[Assented to 26th May, 1874.]

WHEREAS it is expedient further to amend the Act passed by the legislature of the late Province of Canada, in the twenty-sixth year of Her Majesty's reign, chapter fifty-two, intitled: "*An Act to provide for the appointment of a Port Warden* for

Preamble. 26 V. c. 52.

for the Harbour of Montreal." Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Certain sections of 26 V., c. 52 repealed and new substituted.

1. The second, fifth, twelfth and thirteenth sections of the Act cited in the preamble of this Act, are hereby repealed and the following sections substituted therefor :—

Board of Examiners for office of Port Warden.

"2. The appointment to the office shall be made by the Governor in Council on the recommendation of the Board of Trade of Montreal, and the control of the office shall be in the Council of the Board of Trade of Montreal, which shall annually appoint a Board of Examiners, five in number, who shall examine all candidates for the office of Port Warden, or such number of Deputy Port Wardens as the said council may, from time to time, deem necessary for the business of the harbour, and upon the recommendation of the said examiners, the council shall make the appointments of such deputies."

Removal of Port Warden or Deputy for misconduct.

"5. The Port Warden, or any Deputy Port Warden, may be removed for misconduct or neglect of duty at the instance or discretion of the council of the board of trade; and the said Board of Examiners shall make, and when they think it necessary, may repeal or amend all such rules and regulations or by-laws for the guidance of, or to be carried out by the Port Warden or any Deputy Port Warden as they may deem from time to time necessary, subject to the approval of the council of the board of trade."

Board of Examiners to make regulations for guidance.

Duty of master of vessel taking grain in bulk.

"12. The master of any vessel intending to load grain in bulk, for any port not within the limits of inland navigation, shall, before taking in any of such grain, notify the Port Warden from time to time while the different chambers are being prepared, to survey and inspect the said vessel; the Port Warden in such case shall ascertain whether such vessel is in a fit state to receive and carry the cargo intended for her to its destination; he shall record in his books the condition of the vessel; if he finds she is not fit to carry the cargo in safety, he shall state what repairs are necessary to render her seaworthy; before beginning to load each chamber he shall be careful to see that such chamber is in a fit and proper state and condition to receive grain, and should he deem it necessary, he may order that such chamber be properly dunnaged and lined, and provided with shifting boards, or, that the same be dunnaged or lined or provided with shifting boards; and he shall see that the boards and plank used for these purposes are properly seasoned; he shall examine the pumps and see that they are properly lined and dunnaged; he shall enter in the books in his office all particulars connected with these surveys and grant the necessary certificates."

Duties of Port Warden as to such vessels.

Duties of Port Warden as to dunnage.

"15. It shall be the duty of the Port Warden when required, to decide if any and what amount of dunnage is necessary

below

below cargo, and also between wheat or other grain, and the cargo to be stowed over it, and his certificate shall be *prima facie* Certificate. evidence of the good stowage of the cargo so far as these points are concerned." —

And the sections so substituted shall form part of the said Act, Substituted sections to be part of Act. each in the place of the section bearing the same number and for which it is substituted.

2. The said Port Warden shall yearly, within seven days after the first day of January, transmit to the Minister of Marine and Fisheries, a Report of the business done in his office, and of his receipts and expenditure in respect thereof, in such manner and form as the Minister may direct. Yearly report by Port Warden to Minister of Marine, &c.

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## CHAP. 34.

An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia, and Prince Edward Island.

[Assented to 26th May, 1874.]

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

1. In the construction, and for the purposes of this Act (if not Interpretation. inconsistent with the context or subject matter), the following terms shall have the respective meanings hereinafter assigned to them, that is to say:—

“Ship” shall include every description of vessel used in navigation, not propelled by oars;

“Master” shall include every person (except a pilot) having command or charge of a ship;

“Harbour Master” shall mean a harbour master appointed under this Act;

“Port,” shall mean a port to which this Act applies.

2. The Governor may, from time to time, appoint a fit and proper person to be harbour master for any port in any of the Governor may appoint harbour masters. Provinces of Quebec, Ontario, British Columbia, or Prince Edward Island, to which this Act applies.

Annual report of harbour masters to Minister of Marine, &c.

3. Every harbour master appointed under this Act shall be under the control of the Minister of Marine and Fisheries, to whom he shall furnish a report in writing and on oath, as soon as possible after the thirty-first day of December in each year, of his doings in office, and of the fees of office received by him during such year.

Duties and powers of harbour master to be defined by Governor in Council.

4. The rights, powers and duties of the harbour master for any port, shall be such as may, from time to time, be conferred and imposed upon him by rules and regulations made by the Governor in Council for the government of his office and of the port for which he is appointed, and for his remuneration,—which rules and regulations the Governor in Council is hereby authorized and empowered to make, and from time to time to alter, amend or repeal ; and any such rules and regulations may be so made to apply to any one or more ports to which this Act then applies, or may be afterwards extended by Order in Council to any such port.

Penalties may be imposed for breach of regulations.

5. The Governor in Council may, in and by any rule or regulation made under the next preceding section, impose any reasonable penalty, not exceeding in any case one hundred dollars, for the breach of such rule or regulation, with, in case of a continuing breach, a further penalty, not exceeding in any case ten dollars for every twelve hours during which such breach continues, but so that no such rule or regulation shall impose a minimum penalty ; and every breach of any such rule or regulation shall be deemed a contravention of this Act, and every such penalty shall be held to be a penalty imposed by this Act.

Copies of regulations to be furnished to pilots and ship-masters.

6. The harbour master for any such port shall furnish copies of the rules and regulations made under the next preceding sections, and then in force, to every licensed pilot of the port, who shall give one of such copies to the master of every ship which he shall take in charge.

Prosecution for infraction of regulations.

7. It shall be the duty of the harbour master of any such port to prosecute every person violating any rules or regulations made by the Governor in Council under this Act.

Remuneration of harbour masters.

8. The harbour master for any port shall be remunerated for his services solely by the fees, or the portion hereinafter mentioned of the fees, which he may, from time to time, be authorized by the rules and regulations to be made as hereinbefore provided for to collect, in respect of ships, not exempt from the payment thereof as hereinafter mentioned, entering such port, but which shall not at any time exceed the following rates, that is to say :—

Fees.

For every ship of two hundred tons or under, registered tonnage, one dollar ;

For every ship of more than two hundred tons, but not more than three hundred tons, registered tonnage, two dollars ;

For

For every ship of more than three hundred tons, but not more than four hundred tons, registered tonnage, three dollars ;

For every ship of more than four hundred tons, registered tonnage, four dollars :

Ships engaged in trading between ports and places in the Dominion, or in the fishing trade, shall be exempt from the payment of any fee.

9. The salary or remuneration of each harbour master appointed under this Act, shall be, from time to time, fixed by Order of the Governor in Council, but shall not exceed the rate of six hundred dollars per annum, and shall be subject to the provisions hereinafter made. Salary of harbour master, how fixed.

10. The harbour master of each port shall pay over, as soon as possible after the thirty-first day of December in each year, to the Receiver-General, to form part of the Consolidated Revenue Fund, towards making good any sums which may be appropriated by Parliament for the payment of expenses in connection with the office of harbour master, and for the improvement of the harbour of the port for which he is appointed, all moneys received by him for fees under this Act during such year, after deducting therefrom the sum allowed him as aforesaid for his own remuneration ; and if the moneys received by him for fees in any year amount to a less sum than is so allowed him, then such less sum shall be his remuneration for that year. Balance of fees received to be paid over to Con. Rev. Fund.

11. Such fees as aforesaid shall be payable only once in twelve calendar months, to be reckoned from the day upon which such payment shall be made, on any ship not exceeding one hundred tons, registered tonnage, and not more than twice in any twelve calendar months (to be similarly computed) on any ship exceeding one hundred tons, registered tonnage,—that is to say, on any ship of one hundred tons or under, registered tonnage, the fee shall be payable on her first time of entering any port during any twelve calendar months, but not on any subsequent time of her entering the said port within the twelve calendar months immediately following ; and on any ship of more than one hundred tons, registered tonnage, the fee shall be payable on her first time of entering any port during any twelve calendar months, and on her second time of entering the same port within twelve calendar months from the date of her first entering the same, but not on any subsequent time of her entering the same port during the same twelve calendar months. On what occasions only such fees shall be payable.

12. The harbour master of each port shall keep a book in which he shall enter from day to day the name of every ship not exempt from the payment of fees under this Act, entering such port, the name of her master, her registered tonnage, the date of her entering the port, and the sum, if any, received by him for his fee on her entering Book to be kept by harbour master, and what it must shew.

entering, under this Act; and such book shall be at all times, during office hours, open and free for inspection by any person, on demand, without fee or reward.

Powers, &c., of harbour master appointed under any former law to cease on appointment of one under this Act for the same port

13. The powers and duties of the Harbour Master of any port appointed under any authority other than this Act, shall cease to be exercised by him, from the time when the Harbour Master appointed under this Act shall come into office at such port, and shall then and thereafter become and be vested in such last-mentioned Harbour Master and his successors in office, in so far and in so far only as they shall not be inconsistent with this Act, or any rule or regulation made under it; and all claims, suits or proceedings for penalties incurred or offences committed against law, rule or regulation respecting such port, may be continued to judgment and execution as if this Act had not been passed; but all fees and all powers, duties, rules, regulations, or provisions of law inconsistent with this Act, or any rule or regulation made under it, by whatsoever authority they may have been given, imposed or made, shall cease, and be of no effect by virtue of such appointment under this Act.

To what Provinces and ports and when the foregoing provisions shall apply. Ports excepted.

14. The foregoing provisions of this Act shall apply to the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island only, and to such ports, and such ports only in either of the said Provinces as shall, from time to time, be designated for that purpose by proclamation, under an Order or Orders of the Governor in Council, except only the Ports of Quebec and Montreal, in the Province of Quebec, and of Toronto, in the Province of Ontario,—to which the said provisions shall not apply.

## CHAP. 35.

An Act to amend the Acts respecting the Militia and the defence of the Dominion of Canada, and to extend the same to the Province of Prince Edward Island.

[Assented to 26th May, 1874.]

Preamble.  
31 V., c. 40.

WHEREAS it is expedient to amend and extend the Act passed in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting the Militia and Defence of the Dominion of Canada*," and the Acts amending it, as hereinafter mentioned: therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 16 amended as to enrolment.

1. The sixteenth section of the said Act is hereby amended by substituting the words "in every fourth year after the twenty-eighth day of February, in the year one thousand eight hundred and

and seventy-three," for the words "in each alternate year thereafter"; provided that in case of war or other emergency, the enrolment mentioned in the said section may be made at any time by order of the Governor in Council.

2. The Act mentioned in the preamble, as amended by the Act passed in the thirty-fourth year of Her Majesty's reign, intituled "*An Act to extend the Act respecting the Militia and Defence of the Dominion of Canada,*" and by the Act passed in the thirty-sixth year of Her Majesty's reign, intituled "*An Act to amend an Act respecting the Militia and Defence of the Dominion of Canada,*" and by this Act shall be, and is hereby extended, and shall apply to the Province of Prince Edward Island.

The said Act and 34 V., c. 17 and 36 V., c. 46 extended to P. E. Island.

3. The Province of Prince Edward Island shall form a military district for the purposes of the Act first herein cited, as if it had been mentioned as such in section twelve of the said Act, and as if the word "twelve" had been used in the said section and elsewhere in the said Act, instead of the word "nine," as the number of military districts, which have since been increased to eleven by the addition of the Provinces of Manitoba and British Columbia.

The said Province to be a military district.

4. This Act and the Acts hereinbefore cited may be cited together as "*The Dominion Militia and Defence Acts,*" which shall be a sufficient citation of all the said Acts, including also the Act passed in the thirty-third year of Her Majesty's reign, intituled "*An Act to facilitate the signing of Militia Commissions.*"

Short title. 33 V., c. 22.

5. Sub-section two of section fifteen of the Act cited in the preamble of this Act, is hereby so amended as to allow appointments for Company Divisions in any city or town to be made from the residents of the Regimental Division within such city or town.

Appointments for Company Divisions. 31 V., c. 40, s. 15 amended.

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## CHAP. 36.

An Act to establish a Military College in one of the Garrison Towns of Canada.

[Assented to 26th May, 1874.]

**W**HEREAS it is expedient to make further provision for the education of Cadets and Officers of Militia in military knowledge and scientific pursuits connected with the military profession: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

A military college to be established.

1. An institution shall be established for the purpose of imparting a complete education in all branches of military tactics, fortification, engineering and general scientific knowledge in subjects connected with and necessary to a thorough knowledge of the military profession and for qualifying officers for command and for staff appointments. Such institution to be known as the Military College, and to be located in some one of the garrison towns of Canada.

Location.

College staff, number, salaries, and how appointed

2. The College shall be conducted under the superintendence of a military officer having special qualifications with regard to the instruction to be given and discipline, whose title or designation shall be that of Commandant. There shall also be two other professors or instructors, and such other assistants as may be found necessary and as may be authorized by Parliament. The salary of the Commandant to be not more than three thousand dollars, and the salaries of the other professors to be not more than two thousand dollars each. All the staff of the College to be appointed by the Governor in Council and to hold office during pleasure.

Government of college.

Governor in Council to adopt regulations.

3. The College shall be governed and its affairs administered under and according to regulations to be made from time to time and approved by the Governor in Council, such regulations to be published in the *Canada Gazette*, and after such publication to have the force of law as fully as if they were contained in this Act, of which they shall be deemed to form a part.

Boards to examine candidates as cadets.

4. A Board of Examiners shall be appointed by the Governor in Council, in each military district, consisting of three or more members, one of whom shall, when practicable, be an officer of the militia staff, who shall be authorized to examine candidates for admission to the College as cadets, and give certificates (in form to be provided), to such as are able to qualify according to the regulations which may be adopted. Meetings of such Boards shall be held when directed by the Department of Militia and Defence.

Examination of candidates necessary to admission.

Age of candidates.

5. All candidates for admission to the College as students shall be required to pass an examination before the Examiners as provided in the next preceding section, from whom a certificate must be obtained, that they are proficient in the subjects to be prescribed. They will also be required to pass a medical examination and produce evidence of good moral character. No candidate will be accepted who is under fifteen or over twenty years of age.

Examiners to transmit lists of candidates' names obtaining certificates and report.

6. The Examiners shall transmit to the Department of Militia and Defence a report of the names of all candidates who succeed in obtaining certificates, for the information of the Governor in Council, with a report of each meeting, which report may embody any particular circumstances connected with the examination or any special recommendation.

7. The number of cadets with which the College may be opened shall not exceed twenty-two. And thereafter, for the first two years, the annual admission shall not exceed three from each military district, and after the third year shall not be more than two in each year from each military district. The selection shall be made by the Governor in Council from the list of names forwarded by the Boards of Examiners, having reference to the order of merit in which the applicants pass their preliminary examinations. The collegiate term shall be four years.

Number of cadets to be admitted from each district.

How selected.

8. In the event of there being no names forwarded as provided from one or more of the military districts, either on account of there being no applicants for examination or a failure in obtaining a certificate, then the Governor in Council may select the required number from candidates who have passed an examination in any of the other districts.

Governor in Council may select cadets from other districts in certain cases.

9. The Governor in Council may, for special reasons in the interests of the service, admit for a limited time, officers of the Active Militia, although over the age of twenty years, who shall have obtained a first-class certificate under the provisions of the thirty-third section of "*An Act respecting the Militia and Defence of the Dominion of Canada*," (thirty-first Victoria, chapter forty,) such admissions to be under such regulations as the Governor in Council may approve, and in addition to the number provided for in section seven of this Act, but at no time to exceed ten in number.

Temporary admission of Officers of Active Militia.

10. Each cadet will be required to furnish himself with a mattress and bedding, books and such apparatus as may not be supplied by the Government, and to pay a contribution in aid of the expense of procuring mess room table furniture.

Requirement from cadets.

To meet the ordinary expenses of living, and procuring uniform, a sum not exceeding the rate of three hundred dollars per annum, and such allowances as may, from time to time, be authorized by the Governor in Council, may be paid for each cadet during such period as he may remain at the college.

Payment for cadets.

11. Every person entering upon a course of instruction in the College shall sign a roll of entry, and be thenceforward, for the period of his pupilage, subject to the Queen's rules and regulations, the mutiny act, the rules and articles of war, and to such other rules and regulations as Her Majesty's troops are subjected to.

Cadets and students subject to Articles of War and H. M. Regulations.

## CHAP. 37.

## An Act for the suppression of Voluntary and Extra-Judicial Oaths.

[Assented to 26th May, 1874.]

Preamble.

**W**HEREAS a practice has prevailed of administering and receiving oaths and affidavits voluntarily taken and made in matters not the subject of any judicial enquiry, nor in any wise required or authorized by any law; and whereas doubts have arisen whether or not such proceeding is illegal; for the suppression of such practice and removing such doubts, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Justices of the Peace, &c., not to administer oaths not authorized by law.

**1.** It shall not be lawful for any Justice of the Peace or other person to administer, or cause or allow to be administered, or to receive, or cause or allow to be received, any oath, affidavit or solemn affirmation, touching any matter or thing whereof such justice or other person hath not jurisdiction or cognizance by some law in force at the time being, or authorized, or required by any such law: Provided always, that nothing herein contained shall be construed to extend to any oath, affidavit or solemn affirmation before any justice in any matter or thing touching the preservation of the peace or the prosecution, trial or punishment of any offence, nor to any oath, affidavit or affirmation which may be required or authorized by any law of the Dominion of Canada, or by any law of the Province wherein such oath, affidavit or affirmation is received or administered, or is to be used, nor to any oath, affidavit or affirmation, which may be required by the laws of any foreign country to give validity to instruments in writing designed to be used in such foreign countries respectively: And provided further, that it shall be lawful for any Judge, Justice of the Peace, Public Notary or other functionary authorized by law to administer an oath, to receive the solemn declaration of any person voluntarily making the same before him in the form of the schedule to this Act annexed, in attestation of the execution of any written deed or instrument, or allegations of fact, or of any account rendered in writing, and if any such declaration be false or untrue in any material particular, the person making such false declaration shall be deemed guilty of a misdemeanor.

Proviso as to certain matters in criminal cases and proof of certain instruments.

Proviso: Declaration may be made in attestation of deeds, accounts, &c.

Penalty for contravention of this Act.

**2.** Any Justice of the Peace or other person administering or receiving, or causing or allowing to be received or administered, any oath, affidavit or solemn affirmation contrary to the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding three months, or to a fine not exceeding fifty dollars, at the discretion of the Court.

SCHEDULE.

## SCHEDULE.

I, A. B., do solemnly declare that (*state the fact or facts declared to*) and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Act passed in the thirty-seventh year of Her Majesty's reign, intituled (*insert the title of this Act*).

## CHAP. 38.

## An Act respecting the Crime of Libel.

[Assented to 26th May, 1874.]

**W**HEREAS it is expedient that the law respecting the crime of libel should in all respects be uniform throughout all portions of Canada; and for the better protection of private character, and for more effectually securing the liberty of the press, and for better preventing abuses in exercising the said liberty: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

- 1.** Whosoever publishes or threatens to publish any libel upon any other person, or directly or indirectly—
- 1.** Threatens to print or publish, or
- 2.** Proposes to abstain from printing or publishing of, or
- 3.** Offers to prevent the printing or publishing of any matter or thing touching any other person— with intent to extort any money or security for money, or any valuable thing from such or from any other person, or with intent to induce any person to confer upon or procure for any person any appointment or office of profit or trust, is guilty of a misdemeanor, and shall be liable to a fine not exceeding six hundred dollars, or to imprisonment, with or without hard labor, in any gaol or place of confinement other than the penitentiary, for any term less than two years, or both, as the court may award: Provided always, that nothing herein contained shall in any manner alter or affect any law now in force in respect of the sending or delivery of threatening letters or writings.
- 2.** Whosoever maliciously publishes any defamatory libel, knowing the same to be false, is guilty of a misdemeanor, and shall be liable to a fine not exceeding four hundred dollars, or to imprisonment with or without hard labor, in any gaol or place of confinement other than the penitentiary for any term less than two years, or both, as the court may award.

Preamble.

Punishment for publishing or threatening to publish any writing with intent to extort money, &c.

Proviso.

Punishment for publishing a defamatory libel, knowing it to be false.

Punishment for publishing any defamatory libel.

3. Whosoever maliciously publishes any defamatory libel is guilty of a misdemeanor, and shall be liable to a fine not exceeding two hundred dollars, or to imprisonment with or without hard labor, in any gaol or place of confinement other than the penitentiary for any term not exceeding one year, or both, as the court may award.

Rights and duties of court and jury and defendant, on plea of not guilty of making or publishing a defamatory libel being pleaded.

4. On the trial of any indictment or information for the making or publishing of any defamatory libel, on the plea of not guilty pleaded, the jury sworn to try the issue may give a general verdict of guilty or not guilty upon the whole matter put in issue upon such indictment or information, and shall not be required or directed by the court or judge before whom such indictment or information is tried, to find the defendant guilty, merely on the proof of publication by such defendant of the paper charged to be a defamatory libel, and of the sense ascribed to the same in such indictment or information; but the court or judge before whom such trial is had shall, according to the discretion of such court or judge, give the opinion and direction of such court or judge to the jury on the matter in issue, as in other criminal cases; and the jury may on such issue find a special verdict, if they think fit so to do; and the defendant, if found guilty, may move in arrest of judgment on such ground and in such manner as he might have done before the passing of this Act.

On plea of justification pleaded the truth of the matters charged may be inquired into.

5. On the trial of any indictment or information for a defamatory libel, the defendant having pleaded such a plea as hereinafter mentioned, the truth of the matters charged may be inquired into, but shall not amount to a defence, unless it was for the public benefit that the said matters charged should be published.

What must be alleged to entitle defendant to give evidence of the truth of the matters charged as a defence to any indictment.

6. To entitle the defendant to give evidence of the truth of such matters charged as a defence to any such indictment or information it shall be necessary for the defendant, in pleading to the indictment or information, to allege the truth of the matters charged, and further to allege that it was for the public benefit that the said matters charged should be published, to which plea the prosecutor shall be at liberty to reply generally, denying the whole thereof.

The truth not to be inquired into unless specially pleaded.

7. Without such plea the truth of the matters charged as libellous in any such indictment or information, or that it was for the public benefit that such matters should have been published, shall in no case be inquired into.

Effect of plea of justification in case of conviction.

8. If after such plea the defendant be convicted on such indictment or information, the court, in pronouncing sentence, may consider whether the guilt of the defendant is aggravated or mitigated by such plea, and by the evidence given to prove or disprove the same.

**9.** In addition to such plea of justification, the defendant may plead not guilty; and no defence otherwise open to the defendant under the plea of not guilty shall be taken away or prejudiced by reason of such special plea.

Special plea not to take away or prejudice any defence under plea of not guilty.

**10.** Whenever, upon the trial of any indictment or information for the publication of a defamatory libel, to which a plea of not guilty has been pleaded, evidence is given which establishes a presumptive case of publication against the defendant by the act of any other person, by his authority, the defendant may prove, and if proved it shall be a good defence, that such publication was made without his authority, consent or knowledge, and that such publication did not arise from want of due care or caution on his part.

On plea of not guilty defendant may rebut presumptive evidence of publication by his authority.

**11.** The right of the Crown to cause any juror to stand aside until the panel has been gone through, shall not be exercised on the trial of any indictment or information by a private prosecutor for the publication of a defamatory libel.

Right to set aside jurors not allowed to private prosecutor.

**12.** In the case of an indictment or information by a private prosecutor for the publication of a defamatory libel, if judgment be given against the defendant, he shall be liable for the costs sustained by the prosecutor by reason of such indictment or information; and if judgment be given for the defendant he shall be entitled to recover from such prosecutor the costs sustained by him (the defendant) by reason of such indictment or information; such costs, so to be recovered by the prosecutor or defendant respectively, to be taxed by the court, judge or the proper officer of the court before which such indictment or information is tried.

As between private prosecutor and defendant, costs to follow the judgment.

**13.** The costs mentioned in the last preceding section of this Act shall be recoverable either by warrant of distress issued out of the said court, or by suit on said bill of costs as for an ordinary debt.

Proceedings for the enforcing of payment of such costs.

**14.** So much of any act or law in force in any portion of Canada as may be inconsistent with this Act, or makes other provision with respect to any matter provided for by this Act is hereby repealed.

Inconsistent acts and laws repealed.

## CHAP. 39.

An Act to extend certain Acts relating to the prompt administration of justice in criminal matters to the Province of Manitoba.

[Assented to 26th May, 1874.]

Preamble.  
34 V., c. 13.

WHEREAS the Acts hereinafter mentioned are in schedule "A" to the Act passed in the thirty-fourth year of Her Majesty's Reign intituled "*An Act respecting the force and effect of the Acts of the Parliament of Canada, in and in relation to the Province of Manitoba, and the Colony of British Columbia when it becomes a Province of Canada,*" mentioned as among those which shall not under that Act apply to the Province of Manitoba, and it is found expedient to remove such restriction and extend them to the said Province: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Acts 32, 33 V.,  
cc. 32, 33  
extended to  
Manitoba.

1. So much of schedule "A" to the Act cited in the preamble to this Act, or of any other part of the said Act, as would prevent the application to the said Province, of the Acts passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled respectively, "*An Act respecting the prompt and summary administration of Criminal Justice in Certain Cases,*" and "*An Act respecting the trial and punishment of Juvenile offenders,*" is hereby repealed; and the said Acts shall extend and apply to the Province of Manitoba as they would have done under the Act cited in the preamble if they had been omitted from the said schedule "A," subject to the provisions of this Act.

This Act not  
retroactive.

2. Nothing in this Act shall be so construed as to give a retroactive effect to the Acts hereby extended to Manitoba, or to any enactment or provision therein.

Interpretation  
of expressions  
in the said  
Acts, 32, 33  
V., cc. 32, 33.

3. In the first mentioned of the two Acts hereby extended to Manitoba, the expression "a competent magistrate," and the expression "the magistrate" shall, with respect to the said Province, have the same meaning, and include the like functionaries and tribunals as with respect to the Provinces of Quebec and Ontario; and in the secondly mentioned of the said two Acts, the expression "any two or more Justices," and the expression "the Justices" shall, with respect to the Province of Manitoba, have the same meaning and include the like functionaries and tribunals as with respect to the said Provinces of Quebec and Ontario; and the expression "the common gaol or other place of confinement," in either of the said Acts shall have the same meaning with respect to the said Province of Manitoba, as with respect to the other Provinces mentioned in the said Act.

## CHAP. 40.

An Act to amend the Act respecting the prompt and summary administration of Criminal Justice in certain cases, as respects the Provinces of Nova Scotia and New Brunswick.

[Assented to 26th May, 1874.]

**I**N amendment of the Act passed in the session held in the Preamble. thirty-second and thirty-third years of Her Majesty's Reign, 32, 33 V., c. 32 and intituled: "*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. The expression, "a Competent Magistrate," in the said Act, shall, as respects the Province of Nova Scotia or the Province of New Brunswick, mean and include any Recorder, Judge of a County Court, Stipendiary Magistrate or Police Magistrate, acting within the local limits of his jurisdiction, as well as any functionary included by the said expression as respects either of the said Provinces under the terms of the said Act; and the expression, "the Magistrate," in the said Act, shall, as respects either of the said Provinces, mean a competent Magistrate, as above defined; and the said Act shall, from and after the passing of this Act, be construed and have effect accordingly.

What certain expressions in 32, 33 V., c. 32 shall mean as respects New Brunswick and Nova Scotia.

## CHAP. 41.

An Act for avoiding doubts as to the application of the Act 32-33 Victoria, chapter 35, to the District of Algoma.

[Assented to 26th May, 1874.]

**F**OR avoiding doubts as to the application of the Act herein- Preamble. after mentioned to and in the Provisional Judicial District of Algoma, in the Province of Ontario: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1. It was and is the intent and meaning of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled "*An Act for the more speedy trial*," in The Act 32-33 Vict., c. 35, declared to apply and to have applied to Algoma.

*in certain cases, of persons charged with felonies and misdemeanors in the Provinces of Ontario and Quebec,"* that the said Act should apply to the said Provisional District of Algoma, and that the judge of the said district, being authorized to act as chairman of the general sessions of the peace, should have all the powers vested by the said Act in a County Judge so authorized; and the said Act shall be construed to have and to have had effect accordingly, and all things heretofore done by the judge of the said district under the said Act so construed, are hereby confirmed and declared valid.

## CHAP. 42.

An Act to extend to the Province of British Columbia certain of the Criminal Laws now in force in other Provinces of the Dominion.

[Assented to 26th May, 1874.]

Preamble.

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

Acts mentioned in schedule extended to British Columbia, so far as of general application.

1. The Statutes of the Parliament of Canada, passed in the Session held respectively in thirty-first and in the thirty-second and thirty-third, and in the thirty-third years of the Reign of Her Most Gracious Majesty, and mentioned in the Schedule to this Act, are and each of them is hereby extended to, and shall have the force and effect of Law within the Province of British Columbia, save and except in so far only as any provision of any such Statute may therein be declared to be applicable to one or more only of the Provinces composing the Dominion at the time of the passing of such Statute and mention therein.

Such Acts to have force and effect in British Columbia as in all the Provinces of Canada as a whole.

2. In case any of the said Acts, or any enactment or provision therein has force or effect in relation to one of the Provinces composing the Dominion at the time of its passing, in a sense peculiar to that Province, and different from the sense in which it has force and effect in relation to all the said Provinces as a whole, such Act, enactment or provision shall have force and effect within and in relation to the Province of British Columbia, in the last-mentioned sense only.

Effect of passing of this Act.

3. Nothing in this Act shall be construed as a declaration that any of the said Acts, or any part thereof had not or has not or would not have without the passing this Act, force or effect in and in relation to the Province of British Columbia.

4. Nothing in this Act shall be construed to give a retroactive effect to any of the Acts hereby extended, or to any enactment or provision therein, so as to make any act done before it comes into force a crime or offence if it would not be so without this Act, or to alter the punishment for any crime or offence committed before it comes into force, but such crime or offence shall be tried, and all procedure respecting it, after the said time, shall be had under the provisions of the said Act. Acts extended not to have retroactive effect.

5. The Supreme Court of British Columbia, and any court to be hereafter constituted by the Legislature of the said Province, and having the powers now exercised by the said court, shall have power to hear, try and determine in due course of law, all treasons, felonies and indictable offences whatsoever mentioned in any of the said Acts, which may be committed in any part of the said Province. Supreme Court of British Columbia to try felonies, &c.

6. In the absence of any penitentiary building, any common gaol, or other place of confinement in the Province of British Columbia, shall be held to be a penitentiary for the confinement and reformation of persons, male and female, lawfully convicted of crime before the courts of British Columbia, and sentenced to confinement for a term of not less than two years; and whenever any offender is punishable by imprisonment, such imprisonment, whether it be for life or two years, or for any longer term, shall be in any such common gaol, or other place of confinement, according to the judgment of the Court. Common gaol in British Columbia to be a Penitentiary for sentences of not less than two years.

7. So much of every law in force in the Province of British Columbia, at the time of the passing of this Act, as is inconsistent with or repugnant to any of the enactments or provisions of any Act of the Parliament of Canada mentioned in the schedule to this Act, or makes any provision for any matter provided for by any of the said enactments or provisions, is hereby repealed; but this repeal shall not affect the past operation of any such law, or the validity of anything already done, or any right, title, obligation or liability already accrued, or any penalty or forfeiture already incurred thereunder. Inconsistent laws of British Columbia repealed. Proviso.

8. This Act shall commence and take effect on, from and after the first day of January next after the passing thereof. Commencement of Act.

#### SCHEDULE A.

ACTS OF THE PARLIAMENT OF CANADA REFERRED TO IN THE FIRST SECTION OF THIS ACT.

*Acts passed in the First Session, 31st Victoria, 1867, 1868.*

Chap. 14. An Act to protect the inhabitants of Canada against lawless aggressions from subjects of foreign countries at peace with Her Majesty.

Chap.

- Chap. 15. An Act to prevent the unlawful training of persons to the use of arms, and the practice of military evolutions, and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.
- „ 69. An Act for the better security of the Crown and of the Government. (Act amended by 32-33 Vict., chap. 17.)
- „ 70. An Act respecting riots and riotous assemblies.
- „ 71. An Act respecting forgery, perjury and intimidation in connection with the Provincial Legislatures and their Acts.
- „ 72. An Act respecting Accessories to and Abettors in indictable offences.
- „ 73. An Act respecting the Police of Canada.
- „ 74. An Act respecting persons in custody charged with high treason or felony.
- „ 94. An Act respecting the Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain offenders. (As amended by 33 Vict., chap. 25.)

*Acts passed in the Second Session, 32-33 Victoria, 1869.*

- Chap. 17. An Act to remove doubts as to legislation in Canada regarding offences not wholly committed within its limits.
- „ 18. An Act respecting offences relating to the coin.
- „ 19. An Act respecting forgery.
- „ 20. An Act respecting offences against the Person. (As amended by 36 Vict., chap. 50.)
- „ 21. An Act respecting Larceny and other similar offences. (As amended by 35 Vict., chaps. 33 and 35.)
- „ 22. An Act respecting Malicious Injuries to Property. (As amended by 35 Vict., chap. 34.)
- „ 23. An Act respecting Perjury. (As amended by 33 Vict., chap. 26.)
- „ 24. An Act for the better preservation of the Peace in the vicinity of Public Works. (As amended by 33 Vict., chap. 28.)
- „ 25. An Act respecting certain offences relative to Her Majesty's Army and Navy.
- „ 26. An Act for the better protection of Her Majesty's Military and Naval Stores.
- „ 27. An Act respecting Cruelty to Animals. (As amended by 33 Vict., chap. 29.)
- „ 28. An Act respecting Vagrants.
- „ 29. An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law. (As amended by 36 Vict., chaps. 3 and 51.)
- „ 30. An Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences.

- Chap. 31. An Act respecting the duties of the Justices of the Peace out of Sessions in relation to Summary Convictions and Orders.
- „ 32. An Act respecting the prompt and summary administration of criminal justice in certain cases. [In applying this Act to British Columbia, the expression “competent magistrate” shall be construed as meaning any two Justices of the Peace sitting together, as well as any functionary or tribunal having the powers of two Justices of the Peace, and the jurisdiction shall be absolute without the consent of the parties charged.]
- „ 33. An Act respecting the trial and punishment of juvenile offenders. [In applying this Act to British Columbia, the expression “any two or more justices” shall be construed as including any magistrate having the powers of two Justices of the Peace. This Act shall not apply to any offence punishable by imprisonment for two years and upwards, and it shall not be necessary that the recognizance be transmitted to any Clerk of the Peace.]

*Acts passed in the Third Session, 33rd Victoria, 1870.*

- Chap. 25. An Act to amend the Act respecting the extradition of certain offenders to the United States of America.
- „ 26. An Act to amend the Act respecting Perjury.
- „ 27. An Act to amend the Act respecting the duties of Justices of the Peace out of Sessions, in relation to Summary Convictions and Orders.
- „ 28. An Act to amend an Act for the better preservation of the Peace in the vicinity of Public Works.
- „ 29. An Act to amend an Act respecting Cruelty to Animals.
- „ 31. An Act for the better protection of the Clothing and Property of Seamen in Her Majesty's Navy.

*Acts passed in the present Session, 37 Victoria, 1874.*

Any Act amending any of the Acts in this Schedule.

## CHAP. 43.

## An Act to amend "An Act respecting Vagrants."

[Assented to 26th May, 1874.]

Preamble.  
32-33 V., c. 28.

IN amendment of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled "An Act respecting Vagrants," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Term of imprisonment of offenders increased.

1. The term for which any offender may be sentenced to imprisonment, under the Act hereinbefore mentioned, is hereby extended to six months.

## CHAP. 44.

## An Act further to amend the Patent Act of 1872.

[Assented to 26th May, 1874.]

Preamble.

WHEREAS the Supreme Court in the Province of New Brunswick was by error named the Court of Queen's Bench in the Province of New Brunswick in the twenty-ninth section of the Patent Act of 1872, and it is expedient that the error should be corrected: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Section 29 of  
35 V., c. 26  
amended.

1. The Court in New Brunswick intended to have been named in the said section of the said Act was and is the Supreme Court in that Province, and the words "Supreme Court in the Province of New Brunswick" shall be substituted for the words "Court of Queen's Bench in the Province of New Brunswick" in the reading and construing of the said section of the said Act, which shall be read and construed throughout as if the words hereby substituted had at the time of the passing of the said Act formed part of the same, in the place of the words for which they are hereby substituted; and the said section of the said Act, and everything contained therein shall take and have effect accordingly.

## CHAP. 45.

An Act to make better provision, extending to the whole Dominion of Canada, respecting the Inspection of certain Staple Articles of Canadian produce.

[Assented to 26th May, 1874.]

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

## GENERAL PROVISIONS.

1. The Governor in Council may, from time to time, designate the several cities, counties, towns and other places or Inspection divisions in Canada at and for which, respectively, it is expedient to appoint Inspectors of the several articles hereinafter mentioned, or any of them, and the Governor may, from time to time, determine the limits of such Inspection Divisions and appoint at and for each of such cities, counties, towns, places or divisions, an Inspector of any of the following articles, that is to say:—

Governor may appoint inspectors of certain articles and at what places.

Flour and meal;  
Wheat and other grain;  
Beef and pork;  
Pot ashes and pearl ashes;  
Pickled fish and fish-oil;  
Butter;  
Leather and raw hides:

Such Inspectors shall hold office during pleasure, and shall act respectively within such local limits as the Governor in Council may assign to them, and they and their Deputies shall be appointed only from among duly qualified persons, certified as such by the Examiners hereinafter mentioned.

Tenure of office and limits of action.

2. The Board of Trade at each of the cities of Quebec, Montreal, Toronto, Kingston, Hamilton, London, Ottawa, and St. John, N.B., and the Chamber of Commerce at the City of Halifax, shall annually appoint in the said cities respectively, and the Governor may from time to time appoint in any county in the Dominion or for any Inspection Division, five fit and skilful persons, any three of whom shall be a quorum, for each class of articles to be inspected at such city, or county, to examine and test the ability and fitness of applicants for the office of Inspector or Deputy Inspector of such articles; and no person shall be appointed such Inspector or Deputy Inspector, who has not been examined by and received a certificate of qualification from the proper Board of Examiners: Provided always, that the Governor may, in his discretion, appoint as an Inspector under this Act, without a new examination,

Boards of Examiners of Inspectors, how and when appointed.

Inspectors or deputies must have been examined.

Proviso: as to present inspectors.

Who may be present at examination. examination, any person who has been an Inspector of the same article under any Act hereby repealed. And the Board may, at any such examination, permit the attendance of any person or persons of experience and skill in the subject of such examination, and allow them to propose questions pertinent thereto to the examinee, in order to test his knowledge and skill.

To whom certificates may be granted. 2. It shall be the duty of every such board to grant such certificates, and such only, as to the qualification of the candidates who present themselves for examination, as the knowledge and proficiency of such candidates may require or justify.

Examiners to take oath. 3. Each such Examiner shall, before acting as such, take before some Justice of the Peace, an oath in the following form or to the same effect :—

The oath. "I, A. B., do swear that I will not, directly or indirectly, personally or by means of any person or persons in my behalf, receive any fee, reward or gratuity whatever, by reason of any function of my office of Examiner of applicants for the office of Inspector or Deputy Inspector of except such as I may be entitled to receive by law, and that I will therein well and truly, in all things, act without partiality, favor or affection, and to the best of my knowledge and understanding. So help me God."

Where kept. Which oath shall remain in the custody of the Justice administering it.

Inspector not to trade in articles which he inspects. 4. No Inspector shall deal or trade in, or have any interest directly or indirectly, in the production of any article subject to inspection by him, or sell or buy any such article (except for the consumption of himself and his family) under a penalty of two hundred dollars for any offence against this section and the forfeiture of his office.

Inspector to take oath of office. 5. Each Inspector shall, before acting as such, take and subscribe before some Justice of the Peace, an oath of office in the form or to the effect following :—

The oath. "I, A. B., do solemnly swear, that I will faithfully, truly and impartially, to the best of my judgment, skill and understanding, execute and perform the office of an Inspector; and that I will not, directly or indirectly, by myself or by any other person or persons whomsoever, manufacture, or prepare, deal, trade in, or sell, or buy, except only for the consumption of myself and family, any (*insert the description of the articles he is to inspect*) on my account, or upon the account of any other person or persons whomsoever, while I continue such Inspector. So help me God."

No Deputy Inspector shall have any direct or indirect interest by himself or by any other person whomsoever, in any article inspected by him. Deputy inspector to have no interest in articles he inspects.

Every Deputy Inspector shall, before acting as such, take and subscribe before some Justice of the Peace, the following oath:— Deputy inspector to take oath of office.

“I, A. B., do solemnly swear that I will faithfully, truly and The oath.  
 “impartially, to the best of my judgment and skill and  
 “understanding, execute and perform the office of a Deputy  
 “Inspector of \_\_\_\_\_, and that I will not inspect, brand or  
 “certify to the quality of any article or thing in which I have  
 “any direct or indirect interest on my own account or upon the  
 “account of any other person whomsoever, while I continue  
 “to hold office as a Deputy Inspector. So help me God.”

Such oaths shall remain in the custody of the justice administering them, and any copy thereof certified by the said Justice of the Peace shall be *prima facie* evidence of such oaths. Where to be kept.

6. Each Inspector or Deputy Inspector shall, before acting as such, give security for the due performance of the duties of his office, in such sum as the Governor may direct, by bond to Her Majesty, with two sureties to the satisfaction of the Governor, to be bound jointly and severally with him, in the form and subject to the provisions prescribed by law relative to the security to be given by persons appointed to offices of trust in Canada, and such bond shall avail to the Crown, and to all persons aggrieved by any breach of the conditions thereof; and such bond shall remain in the custody of the Secretary of State of Canada; and any copy thereof certified by him shall be *prima facie* evidence of such bond, and of the contents and tenor thereof, and such copy shall be furnished when required on payment of a fee of one dollar. Security to be given by inspector or deputy.

7. Each Inspector may, and shall, when thereunto required by the Governor, in any Inspection Division, or by the boards of trade in any of the before named cities, appoint a deputy or so many deputies as may be necessary for the efficient and speedy performance of the duties of his office,—such assistants being duly examined and sworn and giving security as above provided; and they shall be held to be the deputies of the Inspector for all the duties of his office, and their official acts shall be held to be the official acts of the Inspector, and he shall be responsible for them as if done by himself; and each Deputy Inspector shall make such returns and reports of his official acts as shall be required of him by the Inspector whose deputy he is. Appointment of deputy inspectors, when required.

8. The said deputies shall respectively be paid by and shall hold their offices at the pleasure of the Inspector; and no such Inspector shall allow any person whomsoever to act for him about the duties of his office, excepting only his sworn deputy or deputies appointed as aforesaid. Duties and tenure of office of deputy inspector.

Deputy to act on death of inspector.

9. In the event of the death of any Inspector, his senior Deputy Inspector shall perform all the duties of the Inspector until his successor is appointed.

Returns or reports of official acts, under regulations to be made by Governor in Council.

10. The Governor in Council may, from time to time, require any or every Inspector to make such returns or reports of his or their official acts to any public department or officer, Board of Trade or municipal authority, and in such form and containing such particulars and information as he may deem expedient, and may, from time to time, by Order in Council, make such regulations for the governance of Inspectors under this Act or any of them, and of parties employing them as such, as he may think proper, and may, by such regulations, impose penalties not exceeding fifty dollars on any person offending against them; and any copy of such regulations printed in the *Canada Gazette* shall be *prima facie* evidence of any such regulations, and that they are then in force; and such regulations, not being contrary to or inconsistent with this Act, shall be obeyed by such Inspectors and parties employing them, as if embodied in this Act; and any offence against them shall be deemed an offence against this Act and punishable as such.

Proof and legal effect of regulations.

Disputes touching inspection, how settled, where there is no board of trade or chamber of commerce.

11. If any dispute arises between any Inspector or Deputy Inspector and the owner or possessor of any article by him inspected, with regard to the quality and condition thereof, or relating in any respect to the same, then, upon application by either of the parties in difference, to any Justice of the Peace for the place in which such Inspector or Deputy Inspector acts, such Justice of the Peace shall issue a summons to three persons of skill and integrity,—one to be named by the Inspector or Deputy Inspector, another by the owner or possessor of the article in question, and the third by such Justice of the Peace (who, failing the attendance of either of the parties in difference, shall name for him), requiring such three persons forthwith to examine such article and report their opinion of the quality and condition thereof under oath (which oath the Justice of the Peace shall administer), and their determination, or that of the majority of them, made in writing, shall be final and conclusive, whether approving or disapproving the judgment of the Inspector or Deputy Inspector, who shall immediately conform thereto, and brand or mark such article, or the package containing the same (as the case may be) of the qualities or condition directed by the determination aforesaid; and if the opinion of the Inspector or Deputy Inspector be thereby confirmed, the reasonable cost or charges of re-examination (to be ascertained by the said Justice of the Peace) shall be paid by the said owner or possessor of the article in question, and, if otherwise, by the Inspector or Deputy Inspector:

Costs.

Proviso: as to cities where there is a board of trade

Provided always that if any dispute arises between the Inspector or Deputy Inspector for any of the said cities of Quebec, Montreal, Kingston, Toronto, Hamilton, London, Ottawa, St. John, N. B., or Halifax

Halifax, N. S., and the proprietor or possessor of Flour or Meal, with regard to the quality or condition thereof, or relating in any respect to the same, such dispute shall not be decided in the manner hereinbefore provided, but upon application by either of the parties in difference, to the Secretary of the Board of Trade or the Chamber of Commerce for the city where the dispute has arisen, the said secretary shall forthwith summon a meeting of the Board of Examiners for the said city, who, or a majority of them, shall immediately examine such Flour or Meal and report their opinion of the quality and condition thereof; and their determination, or that of a majority of those present, made in writing, shall be final and conclusive, whether approving or disapproving the judgment of the Inspector or Deputy Inspector, who shall immediately attend and conform himself thereto, and shall brand or paint, or cause to be branded or painted, each and every barrel or half-barrel, of the quantity and condition directed by the determination aforesaid:

or chamber of commerce.

Board of examiners to act.

In the absence of a sufficient number of the Examiners to form a quorum, as many additional Examiners may be named for the occasion by the Council of the Board of Trade or Chamber of Commerce, for the place where the inspection is to be made, as will form a board of three, and such additional members of the board shall be sworn in the same manner as the original members were:

Proviso: examiners may be named for the occasion by the board or chamber.

And if the opinion of the Inspector or Deputy Inspector be thereby confirmed, the reasonable costs and charges of re-examination, according to the rates allowed by the Council of the Board of Trade or Chamber of Commerce for the city, shall be taxed by the said secretary and paid by the proprietor or possessor of such Flour and Meal, and; if otherwise, by the Inspector, with all damages:

Costs.

Whenever any difference arises between Inspectors as to the true quality or grade of any article inspected by one of them and re-inspected by another, such difference shall be definitely determined by reference to such board of arbitration or other authority as the Governor in Council may appoint for that purpose.

When the difference is between inspectors.

12. The Council of the Board of Trade, or Chamber of Commerce, if there be one, for each of the said cities or places where Inspectors are appointed, and, if not (or in case such council fails to make such tariff, the Governor in Council) shall, from time to time, make a tariff of the fees and charges to be allowed for such re-examination and all services and matters connected therewith, and may also establish rules and regulations for the government of the persons re-examining any article on appeal from the decision of the Inspector or Deputy Inspector: and all such fees shall be payable before the delivery of the Bill of Inspection, or the re-delivery by the Inspector of the articles inspected, on which he shall have a special lien for such fees.

Fees from re-examination, how to be fixed.

When payable.

Penalty in case of neglect or refusal of inspector to act.

**13.** If any Inspector or Deputy Inspector refuses or neglects on application to him, made personally or by writing, left at his dwelling-house, store, office or warehouse, on any lawful day between sunrise and sunset, by any owner or possessor of any article which such Inspector or Deputy Inspector is appointed to inspect (such Inspector or Deputy Inspector not being at the time of such application employed in inspecting elsewhere) forthwith, or within two hours thereafter, to proceed to such inspection, he shall for every such neglect or refusal, forfeit and pay to the person so applying twenty dollars over and above all the damages occasioned by such refusal or neglect to the party complaining, recoverable in a summary way before any one Justice of the Peace, on the oath of one credible witness other than such complainant.

How recoverable.

As to fraudulent alteration or imitation or use, &c., of inspector's marks, &c.

**14.** Any person who, with a fraudulent intention, alters, effaces or obliterates wholly or partially, or causes to be altered, effaced or obliterated any Inspector's brands or marks, on any article having undergone inspection, or on any package containing any such article, or counterfeits any such brand or mark, or brands, impresses or otherwise marks thereon any mark purporting to be the mark of any Inspector or of the manufacturer or packer of such article, either with the proper marking instruments of such Inspector, manufacturer or packer, or with counterfeit imitations thereof, or empties or partially empties any such package marked, after inspection, in order to put into the same any other article (of the same or any other kind), not contained therein at the time of such inspection, or uses for the purpose of packing any article, any old package bearing inspection marks,—or (not being an Inspector or Deputy Inspector of any article) brands or marks any package containing it, with the Inspector's marks, or gives any certificate purporting to be a certificate of inspection of any article; and any person who being in the employ of any Inspector or Deputy Inspector, or of any manufacturer or packer of any article subject to inspection, hires or lends the marks or marking instruments of his employer to any person whatever, or connives at or is privy to any fraudulent evasion of this Act with respect to any such marks as aforesaid, shall, for such offence, incur a penalty of forty dollars; and any Inspector or Deputy Inspector who inspects or brands or marks any article out of the local limits for which he is appointed, or hires out or lends his marking instruments to any person whomsoever, or gives any certificate of inspection without having personally performed the inspection, or any wilfully false or untrue certificate, or connives at or is privy to any fraudulent evasion of this Act, shall, for each such offence, incur a penalty of one hundred dollars, and shall forfeit his office, and shall be disqualified from ever after holding the same.

Or giving false certificate.

Or lending marking instruments.

Penalty.

Similar offences by inspector or deputy; or acting out of his district.

Assuming title of inspector or deputy, &c., without authority.

**15.** Any person not thereunto duly authorized under this Act, who in any manner whatever assumes the title or office of Inspector or Deputy Inspector, or issues any bill, certificate or declaration purporting to establish the quality of any Pot-ashes or Pearl-ashes, Flour or Meal, Beef or Pork, Grain, Pickled Fish or Fish Oil,  
Butter

Butter, Leather, or Raw Hides, shall for every such offence incur Penalty. & a penalty not exceeding one hundred dollars.

16. Every penalty and forfeiture imposed by this Act, or by any regulation made under it, not exceeding forty dollars, shall, except when it is otherwise herein provided, be recoverable by any Inspector or Deputy Inspector, or by any other person suing for the same, in a summary way before any two Justices of the Peace for the place, in their ordinary or other sessions, and shall, in default of payment, be levied by warrant of distress, to be issued by such justices, against the goods and chattels of the offender ;

Penalty not over \$40, how recoverable

2. And where such penalty or forfeiture exceeds forty dollars, it may be sued for and recovered by any such Inspector, Deputy Inspector or any other person, by bill, plaint, information or civil action, in any Recorder's Court or in any other court having jurisdiction in civil cases to the amount, and may be levied by execution as in case of debt ;

Penalty over \$40, how recoverable.

3. And the moiety of all such penalties (except such as may be herein otherwise applied) when recovered, shall belong to the Crown for the public uses of the Dominion, and the other moiety shall belong to and be paid to the Inspector or Deputy Inspector, or other person suing for the same.

Application of penalties.

17. Any action or suit against any person for anything done in pursuance of this Act, or contrary to its provisions, shall be commenced within six months next after the matter or thing done or omitted to be done, and not afterwards ; and the defendant therein may plead the general issue, and give this Act and the special matter in evidence, at any trial therein, and that the same was done under this Act ; and if it appears so to have been done, then the judgment shall be for the defendant ; and if the plaintiff is non-suited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover treble costs and have the like remedy for the same as defendants have in other cases.

Limitation of time for commencing suits under this act.

Pleas and costs.

18. In all cases where any article is sold subject to inspection, the person applying to the Inspector shall be entitled to reimbursement of the cost of inspection from the vendor, if such applicant be not himself the vendor, unless an express stipulation to the contrary is made at the time of the sale or of the agreement to submit to inspection ; and such agreement to submit to inspection shall imply a warranty that the article in question is of the quality for which it is sold, and that all the requirements of this Act have been complied with as to such article and the packages in which it is contained, unless it be otherwise expressly stipulated.

By whom cost of inspection shall be paid when article is sold subject to inspection.

What such agreement shall imply.

19. Nothing in this Act shall oblige any person to cause any article to be inspected, unless such inspection is expressly declared

Inspection not compulsory, unless expressly to be so declared.

to be compulsory, but if inspected, it shall be subject to the provisions of this Act, and shall not be branded or marked as inspected unless the said provisions have been in all respects complied with, with respect to such article and the packages in which it is contained.

Proviso.

Lien for fees.

2. Inspectors and their deputies shall be paid their fees upon the articles imported by them by privilege and preference over all other creditors, and may retain possession of the articles inspected until the fees to which they are entitled under this Act shall have been paid.

Governor in council may make regulations as to apportionment of fees to inspectors, deputy inspectors and examiners.

3. The Governor in Council may make regulations whenever he deems it necessary to do so, for the apportionment of the fees paid under this Act between the Inspectors and their deputies, and for providing for the payment of fees to the Examiners appointed under this Act by parties who present themselves for examination; and every such regulation may be rescinded or varied from time to time.

Act 36 V.,  
c. 49 repealed.

Proviso: as to things done before the passing of this Act.

Or contracts made.

20. The Act passed in the session held in the thirty-sixth year of Her Majesty's reign, intituled, "*An Act to amend and to consolidate and to extend to the whole Dominion of Canada, the laws respecting the inspection of certain staple articles of Canadian produce*" is hereby repealed, except that such repeal shall not affect the repeal of any former Act or provision of law, any liability incurred, any bond or security given, any action, suit or proceeding pending, any penalty, forfeiture or punishment incurred for any offence committed, any appointment made in Council, regulation, or order made or given and not inconsistent with this Act, or anything lawfully done before this Act comes into force; and if, in any contract made before the coming into force of this Act, it has been stipulated that any article therein mentioned shall be subject to inspection, then, unless the contrary be clearly expressed, the intended standard of quality of such article shall be understood to be that established by the laws in force at the date of such contract; and if the inspection is made after this Act is in force, it shall be made according to standard established.

#### SPECIAL PROVISIONS RESPECTING THE INSPECTION OF FLOUR AND MEAL.

Mode of inspection of flour and meal.

21. The Inspector or Deputy Inspector shall examine and inspect every barrel and half-barrel of Flour and Meal, on application being made for that purpose by the proprietor or possessor thereof, and shall ascertain the qualities and condition thereof, by boring the head of each barrel or half-barrel, and proving the contents to the whole depth of the cask, by an instrument (not exceeding five-eighths of an inch in diameter within its gauge or bore) for that purpose; and after inspecting such Flour or Meal, the

the Inspector or Deputy Inspector shall cause the hole bored in each barrel or half-barrel for inspection to be well and sufficiently plugged; and such inspection may be made either at the store or warehouse of such Inspector, or at some store within the limits of the place for which the Inspector is appointed, at the option of the owner or possessor of such Flour or Meal; and each Inspector may provide and keep in some convenient situation in the place for which he is appointed, a proper store or warehouse for the reception and inspection of Flour and Meal.

Where to be made.

**22.** Each Inspector shall provide and have a sufficient number of iron or other metal brands: and every Inspector or Deputy Inspector shall, in the inspection of Flour and Meal, observe the following rules:—

Inspector's brands, &c.

1. He shall, immediately after inspection, brand or mark on each and every barrel or half-barrel of Flour or Meal, the words "Quebec," "Montreal," "Toronto," "Halifax," "St. John," or the name of any other place where the inspection is made, and the initial of the Christian name and the surname at full length of the Inspector, with the quality of the Flour or Meal, as hereinafter directed;

How barrels shall be branded.

2. On each and every barrel or half-barrel of Flour or Meal which may on inspection be found sour, without any other damage or unmerchantable quality, he shall brand or mark the word "Sour" in letters as large as those upon the rest of the brand or mark, in addition to the brand or mark designating the quality;

3. In all cases where Flour or Meal is found or unmerchantable quality from other causes, he shall brand or mark the word "Rejected" at full length, in plain, legible characters, in addition to the brand or mark designating the quality;

Rejected.

4. In all cases where the quality of the Flour or Meal inspected appears to be inferior to the brand or other mark of the manufacturer, and not to be thereby properly designated, the Inspector or Deputy Inspector shall erase and correct the same; he shall also brand or mark on each barrel or half-barrel of Flour or Meal inspected by him, the month and year in which it is inspected, with the quality of the Flour or Meal therein;

Incorrect brands to be erased.

Date of inspection.

5. All the said brands and other marks shall be branded or marked on one head of the barrel or half-barrel;

Where to be branded.

6. For such inspection and branding or marking, the person who required the inspection thereof shall pay to the Inspector for each and every barrel and half-barrel of Flour or Meal so inspected and branded or marked, the sum of two cents (exclusive of cooerage) before such Flour or Meal shall be removed; and when any less quantity than one hundred barrels of Flour are offered

Fees.

On less than 100 barrels.

offered

offered for inspection at one time, the Inspector shall be entitled to receive the full fees that would accrue to him on one hundred barrels ;

Bill of Inspection to be furnished.

7. As soon as any Flour or Meal is inspected, a Bill of Inspection shall be furnished by the Inspector or Deputy Inspector without fee or reward, specifying neatly and legibly the quantity and quality ascertained by inspection, the gross weight of five per cent. thereof, and the tare of one per cent. thereof, and the charges therefor, and the name of the mill at which the Flour is manufactured ;

Penalty for giving false Bill of inspection.

8. If any Inspector or Deputy Inspector, knowingly and wilfully gives, in any Bill of Inspection, an untrue and incorrect certificate of the quantity or quality or weight of any Flour or Meal by him inspected, or gives such bill without a personal examination and inspection of such Flour or Meal, he shall incur a penalty of forty dollars for each offence, and be dismissed from his office, and be disqualified from ever after holding the same ;

Brands in case of re-inspection.

9. Provided always, that all Flour or Meal which has been so inspected, branded or marked in one month or year, and re-inspected and examined in another, shall bear in addition the mark and brand of the year and month when last inspected ;

Name of packer, &c., to be marked on barrel.

10. Provided also that the Inspector or Deputy Inspector shall examine each and every barrel of Flour or Meal offered for inspection, and shall in no case brand or mark the same, unless the name of the manufacturer or packer, the place of packing, and the quality of the Flour or Meal, and the tare and net weight are branded or marked legibly thereon ;

Character of unsoundness to be noted.

11. The Inspector or Deputy Inspector shall note in his certificate the character of any unsoundness in the Flour or Meal to which it relates, such as "Musty" ; and when Flour has been wet and the wet part removed by the Inspector or owner, as the case may be, the Inspector shall note in his Bill of Inspection "Cleaned" ; and when the Inspector in his judgment deems it necessary to strip or empty out the Flour to find out if there is the proper weight of Flour in any cask, he shall be entitled to two cents for each barrel so stripped or emptied (if it prove to be of short weight) in addition to the two cents per barrel for inspecting and branding ;

Fee if required to empty the barrel.

Inspector to return flour taken out by instrument if required.

12. The Inspector or Deputy Inspector shall, if required, deliver all Flour or Meal taken from any barrel or half-barrel with the instrument used for the purpose of inspection, to the person requiring such inspection, and shall incur a penalty of twenty dollars every time he fails in so doing.

Provisions as to qualities for branding.

23. The Inspector or Deputy Inspector shall govern himself as far as may be possible, by the standards of quality for each description of Flour or Meal, and shall brand or mark, within a space not exceeding

exceeding fourteen inches long by eight inches broad, on every barrel and half-barrel of Flour or Meal inspected by him, all brands and marks required by this Act, under a penalty of ten cents for each barrel or half-barrel inspected and branded, or inspected and marked, otherwise than is required by this Act.

**24.** In branding or marking the different qualities or descriptions of Flour, the same shall be designated as follows:— Qualities of flour.

That of a very superior quality, by the words "Superior Extra;"

That of the second quality, by the words "Extra Superfine;"

That of the third quality, by the words "Fancy Superfine;"

That of the fourth quality, by the words "Spring Extra;"

That of the fifth quality, by the word "Superfine; "

That of the sixth quality, by the word "Fine; "

That of the seventh quality, by the words "Fine Middlings; "

That of the eighth quality, by the words "Ship Stuffs," or "Pollards; "

That of another quality, to be called "Strong Bakers."

And in branding or marking the different qualities of Rye Flour, Indian Meal or Oatmeal, the words "Rye Flour," "Indian Meal," or "Oatmeal" (as the case may be) shall be plainly branded or marked on every barrel and half-barrel, to designate the grain from which the same is made;—and the qualities shall be designated as follows:— Qualities of meal.

The superior quality of Rye Flour, by the word "Superfine; "

The second quality by the word "Fine; "

The superfine qualities of Indian Meal or Oatmeal, by the word "First; "

The second quality, by the word "Second; " and

The third quality, by the word "Third. "

**25.** And in order that there may be one uniform standard of quality for the various grades of Flour or Meal throughout the Dominion, for the government of Inspectors thereof, one or more members of each of the Boards of Examiners, for the Cities of Quebec, Montreal, Toronto, Hamilton, London, Ottawa, Halifax and St. John, N.B., shall meet together in the City of Montreal, between the fifteenth day of August and the fifteenth day of October, in each year, for the purpose of choosing samples of Flour and Meal of the various grades, to be the standards by which the Inspectors of Flour and Meal throughout the Dominion shall be governed in the work of inspection; and such standards shall be chosen and approved by the said Examiners, or a majority of them present at such meeting, notice of which shall be given by the Council of the Board of Trade of Montreal: Uniform standards, how to be established.  
Meeting of examiners for the purpose.

In the absence of the representative of any Board or Boards of Examiners herein mentioned, such representatives as are present in the said City of Montreal, and representing not less than three Provision in case of absence of proper number of examiners.

of the places herein mentioned, shall proceed to establish the Dominion standards for flour and meal as herein provided; and if the requisite number of representatives are not present on or before the first day of October, or if from any other cause the Board hereby constituted fails to assemble or to establish the standards herein mentioned, then such standards shall be established by such means as the Governor in Council may direct.

Transmission  
of samples of  
qualities.

**26.** It shall be the duty of the Secretary of the Board of Trade of Montreal to send samples of such standards so chosen by the said members of the Boards of Examiners at such meeting as aforesaid, to the Minister of Inland Revenue, to be by him distributed to the several Inspectors for their guidance in such manner as they may be directed by the Governor in Council; and the said Secretary shall also furnish samples of such standards to all applicants on being paid a reasonable price therefor.

How much  
barrels of flour  
and meal shall  
contain.

**27.** Every barrel of Flour or Meal shall contain one hundred and ninety-six pounds, and every half-barrel shall contain ninety-eight pounds:

Packer, etc.,  
to mark his  
name, etc., on  
the barrel.

And it shall be the duty of the packer, or manufacturer to brand, paint or mark the initials of his christian name and his surname at full length, and the name of his mill or place of packing, the quality and weight of the Flour and Meal therein contained, and the tare of the cask, on one end of each and every barrel or half-barrel of Flour or Meal packed for sale, in a plain and distinguishable manner; and he shall incur a penalty of two cents for each and every barrel or half-barrel offered for sale or inspection, with regard to which the requirements of this section are not complied with,—such penalty to be paid to the Inspector before delivery of the Flour or Meal.

Penalty for  
default.

Description of  
barrels in  
which flour  
shall be  
packed.

**28.** All Flour packed in Canada for sale, shall be packed in good and strong barrels not less in weight than twenty pounds, or half-barrels of seasoned oak, elm or other hardwood or basswood timber, and made as nearly straight as may be, and the staves of such barrels shall be twenty-seven inches in length from croe to croe, and those of half barrels twenty-two inches in length, from croe to croe, with heads of the same; the diameter of the heads of the barrels shall be from sixteen and a half inches to seventeen inches, and of half barrels from thirteen and a half to fourteen inches; and such barrels and half barrels shall be well seasoned and sufficiently hooped, with a lining hoop within the chimes, the whole well secured by nails, under the penalty of two cents for each cask of Flour offered for sale or exported which shall not be one of the foregoing description of barrels and half barrels,—such penalty to be incurred by the person offering such cask for sale or exporting it.

Penalty for  
contravention.

Inspector to  
verify weight.

**29.** The Inspector or Deputy Inspector shall ascertain by examination the weight of the Flour or Meal in every cask which

he suspects not to contain the full weight required by this Act; and if it does not contain such full weight he shall cause it to be filled up at the expense of the person requiring such Flour or Meal to be inspected, so as to contain the weight required by this Act, and he shall, when required, certify the expense thereby incurred :

2. And the Inspector or Deputy Inspector shall weigh such proportion of every lot of Flour or Meal offered for inspection (being not less than ten per cent. of each lot) as is necessary to verify whether the contents come up to the weight required by law, and shall enter such weight on his Inspection Bill ; and if such lot, or any part thereof, is deficient in legal weight, then he shall make or cause the deficiency to be made good by or at the expense of the owner thereof, so that each and every barrel shall contain the weight required by law ; and the Inspector or Deputy Inspector shall, when required, certify the cost and expense thereby incurred :

Proportion of each lot to be verified.

3. And every Inspector or Deputy Inspector who neglects so to examine and ascertain and weigh such Flour or Meal, and to cause the barrels or half barrels to be weighed as required by this section, shall, for every such neglect, incur a penalty of forty dollars, and shall be liable for all damages which the buyer or seller of such Flour or Meal suffers in consequence of such neglect.

Penalty for neglect.

30. If, upon the inspection of any barrel or half barrel of Flour or Meal, the Inspector or Deputy Inspector discovers any foreign substance mixed or blended therewith, or packed therein, he shall forthwith seize and detain the package, and make report thereon to any Justice of the Peace, under oath ; and such justice may, if he see fit, authorize the detention of the same in some safe place until the suit to be instituted for the penalty thereby incurred is determined : and every person wilfully and fraudulently mixing or blending any Flour or Meal by him packed for sale or exportation with any foreign matter, shall, for each offence, incur a penalty not exceeding one hundred dollars ; but no prosecution, suit, or action for the recovery of any such penalty, shall be commenced after the end of one month from the seizure and report so made by the Inspector or Deputy Inspector : and if such penalty be recovered, the Flour or Meal in respect of which it has been incurred shall thereupon be forfeited to and belong to the corporation of the place.

If foreign matters are mixed with flour or meal.

Penalty and forfeiture.

Proviso.

Forfeiture of the flour, &c.

31. Every manufacturer or packer of Flour or Meal who undermarks the tare of any barrel or half barrel, or puts therein a less quantity of Flour or Meal than is branded thereon, shall incur a penalty of two cents for every barrel or half barrel so undermarked or deficient, unless such deficiency of weight appears to be occasioned by some accident unknown to such manufacturer or packer, and happening after the packing of the barrel or half barrel.

Penalty for undermarking tare.

Penalty for offering for sale flour deficient in weight.

**32.** If any person knowingly offers for sale any barrel or half barrel of Flour or Meal in which there is a less quantity of Flour or Meal than is branded thereon, he shall incur a penalty of one dollar for every cask so deficient, without prejudice to the civil remedy of any party aggrieved, for any damage sustained by him.

Inspector to furnish weekly statement to Board of Trade, &c.

**33.** Every Inspector shall, on Monday in every week, make out, sign and transmit to the Secretary of the Board of Trade or Chamber of Commerce for the city, county, or place, for which he is appointed, or if there be no such board, then to the Chairman of the Board of Examiners in such city or county, or in the county in which such place is situated, a statement of the quantity and quality of all Flour and Meal inspected or re-inspected by him or his deputies during the next preceding week, and of all Flour or Meal by him or them weighed during such week, and found deficient in weight, or in respect of which the tare was falsely marked,—stating also the brand and manufacturers' names, and the amount of fines levied by him for the violation of this Act; and a duplicate of every such statement shall also be sent to the Department of Inland Revenue at Ottawa.

Duplicate to Inland Revenue.

Enactments to apply to imported and re-inspected flour and meal.

**34.** In the foregoing enactments respecting the inspection of Flour and Meal, the word "Meal" includes Oatmeal, Corn Meal, and Rye Meal; and the said enactments shall extend and apply to Flour and Meal imported into Canada, and the re-inspection of Flour and Meal at any place to which it is removed within the Dominion of Canada whenever such re-inspection is declared to be necessary in the public interest by any order of the Governor in Council in that behalf.

Flour, &c., inspected to be marked as under this Act.

**35.** All Flour or Meal submitted for inspection under this Act shall be branded or marked by the Inspector in accordance with the grade or quality determined by him or his deputy.

#### SPECIAL PROVISIONS RESPECTING THE INSPECTION OF WHEAT AND OTHER GRAIN.

Qualities of Grain.

**36.** The grades of grain shall be as follows:—

##### *Winter Wheat.*

WinterWheat. No. 1 *White Winter Wheat* shall be pure White Winter Wheat, sound, plump and well cleaned:

No. 2 *White Winter Wheat* shall be pure White Winter Wheat, sound, and reasonably clean:

No. 1 *Red Winter Wheat* shall be Red or Red and White mixed, sound, plump, and well cleaned:

No.

No. 2 *Red Winter Wheat* shall be pure Winter Wheat, Red or Red and White mixed, sound and reasonably clean :

No. 3 *Winter Wheat* shall include Winter Wheat not clean and plump enough for No. 2, and weighing not less than fifty-six and a half pounds to the measured Imperial bushel :

*Rejected Winter Wheat* shall include Winter Wheat damp, musty, or from any cause so badly damaged, as to render it unfit for No. 3.

### *Spring Wheat.*

No. 1 *Spring Wheat* shall be plump and well cleaned :

SpringWheat.

No. 2 *Spring Wheat* shall be sound, reasonably clean, and weighing not less than fifty-eight pounds to the measured Imperial bushel :

No. 3 *Spring Wheat* shall be reasonably clean, not good enough for No. 2, weighing not less than fifty-five and a half pounds to the measured Imperial bushel :

All Spring Wheat damp, musty, grown, badly bleached, or from any other cause unfit for No. 3 shall be graded as *Rejected* :

A mixture of Spring and Winter Wheat shall be called Spring Wheat, and graded according to the quality thereof :

*Black Sea* and *Flinty Fife Wheat* shall, in no case, be inspected as higher than No. 2.

### *Corn.*

No. 1 *White Corn* shall be white, and in all other respects Corn.  
No. 1 Corn :

No. 1 *Yellow Corn* shall be Yellow, and in all other respects  
No. 1 Corn :

No. 1 *Corn* shall be sound, dry, plump and well cleaned, White and Yellow :

No. 2 *Corn* shall be dry, reasonably clean, but not plump enough for No. 1 :

All damp, dirty, or otherwise badly damaged Corn, shall be graded as *Rejected*.

### *Oats.*

No. 1 *Oats* shall be sound, clean, and free from other grain : Oats.  
No.

No 2 *Oats* shall be sound, reasonably clean, and reasonably free from other grain:

*Rejected Oats* shall include such as are damp, unsound, dirty or from any cause unfit for No. 2.

*Rye.*

Rye.

No. 1 *Rye* shall be sound, plump and well cleaned:

No. 2 *Rye* shall be sound, reasonably clean, and reasonably free from other grain:

All *Rye* which is damp, musty or dirty, or which is from any cause unfit for No. 2 *Rye* shall be graded as *Rejected*.

*Barley.*

Barley.

No. 1 *Barley* shall be plump, bright, sound, clean and free from other grain:

No. 2 *Barley* shall be reasonably clean and sound, but not bright or plump enough for No. 1, and reasonably free from other grain:

No. 3 *Barley* shall include shrunken, or otherwise slightly damaged *Barley*, not weighing less than forty-three and a half pounds to the measured Imperial bushel:

All *Barley* which is damp, musty, or from any cause badly damaged, or largely mixed with other grain, shall be graded as *Rejected*.

*Provisions respecting Grain generally.*

General provisions as to inspection of grain.

No Grain that is warm, or is in a heating condition, shall be graded.

In the inspection of Grain, the weight shall not alone determine the grade.

All Inspectors shall make their reasons for grading Grain, when necessary, fully known by notation on their books.

All wheat shall be weighed, and the weight per Imperial bushel entered on the Inspection Book.

*Rates of Inspection for Grain.*

Rates for inspection.

For inspecting Grain in bulk per cental, one-sixth of one cent;

For inspecting Grain in sacks per cental, one-third of one cent.

**37.** As soon as any Wheat or other Grain is inspected, a Bill of Inspection (with a certificate to the shipper when required) shall be furnished by the Inspector or Deputy Inspector, without fee or reward, specifying the quantity and quality, and weight per bushel, ascertained by inspection, and the charges thereon, with the name of the store, vessel, or number of the car wherein the Wheat or other Grain was when inspected. And every Inspector of Grain shall furnish to all applicants, samples of his standard on his being paid a reasonable price therefor.

Bill of inspection to be furnished.

Samples of standards.

**38.** The Inspector shall, on Monday in every week, make out, sign, and transmit to the Secretary of the Board of Trade or Chamber of Commerce of the city or place for which he is appointed, or if there be no such Board, then to the Chairman of the Board of Examiners in such city, or in the county in which such city or place is situate, a statement of the quantity and quality of all Wheat and other Grain inspected or re-inspected by him, or his Deputy, during the next preceding week.

Inspector to make weekly statement.

#### SPECIAL PROVISIONS RESPECTING THE INSPECTION OF BEEF AND PORK.

**39.** The Inspector or Deputy Inspector shall cut up, salt, pack and cure, or if already packed, shall unpack and examine throughout, adding salt if necessary, and coopering the same according to the requirements of this Act, every barrel, half barrel, tierce or half tierce of Beef or Pork submitted to him for inspection; and such inspection may be made either at the store, shop or warehouse of the Inspector, or at some store within the limits of the city or place for which he is appointed, at the option of the owner or possessor of such Beef or Pork submitting it for inspection; and every Inspector shall provide in some convenient position, in the city or place for which he is appointed, a proper store or place for the reception and inspection of Beef and Pork.

Inspection of beef and pork, how to be made.

**40.** Each Inspector and Deputy Inspector shall provide and have a sufficient number of iron or other metal brands for his use, and in inspecting Beef or Pork, shall observe the following rules :—

Inspector's brands.

1. He shall brand, immediately after inspection, on each and every barrel or half barrel, tierce or half tierce of Beef or Pork, the words "Quebec," "Montreal," "Toronto," "Halifax," "St. John, N.B.," or other name of the place for which he is appointed, as the case may be, and the initial of the Christian name and the surname at full length of the Inspector, with the quality as hereinafter directed;

Brands, what to show.

2. Every barrel or half barrel, tierce or half tierce of Pork or Beef which may, on inspection, be found to be soft or still fed, although it may be in all other respects fat and of good quality, shall

Soft.

shall be branded with the word "Soft," in letters as large as those upon the rest of the brand, in addition to the brand designating the quality ;

Rejected

3. In all cases where Beef or Pork is found to be of unsound and unmerchantable quality, from other causes than those aforesaid, he shall brand the same with the word "Rejected" at full length, and in plain legible characters ;

Incorrect marks to be erased.

4. In all cases where the Beef or Pork appears inferior to the mark of the packer, or of any former inspection, the Inspector, or Deputy Inspector, shall erase and correct the same ;

What shall be branded on barrels, etc.

5. He shall also brand upon each barrel or half barrel, tierce or half tierce of Beef or Pork inspected by him the month and year in which it is inspected, with the net weight and quality of the Beef or Pork therein ;

Fees for inspection, etc.

6. For such inspection and branding the Inspector shall be entitled to receive of and from the person submitting the same for inspection, for each and every barrel and half barrel, tierce or half tierce of Beef or Pork so inspected, salted, packed, pickled and branded, twenty-five cents for each barrel, fifteen cents for each half-barrel, thirty-five cents for each tierce, and twenty-five cents for each half tierce, exclusive of cooperage and repairs,—the charge for which said cooperage and repairs shall not exceed fifteen cents per barrel or half barrel, tierce or half tierce ; in consideration of which charges, all barrels or half barrels, tierces and half tierces, shall be delivered in good shipping order ;

What they shall include.

By whom payable.

7. Such fee or allowance shall be paid by the owner or possessor of such Beef or Pork before it shall be removed ;

Bill of inspection.

8. As soon as any Beef or Pork is inspected, a Bill of Inspection shall be furnished by the Inspector or Deputy Inspector without fee or reward, specifying neatly and legibly the quantity of Beef or Pork so delivered to him, and the owner's mark or marks thereon, and the quantities and qualities ascertained by inspection and the charges therefor ;

Penalty for false certificate.

9. If any Inspector or Deputy Inspector knowingly or wilfully gives an untrue or incorrect certificate of the quantity or quality of any Beef or Pork by him inspected, or gives such certificate without a personal examination and inspection of such Beef or Pork, he shall thereby incur the penalty hereinbefore provided for each offence, and be dismissed from his office and be incapable of ever after holding the same ;

Date of inspection not to be changed in case of re-inspection.

10. No Beef or Pork inspected and branded in one month or year, and re-inspected and re-packed in another, shall bear any other brand of the year and month than that originally affixed to it,—except that on the vessel containing any Beef or Pork re-inspected

inspected, the date of such re-inspection, with the other particulars required in case of inspection, may be branded; but no preceding inspection brand, or any part thereof, shall be effaced, except in the case hereinbefore provided for; and every re-inspection which shall be made without complying with the requirements of this section, shall be held to be an inspection made contrary to this Act, and the person making it shall thereby incur the penalty aforesaid;

11. All Pork or Beef offered for re-inspection, and which has "Old." been packed, or inspected, twelve months or more previously, shall be branded in addition to its grade of quality, with the word "Old" in large letters;

12. All the said brand marks shall be branded on one head of How casks shall be branded. the barrel or half barrel, tierce or half tierce; and all such brand marks shall be large and legible; and all such marks shall be branded within a space not exceeding fourteen inches long by eight inches broad, on each of the casks inspected, under a penalty of eighty dollars for each barrel or half barrel, tierce or half tierce inspected and not branded, or otherwise branded, than is required by this Act;

13. In all cases where any Beef or Pork is sold subject to By whom fees shall be payable. inspection, the person applying to the Inspector to have the same inspected, shall be entitled to reimbursement of the price of inspection from the vendor, if such applicant be not himself the vendor, or unless an express stipulation to the contrary was made at the time of sale, or of the agreement to submit the Beef or Pork to inspection; and any such agreement shall imply a Warranty by seller. warranty that all the requirements of this Act have been complied with, as well with regard to the Beef or Pork to which it relates as to the vessels in which they are contained, and the marks upon such vessels.

41. All Beef which the Inspector finds on examination to have Qualities of beef. been killed at a proper age and to be fat and merchantable, shall be cut into pieces as nearly square as may be, not more than eight nor less than four pounds weight, and shall be sorted and divided for packing and re-packing in barrels, half barrels, tierces and half tierces into four different sorts, to be denominated respectively, "Mess," "Prime Mess," "Prime," and "Cargo" Beef.

2. Mess Beef shall consist of the choicest pieces only, that is to "Mess beef." say: Briskets, the thick of the flank, ribs, rumps and sirloins of oxen, cows or steers, well fattened; and each barrel or half barrel, tierce or half tierce containing beef of this description, shall be branded on one of the heads with the words "Mess Beef;"

3. Prime Mess Beef shall consist of pieces of meat of the second "Prime mess beef." class, from good fat cattle, without shanks or necks; and barrels

and half barrels, tierces and half tierces containing beef of this description, shall be branded on one of the heads thereof with the words "*Prime Mess Beef*;"

"Prime beef." 4. Prime Beef shall consist of choice pieces of fat cattle, amongst which there shall not be more than the coarse pieces of one side of a carcase, the houghs and neck being cut off above the first joint; and barrels and half barrels, tierces and half tierces containing beef of this description, shall be branded on one of the heads thereof with the words "*Prime Beef*;"

"Cargo beef." 5. Cargo Beef shall consist of the meat of fat cattle of all the descriptions of three years old and upwards, with not more than half a neck and three shanks (with the houghs cut off above the first joint) and the meat otherwise merchantable, and barrels and half barrels, tierces and half tierces containing such beef shall be branded on one of the heads "*Cargo Beef*:"

What barrels, etc., shall contain. 6. Each barrel in which Beef of any one of the foregoing descriptions shall be packed or re-packed, shall contain two hundred pounds of beef, and each half barrel one hundred pounds, each tierce three hundred pounds, and each half tierce one hundred and fifty pounds.

Qualities of pork. **42.** All Pork which the Inspector finds on examination to be fat and merchantable, except when classified as *Mess*, shall be cut in pieces as nearly square as may be, and not more than six nor less than four pounds weight, and shall be sorted and divided into five different sorts, to be denominated respectively: "*Mess*," "*Extra Prime*," "*Prime Mess*," "*Prime*," and "*Cargo*" Pork.

"Mess pork." 2. Mess Pork shall consist of the rib pieces only, of good hogs; not weighing less than two hundred pounds each; and barrels and half barrels, tierces and half tierces containing such Pork shall be branded on one of the heads "*Mess Pork*;"

Extra prime. 3. Extra Prime Pork shall consist of heavy untrimmed fat shoulders, cut into three or four pieces;

"Prime mess pork." 4. Prime Mess Pork shall consist of the pieces of good fat hogs not weighing less than one hundred and ninety pounds each, the barrel to contain the coarse pieces of one hog only, that is to say, two half heads (not exceeding together sixteen pounds in weight), with two shoulders and two hams, and the remaining pieces of a hog,—the tierce to contain the relative proportion of heads, shoulders and hams, and the remaining pieces of one hog and a half hog; but when the pork under inspection is from hogs exceeding two hundred pounds each in weight, the Inspector shall make "*Mess Pork*" of such rib and side or flank pieces thereof, cut in the manner and of the weight above prescribed, as shall, in his judgment, be equal in quality on the average to "*Mess Pork*," as above defined; and

and barrels and half barrels, tierces and half tierces containing Pork of this description, shall be branded on one of the heads "*Prime Mess Pork*;"

5. Prime Pork shall consist of the pieces of good fat hogs, not "*Prime pork.*" weighing less than one hundred and fifty pounds each, the barrel to contain the coarse pieces of one hog and a half only,—that is to say,—three half heads (not exceeding together twenty-four pounds in weight) three hams and three shoulders, and the remaining pieces of a hog and a half hog,—the tierce to contain the relative proportions of heads, shoulders and hams, and the remaining pieces of two hogs and a quarter of a hog; and each barrel or half barrel, tierce or half tierce containing pork of this description, shall be branded on one of the heads "*Prime Pork*;"

6. Cargo Pork shall consist of the pieces of fat hogs, weighing "*Cargo pork.*" not less than one hundred pounds each,—the barrel to contain the coarse pieces of not more than two hogs,—that is to say, four half heads (not exceeding together in weight thirty pounds), four shoulders and four hams, and the remaining pieces of two hogs, and to be otherwise merchantable Pork; the tierce to contain the relative proportions of heads, shoulders and hams and the remaining pieces of three hogs; and barrels and half barrels, tierces and half tierces containing Pork of this description shall be branded on one of the heads "*Cargo Pork*;"

7. But in all cases the following parts shall be cut off, and not packed, namely: the ears close to the head, the snout above the tusks, the legs above the knee joint; the tail shall also be cut off, and the brains, tongue and bloody gristle taken out: What parts to be cut off in all cases.

8. Each barrel in which Pork of any of the foregoing descriptions may be packed or re-packed, shall contain two hundred pounds, and each tierce three hundred pounds; and each half barrel or half tierce one-half those quantities respectively, of the several kinds and qualities of Pork aforesaid, and shall be branded accordingly. What weight barrels, &c., shall contain.

43. On the head of every barrel or half barrel, tierce or half tierce containing any thin, rusty, measly, tainted, sour or unmerchantable Pork, or unmerchantable or spoiled Beef, branded "*Rejected*," in consequence of its being so, the true character both as to quality and condition of such Pork or Beef shall also be marked with black paint; and each Inspector shall certify, whenever required, the quality of any Beef or Pork by him inspected, the state and condition thereof, and the packages containing the same, specifying the extent of damage appearing on inspection, and the apparent cause thereof, whether exposure, injury in transportation, originally defective packing or putting up, and also specifying the brands or other marks, upon the casks or packages inspected, and the name of the owner or possessor thereof. Rejected beef or pork, how to be marked, &c.

Quality and quantity of salt.

Salt, saltpetre, and pickle.

14. The salt used in packing and re-packing Beef and Pork inspected and branded under this Act, shall be clean St. Ubes, Isle of May, Lisbon, Turk's Island, or other coarse grained salt of equal quality; and every barrel of fresh Beef or Pork shall be well salted with seventy-five pounds, and every tierce with one hundred and twelve pounds of good salt, as aforesaid, exclusive of a sufficient quantity of pickle as strong as salt will make it; and to each barrel of Beef or Pork shall be added four ounces, and to each tierce six ounces of saltpetre; and each half barrel or half tierce of fresh Beef or fresh Pork shall be salted with half the quantity of salt and saltpetre above mentioned, with a sufficiency of pickle; and in all cases of packing and re-packing Beef or Pork to be inspected and branded under the authority of this Act, the Inspector may use salt, saltpetre and pickle in his discretion.

How barrels, etc., shall be made.

45. Every barrel and half barrel, tierce or half tierce, containing Beef or Pork inspected in the Provinces of Ontario or Quebec shall be made of good seasoned white oak staves, and the heads shall not be less than three quarters of an inch thick; and each stave on each edge at the bilge shall not be less than half an inch thick when finished for barrels, nor less than three quarters of an inch thick when finished for tierces; and the wood of half barrels or half tierces shall be in the same proportion to their size, and shall in all cases be free from every defect:

Hoops, etc.

2. Every barrel and half barrel, tierce or half tierce, shall be hooped and covered two-thirds of its length with good oak, ash, or hickory hoops, leaving one third in the centre uncovered; and each barrel or half barrel, tierce or half tierce, shall be bored in the centre of the bilge with a bit not less in diameter than one inch, for the reception of pickle;

Length, etc., of barrel.

3. Each barrel shall not be less than twenty-seven inches nor more than twenty-eight inches and a half long; and the contents of each barrel in which Beef shall be packed or re-packed shall not be less than twenty-eight gallons, nor more than twenty-nine gallons, wine measure; and the contents of each barrel in which Pork shall be packed or re-packed shall not be less than thirty gallons nor exceed thirty-one gallons, wine measure;

Length, etc., of tierces.

4. Each tierce shall not be less than thirty inches, nor more than thirty-one inches long; and the contents of each tierce in which Beef shall be packed or re-packed, shall not be less than forty-four gallons, nor exceed forty-five gallons, wine measure; and the contents of each tierce in which Pork shall be packed or re-packed shall not be less than forty-five gallons, nor exceed forty-six gallons, wine measure;

Half barrels and half tierces.

5. Half barrels or half tierces in which Beef or Pork shall be packed and re-packed shall severally contain half the number of gallons above mentioned, and no more;

6. And the Inspector shall examine carefully and ascertain the sufficiency of each barrel and half barrel, tierce or half tierce, before branding the same, and shall brand none with regard to which the requirements of this Act have not been complied with.

Inspector  
to examine  
barrels, &c.

46. Nothing in this Act shall prevent any Inspector of Beef and Pork from furnishing salt, saltpetre, or barrels or half barrels, tierces or half tierces, if necessary; but it shall be optional with the proprietor or possessor of such Beef or Pork, to furnish such salt, saltpetre, barrels or half barrels, tierces or half tierces himself, if he sees fit, whether the same be for new packing or to replace unsound old packages, or bad salt, and whether the same be at the stores of the Inspector or of such proprietor or possessor.

Furnishing of  
salt and other  
requisites.

47. No Inspector shall suffer any Beef or Pork, if left in his charge after it has been inspected, to be exposed to the heat of the sun or inclemency of the weather longer than six days, under the penalty of forty dollars for every such offence; and every Inspector who neglects to provide a suitable store in a convenient situation, shall incur a penalty of four dollars per day for every day he has neglected to provide himself with such store after his appointment as Inspector.

Beef and pork  
to be protected  
from the  
weather.

48. No Inspector of Beef and Pork, shall, when he inspects any Beef or Pork at the store hereinbefore required to be kept by him for the purpose, charge any storage thereon, unless the same shall have been left in his store more than five days after he has delivered to the owner or possessor thereof a notice of its having been inspected, or an Inspection Bill thereof.

As to storage.

49. No person other than an Inspector or Deputy Inspector under this Act, and who has previously complied with all the requirements thereof, or the actual owner of the Beef or Pork inspected shall inspect any Beef or Pork, or brand or mark any barrel or half barrel, tierce or half tierce, or cask or vessel of any kind, containing such Beef or Pork, or give any certificate of inspection, under a penalty of forty dollars for each barrel, half barrel, tierce or half tierce, cask or vessel, of Beef or Pork so inspected or branded, or with regard to which such certificate is given,—to be recovered and applied in the manner provided by this Act, with regard to penalties hereby imposed;

Inspection to  
be made only  
by Inspector  
or deputy.

2. And if any owner of any Beef or Pork brands any such vessel as aforesaid containing Beef or Pork, without affixing to his surname and the initial of his Christian name, the date at which the same was branded, and the word "owner" or "owners," he shall be held to have inspected and branded the same contrary to the provisions of this Act, and shall incur the penalty aforesaid.

Penalty if the  
owner neglects  
to mark date  
on vessels.

50. Nothing in this Act shall prevent any person from packing for exportation or exporting any Beef or Pork without inspection, provided such Beef or Pork be packed in tierces or half tierces, barrels

Inspection not  
compulsory,  
subject to  
certain condi-  
tions.

barrels or half barrels of the dimensions hereinbefore prescribed for such vessels, respectively, and be marked with black paint or branded on one end thereof with the name and address of the packer, the date and place of packing, the weight and the quality of the Beef or Pork contained in each package ;

Rounds and  
briskets of  
beef, etc.,  
excepted.

2. Nor shall anything in this Act prevent any person from packing for exportation or from exporting without inspection any rounds of Beef, rounds and briskets of Beef, the meat of young pigs called Pig Pork, the tongues of neat cattle, the tongues of pigs, hams of pigs, or pig's cheek, or any smoked or dried meat of any description contained in tubs, casks, or barrels or other packages of any kind, provided each package be marked in the manner above mentioned.

But must be  
marked.

Penalty for  
contravention.

3. But every person who exports any meat of the kind last mentioned, not so marked as aforesaid, or Beef or Pork of any other kind not so marked or not packed in barrels or half barrels, tierces or half tierces of the dimensions hereinbefore prescribed shall thereby incur a penalty of one dollar for each and every barrel or half barrel, tierce or half tierce, tub, cask or other package with regard to which the provisions of this section are contravened.

#### SPECIAL PROVISIONS RESPECTING THE INSPECTION OF POT AND PEARL ASHES.

Inspection of  
ashes how to  
be made.

51. Every Inspector or Deputy Inspector, on proceeding to inspect any Pot or Pearl Ashes, shall, either by emptying the whole of the Pot or Pearl Ashes out of the barrel, or by opening both ends of the barrel, and if necessary by scraping the barrel and cakes of Ashes, carefully examine, try and inspect and sort the same into three different sorts or qualities to be denominated *first sort*, *second sort* and *third sort*, determining the several sorts as follows :—

Qualities of  
ashes.

First sort Pot Ashes, shall contain seventy-five per cent of pure Alkali, at the least ;

Second sort Pot Ashes, shall contain sixty-five per cent. of pure Alkali, at the least ;

Third sort Pot Ashes, shall contain fifty-five per cent. of pure Alkali, at the least ;

First sort Pearl Ashes, shall contain sixty-five per cent. of pure Alkali, at the least ;

Second sort Pearl Ashes, shall contain fifty-five per cent. of pure Alkali, at the least ;

Third sort Pearl Ashes, shall contain forty-five per cent. of pure Alkali, at the least :

Each

Each quality shall be in all other respects, entitled to rank of the quality designated thereon :

2. The Inspector or Deputy Inspector shall re-pack the Ashes Ashes to be repacked. into good and sufficient barrels of the size and description herein-after specified, to be properly coopered and branded, and shall weigh each barrel, and mark on the branded head, with black, the weight thereof, including tare, and the weight of the tare under the same ;
  3. He shall brand in plain letters and figures on each and every Branding. barrel by him inspected containing Ashes of the first quality, the words, "*First sort*;" of the second quality, the words "*Second sort*;" and of the third quality, the words "*Third sort*," together with the words "*Pot Ash*," "*Pearl Ash*," as the case may be, with his own name and that of the place where the Ashes are inspected, and the year when such inspection is made ;
  4. He shall also collect the crustings or scrapings of the barrels Crustings and scrapings how disposed of. and cakes of Pot and Pearl Ashes (if any) of each separate lot, and deduct the value of the same from the inspection charges to be paid by the proprietor of such lot, or deliver them to him ;
  5. He shall mark the word "*Unbrandable No. 1*" (2, 3, 4 or 5, Adulterated ashes. according to its strength) on every barrel which he shall discover to contain Ashes so adulterated with stone, sand, lime, salt or any other improper substance, as not to admit of their being classified as *first*, *second* or *third* sort ;
  6. He shall also make and deliver a separate weigh note or bill Weigh note or bill. of each quality of Ashes, whenever required so to do by the owner thereof or his agent.
52. No Pot or Pearl Ashes shall be inspected in barrels of any Description of barrels to be used. size or description other than the following :—Pot Ashes in barrels to be constructed of oak or white ash timber ; and Pearl Ashes, in barrels to be constructed of oak, white ash, black ash or elm timber, —and the said timber to be of the best description, and thoroughly seasoned, and the said barrels to be made perfectly tight, and to be well and completely hooped with, at least fourteen sound oak, ash, hickory, blue beech or elm hoops, or ten good iron hoops each ; the said barrel shall not exceed thirty-two inches in length by twenty-two inches in diameter on either head, nor be less than thirty inches in length by twenty inches in diameter on either head, and the chime thereof shall not exceed one inch ; and the Inspectors shall reject all barrels not constructed according to the foregoing directions, or which, in their opinion, are insufficient to resist the tear, wear and usage to which they are liable ; and Tare or weight of barrel to be marked on it. from the gross weight of the barrel when filled up, the actual weight of such barrel, as tare, shall be deducted ; and every manufacturer of Ashes shall mark, in legible characters, on the end of each barrel, before it is filled, the exact weight thereof.

Inspectors to provide warehouse.

53. In any place where there is an Inspector of Ashes, except in the City of Montreal, each Inspector shall provide himself with suitable and convenient premises for the storage and inspection of Ashes; and he shall keep all barrels of Ashes delivered to him for inspection, while in his possession, in some dry place, safe from the injuries of the weather or of floods; and any Inspector contravening this section, shall forfeit two dollars for every barrel not stored as aforesaid, and forfeit and pay to the owner thereof, two dollars besides the actual damages sustained by the owner.

Special provision as to the City of Montreal.

54. The Inspector (which word in this section includes the Joint Inspector) for the City of Montreal, shall provide suitable and convenient buildings for the storage and inspection of Ashes, of that description commonly known as first class buildings, or such as shall be approved of by the Council of the Board of Trade for that city:

Ashes to be insured.

2. Such Inspector at all times, and at his own cost and charges, shall keep the Ashes stored in the said premises, insured to the amount of not less than one hundred thousand dollars,—and shall deposit the policies therefor with the Secretary of the said Board of Trade for the time being, and renew such policies from time to time, as occasion requires; but such insurance shall not be effected until after the name of the company or companies with whom he is desirous of effecting the same has been submitted to the Council of the said Board of Trade of the said City for their approval, and such approval has been signified to the Inspector in writing;

Further provisions as to insurance.

3. And should the said insurance, at any time, be less than the actual value of the Ashes stored in the said premises, the said Inspector shall, at his like costs and charges, and subject to the conditions above prescribed, effect additional insurance sufficient to cover the extra value of the said Ashes during the time they may remain so stored as aforesaid; and the said Inspector shall be bound to deliver to the owner thereof, in good order, all Ashes received into the inspection stores.

Fees for inspection, etc.

55. For all the services to be performed, as aforesaid, each Inspector may charge on the Inspection Bill as aforesaid,—

The sum of ten cents for every hundred pounds of Pot or Pearl Ashes by him so inspected;

The actual cost of every barrel by him furnished;

The sum of twenty-five cents for each new head so furnished, and the sum of eighteen cents, as and for cooperage and repairs, on each barrel of Pot or Pearl Ashes by him so inspected,—the said cooperage to include nails and the end hoops of the barrel;

The sum of twenty-five cents for putting in a barrel, partly filled with Pot or Pearl Ashes, the additional quantity thereof necessary to fill the same whenever duly required so to do;

The

The sum of twenty-five cents per barrel in all cases where lime, raw ashes, damaged ashes, or other trash have been packed or mixed with Pot or Pearl Ashes, for his services in extracting and separating the same ;

In consideration of which charges all barrels shall be delivered in good shipping order, and the charges shall be paid or allowed to the purchaser by the person offering such Pot or Pearl Ashes for inspection, or his agent.

How paid and for what services.

**56.** Each Inspector shall have all Ashes sent to him for inspection inspected, and the Inspection Bills prepared for delivery, and the whole well and duly coopered and prepared for shipment within a period not exceeding thirty six working hours from the date such Ashes are received into the inspection stores : and such Inspector shall further be entitled to receive ten cents per barrel, for the storage of each barrel of Ashes which remains stored with him as aforesaid more than five days after the date of the invoice, weigh note or inspection bill, and five cents per barrel for each subsequent month they shall remain stored (reckoning the second month to commence forty days from and after the date of the invoice, weigh note or inspection bill); and such storage and all other charges shall be paid by the person or persons receiving or shipping the said ashes or by his or their agent ; but in no case shall any storage be paid or required when the Ashes shall not have remained stored as aforesaid during ten days from and after the date of the invoice or weigh note.

Time for inspection.

Storage.

Proviso.

**57.** The Inspector of Ashes for the City of Montreal shall further be entitled to charge a sum not exceeding three cents per barrel, as and for insurance, on each barrel of Pot or Pearl Ashes sent to his premises for inspection, and such insurance shall be considered as chargeable from the day such barrel is received into the said premises, and the said Ashes shall be held to be insured from the period of such reception, but such rate shall cover all insurance on the said Ashes during the whole period they may remain stored in the said premises ; and the said insurance shall be charged by the Inspector in the Inspection Bill.

Fees for insurance in Montreal, and what to cover.

**58.** The said Inspector for the City of Montreal shall, from time to time, make returns of the business of his office to the Council of the Board of Trade of the said City of Montreal, whenever duly required so to do by the said Council ; and duplicates of all returns so made shall be forwarded to the Department of Inland Revenue at Ottawa.

Inspector for Montreal to make returns to Board of Trade.

**59.** Every Inspector or Deputy Inspector who, during his continuance in office, permits any cooper or other person by him employed, to retain or keep any Pot or Pearl Ashes, or who brands any barrel of Ashes of any description or size other than is prescribed by this Act, or who dates any weigh note or bill of inspection otherwise than of the day when the Ashes were actually inspected

Offences and penalties.

False Bill of Inspection, felony.

inspected, or who delivers out of his possession any such weigh note or bill of inspection without any date, or who does not conform to the provisions of this Act—shall, for every such offence, incur a penalty not exceeding four hundred dollars, and be forever thereafter disqualified from holding and exercising the office of Inspector of Pot and Pearl Ashes, or of Deputy Inspector; and any Inspector or Deputy Inspector or Clerk, or other person, who makes or causes to be made any false or fraudulent Bill of Ashes, shall be guilty of felony, and shall be punishable by imprisonment in the Penitentiary for any term not exceeding seven years and not less than two years, or in any other gaol or place of confinement for any term less than two years.

Inspection not compulsory subject to certain conditions.

**60.** Nothing in this Act shall prevent any person from exporting Pot and Pearl Ashes, without inspection, provided that on one end of the barrel, containing the same, there be neatly and legibly branded or marked, the name and address of the manufacturer, the weight and tare of the barrel, and the quality of Ashes contained in it; but any person who exports any Pot or Pearl Ashes not so marked as aforesaid, or who marks any such barrel falsely, shall thereby incur a penalty of twenty dollars for every barrel or other package so marked.

Penalty for contravention.

#### SPECIAL PROVISIONS RESPECTING THE INSPECTION OF PICKLED FISH AND FISH OILS.

Inspector to provide branding irons,

**61.** Every Inspector shall provide himself with proper branding irons, or stencil plates, for the purpose of branding or marking such casks, barrels and boxes as may by him be inspected pursuant to this Act; and it shall be the duty of each Inspector to know that all his Deputies are duly provided in this respect.

Inspecting, etc., to be done in presence of Inspector.

**62.** The inspecting, culling, classing, weighing, packing and branding or marking of any fish or oil shall be done in the immediate presence and sight of an Inspector or Deputy Inspector.

Duty of Inspector.

**63.** It shall be the duty of the Inspector or Deputy Inspector to see that all kinds of split, whole, pickled or salted fish, intended for packing or barrelling, and submitted to him for inspection, have been well struck with pickle and salt, in the first instance, and preserved sweet, free from taint, rust, saltburn, oil or damage of any kind; and all fish or oil intended for market or exportation, and branded or marked as inspected and merchantable, shall be well and properly packed, in good, tight and substantial packages or casks,—except green codfish packed without pickle which may be packed in barrels or packages which are not tight; and all other packages shall be made of the materials and in the manner following:—

Tierces, barrels, etc., how to be made.

Tierces, barrels and half-barrels shall be made of sound, well seasoned split or sawed staves, free from sap, and in no case to be of

of hemlock, and the heading shall be of hardwood, pine, fir or spruce, free from sap, and planed on the outside, and shall be at least three-quarters of an inch in thickness. The staves shall be five-eighths of an inch in thickness. Staves for salmon and mackerel barrels shall be twenty-nine inches in length, and the heads between the chimes seventeen inches. Staves for barrels for herring shall be twenty-seven inches in length, and the heads between the chimes shall be sixteen inches; and the bung staves of all such barrels shall be of hardwood. All casks shall be hooped with not less than twelve sound, good hoops of not less than one inch in width at the large end for all tierces and barrels, and in no case to be of alder. The makers of all tierces, barrels and half-barrels, shall brand the initials of their Christian names and their whole surnames, and also the letters S. M. or H., according as the package may be intended for salmon, mackerel or herrings, at or near the bung staves, under a penalty of twenty cents for every package not so branded.

Hoops.

How to be marked.

All empty packages shall be subject to the inspection and approval of the Inspector or his deputies, who shall brand or mark the word "condemned" immediately after the maker's name on all packages that will not pass inspection.

Inspection and branding of empty packages.

64. The inspection of all pickled fish cured for market or exportation, and of all fish oils, codfish tongues or codfish sounds cured for such purpose and contained in any such packages as are hereinafter mentioned, shall be compulsory in every Province of the Dominion, except Manitoba and British Columbia, at any place where an Inspector is appointed by law; and if any such pickled fish, fish oil, or other articles aforesaid, in any such package as aforesaid is sold, or offered for sale, or exported, or shipped, or laden in any vehicle for exportation, or otherwise offered to be exported in or from any place within any Province of Canada, except British Columbia or Manitoba, for which an Inspector or Deputy Inspector has been appointed, without being inspected under this Act, the person so selling or offering it for sale, or exporting it or offering it for exportation, shall incur a penalty of not less than one dollar and not more than five dollars for each such package.

In what cases and places inspection shall be compulsory.

Penalty for contravention.

65. All pickled fish cured for market or exportation, and all fish oils, codfish tongues and codfish sounds, shall be inspected, weighed, or gauged and branded or marked, only in accordance with this Act; and all green codfish, in boxes or packages, shall be inspected and culled, and a certificate of inspection for the latter, stating the quality and quantity thereof so inspected, and shipped on board any vessel, shall be granted by any Inspector or Deputy Inspector.

Inspection, etc., to be in accordance with this Act.

66. The various kinds of fish to be inspected under this Act shall be branded or marked of the following denominations, respectively:—

Qualities of fish.

**Salmon.**

1. SALMON to be branded or marked "No. 1" shall consist of the largest or best and choicest kind, being well split, the blood being well washed out before being salted, well cured, in the best condition, and in every respect free from taint, rust, or damage of any kind ;

Those to be branded or marked "No. 2" shall comprehend the best salmon that remain after the selection of the first quality, and shall be good, sound, well split and cured fish, in the best condition, and in every respect free from taint, rust, or damage of any kind ;

Those to be branded or marked "No. 3" shall consist of those that remain after the selection of the first two qualities, but must be good sound fish, and in every respect free from taint, rust, or damage of any kind :

**Macker**

2. MACKEREL to be branded or marked "Mess Mackerel" shall consist of the best and fattest mackerel, being well split, having the blood well washed out before being salted, well cured, in the best condition, and free from taint, or rust, or damage of any kind, and shall be such as would have measured not less than fourteen inches from the extremity of the head to the crotch or fork of the tail, and shall have the heads and tails taken off ;

Those to be branded or marked "Extra No. 1" shall consist of the best and fattest mackerel, being well split, having the blood well washed out before being salted, well cured, in the best condition, and free from taint or rust, or damage of any kind, and shall measure not less than fourteen inches from the extremity of the head to the crotch or fork of the tail ;

Those to be branded or marked "No. 1" shall consist of the best and fattest mackerel, being well split, having the blood well washed out before being salted, well cured, in the best condition, and free from taint, rust, or damage of any kind, and shall measure not less than thirteen inches from the extremity of the head to the crotch or fork of the tail ;

Those to be branded or marked "No. 2" shall comprehend the best mackerel that remain after the selection of the first qualities, and shall be properly split and washed, well cured, and in every respect free from taint, rust or damage of any kind, and shall be divided into two qualities, those from thirteen inches and upwards not being sufficiently fat to make No. 1 being branded No. 2 large, and those from eleven inches up to thirteen inches shall be branded No. 2 ;

Those to be branded or marked "Large No. 3" shall consist of good sound mackerel, properly washed, well cured and free from taint, rust or damage of any kind, and shall measure not less than thirteen inches from the extremity of the head to the crotch or fork of the tail :

Those

Those to be branded or marked "No. 3" shall consist of good sound mackerel, properly washed, well cured, and free from taint, rust, or damage of any kind, and shall measure eleven inches and upwards from the extremity of the head to the crotch of the tail;

All mackerel under eleven inches in length, of good, sound quality, and free from taint and rust, or damage of any kind, shall be branded or marked with the word "Small Spring" or "Small Fall" in the place of a number;

All short, sunburnt or ragged mackerel, of whatever class and not otherwise defective, shall be branded or marked "No. 4."

3. HERRINGS, GASPEREAUX and ALEWIVES to be branded or marked "No. 1" shall consist of the largest and best fish well struck with salt, thoroughly cured and cleaned and bright in colour;

Herring, Gasperaux, and Alewives.

And those to be branded or marked "No. 2" shall comprehend the best herrings that remain after the selection of the first quality;

All undersized herrings to be branded or marked "No. 3," with the word "Small" in addition to the other brands or marks;

All ripped herrings shall be branded or marked with the word "split," in addition to other brands or marks;

All gibbed herrings shall be branded or marked with the word "Round" in addition to other brands or marks;

All herrings that are not gibbed or ripped shall be branded or marked with the word "gross" in addition to other brands or marks;

All spring-caught herrings shall be branded or marked with the word "Spring" in addition to other brands or marks;—

The above shall be well cleansed and cured, and in every respect free from rust, taint or damage:

Herrings that are caught at the Magdalen Islands, Baie des Chaleurs, Labrador or Newfoundland, and brought into port in Canada in bulk and packed in Canada, shall be branded or marked "Magdalen Islands," "Bay des Chaleurs," "Newfoundland," or "Labrador," respectively in addition to other brands or marks:

Branding of herrings caught at certain places.

Herrings packed and inspected in Newfoundland and imported into Canada shall be marked or branded "Newfoundland" without further inspection:

In Newfoundland.

4. Smoked herrings to be branded or marked "No. 1" shall comprehend the best and fattest fish; and those to be branded or marked

Smoked herrings.

marked

marked "No. 2" shall consist of the poorer, smaller and inferior fish: both of these qualities shall be well smoked, free from taint, and not burnt or scorched; and no red or smoked herrings shall be so branded or marked unless they be well and sufficiently saved and cured, and carefully packed in good and substantial barrels, or half-barrels; and if in kegs or boxes, the same shall be of well-seasoned boards, the sides, top and bottom of not less than half an inch in thickness, and the ends at least three-quarters of an inch thick; and the inside measurement of each box shall be eighteen inches long, and nine inches broad and eight inches deep, well nailed, and the tops or covers smoothed;

Tainted herrings.

Tainted, burnt, scorched and badly smoked herrings, shall be considered "refuse," and may be branded or marked as such without any other character:

Sea trout.

5. SEA TROUT to be branded or marked "No. 1" shall consist of the largest, best and fattest kind, being well split, and in every respect free from taint, rust or damage of any kind;

Those to be branded or marked "No. 2" shall comprehend the best trout that remain after the selection of the first quality, and shall be good sound fish, free from taint, rust, or damage of any kind:

Lake and salmon trout.

6. LAKE and SALMON TROUT to be branded or marked "No. 1 Lake," shall consist of the largest and fattest fish, and be free from taint, rust, or damage;

Those to be branded or marked "No. 2 Lake" to be the next best fish, free from taint, rust, or damage:

White fish.

7. WHITE FISH to be branded or marked "No. 1" shall consist of the largest and fattest kind, cured in good condition, and be in every respect free from taint, rust, or damage;

"No. 2" shall consist of those that remain after the selection of the first quality, and be free from taint, rust, or damage:

Green codfish in barrels.

8. GREEN CODFISH in barrels, with or without pickle, to be classed "No. 1," shall consist of the best and fattest, being well split and cleansed, well cured, in first-rate condition; and in every respect free from taint, salt-burn, rust, or damage of any kind, and shall measure at least fifteen inches to the crotch of the tail;

Those remaining after selection of first quality, to class "No. 2," shall be sound, well-cured fish, and free from taint, salt-burn, rust or damage of any kind:

Other fish.

9. ALL OTHER KINDS OF FISH not enumerated herein, and belonging to denominations specified by this Act, such as ling, hake, haddock, pollock, catfish, halibut, shad, bass, eels, codfish tongues and

and codfish sounds, in casks or barrels, shall be branded or marked as such, and must be sound and well cured, free from taint, salt-burn, rust, or damage of any kind.

10. SMALL FISH, which are usually packed whole, with dry salt or pickle, shall be put into good casks of the size and materials required by this Act for the packing of split, pickled fish, and shall be packed close, edgeways in the cask, and properly salted with good, coarse wholesome dry salt, and the casks shall be filled full with the fish and salt, and no more salt shall be put with the fish than is necessary for their preservation; and the casks containing such whole fish shall be branded or marked with the denomination of the fish, and a like designation as is prescribed by this Act in respect of the qualities, &c., of other pickled fish. Small fish.

11. ALL RUSTY OR SOUR FISH, of whatever kind or class, shall be branded or marked with the word "rusty" or "sour," in addition to the other brands or marks. Rusty and sour fish.

12. No foul or tainted fish, or fish mutilated for the purpose of concealing marks and appearances of illegal capture, or unsizeable, shall pass inspection; and it shall be the duty of every Inspector or Deputy Inspector to seize, and any magistrate may confiscate to Her Majesty all fish found or exposed for sale having been killed or captured during prohibited seasons or by unlawful means, and all fish at any time offered for sale or barter, or attempted to be exported, whilst in an unwholesome condition. Fish which shall not pass inspection.

13. Fish known as pickled fish, that may be cured in bulk, if not inspected and certified as aforesaid, and afterwards packed in barrels, shall be branded or marked with the word "bulk" in addition to other brands or marks. Fish in bulk.

14. Each cask or package of fish shall contain fish of the same kind, or parts of the same kind and quality, properly packed in separate layers, and on every layer of fish so packed in the cask, a sufficient quantity of good, clean, suitable salt, free from lime, shall be regularly placed, and in like proportion for other packages, at the discretion of an Inspector or Deputy Inspector; and after the cask shall have been properly packed and headed it shall be filled with clean pickle, strong enough to float a fish of the kind so packed. Packing of fish.

15. Should it appear to any Inspector, or Deputy Inspector, that a portion of the fish inspected by him is sound, and another portion unsound, he shall separate the sound from the unsound, re-pack the sound fish, and brand or mark the same according to its quality; and such portion as the Inspector judges incapable of preservation he shall condemn as bad, and mark "refuse," in addition to other marks. Sound and unsound fish to be separated.

16. If any casualty renders it necessary to re-pack inspected fish it shall in all cases be done by and in the presence of an Inspector. Re-packing to be in presence of Inspector.

Inspector or Deputy Inspector ; and any other person attempting to re-pack or brand or mark the same shall be liable to a penalty of not more than twenty dollars for every such offence.

Inspector may correct packing, etc., of deputy inspector.

17. When any fish, branded or marked by a Deputy Inspector, proves unequal in quantity or quality to that which may be indicated by the brand or mark, or deficient in any way of the requisites prescribed by this Act, the Inspector may cause the same to be re-inspected; and if it appear that the defect arose from the condition of the fish, or the bad quality of the cask, or the bad packing or pickling of the fish at the time of the inspection, he may recover the cost and charges of such re-inspection from the Deputy who branded or marked the same.

Inspected fish not to be re-inspected.

18. Pickled fish, duly inspected, packed and branded or marked, and oils, inspected and branded or marked under this Act, at any place in the Provinces of Nova Scotia, New Brunswick, Quebec, Ontario, or British Columbia, shall not be subject to re-inspection within the Dominion, except only in cases already provided for in this Act.

Contents of tierce, etc.

19. Each tierce shall be three hundred pounds, and each half tierce one hundred and fifty pounds; each barrel shall be two hundred pounds, and each half barrel one hundred pounds; each quintal shall be one hundred pounds; each draft shall mean two hundred pounds; and each box of herrings shall contain twenty-five pounds. In each of the above instances the weight shall be clear avoirdupois, exclusive of salt and pickle.

Brands on packages of fish.

20. There shall be branded or marked on the head or butt of each cask of pickled or dry-salted fish, in plain, legible letters after the same has been inspected, culled, classed, weighed and packed, in accordance with this Act, the description of the fish, the weight and quality contained in the package, the initials of the Christian name or names and the whole surname of the Inspector or Deputy Inspector by whom the fish was inspected, and the name of the place where he acts as Inspector, and the month and the year of inspection.

Standards of fish oils, how fixed and kept.

67. The Boards of Examiners of Inspectors of fish and fish oils shall fix and have in charge the standard of fish oils in Nova Scotia, New Brunswick, Quebec and Ontario, respectively; and the same shall be classified and branded or marked according to such standards, as follows:—

Whale oil.

1. WHALE OIL shall be free from adulteration of every kind, and shall be branded as such, with the class according to quality appointed by standard,—if No. 1, "Pale;" if No. 2, "Straw;" if No. 3, "Brown:"

Seal oil.

2. SEAL OIL shall be free from adulteration of every kind, and shall be branded as such, with the quality per standard,—if No. 1, "Strictly

"Strictly Pale;" if No. 2, "Pale;" if No. 3, "Straw;" if No. 4, "Brown;" if No. 5, "Dark Brown."

3. PORPOISE OIL shall be free from adulteration of every kind, Porpoise oil: and shall be branded as such, with the quality per standard: if No. 1, "Pale;" if No. 2, "Straw;" if No. 3, "Brown."

4. COD OIL shall be free from adulteration, and be branded as Cod oil. such: first quality, "A;" second quality, "B."

5. HERRING, Hake, Pollock and Dog Fish Oil, and all other oils Other fish oils. shall be branded as such: first quality, "A;" second quality, "B."

6. An Inspector or Deputy Inspector shall determine the gauge Duties of Inspectors. of each cask, and the outs thereof, and shall mark the same on the cask; and the barrels shall be in good order and condition, sound and staunch, and made of hard wood, and if any cask or casks be found to contain water or other adulteration, such shall be scribed or branded by the Inspector or Deputy Inspector, on the cask.

7. Casks containing fish oils shall be scribed or branded with Brands. such quality, the month and the two last figures of the year when inspected, the initials of the Christian name or names, and the entire surname of the Inspector, and also the place of inspection, and the initial letters of the name of the Province in which it was inspected.

8. The designation, "Fish Oils," in this Act, shall include whale, Definition of seal, porpoise, cod, herring, sturgeon, siskawitz and all other fish oils. kinds of oils derived from fishes and marine animals.

68. Every Inspector or Deputy Inspector who shall inspect Fees for inspection. and brand or mark any cask or package of pickled fish or in bulk, or any fish oil, in accordance with the provisions of this Act, shall be entitled to fees at the following rates, which shall be paid by the original owner or the person who employed him in the first instance:—

1. For each tierce of salmon, salmon-trout or sea-trout, fifteen cents;
2. For each half-tierce of salmon, salmon-trout or sea-trout, ten cents;
3. For each barrel of salmon, salmon-trout or sea-trout, fifteen cents;
4. For each half-barrel of salmon, salmon-trout or sea-trout, ten cents;
5. For each barrel of mackerel, ten cents;
6. For each half-barrel of mackerel, five cents;

7. For each barrel of herring, five cents ;
8. For each half-barrel of herring, three cents ;
9. For each barrel of shad, ten cents ;
10. For each half-barrel of shad, seven cents ;
11. For each barrel of whitefish, ten cents ;
12. For each half-barrel of whitefish, seven cents ;
13. For each barrel of pickled codfish, hake, haddock or cat-fish, five cents ;
14. For each half-barrel of ditto, three cents ;
15. For each barrel of dry-salted codfish, hake, haddock, catfish, ling or pollock, five cents ;
16. For each half-barrel of ditto, three cents ;
17. For each barrel of bass, ten cents ;
18. For each half-barrel of bass, seven cents ;
19. For each barrel of cod tongues, cod sounds, halibut or eels, ten cents ;
20. For each half-barrel of ditto, seven cents ;
21. For inspecting, gauging and branding each puncheon of oil, twenty cents ;
22. For inspecting, gauging and branding each hogshead of oil, fifteen cents ;
23. For inspecting, gauging and branding each tierce of oil, twenty cents ;
24. For inspecting, gauging and branding each barrel of oil, fifteen cents :
25. The foregoing rates shall be reckoned exclusive of salt, pickle, cooperage, storage and labour employed in washing, rinsing, cleaning, nailing, screwing or re-packing and pickling any fish :
26. For branding or marking Newfoundland fish which have been inspected in Newfoundland, two cents per barrel ;
27. For inspecting empty packages, one cent :

Rates to be  
exclusive of  
salt, etc,

**Provided**

Provided always, that any person causing his fish or oil to be inspected, may employ at his cost and charges, a cooper to attend upon and assist the Inspector or Deputy Inspector in the performance of his duty, in which case the Inspector or Deputy Inspector shall not be allowed any charge for cooperage, and the cooper so employed shall be governed and guided solely by the directions which he receives from the Inspector or Deputy Inspector with respect to any fish or oil by him inspected, and not by any other person whomsoever.

Provido : owner may employ his own cooper, to act under the Inspector.

69. Fish and fish oil may be inspected either at the place where they are packed or manufactured, or at the place within the Dominion.

Where inspection shall be effected.

70. When fish are not inspected at the place of packing, the packer's name and the quality of the fish must be marked in paint, on each barrel, half-barrel or package; and when they are inspected at the place of sale, the Inspector shall empty out ten packages in each hundred of any lot submitted to him for inspection, and such inspection of ten packages out of every hundred shall regulate the grade of the fish so submitted for inspection.

When not inspected at place of packing; and when at place of sale.

71. So soon as any fish is inspected, a bill of inspection shall be furnished by the Inspector or Deputy Inspector, specifying the quality as ascertained by inspection, and whether each package contains the weight prescribed by this Act, with the name of the packer, and of the Inspector at the place of packing.

Bill of inspection.

72. This Act shall not apply to fish landed at any port of the Dominion from United States fishing vessels for the purpose of re-shipment to the United States, unless the owners of such fish wish them to be inspected: Provided always that such fish if so re-shipped without being inspected, shall not be branded or marked.

As to fish landed from U. S. vessels for re-shipment there. Provido.

**SPECIAL PROVISIONS RESPECTING THE INSPECTION OF BUTTER.**

73. No Inspector or Deputy Inspector of butter shall brand, mark or certify any butter as inspected, unless it is packed in the manner hereinafter required; but any butter not so packed, submitted for inspection, shall, by the Inspector or Deputy Inspector to whom it is submitted, be re-packed in the manner hereby required, and the Inspector or Deputy Inspector shall receive the actual cost of such new packages as may be required for such re-packing, and the further sum of five cents for each firkin or keg of butter so re-packed for compensation of his time and labour.

Inspection of butter, how to be made.

Re-packing.

2. All butter submitted for inspection shall be packed in kegs, firkins or tubs, containing each twenty-five pounds, fifty pounds, seventy-five pounds, or one hundred pounds. Every such package shall be made of the best seasoned wood, shall be well bound with sufficient hoops, and shall be of such

How butter shall be packed.

Weight to be marked. such size respectively as will contain as nearly as may be the above mentioned quantities. The actual weight of each package when dry, together with the names of the maker of such package, shall be legibly branded on the outside of one of the staves of such package :

Further provisions as to packages. 3. The packages may be of such form and the heads or ends may be secured in such manner as the maker may deem best, but the length of the stave shall in all cases be equal to the greatest diameter of the package, and the Inspector may reject and refuse to stamp or brand any package that he considers insufficient for preserving the contents in good order, or for the prevention of fraud with reference to the stamps or brands.

Mode of inspection. 74. In inspecting butter, the Inspector or Deputy Inspector shall take out the head of each firkin or keg, and shall pass the taster through the butter, from end to end, and shall empty out and throw aside all salt or pickle which, in his judgment, is not necessary to the preservation of the butter; and after he has ascertained the quality of the butter, he shall replace so much thereof as he has taken out, and if there is in his judgment a deficiency of loose salt, so that he thinks the preservation and condition of the butter would be promoted by an additional quantity of salt, he shall add such quantity :

Coopering and branding. 2. He shall then have the package securely headed and coopered, and shall inscribe or brand on the head of the package the gross weight thereof in pounds avoirdupois, excluding fractional parts of a pound and the tare, which shall include for each package of twenty-five pounds, one half pound, for each package of fifty pounds one pound, and for each greater package two pounds weight, for soakage over and above the cooper's tare; and he shall then brand on the head his own name, the month, year and place of inspection, and the quality of the butter as "first," "second," "third," or "fourth," or as "grease," according to the quality of the butter, and adopting such standard of quality and system of classification, as may be approved by the Governor in Council; first removing all such marks (the distinguishing mark of the owner of the butter excepted) on the package as would interfere with the brands or marks of the Inspector.

Fit premises to be provided. 75. Each Inspector shall provide himself and his Deputy with suitable and convenient premises for the storage and inspection of butter, and shall keep all packages of butter delivered to him for inspection, while they remain in his possession, in some place safe from the injuries of the weather or of floods, and under tight roof, and any Inspector or Deputy Inspector contravening this provision, shall forfeit and pay to the owner the sum of one dollar, for every package not stored as aforesaid, besides the actual damages sustained by such owner.

Fees for inspection and services. 76. For all the services to be performed as aforesaid, including unheading, weighing, salting, heading, tightening hoops, marking and

and branding, and ten days' storage, each Inspector shall be entitled to receive ten cents for every package of butter by him inspected as aforesaid,—and if re-inspected, seven cents,—together with the actual cost or charge of any package by him furnished or for extra cooperage or repairs done to packages containing butter by him inspected, and no more; the charge for which extra cooperage and repairs shall not in any case exceed five cents per package; in consideration of which all packages shall be delivered in good shipping order; and such charges shall be paid by the person offering such butter for inspection, or his agent.

2. Each Inspector shall further be entitled to receive two and a half cents per month, per firkin, and two cents and a third of a cent per keg, per month, for the storage of each package of butter which remains stored with him as aforesaid more than ten days after the date of the invoice, weigh note and inspection bill, and such storage shall be paid by the person receiving or shipping the said butter, or his agent; but in no case shall any storage be paid or required when the butter has not remained stored, as aforesaid during ten days from the date of the inspection bill.

3. All the charges of inspection and storage shall be payable before the butter is re-delivered by the Inspector; and the Inspector shall furnish a bill of inspection signed by him and specifying neatly and legibly the quantity and quality of the butter, the charges thereon, and the owner's name.

77. Every Inspector shall, at the end of every month, make a return to the Department of Inland Revenue of the quantity of each quality of butter inspected by him or his Deputy, and such return shall be in such form as may be required by the said Department.

#### SPECIAL PROVISIONS RESPECTING THE INSPECTION OF RAW HIDES AND LEATHER.

78. The Governor may, when he considers it necessary to do so, appoint in any city an Inspector of Leather and an Inspector of Raw Hides.

79. Every Inspector or Deputy Inspector may examine and inspect any raw hides or leather on application being made to him for that purpose by the proprietor or possessor thereof, and ascertain the respective weights, qualities and conditions thereof.

80. Such inspection shall be made either at the store or warehouse of such Inspector (which he is hereby required to keep in a convenient situation for that purpose in the city, town or place for which he is appointed Inspector), or if he thinks fit at the store or warehouse of the owner thereof: No charge for storage shall be made until twenty-four hours after such inspection; but all

all trouble and expense attendant upon the loading, unloading or moving such raw hides or leather shall be borne and paid by the party at whose request the same was inspected.

Quality to be marked, and weight.

**81.** Every Inspector or Deputy Inspector shall mark or stamp on each hide the net weight of such hide; and such hides shall be inspected without the horns, muzzles, snouts or hoofs, and the Inspector, if he is required to do so, shall give a certificate of the net weight of such hide, without any charge for such certificate.

Powers of Inspector in respect of weight.

**82.** Every Inspector or Deputy Inspector shall subtract from the weight of each raw hide all dirt and parts injured by knife cuts, and any other thing which ought not to be computed in the weight of the hides, and may add to such weight all that such hides may have lost by drying, the whole at his discretion; he shall also classify them as number one, two, three, or damaged, as the case may be.

Fees.

**83.** Every Inspector shall be entitled for the inspection of such hides to a fee of five cents for each hide in lots under one hundred in number, and four cents for each hide in lots over one hundred in number.

Harness leather.

**84.** The Inspector or Deputy Inspector may inspect harness leather and certify the weight thereof, but he shall not be liable in damages on account of any deficiency or excess in the weight of any such harness leather, unless such deficiency or excess amounts to more than five per cent. of the whole weight of the leather.

Red or moccasin leather.

**85.** The Inspector or Deputy Inspector may also inspect leather known as calf, kip and red leather or moccasin leather, and certify to its weight, quality and condition.

Leather sold by the foot.

**86.** The Inspector or Deputy Inspector may inspect and measure all kinds of leather which are sold by superficial measure or by weight, and shall be entitled to charge two cents for each side or piece of such leather inspected and measured by him.

None but Inspector to stamp leather, etc.

Exception.

**87.** Any person, except the Inspector or Deputy Inspector, who shall stamp or number any of the raw hides or leather above mentioned, and shall expose them for sale, shall be liable to a fine not exceeding twenty dollars; but he shall be at liberty to mark on the said raw hides or leather in ordinary and legible figures the weights of the said raw hides or leather, and in such cases the words "Not Inspected" shall be marked above the said figures, in letters of the same dimensions and as legible as the said figures; and any person who shall expose for sale any raw hides or leather the weights of which shall be so marked without the words "Not Inspected" as above prescribed, shall be liable to a fine not exceeding twenty dollars.

Inspector to provide for and stamps.

**88.** Each Inspector or Deputy Inspector shall provide and have a sufficient number of brands, stamps, stencil plates, or marking instruments

instruments, wherewith he shall brand, stamp or mark, or cause to be branded, stamped or marked, immediately after inspection, on both sides of each hide or piece of leather, the initials of the name of the Inspector.

89. All brand or stamp marks shall be neat and legible, and shall be made at one end of the hide or piece of leather, within a space of not less than two inches long by one and one-half broad. How leather shall be branded or stamped.

90. Sole leather so inspected shall be divided as to quality into three classes; to be known as number one, number two, and number three; number one representing the first or best quality, number two representing the second quality, number three representing the damaged and rejected articles : Qualities of sole leather.

And such leather as is ordinarily distinguished among dealers, by its comparative weight, shall also be divided into three classes, to be known as heavy, middling, and light weight; every piece or side of leather under fourteen pounds weight shall be considered light; every piece or side of leather of fourteen pounds weight and under twenty pounds weight shall be considered middling, and every piece or side of leather of twenty pounds weight and over shall be considered heavy or over weight; And of other leather.

The Inspector or Deputy Inspector shall not be liable in damages on account of any deficiency or excess in the weight of any such leather, unless such deficiency or excess amounts to more than five per cent. of the whole weight of leather. Liability for deficiency limited.

91. Red leather or moccasin leather and harness leather shall, after inspection, be marked or branded, respectively, with the figures one, two, according to the quality thereof. Moccasin and harness leather.

92. The brand or mark may be fixed or attached to the raw hide or leather, by stamping, or by any other process that may render such brand or mark indelible; each brand or stamp shall have the initials of the city or town where inspection is made and the initials of the Inspector's name, and the weight of the raw hide or leather, as also the figure denoting the quality; and may be in the form following :— Brands or marks described. Forms of.

1.	112 lbs.
T.,	J. B., I.

2.	90 lbs.
T.	J. B., I.

The figure 1 representing the first quality, 112 lbs., the weight, T., Toronto, J. B., I. initials of Inspector's name and office.

The figure 2 designating second quality.

3. 60 lbs.
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T. J. B., I.
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The figure 3 designating a damaged or rejected article.

Inspector to keep books, and what they shall show.

**93.** Every Inspector of Raw Hides and Leather shall keep a proper book or books which shall be open to public inspection, in which he shall, from time to time, enter a statement or account of all green, raw and salted hides and leather inspected by him or any of his Deputy Inspectors, showing the respective weight, quality and condition thereof, how the same have been classified by him, for whom they have been inspected, and the amount paid for such inspection.

Inspector to make returns.

**94.** Every such Inspector shall, twice in each year and not later than the tenth day of January and the tenth day of July, make a return to the Board of Trade of the city or town in respect to which he has been appointed, of particulars mentioned in the next preceding section, and a duplicate of such return shall be sent to the Department of Inland Revenue at Ottawa.

Penalty for neglect to keep books, &c.

**95.** Every Inspector who neglects or refuses to keep such a book as mentioned in the ninety-third section of this Act, or to make the entries required to be made therein, or neglects or refuses to make the returns required by section ninety-four of this Act, shall incur a penalty not exceeding eighty dollars for each offence, and be liable to be dismissed from his office, and be disqualified from ever after holding the same.

Inspection to be compulsory wherever there is inspector or deputy.

**96.** The inspection of Raw Hides shall be compulsory at every place where an Inspector or Deputy Inspector has been appointed, and every raw hide sold, offered for sale or exported, offered for export or laden in any vehicle or vessel for the purpose of being exported, and which has not been first inspected and stamped or marked as herein required, shall be forfeited, and the person so selling or offering for sale or exporting the same, shall incur a penalty of one dollar for every hide so sold, offered for sale, or exported.

Penalty for contravention.

"Raw Hides," what to include.

**97.** The expression "Raw Hides" shall mean and include all untanned or uncurried skins commonly used in the manufacture of leather.

Short Title.

**98.** This Act may be cited as "The General Inspection Act, 1874."

## CHAP. 46.

An Act further to continue for a limited time "The Insolvent Act of 1869," and the Acts amending the same, and for other purposes.

[Assented to 26th May, 1874.]

**W**HEREAS it is expedient further to continue for a limited time, as hereinafter mentioned, "*The Insolvent Act of 1869*," and all Acts amending the same, which would otherwise expire at the end of the present session: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The Act passed by the Parliament of Canada in the session thereof held in the thirty-second and thirty-third years of Her Majesty's reign, chaptered sixteen, and intitled "*An Act respecting Insolvency*," and all Acts heretofore passed in amendment thereof, shall be and are hereby continued and shall remain in force until the first day of January, one thousand eight hundred and seventy-five, and from thence until the end of the then next ensuing session of Parliament and no longer; and the said Acts shall have effect as if originally passed to continue in force until the period to which they are hereby continued.

Act 32-33 V., c. 16 and Acts amending it continued until 1st January, 1875, &c.

2. Nothing herein contained shall prevent the effect of any Act passed during the present session repealing, amending, rendering permanent or continuing to any further period than that herein appointed, the Acts hereinbefore mentioned and continued, or shall continue any provision or part of the Acts in this Act mentioned, which may have been repealed by any Act passed during the present session or in any previous session.

Effect of this Act limited.

3. The provisions of the "*Act respecting Insolvency*," applied by Schedule A., No. 16, of the Act thirty-fourth Victoria, chapter thirteen, to insolvents resident in the Province of Manitoba shall continue to apply to such insolvents until the said first day of January, one thousand eight hundred and seventy-five, and from thence until the end of the then next session of Parliament and no longer, in the case of composition and discharge mentioned in sections ninety-four to one hundred and eight, both inclusive, in which "the court" shall mean the Court of Queen's Bench of Manitoba, and "the judge" shall mean the Chief Justice or one of the Puisne Judges of that court.

Provisions as to insolvents in the Province of Manitoba.

4. And whereas the Acts of the General Assembly of Prince Edward Island, hereinafter mentioned or referred to, were enacted to continue in force until the end of the now last session of the said General Assembly, when by reason of the previous admission of the said Province into the Dominion of Canada, the said General Assembly

Act of General Assembly of Prince Edward Island 31 V., c. 15 and Acts amending it revived and

bly

continued  
until 1st Jan.,  
1876, &c.

bly had, under the provisions of the "*British North America Act, 1867*," no power to deal with the subject of bankruptcy and insolvency, which was by the said Act placed under the exclusive authority of the Parliament of Canada; and whereas it is expedient that the said Acts should be and continue in force in the said Island, until other provision is made by Parliament in the matters therein provided for, and that all doubts arising from the facts aforesaid should be removed; it is therefore hereby enacted that the Act passed by the General Assembly of Prince Edward Island, in the thirty-first year of Her Majesty's reign, chapter fifteen, intituled: "*An Act for the relief of unfortunate debtors*," and the several Acts amending and continuing the same, which were in force in the said Province of Prince Edward Island up to the end of the last session of the General Assembly of the said Province, are hereby revived and continued, and all proceedings under the said Acts which were then pending before the courts or judges of the said Province when the General Assembly of the said Province was prorogued are also hereby revived; and it is hereby provided that the said proceedings may be continued and prosecuted to final termination before the said courts or judges, as if such proceedings had never lapsed, and the time between the last day of the said now last session of the said General Assembly and the fifteenth day of June next, after the coming into force of this Act, shall not be reckoned in computing the delay allowed by the said Acts for taking the next step in any such proceeding; and the said Acts shall remain in force in the said Province until the first day of January, one thousand eight hundred and seventy-six, and from thence until the end of the then next session of the Parliament of Canada.

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## CHAP. 47.

### An Act to amend the Law relating to Bills of Exchange and Promissory Notes, and the Stamps thereon.

[Assented to 26th May, 1874.]

Preamble.

**W**HEREAS it is desirable that the law relating to Bills of Exchange and Promissory Notes should be amended in the particulars in this Act mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Notice of protest, &c., of bill or note, when held to be sufficiently given.

1. Notice of the protest or dishonor of any bill of exchange or promissory note payable in Canada, shall be sufficiently given, if addressed, in due time, to any party to such bill or note, entitled to such notice, at the place at which such bill or note is dated, unless any such party has, under his signature, on such bill or note, designated another place, when such notice shall be sufficiently given

given, if addressed to him, in due time, at such other place; and such notices so addressed shall be sufficient, although the place of residence of such party be other than either of such before mentioned places.

2. Section twelve substituted by the Act passed in the thirty-third year of Her Majesty's reign, chapter thirteen, for section twelve of the Act passed in the thirty-first year of Her Majesty's Reign, chapter nine, shall be and is hereby repealed, and the following section is substituted for the said section so repealed:—

Section 12 of  
33 V., c. 13  
repealed.

"12. Any holder of such instrument may pay double duty by affixing to such instrument a stamp or stamps to the amount thereof, or to the amount of double the sum by which the stamps affixed fall short of the proper duty, and by writing his initials on such stamp or stamps, and the date on which they were affixed; and where in any suit or proceeding in law or equity, the validity of any such instrument is questioned by reason of the proper duty thereon not having been paid at all, or not paid by the proper party, or at the proper time, or of any formality as to the date or erasure of the stamps affixed having been omitted, or a wrong date placed thereon, and it appears that the holder thereof, when he became such holder, had no knowledge of such defects, such instrument shall be held to be legal and valid, if it shall appear that the holder thereof paid double duty, as in this section mentioned, so soon as he acquired such knowledge, even although such knowledge shall have been acquired only during such suit or proceeding; and if it shall appear in any such suit or proceeding to the satisfaction of the court or judge, as the case may be, that it was through mere error or mistake, and without any intention to violate the law on the part of the holder, that any such defect as aforesaid existed in relation to such instrument, then such instrument, or any endorsement or transfer thereof, shall be held legal and valid, if the holder shall pay the double duty thereon as soon as he is aware of such error or mistake; but no party who ought to have paid duty thereon shall be released from the penalty by him incurred as aforesaid."

New section  
substituted.

Innocent holder of un-stamped or insufficiently stamped note, &c., may make it valid by payment of double duty, &c.

3. Notwithstanding anything in the Acts before mentioned or in this Act, from and after the first day of August next, after the passing of this Act, any bank or any broker who makes, draws or issues or negotiates, presents for payment, or pays, or takes, or receives, or becomes the holder of any instrument not duly stamped, either as a deposit, or in payment, or as a security, or for collection or otherwise, knowing the same not to be duly stamped, and who does not immediately on making, drawing, issuing, negotiating or presenting for payment, or paying, or taking, or receiving, or becoming the holder of such instrument, affix thereto and cancel the proper stamps within the meaning of the Act thirty-first Victoria, chapter nine, shall incur a penalty of five hundred dollars for every such offence; and shall not be entitled

Penalty and forfeiture on bank or broker making, buying or taking, &c., note not duly stamped after 1st Aug., 1874.

31 V., c. 9.

entitled to recover on such instrument, or to make the same available for any purpose whatever, and any such instrument shall be invalid and of no effect in law or equity.

No Dominion stamps required on bill of exchange drawn and payable outside the Dominion.

4. Notwithstanding anything in the Acts before mentioned or in this Act contained, no bill of exchange drawn and payable outside of the Dominion of Canada shall be invalid, nor shall the maker or any owner or holder of any such bill be subject to any penalty in consequence of no stamp or stamps of this Dominion being affixed to such bill.

Interpretation.

5. In this Act the word "Bank" means and includes any chartered bank, and any banking institution, and any branch or agency thereof.

The word "Broker" means and includes any broker or person by repute doing the business of brokerage.

The word "Instrument" means and includes any promissory note, bill of exchange, or part thereof, draft or order, upon which a duty is payable under the Act thirty-first Victoria, chapter nine.

Commencement of Act.

6. This Act shall only go into force from and after the first day of August next.

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## CHAP. 48.

An Act to further amend the Act thirty-first Victoria, chapter forty-eight, intituled "An Act respecting Insurance Companies."

[Assented to 26th May, 1874.]

Preamble.

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

Section 4 of 31 V., c. 48 amended.

1. Section four of the said Act, cited in the title of this Act, is hereby amended, by repealing the words following, to wit: "Guarantee or Accident Insurance Company, a sum of not less than fifty thousand dollars,"--and substituting therefor the words following:—"Insurance or Guarantee Company, a sum of not less than fifty thousand dollars; and by every Accident Insurance Company, a sum of not less than twenty thousand dollars."

Company may deposit further security

2. For and notwithstanding anything in the said Act contained, any company licensed under the said Act may at any time

time or times deposit in the hands of the Receiver General any further or other sum or sums of money or securities beyond the sum in and by the said Act required to be deposited, and any such further sum or sums of money or securities therefor so deposited in the hands of the Receiver General, shall be held by him subject to, and to be dealt with according to the provisions of the said Act and of an Act passed in the thirty-fourth year of Her Majesty's reign, intituled "*An Act to amend the Act respecting Insurance Companies*," in respect to the original sum required to be deposited by such company, as if the same had been part of such original deposit.

with Receiver-General.

3. Whenever any company licensed under the said Act shall change its chief agent or its chief place of agency in Canada, such company shall file a power of attorney according to the provisions of the ninth section of the said first mentioned Act, containing any such change or changes in such respect; and shall thereby declare that service of process for or in respect of any liabilities under the said Acts hereinbefore mentioned, respectively, at such last mentioned chief agency, or personally on such last mentioned agent at the place where the chief agency is established, shall be legal and binding on the company to all intents and purposes whatever.

Provision as to service of process, &c., when a company changes its chief agent or place of agency in Canada.

## CHAP. 49.

An Act to authorize corporations and institutions incorporated without the limits of Canada to lend and invest moneys therein.

[Assented to 26th May, 1874.]

**WHEREAS**, it would greatly tend to assist the progress of public works and other improvements now going on within the Dominion of Canada if facilities were offered to institutions and corporations incorporated without the Dominion of Canada for the purpose of lending moneys, to lend their money within the Dominion, and with that object it is expedient to confer on such institutions and corporations powers to contract, and also to hold as security lands within the Dominion: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble..

1. It shall be lawful for any institution or corporation duly incorporated under the laws of the Parliament of Great Britain and Ireland, for the purpose of lending, on receiving a license from the Secretary of State authorizing it to carry on business within the Dominion of Canada, to transact any loaning business

British company incorporated for lending money may be licensed by Secretary of of

State to carry on its business in Canada.

of any description whatsoever within the said Dominion of Canada, in its corporate name, except the business of banking, and to take and hold any mortgages of real estate, and any railway, municipal, or other bonds of any kind whatsoever, on the security of which it may lend its money at any rate of interest not exceeding the rate permissible on such securities by the Acts incorporating similar companies in the several Provinces of the Dominion, and whether the said bonds form a charge on real estate within the said Dominion or not, and also to hold such mortgages in its corporate name, and to sell and transfer the same, and to hold and convey the title to real estate acquired as mortgages or charges: Provided such corporation shall sell or dispose of the real estate so acquired within five years from the time that the mortgage on the said real estate shall have become due and payable under the terms of the instrument creating such mortgage.

Proviso: real estate to be sold within five years from time of its acquisition by the corporation.

Formalities to be observed by licensed corporation before commencing its business in Canada.

2. Every company obtaining such license as aforesaid shall, before the commencement of such business, file in the office of the Secretary of each Province in which the company proposes to do business, a certified copy of the charter, act of incorporation, or articles of association of such company, and also a power of attorney to the agent or manager of such company, in such Province, signed by the president or managing director and secretary thereof, and verified as to its authenticity by the oath of the principal agent or manager of such company in the Dominion, or by the oath of any person cognisant of the facts necessary for its verification, which power of attorney must expressly authorise such agent or manager as far as respects business done by such agent or manager within such Province to accept process in all suits and proceedings against such company in the Province for any liabilities incurred by such company therein, and must declare that service of process on such agent or manager for such liabilities shall be legal and binding on such company to all intents and purposes whatever, and waiving all claims of error by reason of such service.

Service of process in suits against such licensed corporations and proceedings thereon.

3. After such certified copy of the charter and such power of attorney are filed as aforesaid, any process in any suit or proceeding against such company for any liability incurred in any Province may be served upon such manager or agent in the same manner as process may be served upon the proper officer of any company incorporated in such Province, and all proceedings may be had thereupon to judgment and execution in the same manner as in proceedings in any civil suit in such Province.

Publication of notice of license or of having ceased to carry on business in any place.

4. Every company obtaining such license as aforesaid shall forthwith give due notice thereof in the official Gazette and in at least one newspaper in the county, city or place where the principal manager or agent of such company transacts the business thereof, and shall continue the publication thereof for the space of one calendar month, and the like notice shall be given when such company shall cease or notify that they cease to carry on business within the Province.

5. The Secretary of State may, if he see fit, issue such license as aforesaid on being furnished with evidence of the due incorporation of the company (applying for such license) under the laws of the Imperial Parliament of Great Britain and Ireland or of any foreign state, which evidence shall be a certified copy of the charter, act of incorporation or articles of association of such company, and on being furnished with a power of attorney from such company to the person appointed to be the principal agent or manager of such company within the Dominion, under the seal of such company and signed by the president or managing director and secretary thereof, and verified by the oath of an attesting witness, expressly authorizing such agent or manager to apply for such license, and the fee to be paid by such company on the issuing of such license shall be *twenty dollars*.

Evidence on which licenses shall be issued by Secretary of State.

Fee for license

## CHAP. 50.

An Act to make further provision for the management of Permanent Building Societies carrying on business in the Province of Ontario.

[Assented to 26th May, 1874.]

**W**HEREAS it is expedient to make further provision for the management of Permanent Building Societies carrying on business in the Province of Ontario: 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 Directors of any such Permanent Building Society may, from time to time, alter, amend, repeal or create any regulation, rule or by-law for the working of any such society: Provided that such action of the Directors shall not have a binding force until confirmed at any general meeting of the shareholders of such society upon a vote of two-thirds of the capital stock represented at such meeting,—notice being given of the proposed changes, in the notice calling such meeting.

Directors may make or amend by-laws, &c., for the working of the society.

Proviso for confirmation by shareholders.

2. No shareholder of any such society shall be liable for or charged with the payment of any debt or demand due by such society, beyond the extent of his shares in the capital of such society not then paid up.

Liability of shareholders limited.

3. Any such society may lend money in conformity with the laws authorizing the establishment of Building Societies in Canada, and with the by-laws of such society, to any person or persons or body corporate at such rates of interest as may be agreed upon, without requiring any of such borrowers to become subscribers to the

Society may lend money to others than its members.

Proviso, as to rules affecting borrowers.

the stock or members of the said society: Provided always, that all borrowers from any such society shall be subject to all the rules of such society in force at the time of their becoming borrowers, but not to any other rules.

C. S. U. C. c. 53, s. 22 repealed.

4. Section twenty-two of chapter fifty-three of the Consolidated Statutes for Upper Canada is hereby repealed, and the following substituted therefor:—

New section. Society may purchase and sell certain securities.

“22. Any such society may purchase mortgages upon real estate, debentures of municipal corporations, school sections and school corporations, Dominion or Provincial stock or securities, and they may re-sell any such securities as to them shall seem advisable, and for that purpose they may execute such assignments or other instruments as may be necessary for carrying the same into effect; they may also make advances to any person or persons or body corporate upon any of the above mentioned securities at such rates of discount or interest as may be agreed upon.”

Repayment and recovery of money advanced and interest thereon.

5. The principal money so advanced on mortgages may be repaid by means of a sinking fund of not less than two per centum per annum, within such time as the society shall direct and appoint, and as shall be specified in the mortgage or assignment of mortgage to be made of such real estate, and of such revenues, rates, rents, tolls or profits as hereinafter mentioned; and the society may do all acts that may be necessary for advancing money, and for recovery and obtaining repayment thereof, and for enforcing payment of all interest accruing therefrom, or any conditions attached to such advance or any forfeiture consequent on the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same, and do, authorize and exercise all acts and powers whatsoever requisite or expedient to be done or exercised in relation to the said purposes.

C. S. U. C. c. 53, s. 38 repealed.

6. Section thirty-eight of chapter fifty-three of the Consolidated Statutes for Upper Canada is hereby repealed, subject to the provisions of the twelfth section of this Act, and the following substituted therefor:—

New section.

Power to receive money deposits and issue debentures.

Proviso, limiting money deposits.

“38. It shall be lawful for any such society to receive money on deposit, and also for the Board of Directors of any such society to issue debentures of such society for such sums, not being less than one hundred dollars, and in such currency as they may deem advisable, and payable in the Dominion of Canada or elsewhere not less than one year from the issue thereof: Provided always that the aggregate amount of money deposits in the hands of such society, together with the amount of debentures issued and remaining unpaid, shall not at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by such society, and shall not exceed the amount of capitalized, fixed and permanent stock in such society, not liable to be withdrawn therefrom, by more than one-third of the total amount of the said capitalized

capitalized stock: Provided further, that the amount of cash actually in the hands of any such society, or deposited in any chartered bank, shall be deducted from the sum total of the liabilities which such society may be authorized to incur as above stated:”

Proviso, cash in hands of society to be deducted.

The debentures of such society may be in the form of Schedule A to this Act or to the like effect.

Form of debentures.

7. Any such society may, and is hereby empowered to demand and receive in advance the half-yearly interest from time to time accruing on any advances of money made by such society under and by virtue of this Act.

Interest to the society may be demanded in advance.

8. The President, Vice-President and Directors of any such society shall have and exercise the powers, privileges and authorities set forth and vested in them by this Act and any other Act regulating such society, subject to the rules or by-laws of such society, and they shall be subject to and be governed by such rules, regulations and provisions as are herein contained with respect thereto and by the by-laws of such society; and the Directors shall and may lawfully exercise all the powers of such society, except as to such matters as are directed by law to be transacted by a general meeting of such society. The Directors may use and affix, or may cause to be used and affixed, the seal of such society to any document or paper which in their judgment may require the same; they may make and enforce the calls upon the shares of the respective shareholders; they may declare the forfeiture of all shares on which such calls are not paid; they may make any payments and advances of money they may deem expedient which are or shall at any time be authorized to be made by or on behalf of such society, and enter into all contracts for the execution of the purposes of such society, and for all other matters necessary for the transaction of its affairs; they may generally deal with, treat, sell and dispose of the lands, property and effects of such society, for the time being, in such manner as they shall deem expedient and conducive to the benefit of such society as if the same lands, property and effects were held and owned according to the tenure and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being of full age. They may do and authorize, assent to or adopt, all acts required for the due exercise of any further powers and authorities which may hereafter be at any time granted to such society by the Parliament of Canada for the performance and fulfilment of any conditions or provisions from time to time prescribed by the said Parliament in giving such further powers and authorities or in altering or repealing the same respectively or any of them.

Powers of directors of society.

9. All by-laws of any such society shall be reduced to writing, and shall have affixed thereto the common seal of the society, and any

By-laws and documents of society, when

authentic and held to be *prima facie* evidence.

copy or extract therefrom, certified under the signature of the Secretary or Manager, shall be evidence in all courts of justice in Canada, of such by-laws or extract from them, and that the same were duly made and are in force; and in any action or proceeding at law, criminal or civil or in equity, it shall not be necessary to give any evidence to prove the seal of such society; and all documents purporting to be sealed with the seal of any such society, attested by the President, Treasurer or Manager thereof, shall be held *prima facie* to have been duly sealed with the seal of such society.

C.S.U.C. c. 53  
s. 42 repealed.

10. Section forty-two of chapter fifty-three of the Consolidated Statutes for Upper Canada is hereby repealed, and the following substituted therefor:—

New section.  
Society not bound to see to execution of trusts or application of moneys paid on receipt, &c.

“42. Such society shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock, or to which any deposit or any other moneys payable or in the hands of any such society, may be subject; and the receipt of the party or parties in whose name any such share or shares or moneys stand in the books of the society, shall, from time to time, be sufficient discharge to the society for any payment of any kind made in respect of such share or shares or moneys, notwithstanding any trust to which the same may then be subject, and whether or not such society has had notice of such trust; and the society shall not be bound to see to the application of the money paid upon such receipt.”

C.S.U.C. c. 53  
s. 20 repealed.

11. Section twenty of chapter fifty-three of the Consolidated Statutes for Upper Canada is hereby repealed, and the following substituted therefor:

New section.  
Persons in service of society to furnish security.

“20. Every such officer or other person appointed to any office in anywise concerning the receipt of money shall furnish security to the satisfaction of the Directors for the just and faithful execution of the duties of his office according to the rules of the society, and any person entrusted with the performance of any other service, may be required by the Directors to furnish similar security.”

To what societies only section 6 of this Act shall apply.

12. The sixth section of this Act shall apply only to any such society having a paid-up capital of not less than two hundred thousand dollars in fixed and permanent stock, not liable to be withdrawn therefrom: Provided that all such societies having a paid up capital exceeding forty thousand dollars may receive deposits to the amount of their paid up capital, and the remaining sections of this Act shall extend and apply to every such society carrying on business in Ontario, or constituted or incorporated under the provisions of the Acts herein referred to, or of the Consolidated Statutes for Upper Canada, chapter fifty-three or under any Act of the legislature of the late Province of Canada, or of the Parliament of Canada; and any rights, powers or privileges of any such society, contrary to the provisions of this Act, are hereby repealed.

13. It shall be lawful for any such society to unite, amalgamate, and consolidate its stock, property, business and franchises with the stock, property, business and franchises of any other such Building, Saving or Loan Society, incorporated or chartered, within the Province of Ontario, and to enter into all contracts and agreements therewith, necessary to such union and amalgamation.

Amalgamation of two societies.

14. The Directors of the two societies proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement under the corporate seals of each of the said corporations, for the amalgamation and consolidation of the said corporations,—prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the Directors and other officers thereof, and who shall be the first Directors and officers thereof and their places of residence, the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation, and how and when and for how long Directors and other officers of such new corporation shall be elected, and when elections shall be held,—with such other details as they shall deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations, and the after management and working thereof.

Joint agreement between directors of societies proposing to amalgamate or consolidate their stock, &c.

15. Such agreement shall be submitted to the stockholders of each of the said societies at a meeting thereof to be held separately for the purpose of taking the same into consideration; notice of the time and place of such meetings and the object thereof shall be given by written or printed notices, addressed to each shareholder of the said societies respectively at his last known post office address or place of residence, and also by a general notice to be published in a newspaper published at the chief place of business of such societies once a week for two successive weeks. At such meetings of stockholders, such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same,—each share entitling the holder thereof to one vote, and the said ballots to be cast in person or by proxy; and if two thirds of the votes of all the stockholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon the said agreement by the Secretary of each of such corporations under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said corporations, the agreement so adopted and the said certificates thereon shall be filed in the office of the Secretary of State of the Dominion of Canada, and the said agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the said societies, and a copy of such agreement so filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation.

To be submitted to stockholders of each society for consideration.

Agreement, if adopted, to be filed with Secretary of State.

Upon completion of consolidation the new corporation to possess rights, powers, &c., and be subject to duties, &c., of each of united societies.

**16.** Upon the making and perfecting of the said agreement and act of consolidation, as provided in the next preceding section and the filing of the said agreement as in the said section provided, the several societies, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, privileges, and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united, except as herein otherwise provided.

All property and rights vested in new corporation without further act or deed.

**17.** Upon the consummation of such act of consolidation as aforesaid, all and singular the business, property, real, personal and mixed, and all rights and interest appurtenant thereto, all stock, mortgages or other securities, subscriptions, and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed: Provided however, that all rights of creditors and liens upon the property of either of such corporations, shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said corporations, shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and provided also that no action or proceeding legal or equitable by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding, such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

Proviso, as to rights of creditors, &c., of either of corporations.

Auditors and directors, their appointment, remuneration, &c.

**18.** The choice and removal of the Auditors of the society, the determination as to the remuneration of the Directors and of the Auditors, shall be exercised at general meetings of the society, and the Auditors shall not necessarily be shareholders: Provided that in case of the death or failure to act of any such Auditor, the Directors may appoint an Auditor in his place; and at all meetings of shareholders of the society the shareholders shall have one vote for each share held by them respectively.

Annual statement of assets and liabilities to be transmitted to Minister of Finance.

**19.** Such society shall, on or before the fifteenth day of February in each year, transmit to the Minister of Finance a full and clear statement of their assets and liabilities on the day of the date thereof, and such statement shall contain, in addition to such other particulars as the Minister of Finance may require,—

1st. The amount of stock subscribed;

2nd. The amount paid in upon such stock;

3rd. The amount borrowed for the purposes of investments and the securities given therefor;

4th.

- 4th. The amount invested and secured by mortgage deeds ;
- 5th. The value of real estate under mortgage ;
- 6th. The amount of mortgages over due and in default ;
- 7th. The amount of mortgages payable by instalments :

And such statement shall be attested by the oath before some Justice of the Peace, of two persons, one being the President, Vice-President, Manager or Secretary, and the other the Manager or Auditor of such society, each of whom shall swear distinctly that he has such quality or office as aforesaid, that he has had the means of verifying, and has verified the statement aforesaid, and found it to be exact and true in every particular, that the property under mortgage has been set down at its true value, to the best of his knowledge and belief; and that the amount of the shares, deposits and debentures issued and outstanding, as he verily believes, is correct; and such statement shall be published by the Minister of Finance, in such manner as he shall think most conducive to the public good; and for any neglect to transmit such statement in due course of post within five days after the day to which it is to be made up, such society shall incur a penalty of one hundred dollars per diem; and if the same be not transmitted within one month after the said day, or if it shall appear by the statement that such society is insolvent, the Minister of Finance may, by a notice in the *Canada Gazette*, declare the business of such society to have ceased; and if the Minister of Finance shall, in any case, suspect any such statement to be wilfully false, he may depute some competent person to examine the books and enquire into the affairs of such Society and to report to him on oath; and if by such report it shall appear that such statement was wilfully false, or that such society is insolvent, or if the person so deputed shall report on oath that he has been refused such access to the books or such information as would enable him to make a sufficient report, the Minister of Finance may, by notice in the *Canada Gazette*, declare the business of such society to have ceased; but in any of the cases in which discretionary power is given to the Minister of Finance to declare the business of such society to have ceased, he may before so doing give notice to such society and afford the same an opportunity of making any explanation it may be advisable to make; and all expenses attending such periodical statements, and the publication thereof shall be borne by such society.

Statement to be attested on oath, and may be published.

Penalty for non-transmission.

Proceedings by Minister of Finance in case of insolvency, or suspected insolvency of a society.

**SCHEDULE A.**

Debenture No.	Transferable	\$ Society.
Under the authority of an Act of the Parliament of Canada		
Victoria, Chapter		The

The President and Directors of the \_\_\_\_\_ Society  
 promise to pay to \_\_\_\_\_ or bearer the sum of \_\_\_\_\_  
 dollars, on the \_\_\_\_\_ day of \_\_\_\_\_,  
 in the year of Our Lord One thousand eight hundred and \_\_\_\_\_  
 at the Treasurer's office here, with interest at the rate of \_\_\_\_\_ per  
 cent per annum, to be paid half-yearly on presentation of the proper  
 coupon for the same as hereunto annexed, say on the \_\_\_\_\_  
 day of \_\_\_\_\_, and the \_\_\_\_\_ day of \_\_\_\_\_  
 in each year at the office of the Treasurer here (or their agents  
 in \_\_\_\_\_.)

Dated at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.  
 For the President and Directors of the \_\_\_\_\_ Society.  
 C. D. \_\_\_\_\_ A. B. \_\_\_\_\_  
 Secretary.

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COUPON.

No. 1. \_\_\_\_\_ \$ \_\_\_\_\_

Half-yearly dividend due \_\_\_\_\_ of \_\_\_\_\_ 18 \_\_\_\_ on  
 Debenture No. \_\_\_\_\_ issued by this Society on the \_\_\_\_\_  
 day of \_\_\_\_\_, 18 \_\_\_\_ for \$ \_\_\_\_\_ at \_\_\_\_\_ per cent per  
 annum, payable at the office of the Treasurer, \_\_\_\_\_, (or at the  
 Society's agents \_\_\_\_\_)

For the President and Directors.  
 C. D. \_\_\_\_\_ A. B. \_\_\_\_\_  
 Secretary.

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CHAP. 51.

An Act to authorize the incorporation of Boards of Trade  
 in the Dominion.

[Assented to 26th May, 1874.]

Preamble.

**H**ER Majesty, by and with the advice and consent of the  
 Senate and House of Commons of Canada, enacts as follows :

Formation of  
 Board of  
 Trade under  
 this Act.

1. Any number of persons not less than thirty, being merchants,  
 traders, brokers, mechanics, manufacturers, managers of banks or  
 insurance agents, and being residents of any village, town or city  
 having a population of not less than two thousand five hundred,  
 may associate themselves together as a Board of Trade, with all  
 the privileges and powers conferred by, and subject to all the re-  
 strictions of this Act.

2. The persons associating themselves together as a Board of Trade under this Act, shall, under their hands and seals, make a certificate specifying the name assumed by the association, and by which it shall be known, and the name of the county, village, town or city in which the same is situate, and its business transacted.

Certificate of formation.

3. Such certificate shall be acknowledged before a Notary Public, Commissioner appointed for receiving affidavits, or Justice of the Peace, and shall be forwarded to the Secretary of State, who shall cause the same to be recorded in a register for that purpose; and a copy thereof, duly certified by the Secretary of State, shall be evidence of the existence of such association.

Acknowledged certificate to be transmitted to the Secretary of State for registration.

4. The persons named as corporators in the said certificate, and such other persons as may afterwards join them, are hereby authorized to carry into effect the objects for which such association was constituted, and to exercise the powers and privileges conferred by this Act; and they and their associates, successors and assigns, by the name and style specified in the said certificate, shall be deemed a body corporate, with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, to make and use a common seal, and change and alter the same at pleasure, to purchase, hold, sell and convey any real or personal estate necessary for the objects of such association: and the usual place of meeting of said corporation shall be held to be the legal domicile thereof, where service of any notice or process may be made.

Persons incorporated to have certain powers

Domicile.

5. The officers of such Boards of Trade shall be a President, Vice-President, and Secretary, who, together with not less than eight other members, shall constitute a Council, to be called "The Council of the Board of Trade of \_\_\_\_\_," (*adding the name of the village, town or city,*) who shall have the powers and perform the duties hereinafter mentioned; and when the foregoing provisions have been complied with, it shall be competent for a majority of the persons named as corporators in the said certificate, to hold a meeting for the election of a President, Vice-President, Secretary, and members of the said Council, and to make and enact such by-laws, rules and regulations as are mentioned in the eleventh section of this Act, without the notice required in the proviso to the said section.

Officers and Council of Board of Trade.

First meeting for election of officers, &c.

6. The members of the said corporation shall hold general quarterly meetings in each year, at some place within its jurisdiction—of which notice, naming the time and place, shall be given by the Secretary 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 first quarterly meeting to be held in each year, the members of the said corporation present, or a majority of them, shall then and there elect in such way as shall be fixed by the by-laws of the corporation,

General quarterly meetings.

Election of President and members of Council.

from

from among the members of the corporation, one President, one Vice-President, and the Secretary, and not less than eight other members of the Council, who, with the President, Vice-President, and Secretary, shall form the Council of the said corporation, and shall hold their offices until others shall be elected in their stead, at the next first quarterly meeting of the ensuing year, as aforesaid, or until they shall be removed from office, or shall vacate the same under the provisions of any by-laws of the corporation: Provided always, that if the said election shall not take place at such first quarterly meeting as aforesaid, the said corporation shall not be thereby 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.

Proviso, in case of failure of election.

President and Vice-President to take oath of office.

7. The President and Vice-President shall, before entering upon the duties of their office, take and subscribe the following oath before the mayor of any such town or city as aforesaid, or before any Justice of the Peace:—

Oath of office.

“I swear that I will faithfully and truly perform my duty as  
“ of the Board of Trade, and that I will in all matters  
“ connected with the discharge of such duty, do all things, and  
“ such things only, as I shall truly and conscientiously believe to  
“ be adapted to promote the objects for which the said Board was  
“ constituted, according to the true intent and meaning of the  
“ same. So help me God.”

Vacation of office, and filling vacancies in Council.

8. If any member of the said Council shall die or resign his office, or be absent for six 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 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, unless re-elected.

Majority present at meetings of corporation to have full power.

9. 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 by-law of the said corporation, are or shall be directed to be done at any such general meeting.

Retirement of members.

10. Any member of the said corporation, intending to retire therefrom or resign his membership may, at any time, do so upon giving to the Secretary 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.

11. 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 and regulations, and from time to time to repeal, alter and amend the same, for the government of the said corporation, providing for the admission, subscriptions, imposing of penalties and expulsion or the retirement of members, and for the management of its Council, officers and affairs, and for the guidance of the Board of Arbitrators hereinafter mentioned, and fixing the date and place of the regular meetings of the said Council, 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 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 member and seconded by another member at a previous meeting, and duly entered in the books of the said corporation as a minute of the said corporation.

Making by-laws and regulations; for what purpose.

Proviso. Notice of proposed by-laws to be given.

12. Each and every person then resident within the jurisdiction, and being or having been a merchant, broker, trader, mechanic, manufacturer, manager 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 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, broker, mechanic, manufacturer, 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 Board of Trade at any such meeting.

Who may become members of the corporation, and how.

Proviso: as to persons not being traders, etc.

13. It shall be lawful for the said Council, or a majority of them, by a notice inserted in one or more newspapers published within the jurisdiction, one day previous to the said meeting, or by a circular letter signed by the Secretary of the said corporation, 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 of corporation.

14. It shall be competent to 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, at the instance of the President, or upon the request of any two members

Meetings of Council, how convened, &c.

**Powers.** 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 enacting or altering any by-law, or admitting any member, which shall be done in the manner provided for by this Act, and no other : and any five or more members of the Council, lawfully met, shall be a quorum, and any majority of such quorum may do all things within the powers of the Council : and at all meetings of the said Council, and at all general meetings of the 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 in all cases of equality of votes upon any division, have a casting vote.

**Council to frame by-laws, &c., to be submitted at a general meeting.**

**15.** It shall be the duty of the Council to frame such by-laws, rules, and regulations, as shall seem to the said 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 for that purpose, in the manner hereinbefore provided.

**Recovery of subscriptions, etc.**

**16.** 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 thereof, and in 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 arrearage on account of such subscription, penalty or otherwise, whereby an action hath accrued to the said corporation by virtue of this Act.

**Proof in action brought in such case.**

**17.** 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 otherwise was standing unpaid upon the books of the said corporation.

**Meetings of Council to be open to corporation.**

**18.** 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 who shall take no part in any proceedings thereat ; and minutes of the proceedings at all meetings, whether of the said Council or the said corporation, shall be entered in books to be kept for that purpose by the Secretary 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, free from any charge.

**Record thereof.**

**19.** At the same time and times as are hereby appointed for the election of the said Council, and in the same manner, it shall be lawful for the members of the said corporation to elect from their number twelve persons, who shall form a board, which shall be called "The Board of Arbitration," and any three of whom shall have power to arbitrate upon, and make their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned; and whenever any such parties shall agree to bind themselves, by bond or otherwise, to submit the matter in dispute between them to the decision of the said Board of Arbitrators, such submission shall be understood to be made to any three members of the said board, who may, either by the special order of the said board, or by virtue of any general rules adopted by them, or under any by-law of the said corporation touching the consideration of any cases so submitted, be appointed to hear, arbitrate and decide upon the case or cases so submitted to them; and such decision shall be binding upon the said board and the parties making the submission; and any such submission shall be according to the form set forth in the schedule to this Act, or in words to the same effect.

Board of Arbitration.

Powers.

Form of submission to Board.

**20.** The several members of the said Board of Arbitration shall, before they act as such, take and subscribe before the President or Vice-President of the said corporation, an oath that they will faithfully, impartially and diligently, perform their duties as members of the said Board of Arbitration, and such oath shall be kept among the documents of the said corporation.

Members of Board to be sworn.

**21.** Any member of the Council of the said corporation may, at the same time, be a member of the said Board of Arbitration.

Members of Council may be Arbitrators.

**22.** The three members appointed to hear any case submitted for arbitration, as aforesaid, or any two of them, shall have full power to examine upon oath (which oath any one of such three members is hereby empowered to administer) any party or witness who, appearing before them shall be so examined, and shall give their award thereupon in writing; and their decision, or that of any two of them, given in such award shall bind the parties according to the terms of submission and the provisions of this Act.

Powers of Arbitrators as to examination in hearing cases.

Award.

**23.** It shall be lawful for the Council of the said corporation to appoint five persons to constitute a Board of Examiners to examine applicants for the office of Inspector of flour and meal, or of any other article subject to inspection, and for the said Council to do all such other acts, matters and things connected with the inspection of flour and meal or any other article, and have as full power and be subject to the same conditions as those conferred upon and required of the Councils of the Boards of Trade by virtue of the Act thirty-sixth Victoria, Chapter forty-nine, intituled "*An Act to amend and consolidate, and to extend to the whole Dominion of Canada, the Laws respecting the Inspection of certain staple articles of Canadian produce;*" and the said Examiners and Inspector

Power of Council to appoint Board of Examiners of Inspectors.

36 V., c. 49. But see now 37 V., c. 45 substituted for it.

spectator

spector shall also be subject to all the conditions, requirements, oaths, matters and things (touching their office) set forth in the said Act.

Oaths and affirmations.

**24.** Any person who may, by law in other cases, make a solemn affirmation, 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 case as aforesaid, administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely in any case where an oath or solemn affirmation is required or authorized by this Act shall be guilty of wilful perjury.

Boards of Trade registered under this Act may affiliate with Dominion Board of Trade Proviso.

**25.** It shall be competent for any Board of Trade duly registered as aforesaid under the provisions of this Act, to become affiliated with the Dominion Board of Trade, on duly complying with all the terms and requirements of that organization, and to be represented at all its ordinary or special general meetings, which may be held from time to time: Provided always, that the delegates or representatives to the said Dominion Board of Trade shall be elected at a general meeting, duly convened, of the said Board desiring such affiliation as aforesaid.

Her Majesty's rights saved.

**26.** Nothing in this Act shall affect the rights of Her Majesty, Her Heirs or Successors, or of any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected.

## SCHEDULE.

### *Form of a Submission to the Board of Arbitration.*

Know all men that the undersigned and  
the undersigned (*if there be more parties, that is, more separate interests, mention them*) having a difference as to the respective rights of the said parties, as in the case hereunto subjoined, have agreed and bound themselves under a penalty of dollars  
to perform the award to be made by the Board of Arbitration of the Board of Trade in the case aforesaid, under the penalty aforesaid to be paid by the party refusing to perform such award, to the party ready and willing to perform the same.

In witness whereof the said parties have hereunto set their hands and affixed their seals at the of  
on the day of A. D. 18 .

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

*Form*

*Form of Oath to be taken by members of the Board of Arbitration.*

I swear that I will faithfully, impartially and diligently perform my duty as a member of the Board of Arbitration of the Board of Trade of \_\_\_\_\_, and that I will, in all cases in which I shall act as arbitrator, give a true and just award, according to the best of my judgment and ability, without fear, favor or affection, of or for any party or person whomsoever. So help me God

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CHAP. 52.

An Act to incorporate the St. Johns Board of Trade, Province of Quebec.

[Assented to 26th May, 1874.]

**W**HEREAS the persons hereinafter mentioned, resident or Preamble. carrying on business in the District of Iberville, or in the Districts adjacent thereto, have by their petition represented that they have associated themselves together for some time past for the purpose of promoting such measures as they have deemed essential towards developing the trade of Canada in general, and of that neighborhood in particular; and have further represented that their 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 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. James Macpherson, J. E. Molleur, Theophile Arpin, William Coote, James Bissett, Charles Langelier, Joseph E. Clement, Felix G. Marchand, Alfred K. Lavicount, Arcade Decelles, Edgar R. Smith, Waterford L. Marler, Louis Decelles, Henry Gillespie, Amable Davignon, Alexis Bertrand, Charles Arpin, Louis H. Marchand, William A. Osgood, James O'Cain, Louis Molleur, jun., Modeste Chaput, Leonard Jones, William H. Vaughan, J. B. Bissonnette, John Rossiter, Joseph L'Ecuyer, S. Simmons, Alex. J. Wight, Geo. W. Farrar, Geo. H. Wilkinson, Alexander Macdonald, Thos. A. Cousins, H. Guillette, and L. Bousquet, of the Town of St. Johns; Alex. Dufresne, W. Ryder, of the Town of Iberville; J. Marcoux, of Versailles; Calixte Bouchard, of L'Acadie; Domp tail Cadieux, of St. Luke, and Jules Lamoureux, of St. Sebastien, and such other persons resident or carrying on business in the district of Iberville or adjacent districts, as are or shall be associated with the persons above named for the purposes of this Act in the manner hereinafter provided, and their successors, shall be and are hereby constituted

Certain persons incorporated.

Corporate name and powers.

tuted a body politic and corporate, by the name of "The St. Johns Board of Trade," for the purposes hereinafter mentioned; 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 or equity, and all other places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors, by their corporate name, shall have power to take, receive, hold and enjoy any estate whatsoever, real or personal, or alienate, sell, convey, lease or otherwise dispose of the same, or any part thereof, from time to time, and as they and their successors may see fit, 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 any one time, shall not exceed six thousand dollars.

Proviso, as to real estate.

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 of Canada generally, and of the District of Iberville in particular, or as may be necessary to carry out the objects for which the said corporation is constituted, according to the true intent and meaning of this Act.

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 thereof on the corporation.

Council of the St. Johns Board of Trade.

4. There shall be a Council, to be called "The Council of the St. Johns Board of Trade," which shall, until the first election hereinafter mentioned, consist of a President, Vice-President, Secretary and Treasurer, and five other members of the Council, all of whom shall be members of the said corporation, and shall have the powers and perform the duties hereinafter assigned to the said Council.

First officers and councillors.

5. The said James Macpherson shall be President, the said J. E. Molleur, Vice-President, the said Edgar R. Smith, Secretary, the said Waterford L. Marier, Treasurer, and the said Felix G. Marchand, Joseph E. Clement, William A. Osgood, Arcade Decelles and Leonard Jones the other members of the Council until the first election to be held 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.

General meetings of corporation.

6. The members of the said corporation shall hold a general meeting every month, that is to say, on the first Friday of each calendar month, at some place within the town of St. Johns, of which notice, naming the time and place, shall be given by the Secretary of the Council for the time being, at least three days previous to such meeting, through two newspapers or otherwise, as may be thought necessary by the said Council; and the meeting held in September shall be called the general annual meeting; and

and at the general meeting in the month of September, the members of the said corporation present, 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, one Secretary and one Treasurer, and five other members of the Council, who, with the President, Vice-President, Secretary and Treasurer shall form the Council of the corporation, and shall hold their offices until others shall be elected in their stead at the next general meeting in the month of September as aforesaid, or until they shall be removed from office or vacate the same under the provisions of any by-law of the Corporation: **Provido.** Provided always that if the said election shall not take place on the first Friday of the month of September, as aforesaid, the said corporation shall not thereby be dissolved, but such election may be held at any general meeting of the corporation, to be called in manner hereinafter provided, and the members of the Council in office shall continue in office until such election shall be held.

Annual general meeting for election of councillors.

7. If any member of the Council shall die, resign his seat or be absent for three months continuously from the meetings of the Council, it shall be lawful for the Council, at any meeting thereof, to elect a member of the corporation to be a member of the Council in the place of the member so dying, or resigning, or being absent, and such new member shall be elected by a majority of the members of the Council present at any meeting of the same at which there is a quorum present; and the member so elected shall hold office until the next general annual meeting of the corporation, and no longer, unless re-elected.

Vacancies in Council, how created and filled.

8. At any general or general annual meeting of the corporation, whether for the purpose of electing members of the Council or for any other purpose, a majority of the members present at such meeting shall be competent to do and perform all acts which, either by this Act or by any by-law of the corporation, are or shall be directed to be done at any such meeting, provided the number present at such meeting be not less than nine.

Quorum at meetings of corporation.

9. Any member of the corporation intending to retire therefrom or resign his membership, may at any time do so upon giving to the Secretary, in writing, ten days' notice of such his intention, and discharging all lawful liabilities which may be standing upon the books of the corporation against him at the time of such notice.

Resignation of members of corporation.

10. It shall be lawful for the corporation, or the majority of them present at any general meeting, to make and enact such by-laws, rules and regulations for the government of the corporation, providing for the admission, subscription and expulsion, or the retirement of members, and for the management of its Council, officers and affairs, and for the guidance of the Board of Arbitration hereinafter mentioned, and fixing the date and place of the regular meetings of the Council, and all other by-laws in accordance with

By-laws, rules and regulations, for government of corporation.

with the requirements of this Act or the laws of Canada, as such majority shall deem advisable; and such by-laws shall be binding on all the members of the said corporation, its officers and servants, and all other persons whomsoever lawfully under its control: Provided that no by-laws shall be made or enacted by the corporation without notice in writing thereof having been given by one member, and seconded by another member at a previous meeting of the corporation, and duly entered in the books of the said corporation as a minute of the corporation.

Proviso

Who may be special general meetings.

**11.** Any person being a resident of the District of Iberville, or in such counties as are nearer to St. Johns than to any other place where there exists a regularly organized and incorporated Board of Trade, and directly or indirectly engaged or interested in banking, commercial, or industrial pursuits, shall be eligible to become a member of the said association; and at any general meeting it shall be lawful for any member to propose any such person as a candidate for becoming a member of the corporation; and if such proposition shall be seconded by any other member then present, such candidate shall be again proposed and balloted for at the next general meeting, not being less than one week after he shall be so proposed; and if at the meeting at which such candidate shall be balloted for, not less than three-fourths of the members present shall vote for his admission, he shall thenceforth be a member of the association, and shall have all the rights, and be subject to all the obligations which the other members possess or are subject to, and be bound by all the by-laws of the association and by its present constitution.

How admitted

Calling of special general meetings.

**12.** It shall be lawful for the Council or a majority of them, by a notice inserted in an English and French newspaper published in the said Town of St. Johns, at least three days previous to the said meeting, or by a circular letter signed by the Secretary of the corporation, and mailed three days previous to the said meeting to each member of the corporation, or by such notice sent by the Secretary to the residence or place of business of each member of the corporation, to call a general meeting of the corporation for any purpose of this Act.

Meetings of Council.

**13.** It shall be competent for the said Council to hold meetings from time to time, and adjourn the same when necessary, and at the said meetings to transact such business as may, by this Act or the by-laws of the corporation, be assigned to them; and such meetings of the Council shall be convened by the Secretary at the instance of the President, or upon the request of any three members of the said 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 enacting or altering any by-law, or admitting any member, which shall 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 (of whom the President or Vice-President shall be one, or, in case of their absence, any five

How convened.

Powers of.

Quorum.

or

or more members lawfully met) shall be a quorum; any majority of such quorum may do all things within the power of the Council, and at all meetings of the Council, and at all general meetings of the 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 an equality of votes, upon any division, have a casting vote.

Who to preside at meetings of the corporation.

Casting Vote.

14. All subscriptions of members due to the 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 corporation shall be paid to the Treasurer thereof, and in default of payment may be recovered in any action brought in the name of the corporation; and it shall only be necessary in such action to allege that such person is indebted to the corporation in the sum of money, the amount of arrears on account of such subscriptions, penalty or otherwise, whereby an action hath accrued to the corporation by virtue of this Act.

Subscriptions, how payable and recoverable.

Averment in action brought to recover.

15. On the trial or hearing of any such action, it shall be sufficient for the corporation to prove that the defendant at the time of making such demand was or had been a member of the corporation, and that the amount claimed by the corporation as subscriptions, penalty or otherwise was standing unpaid upon the books of the corporation.

What it shall be necessary to prove on action brought,

16. The meetings of the Council shall be open to all members of the 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 Council or of the corporation shall be entered in books kept for that purpose by the Secretary of the corporation, and the entries thereof shall be signed by the President of the Council or such other person as shall, at the time, preside over any such meeting; and such books shall be open at all reasonable hours to any member of the corporation, free from any charge.

Meetings of Council to be open to corporators. Minutes of meetings of corporation and Council.

17. At the same time and times as are hereby appointed for the election of the Council, and in the same manner it shall be lawful for the members of the corporation to elect from their number, six persons who shall form a Board which shall be called "The Board of Arbitration," and any three of whom shall have power to arbitrate upon and make their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned; and whenever any such parties shall bind themselves by bond or otherwise to submit the matter or matters in dispute between them to the decision of the said Board of Arbitration, such submission shall be understood to be made to any three members of the board who may, either by the special order of the board or by virtue of any general rule or rules adopted by them or under any by-law or by-laws of the corporation touching the consideration

Board of Arbitration:

Effect of submission to.

of cases so submitted, be appointed to hear, arbitrate and decide upon the case or cases so submitted to the said Board of Arbitration; and such decision shall be binding upon the said board and the parties making the submission; and such submission may be according or to the effect of the form set forth in the schedule to this Act.

Form of submission.

Members of Board to be sworn.

**18.** The several members of the said Board of Arbitration shall, before they act as such, take and subscribe before the President or Vice-President of the corporation an oath that they will faithfully, impartially and diligently perform their duties as members of the said Board of Arbitration, and this oath shall be according or to the effect of the form set forth in the schedule to this Act, and shall be kept among the documents of the corporation.

Who may be members of Board.

**19.** Any member of the Council of the corporation may at the same time be a member of the said Board of Arbitration.

Power to examine witnesses under oath.

**20.** The three members appointed to hear any case submitted for arbitration as aforesaid or any two of them shall have full power to examine upon oath (which oath any one of such three members is hereby empowered to administer) any party or witness who appearing voluntarily before them shall be willing to be so examined, and shall give their award thereupon in writing; and their decision or that of any two of them given in such award, shall bind the parties according to the terms of the submission and the provisions of this Act.

Board of examiners of inspectors, to be appointed.

**21.** From and after the passing of this Act it shall be lawful for the Council of the corporation to appoint five persons to constitute a Board of Examiners for the Town of St. Johns to hold office until the next monthly meeting in September, when they or others may be elected, 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 articles subject to inspection; and the said examiners and inspectors shall also be subject to all the conditions, requirements, oaths, matters and things, (touching their office) set forth in the same Acts.

Oath and affirmation, taking and administration of.

**22.** Any person who may, by law in other cases, make a solemn affirmation instead of taking an oath, may make such solemn affirmation in any case, when by this Act an oath is required; and any person hereby authorized to administer an oath may in such cases 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 and corrupt perjury.

23. Nothing in this Act shall affect any rights of Her Majesty, her heirs or successors or of any person whomsoever,—such rights only excepted as are herein expressly mentioned and affected. Her Majesty's rights saved.

SCHEDULE

*Form of submission to the Board of Arbitration.*

Know all men that the undersigned \_\_\_\_\_ and the undersigned \_\_\_\_\_ (if there be more parties, that is more separate interests, mention them) having a difference as to the respective rights of the said parties, in the case hereunto sub-joined, have agreed and bound themselves under a penalty of \_\_\_\_\_ dollars to perform the award to be made by the Board of Arbitration of the St. Johns Board of Trade, in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform such award, to the party ready and willing to perform the same.

In witness whereof the said parties have hereunto set their hands and seals on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18 \_\_\_\_\_.

A. B.	(L.S.)
C. D.	(L.S.)
E. F.	(L.S.)

*Form of oath to be taken by Members of the Board of Arbitration.*

I swear that I will faithfully, impartially and diligently perform my duty as a member of the Board of Arbitration of the St. Johns Board of Trade, and that I will in all cases, in which I shall act as arbitrator, give a true and just award according to the best of my judgment and ability, without fear, favor or affection of or for any party or person whomsoever. So help me God.

CHAP. 53.

An Act to incorporate the Lumber Exchange of St. John, New Brunswick.

[Assented to 26th May, 1874.]

**W**HEREAS the persons hereinafter mentioned, Lumbermen, Preamble.  
Manufacturers, Shippers and Dealers in Lumber, resident in the City and County of Saint John, and in the City of Fredericton and vicinities, in the Province of New Brunswick, have associated

associated themselves together for the purpose of securing united action amongst the members of their trade, and promoting such measures as they have deemed important towards obtaining more extended information, and facilitating a mutual understanding among the persons engaged in so important a branch of business, and developing and conserving the interests of the lumber business of the said City and County of Saint John, City of Fredericton, and of the River Saint John and its tributaries, and have further represented that their 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 said powers be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. Francis Ferguson, E. D. Jewett, James Kirk, S. T. King, A. R. Ferguson, Henry U. Miller, W. Shives, E. Sutton, E. G. Dunn, A. F. Randolph, G. S. Baker, Charles Hamilton, Henry Hilyard, William Barnhill, Z. Adams, Charles P. Baker, William Holt, E. C. Sutton, Edward J. Wetmore, John Stewart, William H. Long, George E. Barnhill, E. C. Baker, André Cushing, George McKean, F. S. Hilyard, Joseph Henry Leonard and G. B. Cushing, and such other persons resident in or doing business in the said City and County of Saint John, City of Fredericton, or on or along the River Saint John or its tributaries or in the vicinity thereof, as are or shall be associated with the persons above-named for the purposes 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 Lumber Exchange*," and by that name shall have all the general powers made incident to corporations by "*The Interpretation Act*:" Provided always that the said corporation shall have power to hold real estate only for the purposes of their business; and provided also that the said corporation shall not have or exercise any corporate powers whatsoever excepting such as are expressly conferred on the said corporation by this Act, or are necessary for carrying the same into effect according to its true intent and meaning.

Corporate name and powers.

Proviso as to real estate.

Proviso as to corporate powers.

Application of funds, &c.

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 extend and promote the manufacturing and shipping of lumber and the lumber interests generally of the said City and County of Saint John, City of Fredericton, the River Saint John and its tributaries and vicinities, or as may be necessary for attaining the objects for which the said corporation is constituted according to the true intent and meaning of this Act.

Legal domicile of the corporation.

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.

4. For the management of the affairs and the business of the said corporation there shall be an Executive Committee to be called "The Executive Committee of the Lumber Exchange," which Executive Committee shall consist of the President, Vice-President, Secretary and Treasurer, and seven other members of the said corporation, and which President, Vice-President, Secretary, Treasurer and seven other members shall be chosen annually by the said corporation by ballot, all of whom shall be members of the corporation, and shall have the powers and perform the duties hereinafter mentioned and assigned by the by-laws of the said corporation to the said Executive Committee.

Executive committee of corporation.

5. The said André Cushing shall be the President; the said John Stewart the Vice-President; the said Joseph Henry Leonard, the Secretary; and the said A. R. Ferguson the Treasurer; and the said E. D. Jewett, A. F. Randolph, James Kirk, Henry U. Miller, George Barnhill, George McKean and Samuel T. King, together with the said President, Vice-President, Secretary and Treasurer, the said Executive Committee of the Lumber Exchange, until the first election to be had under the provisions of this Act; and the said Executive Committee hereby appointed shall, until the said election, have all the powers assigned to the said Executive Committee by this Act.

Provisional officers and executive committee of the corporation.

6. The members of the corporation shall meet annually at some place in the City of Saint John, of which due notice shall be given by the Executive Committee for the time being, on the first Thursday in October in each year, and they, or a majority of them, shall then and there elect, by ballot, from among the members of the corporation one President, one Vice-President, one Secretary, one Treasurer and seven other members of the Executive Committee; and the President, Vice-President, Secretary, Treasurer and such seven other members so chosen or elected shall form the Executive Committee of the said corporation, and shall hold their office until others shall be elected in their stead, or until they shall be removed from office, or shall vacate the same under the provisions of any by-law of the said corporation: Provided always that if the said election shall not take place in the month of October in any year, such election may be had at any general meeting of the corporation, to be called in manner to be prescribed by the by-laws of the said corporation.

Annual meeting of the corporation.

Election of officers and executive committee.

Proviso

7. If the President, Vice-President, Secretary, Treasurer or any member of the Executive Committee shall die, resign his office, or be absent for six months continuously from the said Province, it shall be lawful for the said corporation (if they shall see fit) at any general meeting to elect a member of the corporation to be President, Vice-President, Secretary, Treasurer, or a member of the Executive Committee, in the place of the member so dying, or resigning or being absent, and the member so elected shall hold office until the next election, and no longer, unless re-elected.

Vacancies among officers or in executive committee, how filled.

Quorum at meetings of corporation:  
Powers of.

8. At any annual or general meeting of the corporation, one-third of the members shall form a quorum, and shall be competent to do and perform all acts which either by this Act or by any by-law of the corporation are, or shall be directed to be done at any such annual or general meeting.

Resignation of members of corporation.

9. Any member of the said corporation intending to retire therefrom or resign his membership may, at any time, do so upon giving to the Secretary sixty days' notice of such intention in writing, and discharging any lawful liabilities which may be existing against him, or which may be standing upon the books of the said corporation against him, at the termination of the said sixty days.

Making of by-laws, &c.

10. It shall be lawful for the said corporation, or the majority of those present and being a quorum, at any general meeting to make and enact such by-laws, rules and regulations for the government of the said corporation, providing for the admission and expulsion or the retirement of members, and for the management of its Executive Committee, property, officers and affairs, and all other by-laws in accordance with the requirements of this Act or the laws of Canada as such majority may deem advisable; and such by-laws shall be binding on the members of the said corporation, its officers and tenants, and all other persons whomsoever lawfully under its control; and any by-law may be altered, amended or repealed at any meeting competent to make by-laws for the said corporation.

For what purpose.

How amended

Who may be members of the corporation.

11. Each and every person resident in the City and County of Saint John, the City of Fredericton, and along or upon the River Saint John or its tributaries and vicinity, being a manufacturer or shipper of lumber, or interested in the lumber business, shall be eligible to become a member of the said corporation.

General meetings, how called.

12. It shall always be lawful for the President or the Executive Committee of the Corporation, by at least three days' notice being given in one or more newspapers published in the City of Saint John, to call a general meeting of the corporation for any of the purposes of this Act. It shall be the duty of the President upon a requisition to that effect in writing, signed by at least three members of the Executive Committee besides the President, to call a general meeting of the corporation for the purposes stated in such requisition.

Powers of executive committee.

13. The said Executive Committee shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-laws of the corporation, except only the power of enacting or altering any by-laws,—which shall be done in the manner provided in this Act and no other; and any six or more members of the Executive Committee lawfully met (and of whom the President or Vice-President shall be one) shall be a quorum, and any majority of such quorum may do all things within

Quorum.

within the power of the Executive Committee; and at all meetings of the said Executive Committee, and at all general meetings of the corporation, the President or, in his absence, the Vice-President, or if both be absent, any member of the Executive Committee, who may be then present and who may be chosen for the occasion shall preside, and upon all occasions, in all cases of equality of votes upon any division shall have the casting vote.

Who shall preside at meetings of corporation.

14. It shall be competent for the said Executive Committee 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 Executive Committee shall be convened by the Secretary at the instance of the President, or at the request of any two members of the Executive Committee, or by the said President or members in case there be no Secretary, or in case the Secretary for the time being shall neglect or refuse to summon any such meeting.

Business at meetings of executive committee.

Meetings, how convened.

15. It shall be the duty of the Executive Committee hereby appointed, so soon as may be after the passing of this Act, to frame such by-laws, rules and regulations as they shall consider best adapted to promote the welfare of the corporation and the purposes of this Act, and submit the same for adoption to a general meeting of the corporation called for the purpose in the manner hereinbefore provided.

Executive committee to prepare by-laws and submit them to corporation.

16. All subscriptions of members due to the corporation under any by-law by any person bound thereby, and all other sums of money due to the corporation shall be paid to the Treasurer thereof, and in default of payment may be recovered in any action brought by him in the name of the corporation in any court in an action of debt,—such court to have jurisdiction in actions of debt to the amount claimed.

Payment and recovery of subscriptions and other moneys due the corporation.

17. The meetings of the members of the Executive Committee shall be open to all other members of the corporation who may attend at the same, but who shall take no part in any proceedings thereat; and minutes of the proceedings of all such meetings, and of all general meetings of the corporation shall be entered in a register to be kept for that purpose by the Secretary, or by a person or persons appointed to keep the same, and the entry shall be signed by the Secretary; and such register shall be open at all reasonable hours to any member of the corporation free of any charge.

Meetings of executive committee to be open to corporation. Minutes of proceedings.

18. It shall be lawful for the said corporation to expel therefrom any member thereof, by a vote of two-thirds of the members of the said corporation present and voting at a meeting specially called to consider any charge made against such member,—such meeting to be called in the manner provided for by this Act, or that may be provided for by the by-laws of said corporation; but

Expulsion of a member.

Proviso.

no member shall be so expelled without a hearing before the Executive Committee or corporation as he may elect.

Proceedings in case of removal from office.

**19.** No member holding any office in the corporation shall be removed therefrom for official misconduct, without a hearing before the Executive Committee or corporation, and then only upon a vote of two-thirds of the members of the corporation present and voting at a meeting of the corporation specially called for the purpose of considering the matter,—such meeting to be called in the manner prescribed in this Act, or that may be prescribed in the by-laws of the corporation; and upon the provisions of this section being complied with, any such official member may be removed from his office in manner aforesaid, and the members of the corporation so present at such meeting may at once elect another officer to fill the vacancy occasioned by such removal; and the person so elected to fill the vacancy caused by any such removal, shall hold office until the then next ensuing general election of officers of the said corporation.

Vacancy by removal, how filled.

Board of Arbitration:

**20.** At the same time and times as are hereby appointed for the election of the Executive Committee, and in the same manner, it shall be lawful for the members of the said corporation to elect from among their number six persons who shall be called "The Board of Arbitration," and any one or three of whom shall have the power to arbitrate upon and to give their award in any commercial case of difference which shall be voluntarily referred to them by the parties concerned; and whenever any such parties shall agree and bind themselves by bond or otherwise to submit the matter in dispute between them to the decision of the said Board of Arbitration, such submission shall be understood to be made to any one or three members of the said board who may either by the special order of the board or by virtue of any general rule adopted by them, or under any by-laws of the corporation with regard to the consideration of cases so submitted to them, be appointed to hear and arbitrate upon the case, and shall be understood to bind the parties to submit to the decision of the said board; and any such submission shall be in the form of the schedule of this Act, or in any other words to the same effect.

Their powers upon cases submitted.

Form of submission.

Members of Board to be sworn.

**21.** The several members of the said Board of Arbitration shall, before they act as such, take and subscribe before the President or Vice-President of the corporation, an oath, (which oath the President and Vice-President are hereby authorized to administer) that they will faithfully, impartially and diligently perform their duties as members of the said Board of Arbitration, and will, in all cases submitted to them, give a true and just award according to the best of their judgment and ability, without fear, favor, or affection of or for any person or party whomsoever; and this oath shall be kept among the documents of the Corporation.

Who may be members of Board.

**22.** Any member of the Executive Committee of the Corporation may be at the same time a member of the said Board of Arbitration.

23. The one or any two of the three Arbitrators appointed to hear any case submitted for arbitration as aforesaid, shall have full power to examine into the facts of such case, and to examine, on oath, (which oath such member, or any one of such three members is hereby empowered to administer) any party or witness, who appears voluntarily before them, and shall be willing to be so examined and shall give their award thereupon in writing; and their decision given by such award shall bind the parties according to the terms of the submission, and to the provisions of this Act.

Board may  
examine  
witnesses  
on oath.

Award.

24. Any person who may, by law in other cases, make a solemn affirmation instead of taking an oath, may make such solemn affirmation where by this Act an oath is required; and any person hereby authorized to administer an oath, may in such case as aforesaid administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely in any case where an oath or solemn affirmation is, by this Act, required or authorized shall be guilty of wilful and corrupt perjury.

Affirmation  
instead of  
oath adminis-  
tered and  
made in cer-  
tain cases.

25. Nothing in this Act shall affect the rights of Her Majesty, her heirs or successors or any party or person whomsoever,—such rights only excepted as are herein expressly mentioned and affected.

Her Majesty's  
rights saved.

## SCHEDULE.

### *Form of Submission to the award of the Board of Arbitration.*

Know all men that the undersigned  
and the undersigned (if there  
be more parties, that is more separate interests, mention them),  
having a difference as to the respective rights of the said parties  
in the case hereunto subjoined, have agreed and bound themselves  
under a penalty of \_\_\_\_\_ to perform the  
award to be made by the Board of Arbitration in the case afore-  
said under the penalty aforesaid, to be paid by the party refusing  
to perform such award to the party ready and willing to perform  
the same.

In witness whereof, the parties have hereunto inter-changeably  
set their hands at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_

### *Form of Oath to be taken by Members of the Board of Arbitration.*

I swear that I will faithfully, impartially and diligently perform  
my duty as a member of the Board of Arbitration of the Lumber  
Exchange, and that I will, in all cases in which I shall act as  
arbitrator, give a true and just award according to the best of my  
judgment and ability, without fear, favor or affection of or for any  
party or person whomsoever, so help me God.

## CHAP. 54.

## An Act to incorporate the Board of Trade of the Town of Ingersoll.

[Assented to 26th May, 1874.]

## Preamble.

WHEREAS James Noxon, Charles H. Sorley, Allan McLean, R. A. Woodcock, John Gayfer, P. J. Brown, J. M. Wilson, R. Y. Ellis, Thos. Brown, Geo. K. Brown, L. J. Chadwick, C. E. Chadwick, Jas. Gordon, Thos. Wells, Charles P. Hall, James McIntyre, D. M. Robertson, A. R. Kerr, J. W. Wilson, Wm. C. Johnston, J. L. Perkins, David White, Wm. Dundas, William Waterworth, M. Walsh, John Walsh, J. O'Neill, T. H. Barraclough, O. B. Caldwell, Wm. Runciman, M. B. Holcroft, James Battersby, Harry Rowland, James F. McDonald, J. McCaughey, J. C. Galloway, E. Casswell, H. Campbell, jun., D. H. Flook, J. S. Gurnett, James Brady, Adam Oliver, Wm. S. King, Wm. C. Bell, A. N. Christopher, Sam. Noxon, John Lewis, Thos. D. Millar, John Byron, Wm. J. Battams, W. G. Wonham, Edwin Doty, Wright Sudworth, J. J. Hoyt, Absalom Daly, John Kerr, Matthew Bixel and Robert Agur, residents in the town of Ingersoll, in the County of Oxford and Province of Ontario, have, by their petition, represented that they have associated themselves together for some time past, for the purpose of promoting such measures as they have deemed important towards developing the general trade and commerce of the Dominion of Canada and the Town of Ingersoll 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 to grant the prayer of their said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

## Incorporation.

1. The said James Noxon, Charles H. Sorley, Allan McLean, R. A. Woodcock, John Gayfer, P. J. Brown, James M. Wilson, Richard Y. Ellis, Thomas Brown, George K. Brown, L. J. Chadwick, Charles E. Chadwick, James Gordon, Thos. Wells, Chas. P. Hall, James McIntyre, David M. Robertson, A. R. Kerr, David White, J. W. Wilson, Wm. C. Johnston, J. L. Perkins, M. Walsh, John Walsh, Wm. Dundas, William Waterworth, T. H. Barraclough, O. B. Caldwell, Jeremiah O'Neill, M. B. Holcroft, James Battersby, Wm. Runciman, James F. McDonald, J. McCaughey, J. C. Galloway, Harry Rowland, Edwin Casswell, J. S. Gurnett, James Brady, H. Campbell, jun., D. H. Flook, William S. King, Adam Oliver, Wm. C. Bell, Sam Noxon, A. N. Christopher, John Lewis, T. D. Millar, W. G. Wonham, John Byron, W. J. Battams, Edwin Doty, Wright Sudworth, Absalom Daly, J. J. Hoyt, John Kerr, Matthew Bixel, and Robert Agur  
and

and such other persons, residents of the Town of Ingersoll, as are or shall be associated with the persons above named for the purposes 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 Ingersoll 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, 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 to alienate, sell, convey 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 upon them by this Act, or may be necessary to carrying the same into effect, according to its true intent and meaning.

Corporate name and powers.

Proviso, as to real estate held by corporation.

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 Canada generally and of the Town of Ingersoll 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.

Application of funds and property of corporation.

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 said corporation.

Domicile. Service of process.

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, a first and second Vice-President, Secretary, Treasurer, and twelve 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.

Council of the Board of Trade.

5. The said James Noxon shall be President, the said William S. King shall be first Vice-President, the said David M. Robertson shall be second Vice-President, the said Richard Y. Ellis shall be the Secretary, the said James M. Wilson shall be the Treasurer, and the said Thomas Brown, Edwin Casswell, A. R. Kerr, William Waterworth,

Provisions officers and members of council.

Waterworth, Jeremiah O'Neill, Charles H. Sorley, Charles E. Chadwick, Allan McLean, Adam Oliver, James Battersby, R. A. Woodcock and James Brady, 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.

General meet-  
ings and  
election of  
officers and  
councillors.

6. The members of the said corporation shall hold a general meeting every three months, that is to say, on the second Monday in January, April, July and October, at some place within the Town of Ingersoll, of which notice, naming the time and place, shall be given by the Secretary 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 second Monday in the month of January the members of the said corporation present, 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 said corporation, one President, two Vice-Presidents, a Secretary, a Treasurer, and twelve other members of the Council, who, with the President, Vice-Presidents, Secretary, and 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 January as aforesaid, or until they shall be removed from office or shall vacate the same under the provisions of any by-law of the corporation: Provided always, that if the said election shall not take place on the second Monday in the month of January, 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 held.

Term of office.

Proviso, fail-  
ure of election  
at January  
meeting not  
to dissolve  
corporation.

Elections to  
vacant seats  
in Council.

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, without the cause of sickness, or leave of absence obtained from 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 resigning or dying or being absent; and such new member so elected shall hold office until the next annual election and no longer, unless re-elected.

Quorum at  
meetings of  
corporation.

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 the members present at such meeting shall be competent to do and perform all acts which either by this Act or by any by-law of the said corporation, are or shall be directed to be done at any such general meeting.

Members  
of corporation  
resigning.

9. Any member of the said corporation intending to retire therefrom or to resign his membership, may at any time do so, upon giving

giving to the Secretary, 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.

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, rules and regulations for the government of the said corporation, providing for the admission and expulsion or the retirement of members, and for the management of its Council, officers and affairs, and for the guidance of the Board of Arbitration hereinafter mentioned, 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 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 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 to corporation to make rules and by-laws for its government.

Proviso, as to notice of proposed by-law.

11. Each and every person then resident in the Town of Ingersoll, and being or having been a merchant, trader, mechanic, manager 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 the corporation then present, he shall thenceforth be a member of the corporation, and shall have all the rights and be subject to all the obligations which the other members possess or are subject to: Provided always, that any person not being a merchant or trader, 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 Board of Trade at any such meeting.

Qualification of members of corporation.

Proposal and election.

Proviso, as to parties not duly qualified.

12. It shall be lawful for the said Council, or a majority of them, by a notice, inserted in one or more newspapers published in the said Town of Ingersoll one day previous to the said meeting, or by a circular letter signed by the Secretary of the said corporation, 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 of corporation.

13. It shall be competent to 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

Meetings of Council.

meetings of the Council shall be convened by the Secretary, at the instance 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 enacting or altering any by-law, or admitting any member, which shall be done in the manner provided for by this Act and no other; and any five or more members of the Council lawfully met, (and of whom the President or either of the Vice-Presidents 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 powers of the Council; and at all meetings of the said Council, and at all general meetings of the corporation, the President, or in his absence the first Vice-President, or in his absence the second Vice-President, or, if all 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 votes upon any division, have a casting vote.

Powers.

Quorum.

Who shall preside at meetings of corporation and Council.

Casting vote.

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 said 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 for that purpose, in the manner hereinbefore provided.

By-laws to be framed by Council and submitted to corporation.

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 Treasurer thereof, and in 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 arrearage on account of such subscription, penalty or otherwise, whereby an action hath accrued to the said corporation by virtue of this Act.

Payment and recovery of subscriptions, penalties, &amp;c.

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 on account of such subscription, penalty or otherwise, was standing unpaid upon the books of the said corporation.

What proof sufficient in action brought for recovery of subscriptions, &amp;c.

17. The meetings of the Council shall be open to all members of the said corporation, who may attend at the same but who shall take no part in any proceedings thereat; and minutes of the proceedings, at all meetings whether of the Council or of the corporation, shall be entered in books to be kept for that purpose by the Secretary, and the entries thereof shall be signed by the President

Meetings of Council to be open to corporation.

Minutes.

President of the 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, free from any charge.

18. At the same time and times as are hereby appointed for the election of the said Council, and in the same manner, it shall be lawful for the members of the said corporation to elect from their number twelve persons, who shall form a board, which shall be called "The Board of Arbitration," and any three of whom shall have power to arbitrate upon and make their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned; and whenever any such parties shall agree to bind themselves, by bond or otherwise, to submit the matter in dispute between them to the decision of the said Board of Arbitration, such submission shall be understood to be made to any three members of the said Board, who may, either by the especial order of the said Board, or by virtue of any general rules adopted by them, or under any by-law of the said corporation touching the consideration of any cases so submitted, be appointed to hear, arbitrate and decide upon the case or cases so submitted to them; and such decision shall be binding upon the said Board and the parties making the submission; and any such submission shall be according to the form set forth in the schedule to this Act, or in words to the same effect.

Board of Arbitration.

Powers of Board, on case submitted.

Form of submission.

19. The several members of the said Board of Arbitration shall, before they act as such, take and subscribe before the President or either of the Vice-Presidents of the said corporation, an oath that they will faithfully, impartially and diligently perform their duties as members of the said Board of Arbitration; and this oath shall be kept among the documents of the said corporation.

Members of Board of Arbitration to be sworn.

20. Any member of the Council of the said corporation may at the same time be a member of the said Board of Arbitration.

Members of Council may be Arbitrators.

21. The three members appointed to hear any case submitted for arbitration as aforesaid, or any two of them, shall have full power to examine upon oath (which oath any one of such three members is hereby empowered to administer) any party or witness who, appearing voluntarily before them, shall be willing to be so examined, and shall give their award thereupon in writing; and their decision, or that of any two of them, given in such award shall bind the parties according to the terms of the submission and the provisions of this Act.

Powers of Board of Arbitration as to examination of witnesses.

Award.

22. Any person who may, by law in other cases, make a solemn affirmation, 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 case as aforesaid, administer such solemn affirmation;

Affirmation may be made and administered instead of oath.

tion; and any person who shall wilfully swear or affirm falsely, in any case where an oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful perjury.

Rights of the  
Crown saved.

23. Nothing in this Act shall affect any rights of Her Majesty Her heirs or successors, or of any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected.

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## SCHEDULE.

### *Form of Submission to the Board of Arbitration.*

Know all men that the undersigned and  
the undersigned *(if there be more parties, that is more separate interests, mention them)* having a difference as to the respective rights of the said parties in the case hereunto subjoined, have agreed and bound themselves under a penalty of \_\_\_\_\_ dollars to perform the award to be made by the Board of Arbitration of the Board of Trade of the Town of Ingersoll, in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform such award to the party ready and willing to perform the same.

In witness whereof the said parties have hereunto set their hands and affixed their seals at the Town of Ingersoll, on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 18 \_\_\_\_\_.

Signed and sealed in the  
presence of

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

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### *Form of Oath to be taken by Members of the Board of Arbitration*

I swear that I will faithfully, impartially and diligently perform my duty as a member of the Board of Arbitration of the Board of Trade of the Town of Ingersoll, and that I will in all cases in which I shall act as Arbitrator, give a true and just award, according to the best of my judgment and ability, without fear, favor, or affection, of or for any party or person whomsoever. So help me God.

## CHAP. 55.

## An Act to incorporate the "London and Canada Bank."

[Assented to 26th May, 1874.]

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

1. James O'Rielly, Peter Cameron, John M. Grover, Samuel Wilmot, John Ham Perry, Joseph Gould and Edward Douglas Armour, and such others as may become shareholders in the corporation to be by this Act created, and their assigns, shall be, and they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of the "London and Canada Bank." Incorporation.  
Corporate name.

2. The capital stock of the said Bank shall be five millions of dollars, divided into twenty thousand shares of two hundred and fifty dollars each, which said shares shall be, and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns. Capital stock,  
and shares.

3. For the purpose of organizing the said Bank, and of raising the amount of the said capital stock, the persons hereinbefore mentioned by name shall be Provisional Directors thereof, and they, or a majority of them, may cause stock books to be opened after giving due notice thereof; upon which stock books shall be received the signatures and subscriptions of such parties or persons as desire to become shareholders in the said Bank; and such books shall be opened at Toronto and elsewhere at the discretion of the Provisional Directors, and shall be kept open as long as they shall deem necessary; and so soon as the whole amount of the said capital stock shall have been subscribed upon the stock books, and five hundred thousand dollars thereof actually paid into some one of the present chartered banks in Canada, and a certificate shall have been obtained from the Treasury Board that it has been proved to their satisfaction that such amounts of the capital have been *bonâ fide* subscribed for and paid respectively, a public meeting shall be called of the subscribers thereof by notice published for at least two weeks in two newspapers of the said city of Toronto; such meeting to be held in Toronto aforesaid, at such time and place therein as such notice shall indicate; and at such meeting the subscribers shall proceed to elect seven Directors having the requisite stock qualification, who shall from thenceforward manage the affairs of the said corporation. Provisional  
Directors and  
their powers.  
  
First meeting  
of share-  
holders.  
  
Election of  
Directors and  
term of office.

tion, shall take charge of the stock books hereinbefore referred to, and shall continue in office until the first Wednesday in July, which shall be in the year next after the year in which they are so elected, and until their successors in office shall be duly elected; and immediately upon such election being had the functions of the said Provisional Directors shall cease, and then and not before the Bank may commence business.

- Chief place of business.** 4. The chief place or seat of business of the said Corporation shall be in the City of Toronto, unless the Board of Directors first elected shall decide by resolution to fix the chief place or seat of business in the City of Montreal, or the City of London, England, and the place so decided on, shall be and remain thereafter such chief place or seat of business.
- 34 V., c. 5, to apply.** 5. The Act passed in the thirty-fourth year of Her Majesty's reign, chaptered five, and intituled "*An Act relating to Banks and Banking,*" and all the provisions thereof, shall apply to the Bank hereby incorporated in the same manner as if it were expressly incorporated with this Act, excepting so far as such provisions relate only to Banks already in existence, or to Banks *en commandite*, or are not consistent with the provisions of this Act.
- Exception.**
- Bank must obtain Treasury Board certificate within one year.** 6. The said Bank shall obtain from the Treasury Board within one year from and after the passing of this Act the certificate mentioned and required by section seven of the said "*Act relating to Banks and Banking,*" passed in the thirty-fourth year of Her Majesty's reign, chaptered five; in default of which this Act shall become and be null and void, and of no effect, and the charter hereby granted, and all and every the rights and privileges hereby conferred shall be forfeited.
- Duration of Act.** 7. This Act shall remain in force until the first day of July in the year of Our Lord one thousand eight hundred and eighty-one.

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## CHAP. 56,

### An Act to incorporate the Bank of Ottawa.

[Assented to 26th May, 1874.]

Preamble.

**W**HEREAS James McLaren, the Honorable George Bryson, Robert Blackburn, M.P., Charles T. Bate, Alexander Fraser, Daniel O'Connor, Charles Magee, Edward McGillivray, Henry McCormack and others have, by their petition, prayed that they may be incorporated for the purpose of establishing a Bank in the City of Ottawa, in the Province of Ontario; and whereas it is

is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. James McLaren, the Honorable George Bryson, Robert Blackburn, M.P., Charles T. Bate, Alexander Fraser, Daniel O'Connor, Charles Magee, Edward McGillivray, Henry McCormack and such other persons as may become shareholders in the corporation to be by this Act created, and their assigns, shall be and they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of "The Bank of Ottawa."

Certain persons incorporated.

Corporate name.

2. The capital stock of the said Bank shall be one million dollars, divided into ten thousand shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns.

Capital stock and shares.

3. For the purpose of organizing the said Bank and of raising the amount of the said capital stock, the persons hereinbefore mentioned by name shall be Provisional Directors thereof, and they or a majority of them may cause stock books to be opened after giving due notice thereof; upon which stock books shall and may be received and inscribed the signatures and subscriptions of such parties or persons as desire to become shareholders in the said Bank; and such stock books shall be opened at the City of Ottawa and elsewhere at the discretion of the Provisional Directors, and shall be kept open so long as they shall deem necessary; and so soon as five hundred thousand dollars of the capital stock shall have been subscribed upon the said stock books, and one hundred thousand dollars thereof actually paid into some one of the present chartered banks in Canada, a public meeting shall be called of the subscribers thereof by notice published at least two weeks in two newspapers of the said City of Ottawa, such meeting to be held in the City of Ottawa aforesaid at such time and place as such notice shall indicate and specify; and at such meeting the subscribers shall proceed to elect nine Directors having the requisite stock qualification, who shall from thenceforward direct the affairs of the said corporation, shall take charge of the stock books hereinbefore referred to, and shall continue in office until the first Wednesday in the month of July, which shall be in the year next after the year in which they are so elected, and until their successors in office shall be duly elected; and immediately upon such election being had the functions of the said Provisional Directors shall cease.

Provisional Directors and their powers.

Stock books.

First meeting of shareholders.

Election of Directors.

Term of office.

4. The chief place or seat of business of the said corporation shall be in the City of Ottawa.

Chief place of business.

5. The number of Directors of the said Bank shall be nine, subject to be diminished or increased from time to time by law

Directors, number of, subject to

34 V., c. 5,  
s. 28.

to be passed as provided in the twenty-eighth section of the Act of the Parliament of Canada passed in the thirty-fourth year of Her Majesty's reign, intituled "*An Act relating to Banks and Banking.*"

34 V., c. 5,  
to apply.

6. The said Act passed in the thirty-fourth year of Her Majesty's reign, intituled "*An Act relating to Banks and Banking*" and all the provisions thereof, shall apply to the Bank hereby incorporated in the same manner as if it were expressly incorporated with this Act, excepting so far as such provisions relate only to banks already in existence, or to banks *en commandite*.

Exception.

Certificate to  
be obtained  
from Treasury  
Board within  
a year.

7. The said Bank shall obtain from the Treasury Board, within twelve months from and after the passing of this Act, the certificate required by section seven of the said "*Act relating to Banks and Banking,*" passed in the thirty-fourth year of Her Majesty's reign, chapter five, in default of which this Act shall become and be null and void and of no effect; and the charter hereby granted and all and every the rights and privileges hereby conferred shall be forfeited.

Duration of  
Act.

8. This Act shall remain in force until the first day of July, in the year of Our Lord one thousand eight hundred and eighty one.

## CHAP. 57.

### An Act respecting the Federal Bank of Canada.

[Assented to 26th May, 1874.]

Preamble,  
36 V., c. 79.

WHEREAS by an Act passed in the thirty-sixth year of Her Majesty's reign, chaptered seventy-nine, intituled "*An Act to change the name of the 'Superior Bank of Canada', to that of the 'Federal Bank of Canada,'*" the time limited by the seventh section of the Act incorporating the said Bank was extended for the further period of twelve months; and whereas W. G. Cassels, W. Alexander and others, subscribers to the stock of the said Bank, have by their petition prayed that the time limited by the said seventh section may be further extended: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time limited  
by 35 V., c.  
59, s. 7, fur-  
ther extended.

1. The time limited by the seventh section of the Act passed in the thirty-fifth year of Her Majesty's reign intituled "*An Act to incorporate the Superior Bank of Canada,*" is hereby extended for the further period of twelve months, from the fourteenth day of June, one thousand eight hundred and seventy-four.

## CHAP. 58.

An Act to amend the Act to incorporate "*La Banque d'Hochelaga.*"

[Assented to 26th May, 1874.]

**W**HEREAS the Directors of *La Banque d'Hochelaga*, in Preamble. compliance with the desire of the shareholders of the Bank, have prayed for certain amendments to the Act incorporating the said Bank, and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding the provisions of section three of the Act passed in the thirty-sixth year of Her Majesty's reign, chapter thirteen, the Directors of the said Bank, elected at the general meeting of the shareholders thereof, held at Montreal on the twenty-ninth day of December last, (1873), shall remain in office till the fifteenth day of January, one thousand eight hundred and seventy-five, and until such time as their successors in office shall be duly elected, and the powers of the said Directors are in consequence continued until the date aforesaid. Present directors continued in office for a limited time.

2. The annual general meeting of the shareholders of the said Bank, shall be held in the City of Montreal on the fifteenth day of January in each year; or if the same be a non-juridical day, then on the next following juridical day; it shall, however, be lawful for the shareholders of the said Bank, at any time, to appoint, by by-law, any other period of the year for their annual general meeting, and to change, alter and amend such by-law when they consider it expedient so to do. When and where annual general meeting shall be held.

## CHAP. 59.

## An Act respecting the Bank of Nova Scotia.

[Assented to 26th May, 1874.]

**W**HEREAS in an Act passed by the Parliament of Canada, in Preamble. the thirty-fourth year of the reign of Her present Majesty, 34 V., c. 5, chapter five, and intituled "*An Act relating to Banks and Banking,*" the President, Directors and Company of the Bank of Nova Scotia are denominated "*The Bank of Nova Scotia:*" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1.

Corporate name of Bank to be the Bank of Nova Scotia.

1. The corporate name and designation of "The President, Directors and Company of the Bank of Nova Scotia" shall be "The Bank of Nova Scotia," and all the provisions in the said *Act relating to Banks and Banking* referring to the said Bank shall be construed as if the original corporate name and designation of the said corporation of "The President, Directors and Company of the Bank of Nova Scotia" had been "The Bank of Nova Scotia."

Number and amount of shares, how fixed.

2. The shareholders of the said Bank shall have power at any meeting called for the purpose to divide the stock in the said Bank into shares of one hundred dollars each.

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## CHAP. 60.

An Act to change the name of the "Victoria Bank of Canada," to that of the "Manufacturers' Bank of Canada."

[Assented to 26th May, 1874.]

Preamble.  
36 V., c. 75.

WHEREAS the "Victoria Bank of Canada" was duly incorporated by an Act passed in the thirty-sixth year of Her Majesty's reign, chapter seventy-five, intituled: "*An Act to incorporate the Victoria Bank of Canada*," and the Provisional Directors thereof have by their petition prayed that the name of the said Bank may be changed, and the time limited by the seventh section of the said Act extended: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name changed

1. The corporate name of the said bank shall be changed from the "Victoria Bank of Canada" to that of the "Manufacturers' Bank of Canada."

Time limited by section 7 of 36 V., c. 75, extended.

2. The time limited by the seventh section of the said Act intituled: "*An Act to incorporate the Victoria Bank of Canada*" is hereby extended for the further period of twelve months.

## CHAP. 61.

**An Act to amend the Act to incorporate the Imperial Bank.**

[Assented to 26th May, 1874.]

**W**HEREAS the Imperial Bank was duly incorporated by an Act passed in the thirty-sixth year of Her Majesty's reign, chaptered seventy-four, and the Honorable James Cox Aikins and others, Provisional Directors thereof have, by their petition, prayed that the said Act be amended, and the name of the said Bank changed as hereafter mentioned, and that the time limited by the fifth section of the said Act, may be extended, and the rights and privileges of the said Bank under the said Act of Incorporation may be continued: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The corporate name of the said Bank shall be changed from that of the "Imperial Bank" to that of the "Imperial Bank of Canada."  
Corporate name changed.
2. The time limited by the fifth section of the Act passed in the thirty-sixth year of Her Majesty's reign chaptered seventy-four, and intituled "*An Act to incorporate the Imperial Bank*," is hereby extended to the further period of twelve months.  
Time limited by 36 V., c. 74, s. 5 extended.

## CHAP. 62.

**An Act to amend the Act incorporating the Bank of Manitoba.**

[Assented to 26th May, 1874.]

**W**HEREAS the Provisional Directors of the Bank of Manitoba, incorporated by an Act passed in the thirty-fifth year of Her Majesty's reign, intituled "*An Act to incorporate the Bank of Manitoba*" have, by their petition, represented that they were unable to get a sufficient amount of stock subscribed to enable them to obtain from the Treasury Board, within the time limited by the said Act, the certificate necessary for their organization; but that they have reason to believe that the requisite amount of stock could now be taken up if an extension of time were allowed them; and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

35 V., c. 60  
s. 8, repealed.

1. The eighth section of the said Act, intituled "*An Act to incorporate the Bank of Manitoba,*" is hereby repealed.

When the  
bank must  
obtain certifi-  
cate from  
Treasury  
Board.

2. The Bank of Manitoba shall obtain from the Treasury Board within twelve months from and after the passing of this Act, the certificate required by section seven of the Act passed in the thirty-fourth year of Her Majesty's reign, intituled "*An Act relating to Banks and Banking,*" in default of which the Act hereby amended shall become and be null and void, and of no effect; and the charter thereby granted, and all and every the rights and privileges thereby conferred shall be forfeited.

Charter not  
forfeited under  
35 V., c 60, s. 8.

3. Notwithstanding anything contained in the section hereby repealed, the said Act of incorporation is hereby declared to be in full force and effect, subject to the limitation contained in the second section of this Act.

## CHAP. 63.

An Act to amend the Act passed in the thirty-fourth year of Her Majesty's reign, intituled "*An Act to amend and explain the Act to amend the Charter of the Ontario Bank.*"

[Assented to 26th May, 1874.]

Preamble.

34 V., c. 37.

WHEREAS the shareholders of the Ontario Bank at their annual meeting held at Bowmanville, on the third day of June, one thousand eight hundred and seventy-three, resolved that an application should be made to the Parliament of Canada for an Act to amend the Act passed in the thirty-fourth year of Her Majesty's reign, chaptered thirty-seven, and intituled "*An Act to amend and explain the Act to amend the Charter of the Ontario Bank;*" And whereas, in pursuance of the said resolution, the Directors of the Ontario Bank have by their petition set forth the said resolution, and asked for the amendment therein mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Special meet-  
ing to consider  
removal of  
Head Office  
from Bow-  
manville.

1. Notwithstanding anything contained in the said recited Act or any other Act relating to the Ontario Bank, the Directors of the said Bank are hereby authorized and required to call a meeting of the shareholders of the said Bank, to be held at Bowmanville, to consider the subject of the removal of the head office of the said Bank from Bowmanville to such other place as the said shareholders shall determine upon.

2.

2. The subject of the said removal of the said head office may be considered and decided at any annual meeting of the shareholders of the said Bank, instead of a special meeting to be called for that purpose. Or removal may be considered at annual meeting.

3. Any special meeting to be called under this Act shall be called by the Directors of the said Bank, by notice specifying the object of such meeting, which notice shall be given within thirty days after the passing of this Act, and shall be published in the manner required by the charter of the said Bank, for the publication of notices for thirty days before the day of such meeting: How special meeting shall be called.  
 Provided always, that if at any such special meeting the majority of the shareholders fail to agree upon any place to which the head office of the said Bank shall be removed, the Directors of the said Bank may, at any time or times thereafter, call another or other special meeting or meetings of the said shareholders to consider and decide upon the said removal of the head office of the said Bank from Bowmanville, upon thirty days' notice, to be published as aforesaid. Proviso: other meetings to be called if shareholders do not agree.

4. If the majority of the shareholders of the said Bank present at any such meeting as aforesaid, either in person or represented by proxy, shall determine upon the removal of the head office thereof from Bowmanville to any other place, it shall be the duty of the Directors to remove the head office to such place as the shareholders shall so direct, and, by resolution, to fix the time within which such removal shall take place. Directors to carry out removal if decided on.

5. The annual meeting of the shareholders of the said Bank shall be held on the third Tuesday in June every year, at the head office of the said Bank, unless otherwise directed by by-laws of the Directors of the said Bank to be passed from time to time. Annual meetings of shareholders.

6. The place to which the head office of the said Bank shall be removed under this Act shall be, and is hereby declared to be, the head office of the said Bank for all purposes, under any Act or Acts relating to the said Bank. Head Office to be as so decided upon.

## CHAP. 64.

### An Act respecting the Albion Mines Savings Bank.

[Assented to 26th May, 1874.]

**W**HEREAS the President and Directors of the Albion Mines Savings Bank, incorporated by an Act of the legislature of the Province of Nova Scotia, passed in the twenty-seventh year of Her Majesty's reign, chapter thirty-one, have by petition prayed Preamble.  
Stat. N. S. 27 V., c. 31.  
 for

for the passing of an Act to extend and amend their said 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 of Commons of Canada, enacts as follows:—

- Incorporation.** 1. The shareholders in the Albion Mines Savings Bank, incorporated by the Act of the legislature of the Province of Nova Scotia, passed in the twenty-seventh year of Her Majesty's reign, chapter thirty-one, and such other persons as shall become shareholders in the corporation hereby constituted, and their respective heirs, executors, administrators and assigns shall be and they are hereby continued and constituted a body politic and corporate by and under the name, style and title of the "Albion Mines Savings Bank," for the purpose of carrying on business as a Savings Bank at the Albion Mines, in the County of Pictou, in the Province of Nova Scotia.
- Corporate name and powers.**
- Existing rights and liabilities continued.** 2. Nothing herein contained shall be construed in any way whatever to affect any right or liability of the said corporation under its present charter of incorporation, or the rights or liabilities of the shareholders of the corporation on their subscriptions for stock and their payments made on account of the same or otherwise in respect of any contract, matter or thing affecting the said corporation, or any action, suit or proceeding commenced on behalf of or against the corporation at the time of the passing of this Act; and all property, real or personal, heretofore belonging to or vested in the said corporation, and all their interest in the same is hereby transferred to and shall from henceforth be held by and vested in the "Albion Mines Savings Bank" in the same manner and by the same title and with all the benefits and liabilities attached to the same as existed at the time of the passing of this Act: Provided that the corporation hereby formed shall be liable for all the debts and liabilities of the said corporation under its present charter of incorporation.
- Property vested in present corporation.**
- Proviso.**
- Capital stock and shares.** 3. The capital stock of the corporation shall be fifty thousand dollars, divided into two thousand five hundred shares of twenty dollars each.
- Board of Directors and President.** 4. The affairs of the corporation shall be administered by a board of seven Directors, who shall elect from among their number a President; each Director shall be the holder of at least twenty-five shares of stock, and shall not be in arrear in respect of any call thereon; the Board of Directors shall be elected at each annual meeting of the corporation, and shall hold office until their successors are elected, and (if otherwise qualified) may always be re-elected; and four members of such board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal, disqualification or absence from the Province for three months of any Director, such board, if they see fit, may fill the vacancy until the next annual meeting of the said corporation, by appointing any qualified shareholder thereto; but a failure to elect
- Qualification, election, duration of office, quorum and filling vacancies.**

elect Directors or any failure of Directors shall not dissolve the corporation; and an election may be had at any general meeting called for that purpose. The first Directors of the corporation shall be George G. Carritt, Thomas Blenkinsop, Charles W. Dickson, Daniel Cameron, James W. Cameron, William Graham and Alexander Wyllie, who shall have power to open stock books, receive subscriptions of stock, and to call a first general meeting of the shareholders so soon as the capital stock shall have been subscribed and fifty per cent. paid thereon.

First directors and their powers.

5. At the said first general meeting of the shareholders of the corporation, which shall be called by advertisement inserted in some public newspaper or newspapers, the shareholders present shall proceed to elect seven Directors, having the necessary qualification, and thereupon the duties of the first Directors hereinbefore appointed shall cease.

First general meeting and election of directors.

6. The shareholders of the corporation may at any annual general meeting, or at any special general meeting called for the purpose, make rules and by-laws not contrary to law nor to the provisions of this Act, for the regulation and management of the affairs and business of the corporation, including the mode of transferring and disposing of the stock and profits thereof, and the right of Directors and stockholders respectively to inspect the books, papers, and correspondence of the corporation, and the limiting of loans to or on the security of Directors of the corporation,—which rules and by-laws may be altered and amended at any annual meeting or at any meeting called for the purpose by a two-third vote of the shareholders present.

Shareholders may make by-laws at special or annual general meetings.

Amendments to by-laws.

7. An annual general meeting of the shareholders shall be held on the third Wednesday in the month of June in each year for the election of Directors and the transaction of other business of the corporation. Special general meetings may be called by the Directors by public advertisement inserted in one or more newspapers: Provided that the object for which such meeting is called shall be specified in the said advertisement, and that no business other than that so specified shall be transacted at such meeting.

Annual and special general meetings.

Proviso.

8. The Directors shall have power to appoint such officers, clerks and servants as they shall think necessary for the transaction of the business of the corporation, and to allow them reasonable compensation for their services, and to require and take from them such security for the due and faithful performance of their duties as to the Directors may seem advisable; to declare and allot dividends on the capital stock of the corporation, provided no dividend be made to impair the capital stock of the Bank; to call special general meetings of the shareholders in the manner hereinbefore prescribed, when they consider it expedient so to do; and generally to exercise and perform all powers and duties which may be conferred on and assigned to them by the by-laws.

Powers of directors: Appointment of officers.

Declaration of dividends.

Calling of meetings.

General powers.

**Real estate.**     **9.** The corporation shall have full power and authority to hold, possess and enjoy real estate for its own occupation and use, and the same to sell, dispose of and convey and to acquire other in its stead: Provided always that the value of the real estate so held by the corporation shall not exceed at any one time the sum of ten thousand dollars.

**Proviso.**

**Votes of shareholders.**     **10.** Each stockholder shall on all occasions on which the votes of the shareholders are to be taken, have one vote for each share held by him for at least three months before the time of voting; stockholders may vote by proxy, but no person but a stockholder shall vote or act as such proxy; and no cashier, bank clerk or other officer of the Bank shall vote either in person or by proxy or hold a proxy for that purpose.

**Proxies.**

**Calls on stock.**     **11.** The Directors of the Bank may call up the stock subscribed for and remaining unpaid, by calls not exceeding five per cent., and at intervals of not less than three months, whenever it shall in their opinion be necessary or expedient to make such calls: Provided that the limitation of the amount of any call, or of the intervals at which calls may be made, shall not apply to the case of deficiency of the funds of the Bank to meet the claims of depositors and other liabilities,—which case is provided for in the thirteenth section.

**Proviso.**

**Recovery of amount of calls by action. Proof in such case.**     **12.** The amount of every such call if not paid when due, may be recovered with interest by the Directors in the name of the Bank, in any Court having jurisdiction to the amount; and in any action for the recovery thereof, it shall be sufficient to allege and prove that the calls were made under this Act, and that the defendant is the holder of a share or shares in respect of which the amount is due, without alleging or proving any other matter or thing whatever, and the evidence of any officer of the Bank, cognizant of any fact required to be proved, shall be sufficient proof thereof.

**Liability of stockholders limited to amount of unpaid shares, in case of deficiency of assets to meet claims.**     **13.** The stockholders of the Bank shall, in the event of its funds in money and assets immediately convertible into money becoming insufficient to satisfy its debts and liabilities, be liable for the deficiency, so far as that all stockholders shall be liable to an amount equal to the amount (if any) not paid up of their shares respectively, and no more; and the Directors may and shall make calls on the unpaid-up stock to the full amount not paid up, or to such less amount as they may deem necessary to pay all such claims and other liabilities, without waiting for the collection of any debts due to the Bank, or the sale of any of its assets or property; such calls shall be made at intervals of thirty days, and upon notice to be given thirty days at least prior to the day on which the call shall be payable; any such call shall not exceed twenty per cent. on each share, and payment thereof may be enforced in the manner hereinbefore provided as to calls on unpaid-up stock; and the first of such calls shall be made within ten

**Calls by directors in such case.**

ten days after such deficiency as aforesaid shall be ascertained; and the failure on the part of any stockholder liable to such call to pay the same when due, shall operate as a forfeiture by such stockholder of all claim in or to any part of the assets of the Bank,—such call and any further call thereafter being nevertheless recoverable from him as if no such forfeiture had been incurred.

14. Persons who, having been shareholders in the Bank, have only transferred their shares or any of them to others, or registered the transfer thereof, within one month before the commencement of the failure of the Bank to meet the claims of its depositors on demand, shall be liable to calls on such shares under the next preceding section, as if they had not transferred them, saving their recourse against those to whom they were transferred; and any Director refusing to make or enforce, or to concur in making or enforcing any such call, shall be deemed guilty of a misdemeanor and shall be personally responsible for any damages suffered by reason of such default; and any assignee or other officer or person appointed to wind up the affairs of the Bank, in case of its insolvency, shall have the powers of the Directors with respect to such calls.

Liability of shareholders after transfer of shares, for a certain period.

Liability of Directors refusing to make calls in such case.

Powers of assignee in case of insolvency of bank.

15. The shares in the Bank shall be personal property, and transferable in the manner provided by the by-laws and regulations to be made as aforesaid; and the transferee shall have the rights and be subject to the liabilities of the original holder; but no share shall be divided, and if any shares be held by several persons jointly, one of them shall be appointed by the others to vote thereon, to receive dividends, and to do all things that may require to be done in respect thereof, and his power to that effect shall be lodged with the Bank.

Transfers of stock.

Nonsubdivision of shares.

16. It shall be lawful for the Bank to receive deposits of money for the benefit of persons depositing the same, and to invest the same as hereinafter provided, and to accumulate the revenues and profits which shall be derived from the investment of so much thereof as shall not be required to meet ordinary demands by the depositors, and out of such accumulation to allow and pay to the depositors thereof such rate of interest on such deposits as shall, from time to time, be fixed by the Governor in Council, such rate not being less than four nor more than five per cent. per annum.

Bank may receive deposits and pay interest.

The rate of interest to be fixed by Governor in Council.

17. Every depositor, whether male or female, on making his or her first deposit in the said Bank, shall disclose and declare his or her name, residence, quality and occupation.

Depositors to give name, address and occupation.

18. It shall be lawful for the Bank to receive deposits from any person or persons whomsoever, whatever be his, her or their status or condition of life, and whether such person or persons be qualified by law to enter into ordinary contracts or not; and to pay any part of or all the principal thereof, and the whole or any part of the

Deposits by minors and persons not otherwise able to enter into contracts.

Amount of such deposits limited.

the interest thereon, to such person or persons respectively, without the authority, aid, assistance or intervention of any person or persons, official or officials being required,—any law, usage or custom to the contrary notwithstanding: Provided always, that the total amount of deposits made by such person shall not exceed the sum of two thousand dollars.

Investment by bank of stock and deposits.

19. It shall be lawful for the Bank to invest its capital stock when and as paid up, and any moneys deposited with it, in any stock or public securities of the Dominion, or of any of the Provinces of the Dominion, or in any municipal debentures, or in the manner provided in the two next following sections, and not otherwise.

Loans by bank on personal security.

20. It shall also be lawful for the Bank to loan such moneys to the amount of its subscribed capital, and no more, upon the personal security of individuals, or to any corporate bodies, provided that collateral securities of the nature mentioned in the next preceding section, or British or foreign public securities, or stock of some chartered bank in Canada, or any stock in incorporated building societies, or in bonds or debentures or stock of any incorporated institution or company, be taken in addition to such personal or corporate security, with authority to sell such securities if the loan be not paid; but the Bank shall not make any loan directly or indirectly upon the security of real estate, or with any reference to the security of real estate, except that nothing herein contained shall prevent the Bank from taking security upon real estate in addition to such collateral securities, subsequently to the making of the loan, and subsidiary to the security originally taken therefor: Provided always that the Bank shall always hold at least twenty per cent. of the moneys deposited with it in Dominion securities, or deposits in chartered banks on call.

What collateral security shall be taken.

Not to make loan on real estate:

Exception.

Proviso.

Enforcing payment of loans made by the Bank on collateral security.

21. In the event of the Bank making any loan under the two next preceding sections, upon personal securities with collateral security, other than real property, for the repayment thereof, if the repayment is not made within thirty days after such loan becomes due or payable, the Bank may sell the same after notice shall have been given to the borrower or party depositing such collateral security, by addressing and mailing to the last known place of his residence, a letter containing such notice; and such sale may be so made, of whatever nature such collateral securities may be, whether consisting of stocks, bonds, debentures or negotiable paper; and the President or Vice-President, Manager, Cashier, or other officer of the Bank, thereunto authorized by the Directors, may transfer and convey any security so sold to the purchaser, in whom the property in such security shall become vested by such conveyance or transfer, but without any warranty from the Bank, or from any officer thereof; and the Bank shall only be bound to account to the person or persons indebted to it in the amount of such loan, for actual net proceeds of the sale of such

President, &c. may carry security sold without warranty.

such collateral securities, after deduction of all costs and charges thereon: Provided always, that nothing herein contained shall prevent the Bank from collecting or realizing such debt, or any balance which may be due thereon, on such collateral securities, in any way that may have been agreed on with the borrower depositing the same, or in any other lawful way that the Directors may deem for the interest of the Bank.

Proviso:  
Other re-  
course not  
affected.

22. The Bank may purchase any lands or real estate offered for sale under execution at the suit of the Bank, or exposed for sale by the Bank under a power of sale given to it for that purpose, in cases where, under similar circumstances, an individual could so purchase, without any restriction as to the value of the lands which it may so purchase, and may acquire a title thereto, as any individual purchasing at Sheriff's sale or under a power of sale, in like circumstances, could do, and may take, have, hold and dispose of the same at pleasure.

Bank may  
purchase land  
mortgaged to  
it, if sold  
under execu-  
tion, &c.

23. The Bank may acquire and hold an absolute title in or to land mortgaged to it as security for a debt due or owing to it, either by obtaining a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure before the Judge in Equity, or by other means whereby, as between individuals, an equity of redemption can by law be barred; or may purchase and acquire any prior mortgage or charge on such land.

And obtain  
an absolute  
title, by re-  
lease of equity  
of redemption,  
foreclosure,  
&c.  
May purchase  
prior mort-  
gages or  
claims.

24. Nothing in any Act or law shall be construed as having prevented or as preventing the Bank from acquiring and holding an absolute title to and in any such mortgaged lands, whatever the value thereof may be, or from exercising or acting upon any power of sale contained in any mortgage given to it or held by it, authorizing or enabling it to sell or convey away any lands so mortgaged.

May exercise  
power of sale  
&c., on mort-  
gaged lands,

25. Nothing in this Act contained shall prevent the Bank from depositing money in any of the chartered Banks carrying on the general business of banking, such money being so deposited on call, to be withdrawn at any time without notice, and whether with or without interest.

Bank may  
deposit  
moneys on call  
in a chartered  
Bank.

26. Any Director of the Bank who shall become openly and notoriously insolvent, or shall have assigned his estate and effects for the benefit of his creditors, or shall absent himself without the consent of the Board for three consecutive months from the meetings of the Directors, or shall have been convicted of any felony, shall thereupon, *ipso facto*, cease to be a Director, and the vacancy so created shall forthwith be filled up in the manner hereinbefore provided.

Director be-  
coming insol-  
vent, absent-  
ing himself,  
or being con-  
victed of  
felony.

27. If the interest in any deposit or share in the Bank becomes transmitted in consequence of the death or bankruptcy of any depositor or shareholder, or in consequence of the marriage of

Transmission  
of shares or  
deposits other-  
wise than by  
of

regular trans-  
fer, how  
proved.

of a female depositor or shareholder, or by any other lawful means than by a transfer upon the books of the Bank, or by deed signified upon the Bank, such transmission shall be authenticated by a declaration in writing, which declaration shall distinctly state the manner in which and the party to whom such deposit shall have been transmitted, and shall be, by such party, made and signed; and every such declaration shall be, by the party making and signing the same, sworn to before a judge or justice of a court of record or chief magistrate of a city, town, borough or other place, or before a public notary, where the same shall be made and signed; and every such declaration so signed and sworn to, shall be left with the manager or other officer or agent of the Bank, who shall thereupon enter the name of the party so entitled to the same under such transmission, in the books of the Bank, as proprietor of such deposit or share; 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 such deposit or share or any part thereof or of any interest or dividend thereon: Provided 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 deposit or share in the Bank, which shall be made in any other country than this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other 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 debar the Directors, Manager or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration; and that if payment be made to any depositor of any deposit or of any interest thereon, or of any dividend on any share after transmission thereof by any of the means mentioned in this section, but before such declaration is made and authenticated as aforesaid, such payment shall be valid and shall discharge the said Bank.

Proviso: as to  
declaration  
respecting  
transmission  
made in a  
foreign  
country.

Proviso:  
Bank may  
require fur-  
ther proof.

Payment to  
depositor be-  
fore authenti-  
cated declara-  
tion deposited  
to discharge  
bank.

Transmission  
of deposit or  
share by  
marriage or  
by decease.

**28.** If the transmission of any deposit or share be by virtue of the marriage of a female depositor, the declaration shall be accompanied by a copy of the register of such marriage, and shall declare the identity of the wife with the holder of such deposit or share; and if the transmission have taken place by virtue of any testamentary instrument or by intestacy, or by the vacancy of the estate of a deceased depositor or shareholder, the probate of the will, or, if it be notarial an authentic copy thereof, or the letters of administration or act of tutorship, or curatorship, or authentic certificates of birth, as the case may be, shall, together with such declaration, be produced and left with the Manager or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the books of the Bank.

29. The Bank shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any of the deposits or shares therein may be subject; and the receipt of the party in whose name any such deposit or share shall stand in the books of the Bank, or if it stands in the name of more parties than one, the receipt of one of the parties, shall be a sufficient discharge to the Bank for such deposit or share, interest or dividend thereon, or for any other sum of money payable in respect of such deposit or share, unless express notice to the contrary has been given to the Bank, or such deposit be made upon express conditions as to the person or persons to whom such deposit shall be paid, in which case such deposit shall be governed by such conditions; the whole, notwithstanding any trust to which such deposit may then be subject, and whether or not the said Bank have had notice of such trust; and the said Bank shall not be bound to see to the application of the money paid on such receipt, whether given by one of such parties or all of them.

Bank not bound to see to execution of trusts.  
 Receipt of one of the parties sufficient discharge to bank, if the stock or deposit stands in the names of more than one person.

Bank not bound to see to application of moneys paid.

30. Any payment of interest or dividend, or of the whole or any part of any deposit, made in good faith to any person or persons appearing *prima facie* to be entitled to such interest, dividend or deposit, by the production of a declaration in writing, and of the documents in support thereof hereinbefore mentioned, shall be valid; and the discharge of such person or persons shall be sufficient, and shall discharge the Bank from all or any further claim by any person whomsoever for such interest, dividend or deposit.

Payments made in good faith on certain documents to be valid, and discharge bank from all claims.

31. If any officer, clerk, or servant employed under the provisions of this Act, defaces, alters, erases, or in any manner or way whatsoever changes the effect of the books of account that may be kept under the provisions of this Act, or any entry in the said books of account, for any fraudulent purpose; or if any such officer, clerk, or servant secretes, appropriates, or embezzles any bond, obligation, bill or note, or any security for money, or any money or effects, entrusted to him, or in his custody, or to which he has obtained access as such agent, officer, clerk or servant, to whomsoever the said property may belong, the person so offending is guilty of felony, and on conviction thereof shall be liable to be punished by imprisonment for any term not less than two years in the Provincial Penitentiary, or by imprisonment in any other gaol or place of confinement, or as provided by the general criminal law of Canada, for any time less than two years, in the discretion of the court before whom he may be convicted: Provided always, that nothing herein contained, nor the conviction or punishment of the offender, shall prevent, lessen or impair any remedy which Her Majesty, or the Receiver General, or any other person or party would otherwise have against any other person or party whatsoever.

Punishment of officers fraudulently altering books &c., or embezzling money of the Bank.

Proviso. Saving rights of the Crown.

32. Any person who falsely pretends to be owner of any deposit made under this Act, or of the interest upon such deposit, or of any part or portion of such deposit or interest, and, not being such

Punishment for falsely pretending to own deposits, such

and demand-  
ing payment  
thereof.

Proviso : as to  
Larceny Act.

Punishment  
for making  
false state-  
ments in any  
account or  
other docu-  
ment, respect-  
ing the affairs  
of the Bank.

Bank hereby  
incorporated  
not to issue  
Bank notes.

Register of  
shares, meet-  
ings, &c., to  
be kept.

Monthly  
returns to be  
made to the  
government.

Form of.

Form of  
return.

such owner, with intent to defraud, demands or claims from the Bank with which such deposit has been made, or from any party employed under this Act, the payment of such deposit or interest, or of any portion thereof, as the case may be, and whether he does or does not thereby obtain any part of such deposit or interest, is guilty of a misdemeanor, and shall, on conviction, be punishable accordingly : Provided that any offender against the provisions of this or the next preceding section, may be indicted and punished either under this Act or the Act respecting larceny and other similar offences, if his offence be one punishable under that Act, but he shall not be more than once punished for the same offence.

**33.** The making of any wilfully false or deceptive statement in any account, return, report, or other document respecting the affairs of the Bank, shall, unless it amounts to a higher offence, be a misdemeanor ; and any President, Vice-President, Director, Auditor, Cashier, or other officer of the Bank, preparing, signing, approving or concurring in such statement, return, report or document, or using the same with intent to deceive or mislead any party, shall be held to have wilfully made such false statement, and shall further be responsible for all damages sustained by such party in consequence thereof.

**34.** The Bank chartered under this Act shall not issue any Bank note, or note intended to circulate as money or as a substitute for money, or be deemed a Bank within the meaning of the "Act respecting Banks and Banking."

**35.** A book shall be kept by the Directors, in which shall be entered the names of the shareholders of the corporation with the number of shares held by each and the transfer of such shares, and also a minute of the proceedings at meetings of the shareholders and of the Directors.

**36.** Monthly returns shall be made by the Bank to the Government, and shall be made up within the first ten days of each month and exhibit the condition of the Bank on the last juridical day of the month preceding ; and such monthly returns shall be signed by the President or Vice-President, or the Director then acting as President, and by the Manager, Cashier, or other principal officer of the Bank at its seat of business, and shall be published in the *Canada Gazette* ; and such monthly returns shall be in the following form, and the first of such monthly returns under this Act shall be made within the first ten days of the month of July in the present year, 1874 :—

RETURN of the amount of Liabilities and Assets of the Albion  
Mines Savings Bank on the                    day of                    , A.D. 18  
CAPITAL STOCK, \$                    .                    CAPITAL PAID UP, \$

LIABILITIES.

\$    etc.

1. Dominion Government deposits, payable on demand
2. Provincial Government deposits, payable on demand

3.



## CHAP. 65.

An Act to consolidate the Mortgages and other Preferential Charges of the Grand Trunk Railway Company of Canada, and for raising further Capital, and for establishing a Superannuation and Provident Fund Association, and for other purposes.

[Assented to 26th May, 1874.]

Preamble.

**W**HEREAS the undertaking of the Grand Trunk Railway Company of Canada is charged with various mortgages, bonds, and other charges, at different rates of interest and variously secured, and it is desirable that the Company should be enabled by agreement to consolidate the same :—

And whereas, the Company are lessees in perpetuity, with the right of purchase of the International Bridge—the undertaking of which is also subject to mortgages and preference charges, the consolidation of which with the other charges affecting the undertaking of the Company is also expedient ;

And whereas, subject to the provisions herein contained, it is expedient that the Company be empowered to raise a further sum of money for the general purposes of their undertaking by the issue of a limited amount of debenture stock, as hereinafter mentioned ;

And whereas it is expedient that a superannuation and provident fund for the officers and servants of the Company should be established, and that the Company should be empowered to assist and encourage such fund by contributing thereto, and that managers of the said fund should be appointed, and that rules should be established for the general government of the fund, and also for regulating the admission of salaried officers and clerks of the Company as contributing members, and that provision should be made for the alteration of such rules respectively ;

And whereas the objects aforesaid cannot be effected without the authority of Parliament: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Short title.      1. This Act may, for all purposes, be cited as “The Grand Trunk Consolidated Debenture Stock Act, 1874.”

Interpretation clause.      2. In this Act, except where repugnant to or inconsistent with the context, the following words or expressions have the following meanings :—

“Company.”      The word “Company,” means “The Grand Trunk Railway Company of Canada.”

The expression "Arrangements Act," means "*The Grand Trunk Arrangements' Act, 1862.*" "Arrangements Act."

The expression "preferential charges" means and includes the various bonds, mortgages, debentures, rents, payments, contributions and liabilities mentioned or referred to in the schedules to this Act. "Preferential charges."

3. It shall be lawful for the Company at any time hereafter to agree with the holder or holders of any of the preferential charges for the purchase, payment or redemption of the same, upon such terms and conditions and at such price as may be agreed, or for the exchange of the same into the debenture stock hereinafter authorized to be created. Company may agree for purchase, payment or redemption of preferential charges.

4. The Company may for the purposes of this Act create and issue debenture stock to the nominal amount of eight millions of pounds sterling, and may attach to such debenture stock as and when created such fixed and perpetual interest not exceeding five per centum per annum, payable half-yearly or otherwise and commencing at once or at any future time or times at which the debenture stock is issued, or otherwise, as the Company think fit. Company may create and issue debenture stock.

5. The debenture stock as and when created shall, subject to the priorities of all other preferential charges then existing, be and become the first charge upon and over all the Company's railways, works, rolling stock, plant, property, and effects whatsoever at the time being, including therein the interest of the Company in the said International Bridge, and in lines leased, worked, or otherwise held by the Company, and for that purpose shall rank immediately after the Equipment Mortgage Bonds (No. 2) of the class defined by section three of "*The Grand Trunk Railway Act, 1867,*" and also subject to the provisions of "*The Grand Trunk Arrangements' Act, 1862,*" as regards the working expenses. Debenture stock shall be charged on undertaking.

6. From time to time as and when any preferential charge shall be purchased, exchanged, redeemed or otherwise acquired by the Company, the interest or annual income which would otherwise have been or become payable in respect of such preferential charge shall thenceforth be applied in aid of the interest payable on the debenture stock hereby authorized to be created; and the security to which such preferential charge would otherwise have been entitled shall continue as security *pro tanto* for the benefit of the said debenture stock as if such preferential charge were still existing; and such interest shall continue payable, and such security shall continue to subsist in favor of debenture stock until, by one or other of the means as aforesaid, the whole of the preferential charges shall have been extinguished. On redemption of preferential charges, acquired securities, to remain charged in favor of debenture stock.

7. The holders of the debenture stock hereby created shall have the same right of voting as preference shareholders of the Company now enjoy under the provisions of the Arrangements Act. 8. Holders of debenture stock to have right of voting.

Debenture stock shall be transferable, and personal estate.

8. The debenture stock and the interest thereon shall be transmissible and transferable, in the same manner and according to the same regulations and provisions as the other stock of the Company, and shall in all other respects have the incidents of personal estate.

Interest on debenture stock.

9. The interest on debenture stock shall rank next to the interest payable on the preferential charges for the time being of the Company legally existing before the creation of such stock, and immediately after the interest on Equipment Mortgage Bonds (No. 2) of the class defined by section 3 of "*The Grand Trunk Railway Act, 1867*," but the holders of debenture stock shall not, as among themselves, be entitled to any preference or priority.

Application of proceeds of debenture stock.

10. The Company shall apply the whole of the debenture stock (or the proceeds thereof) hereby authorized to be created (except the nominal amount of one million two hundred and fifty thousand pounds, which, or the proceeds of which, may be applied for general purposes), in the purchase, redemption, exchange, or acquisition of preferential charges: Provided, however, that if the whole of the sum hereby directed to be applied in the acquisition of preferential charges be not required for that purpose the balance not so required may, after the acquisition of all preferential charges, be applied to general purposes.

Proviso: as to unrequired balance.

Establishment of superannuation fund for servants of the company.

11. A fund, to be called "*The Grand Trunk Railway of Canada Superannuation and Provident Fund*," shall be established for the payment of superannuation allowances to the officers and servants of the Company, or such of them as shall become and continue contributing members of the fund, or for the payment of allowances to such officers and servants in case of sickness, or to their widows or children or other representatives in case of their death.

Fund to be managed in accordance with regulations prepared by Company.

12. The fund shall be formed, invested, managed, and distributed in accordance with the rules and regulations contained in a scheme to be prepared by the Company, and sealed with their common seal within six months after the passing of this Act, until altered in accordance with the powers which for that purpose may be inserted in and contained in such rules and regulations, and afterwards in accordance with the rules and regulations that shall be for the time being in force under the provisions of the said scheme.

Contribution by Company to fund.

13. The Company shall contribute annually to the said fund such sum as shall be provided by the said rules and regulations for the time being in force, being not less than one-half or more than three halves of the amount contributed during the year by the officers and servants of the Company in accordance with such rules and regulations. All sums so contributed by the Company for this purpose shall be considered as and form part of the "*working expenses*" of the said Company as defined by the Arrangements Act, and shall for all purposes of priority of payment be considered as a payment of wages due to the servants of the Company.

To be considered as working expenses.

14. The said fund shall be vested in and belong to the Committee for the time being having the management of the said fund under the provisions of this Act, and of the said rules and regulations for the time being in force as aforesaid; and such committee may sue and be sued in the name of their Secretary, and shall invest, manage, and distribute the same in accordance with the provisions of this Act and the said rules and regulations.

Vesting of fund.

15. This Act shall not take effect unless and until submitted to a special general meeting of the Company, and accepted by a majority consisting of two-thirds of the votes of the persons present or represented by proxy entitled to vote; and the certificate in writing of the chairman of such meeting shall be taken as *prima facie* proof of its acceptance by the meeting,—such certificate to be filed in the office of the Secretary of State of the Dominion of Canada; and copies certified by the said Secretary of State shall be taken and considered in all courts of law and equity as sufficient *prima facie* evidence of the contents thereof.

Acceptance of Act by special general meeting required to give it effect.

16. Nothing in this Act contained shall interfere with or affect the rights of the Dominion as they now exist upon the said Railway Company, except as to the amount of debenture stock authorized to be issued by this Act.

Act not to affect existing rights of the Dominion of Canada.

SCHEDULES OF PREFERENTIAL CHARGES.

(Being the Schedules hereinbefore referred to.)

MEMORANDUM of Capital invested and amounts payable as Interest and Rent thereon, for cars hired and stations rented.

Particulars.	Net Capital.	Rate per cent.	Annual Payment.
	\$ cts.		\$ cts.
Stations .....	224,000 00	9 <sup>1</sup> / <sub>2</sub>	20,400 00
Cars .....	1,787,299 42	10 <sup>1</sup> / <sub>2</sub>	184,115 11
	2,011,299 42	10 <sup>1</sup> / <sub>2</sub>	204,515 11
	£413,280 14 0	10 <sup>1</sup> / <sub>2</sub>	£42,023 13 0

STATEMENT of Pre-Preference Interest charges and Capital represented.

Particulars.	Amount of Capital.			Rate per cent.		—			—		
	£	s.	d.	£	s.	£	s.	d.	£	s.	d.
Postal and Military Service Bonds	1,200,000	0	0	2	13	.....			32,000	0	0
Interest on Lands (Mortgages) ....	50,000	0	0	p. c.		.....			3,000	0	0
Mortgage to Bank of Upper Canada .....	221,190	6	0	4	..	.....			8,847	12	4
British American Land Company, Debentures (100,000 dols.) .....	20,547	18	11	6	..	.....			1,233	0	0
Montreal Seminary (100,000 dols.) .....	20,547	18	11	6	..	.....			1,232	17	6
Island Pond .....	90,000	0	0	6	..	.....			5,400	0	0
Atlantic & St. Lawrence Capital:—											
Stg. A. and St. L., Bonds	309,900	0	0	6	..	18,594	0	0			
do do	100,000	0	0	6	..	6,000	0	0			
do do	147,900	0	0	6	..	8,838	0	0			
do Shares	583,100	0	0	6	..	34,986	0	0			
do do	309,900	0	0	6	..	18,594	0	0			
do do	130,400	0	0	6	..	7,824	0	0			
U. S. Cy. Bonds (787,000 dols.) ..	161,712	6	5	6	..	9,702	14	8	94,836	0	0
do Shares (46,200) .....	9,493	3	0	6	..	569	11	8			
Annual Contribution to Portland Loan Sinking Fund .....									5,136	19	9
Detroit Line Capital:—											
Bonds .....	225,000	0	0	6	..	13,500	0	0			
Shares .....	225,000	0	0	4	..	9,000	0	0	22,500	0	0
Montreal and Champlain:—											
Consolidated Bonds .....	181,400	0	0	6	..	10,884	0	0			
Second Mortgage (370,000 dols.) .....	76,027	7	10	8	..	6,082	3	9			
7 per cent. do .....	102,800	0	0	7	..	7,196	0	0	24,162	3	9
Buffalo and Lake Huron:—											
Preference Shares .....	525,135	0	0	} 5	..	(Rental) (*)			65,000	0	0
Active Bonds .....	763,758	0	0								
First Equipment Bonds .....	500,000	0	0	6	..	.....			30,000	0	0
Second do .....	500,000	0	0	6	..	.....			30,000	0	0
International Bridge Capital .....	273,000	0	0	7½	..	.....			20,000	0	0
	£6,726,212	1	1	5½ p.c. average.					£353,620	19	8

\* Increased ultimately (1879) to £70,000.

## CHAP. 66.

An Act to enable the Great Western Railway Company to further extend and improve its connections and to authorize and to confirm the issue of certain Debenture Stock.

[Assented to 26th May, 1874.]

**W**HEREAS the Great Western Railway Company, hereinafter styled "The Company," have petitioned that they should be enabled to construct a Branch Railway from some point on the Great Western Railway at or near the Town of Clifton, to a point at or near the Village of Allanburgh, in the County of Welland, with power to extend the same to some point on the Canada Air Line Branch of their railway, and for further extension of their powers; and whereas it is expedient to grant them the powers for which they have asked by 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 Company shall have full power, and they are hereby authorized to make and construct, and to work and use a branch railway from such point on the main line of the Great Western Railway at or near the Town of Clifton, to such point at or near the Village of Allanburgh in the County of Welland, as they shall find most suitable, and to extend the same to such point and points on the Canada Air Line Branch of their railway, as they shall find most suitable, and to work and use such extension and extensions; and all the privileges, powers, rights and incidents which were vested in or given to the Company in regard to the Great Western Railway, and all the existing duties and obligations imposed upon them in regard to the same by the Act incorporating the Company and the Acts amending the same or relating to the Company, and all the provisions of the said Acts which are susceptible of such extension and are not inconsistent with this Act, shall extend and apply to and be in force in regard to such branch railway and such extension and extensions thereof as fully and effectually, to all intents and purposes as they now or at any time did apply or extend to the Great Western Railway; and the Acts from time to time relating to the Company and those only shall relate and apply to the said branch railway and to such extension and extensions thereof. And the said Acts shall be construed, extend and have effect as if the said branch railway and such extension and extensions thereof had been mentioned and described in the said Act of incorporation as part of the railway and works which the Company were thereby empowered to construct, and as if the power to construct such part still existed; and the said branch railway and the said extension and extensions thereof are hereby declared to be works for the general advantage of Canada.

Preamble.

Company may build branch line and extensions.

Acts relating to Company to apply to branch and extensions.

How to be construed for that purpose.

Declaratory.

Certain works already done shall be deemed part of said branch railway.

2. All works of railway construction already done between the said Town of Clifton and the Village of Allanburgh, by or for the Company may be held and used by the Company for the purposes and as part of the said branch railway, and shall be deemed part thereof in all respects as if made and constructed under the provisions of this Act.

Increase of capital stock of company, authorized.

3. And whereas the construction of the said branch railway will necessitate an increase of the capital of the Company, therefore the shareholders by a vote of two-thirds of those present, either in person or by proxy, at any half-yearly general meeting, or at any special general meeting called for the purpose, shall have power to authorize an increase of the capital stock of the Company to the extent of twenty thousand dollars for each and every mile of the said branch railway from time to time completed and in working order, in addition to the capital stock already authorized by the Acts relating to the Company by creating additional ordinary shares of such an amount each as they may deem advisable; and they shall have power in like manner to authorize the issue and disposal of the said additional shares from time to time, at such times and in such quantities (limited as aforesaid) at a time, and at such price and prices as to premium or otherwise, and in such manner and on such terms as to the time and mode of payment and otherwise, as to them shall seem most advisable; and they may, by the like vote, delegate to the Directors the said powers of issue in whole or in part, as from time to time they may deem advisable.

Additional shares may be issued.

Power given to company to borrow money by additional issue of terminable bonds or debenture stock.

4. And the Company with the consent of two-thirds of the shareholders present in person or represented by proxy, at any of such meetings as aforesaid, is further empowered to raise and borrow money by the issue of terminable bonds or of perpetual debenture stock, or of both in addition to the amount of terminable bonds and perpetual debenture stock already authorized by the Acts relating to the Company, so, however, that the amount of terminable bonds or of perpetual debenture stock, or of both from time to time issued under the authority of this section shall not exceed twenty thousand dollars for each mile of the said branch railway from time to time completed and in working order; and such terminable bonds and perpetual debenture stock may be issued in such proportions, in such manner, at such rate of interest not exceeding six per centum per annum, and at such price or prices as to premium or otherwise as the shareholders by such vote as aforesaid may, from time to time, determine, and shall respectively stand upon the same footing and be in every respect in the same position as the terminable bonds and perpetual debenture stock, respectively mentioned in the sixth and seventh sections of "*The Great Western Railway Company's Financial Act, 1871*," and may be directed to be issued with the option in the said seventh section mentioned; and the shareholders by the like vote may delegate to the Directors the said powers of borrowing in whole or in part, as from time to time they may deem advisable.

Position of such bonds and stock.

5. Whereas prior to the passing of "*The Great Western Railway Company's Financial Act, 1871*," the Company had raised on perpetual debenture stock—\$227,273.34 or £46,700 sterling :

And whereas by the seventh section of the said Act, it was declared that the Company might pay off their terminable bonds by the issue and sale of other terminable bonds, or by the creation and issue of perpetual debenture stock :

And whereas by "*The Great Western Railway Act, 1873*," it was declared that the Company then had power under the unexercised borrowing powers, to borrow and raise—

	Sterling.	
On terminable bonds.....	\$3,872,426 68	or £795,704 2 0
By perpetual debenture stock...	3,254,901 37	or 668,815 7 0
	\$7,127,328 05	£1,464,519 9 0

And it was thereby made lawful for the Company, (subject to the provisions of the seventh section of the said Act), to raise and borrow the whole of the said \$7,127,328.05, or so much thereof as might from, time to time, be deemed necessary, by the issue of either perpetual debenture stock or terminable bonds, or partly on one class of security and partly on the other; and also to raise by the creation and issue of like perpetual debenture stock the additional sum of \$2,960,439.50 or £608,309 9s 6d sterling.

And whereas in the months of May and November of the year 1873, the Directors of the Company did issue in perpetual debenture stock—

	Sterling.	
Under " <i>The Great Western Railway Act, 1873</i> ,".....	\$5,883,800 00	or £1,209,000 0 0
Under the same Act the further amount of.....	154,760 00	or 31,800 0 0
And under " <i>The Great Western Railway Company's Financial Act, 1871</i> ," to pay off terminable bonds maturing.....	2,375,906 66	or 488,200 0 0
	\$8,414,466 66	or £1,729,000 0 0

And whereas certain amounts of the said debenture stock, authorized by the said Acts, were issued before the said "*Great Western Railway Act, 1873*," came into force, under a misapprehension as to the date at which the same became law, and it is desirable to confirm and declare valid the perpetual debenture stock heretofore issued, and to declare the extent of the borrowing powers of the Company yet unexercised ;

Therefore

Certain perpetual debenture stock issued, confirmed, and declared valid.

Therefore it is enacted, that the perpetual debenture stock aforesaid, that is to say—

		Sterling.
Amount issued prior to "The Great Western Railway Company's Financial Act, 1871".....	\$227,273 34 or	£46,700 0 0
Amount of first issue in 1873, under "The Great Western Railway Act, 1873".....	5,883,800 00 or	1,209,000 0 0
Amount of second issue in 1873, under "The Great Western Railway Act, 1873".....	154,760 00 or	31,800 0 0
Amount issued under "The Great Western Railway Company's Financial Act, 1871," to payoff terminable bonds maturing.	2,375,906 66 or	488,200 0 0
	<hr/>	<hr/>
	\$8,641,740 00 or	£1,775,700 0 0

is hereby confirmed and declared valid.

Unexercised borrowing powers of the Company defined.

And it is hereby further enacted and declared that the borrowing powers of the Company which they may yet exercise in addition to the borrowing powers conferred by the fourth section of this Act, are :—

*First.*—The power of the Directors of the Company under "The Great Western Railway Company's Financial Act, 1871," to pay off the terminable bonds of the Company by the issue and sale of other terminable bonds, or by the creation and issue of perpetual debenture stock.

*Second.*—The power under "The Great Western Railway Act, 1873," to borrow and raise (subject to the provisions of the seventh section of the said Act)—

		Sterling.
Either on terminable bonds or by the creation and issue of perpetual debenture stock, or partly on one security and partly on the other .....	\$7,127,328 05 or	£1,464,519 9 0
Less amount of perpetual debenture stock issued under that Act in 1873.	\$5,883,800 00	
	154,760 00	
	<hr/>	<hr/>
	6,038,560 00 or	1,240,800 0 0
	<hr/>	<hr/>
	\$1,088,768 05 or	£223,719 9 0

Thirdly

*Third.*—The further power under “*The Great Western Railway Act, 1873,*” notwithstanding any previous limitation, (but subject to the provisions of the seventh section of said Act), to borrow and raise by the creation and issue of perpetual debenture stock the additional sum of.....

\$2,960,439 50 or £608,309 9 6

\$4,049,207 55 or £832,028 18 6

6. This Act may be cited as “*The Great Western Railway Act, Short title, 1874.*”

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## CHAP. 67. .

An Act to extend the time limited for the paying in of subscription of Stock in The Canada and New York Bridge and Tunnel Company.

[Assented to 26th May, 1874.]

**W**HEREAS the Provisional Directors of The Canada and New York Bridge and Tunnel Company, have petitioned for an extension of the time limited to the said Company for the paying in of the subscription of stock in the capital of the said Company; and it is expedient to grant the prayer of the petitioners: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The time limited for the paying in of fifty thousand dollars subscription of stock in the capital of the said Company shall be, and is hereby extended to four years, and the time limited for the commencement of the works shall be and is hereby extended to five years from the coming into force of the “*Act to incorporate The Canada and New York Bridge and Tunnel Company.*”

Extension of time limited by 35 V. c. 88.

## CHAP. 68.

## An Act respecting the Canada Southern Railway Company.

[Assented to 26th May, 1874.]

Preamble.  
Acts of Ontario cited.  
31 V., c. 14.

WHEREAS by an Act of the Legislature of the Province of Ontario, passed in the thirty-first year of Her Majesty's reign, intituled "An Act for the Incorporation of the Erie and Niagara Extension Railway Company," the persons therein mentioned were incorporated under the name of "The Erie and Niagara Extension Railway Company," for the construction of a line of Railway from some point at or near the Village of Fort Erie to some point in the County of Essex, with all the powers, rights, and privileges therein mentioned ;

33 V., c. 32.

And whereas, by a certain other Act of the Legislature of the said Province, passed in the thirty-third year of the said reign, intituled "An Act to amend the Act incorporating the Erie and Niagara Extension Railway Company, and to change the name to The Canada Southern Railway Company," the corporate name of the said Company was changed to that of "The Canada Southern Railway Company," and certain further powers were thereby conferred on the said Company, including power to construct a branch line from the town of St. Thomas to a point on the St. Clair River, in the Township of Moore, or Sombra, in the County of Lambton ;

35 V., c. 48.

And whereas, by a certain other Act of the said Province, passed in the thirty-fifth year of the said reign, intituled "An Act to confer further corporate powers on the Canada Southern Railway Company," certain further powers were conferred on the said Company ;

36 V., c. 76.

And whereas, by a certain other Act of the said Province, passed in the thirty-sixth year of the said reign, intituled "An Act respecting the Canada Southern Railway Company," further corporate powers were thereby conferred on the said Company ;

37 V., c. 41.

And whereas by a certain other Act of the said Province, passed in the thirty-seventh year of the said reign, intituled "An Act respecting the Canada Southern Railway Company," certain other powers were thereby conferred on the said Company :

And whereas the said line of railway between the Village of Fort Erie and a point on the Detroit River, near the Town of Amherstburgh, in the County of Essex, and the said branch line to the River St. Clair in the Township of Moore, have been constructed :

And

And whereas the said Company, from the location of its lines with respect to connecting lines of railway in the United States, have, by their petition, represented that it is necessary for the better transaction of its business, that the said Company should become a railway corporation under and within the jurisdiction of the Parliament of the Dominion of Canada; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Canada Southern Railway is hereby declared to be a Declaratory work for the general advantage of Canada.

2. From and after the passing of this Act, the Canada Southern Railway Company is hereby declared to be a body corporate and politic within the jurisdiction of Canada for all and every the purposes mentioned in, and with all and every the franchises, rights, powers, privileges and authorities conferred upon the said Company by virtue of the said recited Acts of the Legislature of the Province of Ontario, and each and every of them, subject always to any conditions or limitations imposed by the said recited Acts or any of them, and to all the debts, obligations or liabilities of the said Company, and to any rights in any suit or action now pending in any of the courts of Ontario.

Company to be within the jurisdiction of Canada.

3. The Company hereby incorporated shall, in all matters, occupy the same position and shall stand in the same plight and condition in every respect as the Company incorporated under the said recited Acts of the Province of Ontario immediately before the time of the passing of this Act.

Company to stand in same position &c., as the Company incorporated by Legislature of Ontario.

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## CHAP. 69.

An Act to authorize the Brockville and Ottawa Railway Company to issue Preferential Mortgage Debentures, and for other purposes.

[Assented to 26th May, 1874.]

**W**HEREAS, at the session of the Legislature of the Province of Ontario, held in the thirty-sixth year of the reign of Her Majesty Queen Victoria, the following resolution was passed, viz.: Resolved, that the Canada Central Railway Company having offered to accept, in lieu of the land for which that company has obtained a decree in chancery against the Province, the mortgages held by the Counties of Lanark and Renfrew, the Township of Elizabethtown, and the Town of Brockville against the Brockville and Ottawa Railway Company, as an indemnity

Preamble.

against

against the liability of the said municipalities to the Municipal Loan Fund; and as well the said municipalities as the Brockville and Ottawa Railway Company, having respectively intimated their concurrence in the said offer, so far as the same affects their interests respectively, and so that the liability of the municipalities to the Province may be discharged, and that the liability of the Brockville and Ottawa Railway Company may thenceforward belong to the Canada Central Railway Company instead of to the said municipalities, this House is content that the said compromise or settlement so proposed to the Government, or any modification thereof which may be more advantageous to the Province, shall be made by His Excellency in Council, if His Excellency shall deem such compromise to be for the public interest, and subject to such terms and conditions, if any, as the Lieutenant-Governor in Council shall require; And whereas, in and by a certain Order in Council, approved by the Lieutenant-Governor of the Province of Ontario, on the twenty-seventh day of June, A.D. one thousand eight hundred and seventy-three, it was recommended that the terms of settlement mentioned in the above recited resolution should be carried out as modified and subject to the terms and conditions hereinafter stated, that is to say: (1) The Canada Central Railway Company to release all claims to further land grants under former legislation. (2) The Canada Central Railway Company to return to the Brockville and Ottawa Railway Company one hundred thousand dollars of moneys said to have been formerly advanced, and the said Canada Central Railway Company to covenant with the Crown that the Brockville and Ottawa Railway Company will expend in repairs and equipment of the Brockville and Ottawa road, the sum of one hundred thousand dollars,—such expenditure to be begun within three months and ended within fifteen months; In case the Brockville and Ottawa Railway Company issues mortgage debentures to secure to the Canada Central Railway Company the debt transferred to it, one hundred thousand dollars of such debentures are to be held by the Crown as security for the above expenditure, and such debentures with all accrued interest are to be, from time to time, transferred to the Canada Central Railway Company as twenty thousand dollars of expenditure is made, on the certificate of an engineer to be named. (3) In case the Brockville and Ottawa Railway Company issues mortgage debentures as before mentioned, the Crown to be entitled to retain one hundred thousand dollars further of such debentures in respect of the extension of the Canada Central Railway from Renfrew Village to their terminus at or near Pembroke, such debentures with all accrued interest to be transferred to the Canada Central Railway Company as follows: the rateable mileage proportion on the construction of twenty miles of the said extension, and the remainder on the completion of the residue of the extension, within three years from the first day of October, in the year of our Lord, one thousand eight hundred and seventy-three; In case the extension is not completed within the time limited any part of the debentures and interest undelivered at the expiration of the time, to be forfeited to the Crown; the Canada Central

Railway Company to remain entitled as at present to the subsidy granted under Order in Council in respect of the extension to Pembroke; the Canada Central Railway Company not to be bound to build the extension, or any part thereof, in case it prefers to forfeit the subsidy, and the securities retained by the Crown in respect of the extension, or such part thereof as the Canada Central Railway Company may not build. (4) In case no mortgage debentures are issued by the Brockville and Ottawa Railway Company, the transaction to be so arranged that the Crown and the Canada Central Railway Company shall be joint holders of the Brockville and Ottawa Railway Company mortgages, the Crown to the extent of the two hundred thousand dollars, to be from time to time transferred as aforesaid to the Canada Central Railway Company, and the Canada Central Railway Company for the other part of the total sum secured by said mortgages; And whereas the liabilities of the said municipalities to the Municipal Loan Fund for and in respect of the moneys borrowed by them and loaned by them to the Brockville and Ottawa Railway Company, have by Act of the Legislature of Ontario, passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, been reduced to the following sums, viz: the Town of Brockville to one hundred and thirty-five thousand three hundred and seventy-five dollars; the Township of Elizabethtown to ninety-eight thousand eight hundred and forty-seven dollars twenty-three cents; the Counties of Lanark and Renfrew to three hundred and twenty-two thousand and sixty-nine dollars ninety-three cents; making in all the sum of five hundred and fifty-six thousand two hundred and ninety-two dollars sixteen cents; And whereas the terms of settlement mentioned in said resolution as modified and subject to the terms and conditions hereinbefore stated, have been duly carried out by the execution of the necessary instruments, and by an indenture bearing date the seventeenth day of January, in the year of our Lord one thousand eight hundred and seventy-four, and made between the Corporation of the Town of Brockville, the Corporation of the Township of Elizabethtown, the Corporation of the County of Lanark, and the Corporation of the County of Renfrew, of the first part, the Brockville and Ottawa Railway Company of the second part, the Canada Central Railway Company of the third part, and Her Majesty Queen Victoria of the fourth part, after reciting (amongst other things) the mortgages given by the Brockville and Ottawa Railway Company to the Town Council of Brockville, the Municipality of the Township of Elizabethtown, and the Municipal Council of the United Counties of Lanark and Renfrew, to secure the said municipalities in the due re-payment of the amounts borrowed by them upon the credit of the Consolidated Municipal Loan Fund for Upper Canada, and loaned by them to the Brockville and Ottawa Railway Company, the Act of the Parliament of the late Province of Canada, passed in the twentieth year of Her Majesty's reign, intituled "An Act to amend and extend the charter of the Brockville and Ottawa Railway Company,"

27 V., c. 57.

affirming the validity of said mortgages, and the resolution and Order in Council hereinbefore set out, the said mortgages and all the property of the Brockville and Ottawa Railway Company, mentioned therein or conveyed thereby, or intended so to be, and all moneys due or owing, or which might thereafter become due or owing by the said the Brockville and Ottawa Railway Company, to said Municipalities, or any of them, by reason of said loans or said mortgages, or said last mentioned Act of Parliament were granted, bargained, sold, assigned, transferred, and set over unto Her Majesty Queen Victoria, and the said the Canada Central Railway Company, and their successors and assigns, subject and according to the terms and conditions set out in said Order in Council, and to the condition that no greater sum should be claimed or collected from the said the Brockville and Ottawa Railway Company, by virtue of the said indenture than the said sum of five hundred and fifty-six thousand two hundred and ninety-two dollars sixteen cents, with interest at five per cent., and by the said indenture the Brockville and Ottawa Railway Company expressly consented and agreed to the said transfer and assignment, and recognized and acknowledged their liability to pay the said sum of five hundred and fifty-six thousand two hundred and ninety-two dollars sixteen cents; And whereas, under and by virtue of an Act of the Parliament of the late Province of Canada, passed in the twenty-seventh year of the reign of Her Majesty Queen Victoria, and intituled "An Act for the re-organization of the Brockville and Ottawa Railway Company, and to authorize the issue of preferential bonds for certain purposes," the said the Brockville and Ottawa Railway Company have issued certain preferential bonds or debentures, called "Preferential Extension Bonds" bearing seven per cent. interest, to the amount of sixty thousand pounds sterling, which bonds are by said Act declared to form the first charge upon the Brockville and Ottawa Railway, next after the claims of the said municipalities, and subject to their first charge; And whereas, the mortgage mentioned in the second section of said last mentioned Act, has been duly executed as security for the payment of said "Preferential Extension Bonds;" And whereas the Brockville and Ottawa Railway Company have prayed to be allowed to issue mortgage debentures or bonds for the amount which they are now liable for to Her Majesty Queen Victoria, and the Canada Central Railway Company, under the said mortgages to the said municipalities and the transfer thereof, and that the "Preferential Extension Bonds," issued under said last recited Act, should, as between the holders thereof and the Canada Central Railway Company, and the Brockville and Ottawa Railway Company, rank *pari passu* with the debentures or bonds to be issued under this Act as claims, charges, or liens upon the property and rights of the Brockville and Ottawa Railway Company, comprised in the said several mortgages, subject to the right of Her Majesty to priority over the holders of the said "Preferential Extension Bonds," issued under the last recited Act, in respect of the two hundred thousand dollars, retained by her or such portion thereof as she may be entitled to retain, in case of the non-compliance of the

Canada

Canada Central Railway Company with the terms upon which they will be entitled to receive the same, and have also prayed for certain other powers in connection with the premises; And whereas, the Legislature of Ontario, at its last Session, passed an Act authorizing the Brockville and Ottawa Railway Company to issue such mortgage debentures or bonds as aforesaid in the manner hereinafter set out, and it is desirable that the authority so given should be sanctioned by the Parliament of the Dominion of Canada in the manner hereinafter set out: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Brockville and Ottawa Railway Company may issue mortgage debentures or bonds bearing five per cent. interest, and not exceeding in amount in the whole five hundred and fifty-six thousand two hundred and ninety-two dollars and sixteen cents, being the amount of their liability to Her Majesty and the Canada Central Railway Company, under the said mortgages to the said municipalities, and the said transfer thereof; and the said mortgage debentures or bonds shall be called "Preferential Mortgage Debentures;" and shall be and form the first charge on all the property and rights of the Brockville and Ottawa Railway Company comprised in the said several mortgages, to the same extent and in the same manner as the said mortgages to said municipalities formed or were intended to form such first charge, except as hereinafter is provided.
 

Company may issue preferential mortgage debentures for \$556,292.16.
2. Such "preferential mortgage debentures" shall bear interest at the rate aforesaid, to be computed from the first day of July, in the year of our Lord one thousand eight hundred and seventy-three, and to be payable half-yearly, on each first day of January and first day of July, the first payment to become due on the first day of July, in the year of our Lord one thousand eight hundred and seventy-four, and to be for a year's interest, and the principal money secured thereby shall be payable in twenty years from the first day of July, in the year of our Lord one thousand eight hundred and seventy-four; and such debentures may be in the form given in Schedule A. to this Act appended, or to similar effect; and two hundred and five thousand dollars of such debentures shall be made payable to the treasurer of Ontario or bearer, and the residue to the Canada Central Railway Company or bearer,—the said sum of two hundred and five thousand dollars consisting of the sum of two hundred thousand dollars payable to Her Majesty under the said agreement, and five thousand dollars, being six months' interest on the said sum from the first day of January, one thousand eight hundred and seventy-three to the first day of July, one thousand eight hundred and seventy-three, and it shall be lawful for the holders of said mortgages to accept such "preferential mortgage debentures" in lieu of said mortgages.
 

When interest and principal of debentures to be payable.

Form of debentures.

Amount payable to treasurer of Ontario and amount payable to Canada Central Railway Company.
3. As between the Canada Central Railway Company and their assigns the Brockville and Ottawa Railway Company, and
 

Rights and rank of bond-holders.

and the holders of said "preferential extension bonds," the said "preferential extension bonds" and the "preferential mortgage debentures" to be issued under this Act shall rank *pari passu* as charges upon all the property and rights of the Brockville and Ottawa Railway Company which, by means of the mortgages to said municipalities or the mortgage to secure said "preferential extension bonds," or any Act or Acts of the Parliament of the late Province of Canada, or of the Legislature of Ontario were or are or may become or might have become liable for the payment of the said debts to the said municipalities, or of said "preferential extension bonds;" and said "preferential extension bonds" and "preferential mortgage debentures," shall jointly (and *pro rata* as to their respective amounts) form the first charge upon all said property, subject however to the right of Her Majesty to priority over the said "preferential extension bonds," in respect of the two hundred and five thousand dollars retained by her, or of any portion thereof which may be forfeited to her in consequence of the non-compliance by the Canada Central Railway Company with the terms upon which they would be entitled to a transfer thereof; but as any portion of said two hundred and five thousand dollars is transferred to the Canada Central Railway Company, such portion shall lose such priority and rank *pari passu* with the said other bonds.

Right of voting at meetings of Company.

4. The right of voting at all meetings of the Brockville and Ottawa Railway Company now possessed by the holders of said "preferential extension bonds" in respect thereof shall continue as if this Act had not been passed, but no right of voting at such meetings is given to the holders of said "preferential mortgage debentures" in respect thereof.

#### SCHEDULE A.

##### THE BROCKVILLE AND OTTAWA RAILWAY COMPANY.

###### *Preferential Mortgage Debenture.*

Whereas the liability of the different municipalities who borrowed moneys upon the credit of the Consolidated Municipal Loan Fund of Upper Canada, and loaned the same to the Brockville and Ottawa Railway Company, has been reduced by Act of the Legislature of Ontario to five hundred and fifty-six thousand two hundred and ninety-two dollars and sixteen cents; And whereas the mortgages given by the Brockville and Ottawa Railway Company to the said municipalities, to secure the amount of the said loan, have been transferred and assigned to Her Majesty Queen Victoria and the Canada Central Railway Company; And whereas the Brockville and Ottawa Railway Company have been authorized by Act of the Legislature of Ontario, passed in the thirty-seventh year of Her Majesty's reign, to issue these preferential mortgage debentures for the above amount, which debentures

debentures, jointly with the preferential extension bonds issued under 27 Victoria, chapter 57, are declared to form the first charge upon the property and rights of the Brockville and Ottawa Railway Company:—

The Brockville and Ottawa Railway Company hereby promise to pay to \_\_\_\_\_, or bearer, the sum of

\_\_\_\_\_ dollars, part of the said debt, in twenty years from the first day of July, in the year of our Lord one thousand eight hundred and seventy-four, and also interest thereon, at the rate of five per centum per annum, to be computed from the first day of July, in the year of our Lord one thousand eight hundred and seventy-three, to be paid on the first days of January and July in each year, upon presentation and surrender of the proper coupons hereto attached, at the Company's office in Brockville, Canada.

Signed and sealed at Brockville, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_  
L. S.

## CHAP. 70.

### An Act to amend the Act incorporating the Quebec Frontier Railway Company.

[Assented to 26th May, 1874.]

**W**HEREAS the Quebec Frontier Railway Company, incorporated by the Act of the Dominion of Canada passed in the thirty-fifth year of Her Majesty's reign, chapter eighty-one, have, by their petition, prayed to have their Act of incorporation amended, and further powers conferred upon them: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The ninth section of the said Act is hereby amended, by inserting after the words "A majority of the Directors," the words "elected by ballot;" and by substituting for the words "twenty shares," the words "ten shares."

Preamble.  
35 V., c. 81.

Section 9 of  
35 V., c. 81,  
amended.

2. The tenth and eleventh sections of the said Act are hereby repealed, and the following provision is substituted in lieu thereof:—

Sections 10  
and 11 re-  
pealed.

"Any municipal council of a local municipality which has given, either directly by its own by-law, or through the by-law of the county council, a bonus in aid of said railway or its branches, amounting

New Section  
substituted.

amounting to not less than five thousand dollars, shall be entitled, during the construction of the said Railway and its branches, but not afterwards, to appoint a person annually to be an *ex officio* Director of the Company, and such person shall be a Director of the Company in addition to all other Directors authorized by this Act, or by the general railway or any other Act; but such municipality shall incur no liability by the appointment of such Director."

Section 15  
repealed.

3. The fifteenth section of said Act is hereby repealed, and the following is substituted in lieu thereof:—

New Section  
substituted.

" 15. The Directors of the said Company are hereby authorized and empowered to issue bonds or debentures, which shall be and form the first charge on the undertaking, land, buildings, tolls and income of the Company, or any, either, or all of them, as may be expressed by the said bonds or debentures; and such bonds or debentures shall be in such form, and for such amount, and payable at such times and places as the Directors may from time to time appoint and direct. The said bonds or debentures shall be signed by the President or Vice-President, and shall have the corporate seal of the Company affixed thereto: Provided that the amount of the said bonds or debentures shall not exceed twenty thousand dollars per mile, to be issued in proportion to the length of the said railway under contract or to be constructed under and by virtue of this Act; but no such debentures shall be for a less sum than one hundred dollars."

Act to be one  
with amended  
Act.

4. This Act and the Act hereby amended shall be construed as one and the same Act.

## CHAP. 71.

An Act to enable the Montreal Northern Colonization Railway Company to build a Bridge over the Ottawa River.

[Assented to 26th May, 1874.]

Preamble.

WHEREAS the Montreal Northern Colonization Railway Company have petitioned that they should be empowered to construct a Bridge over the Ottawa River, in order to improve their connections; and whereas it is expedient to grant them the powers which they have asked by their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Railway  
Bridge may be  
built over the  
River Ottawa,  
and connec-  
tions made by  
company.

1. The Montreal Northern Colonization Railway Company is empowered and authorized to construct a bridge over the waters of the Ottawa River, at some suitable point at or near and between the Township of Hull and the City of Ottawa, and also to connect its railway with any railway coming to the said City of

of Ottawa; and the said railway bridge, and any portion of railway required for such connection shall constitute a part of the railway of the said Company.

2. The Company may issue bonds for the amount required for the building of the said bridge, specially chargeable thereon, and may appropriate specially to the liquidation of such bonds and of the interest thereon, any remuneration received from any other company for the use of the said bridge; or the Company may join with other companies in issuing such bonds jointly, upon such terms and conditions as to the use of the said bridge and the rental thereof, and the appropriation of such rental to the payment of such bonds and the interest thereon as may be agreed upon.

Issue and liquidation of bonds for building of bridges.

Other Companies may join.

3. It shall be lawful for any other railway company whose railway comes to, or near the City of Ottawa, to connect such other railway with the said bridge or with any branch railway or line leading to the said bridge, and to cause their engines and carriages to pass with their freight and passengers over and along the said bridge and branch railway or either of them, and to discharge and receive passengers and freight at any station or depot of the Company in the Town of Hull, and for the Company to allow such other railway company so to do, upon such terms and conditions as the two companies shall agree upon; and the terms and conditions to be so agreed upon may extend to the payment by such other railway company to the Company of a fixed sum once for all, or of an annual sum, or of sums payable from time to time and proportioned to the number of carriages or passengers or the quantity of freight conveyed over the said bridge, and the services performed, or the accommodation afforded in respect thereof for such other railway company: Provided always, that it shall also be lawful for the Company to agree with the Directors of such other railway company as aforesaid, that either company shall receive and convey for the other passengers and freight between the said bridge and any station or depot of either company, and in the carriages of either company, or shall perform any other service for the other company, upon such terms and conditions as the companies respectively shall agree upon; and any agreement made by any companies respectively under this section shall be binding upon such companies during the time for which it shall be made; but it shall not be compulsory on any company to make or renew any agreement under this section; and if the companies cannot mutually agree as to the terms of any arrangement under this section, it shall be referred to arbitration under the provisions of "*The Railway Act, 1868*," referring to lands and their valuation, and the award thereunder made shall be binding upon both companies.

Use of bridges or branch railway by other railway companies.

Terms of payment, &c., for this accommodation.

Proviso: as to agreements between companies regarding traffic over their respective railways.

4. The power conferred by this Act to erect a bridge over the River Ottawa, shall not be exercised by the Company until the Governor in Council has, by Proclamation, declared that on, from and after a day to be therein named, such power may be exercised.

Bridge not to be erected until after proclamation by Governor in Council allowing it.

## CHAP. 72.

## An Act respecting the issue of bonds by the Saint Francis and Megantic International Railway Company,

[Assented to 26th May, 1874.]

Preamble.

33 V., c. 54,  
s. 13.

**W**HEREAS the shareholders of the Saint Francis and Megantic International Railway Company have, by their petition, represented that with their consent and approval, the Directors of the said Company by resolution bearing date the twentieth day of April now last past, voted to issue the bonds of the said Company under the provisions of section thirteen of the Act thirty-third Victoria, chapter fifty-four, to an amount not exceeding the amount authorized by their Act of Incorporation, and of the Acts amending the same that is to say, to the sum of three hundred and seventy-five thousand pounds sterling; but that it was impossible to obtain the authorization of them, the said shareholders, at an annual general meeting of the said shareholders, without great delay and without greatly impeding the construction of the said railway, inasmuch as such meeting could not be held until the first Monday in September next; and whereas the said shareholders of the said Railway Company have by their said petition prayed that the issue of the said bonds to the amount aforesaid, by the Directors of the said Company under the said resolution may be sanctioned and ratified: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Action of  
Directors  
with respect  
to bonds con-  
firmed.

1. Notwithstanding any thing contained in the Act thirty-third Victoria, chapter fifty-four, incorporating the Saint Francis and Megantic International Railway Company and the amendments thereto, the action taken by the Directors of the said Company, and proceedings had by them for the issuing of the bonds of the said Company under the provisions of the said cited Act, and the amendments thereto, shall not be held to be void by reason of not having been previously authorized by the stockholders of the said Company as required by the said cited Act and the amendments thereto, at an annual general meeting of the said stockholders, but shall have the same effect as if the Directors had therein acted with such previous authorization of the shareholders.

## CHAP. 73.

## An Act to incorporate the Great North West Railway Company.

[Assented to 26th May, 1874.]

**WHEREAS** the construction of a Railway from a point on the shore of Lake Superior at Thunder Bay to the City of Winnipeg in the Province of Manitoba, either in a continuous line or with power to utilize the navigable waters along the said route for the purpose of transport, would be of general benefit to the Dominion: And whereas a petition has been presented praying for the incorporation of a Company for that purpose, and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Honorable Marc Amable Girard, of the Province of Manitoba, Senator; Henry S. Howland, William Thompson and John Leys, of the City of Toronto, Esquires; Thomas Marks, of Thunder Bay, Merchant; Adam Oliver and Peter Johnston Brown, of the Town of Ingersoll, Esquires; James King, of the Town of Sarnia, Grain Dealer; Joseph Davidson and John S. Cook, of the City of Toronto, Lumber Merchants; J. L. Williams, of the City of Hamilton, Esquire; Robert Hay and John Gordon, of the City of Toronto, Merchants; together with such persons and corporations as shall under the provisions of this Act become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Great North West Railway Company."

Preamble.

Certain persons incorporated.

Corporate name.

2. The said Company shall have full power and authority to lay out, construct and complete a double or single iron or steel railway, of four feet eight and one-half inches gauge, from a point at Thunder Bay on the shore of Lake Superior to the City of Winnipeg in the Province of Manitoba, either in a continuous line or with power to utilize the navigable waters along the said route for the purpose of transport.

Company may build a railway between certain points, and utilize navigable waters: gauge of road.

3. Notwithstanding anything contained in section nine of "The Railway Act, 1868," the said Company may acquire land and water-lot property at Fort William, Thunder Bay, and the river Kaministiquia, for the purposes of their undertaking, in the mode provided for by the said section, and may acquire under the provisions in that behalf of the said Railway Act, and hold such width of land on the sides of the railway and its branches at any point as may be needed for the erection of snowdrift fences or barriers at a sufficient distance from the track to prevent the obstruction of the line by drifting snow; and the compensation

May acquire land at certain places for snow-drift fences, &amp;c., and water-lot property.

Compensation for lands, &amp;c. to

to be paid to the owners for such lands, as also the powers of the said company to take possession thereof shall, in case of difference, be ascertained and exercised in the manner provided by the section of the said Railway Act respecting lands and their valuation.

Provisional directors.

4. The persons named in the first section of this Act, with power to add to their number, shall be and are hereby constituted Provisional Directors of the said Company, of whom five shall be a quorum, and shall hold office as such until the first election of Directors under this Act, and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and upon a sufficient subscription of stock being obtained as hereinafter provided shall call a meeting of the shareholders of the company for the election of Directors.

Their powers, and quorum.

Meeting of shareholders for election of Directors.

Capital stock and shares.

5. The capital stock of the said Company shall be three million dollars (with power to increase the same in manner provided by "*The Railway Act, 1868*"), to be divided into shares of one hundred dollars each; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway and other purposes of this Act.

Application thereof.

Ten per cent. on stock subscribed to be paid up.

6. No subscription for stock in the capital of the Company shall be binding on the Company unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Company may receive grants in aid of railway.

7. The said Company may receive either from any Government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, in aid of the construction, equipment and maintenance of the said railway, bonuses loans or gifts of money or securities for money.

First general meeting of stockholders, for election of Directors.

8. When and so soon as shares to the amount of three hundred thousand dollars in the capital stock of the Company have been subscribed and ten per centum thereon has been paid, the Provisional Directors shall call a general meeting of the subscribers to the said capital stock at the City of Toronto for the purpose of electing Directors of the said Company, giving at least four weeks' notice by public advertisement, as provided by the eleventh section, of the time, place and purpose of the said meeting.

Business at such meeting.

9. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be Directors of the said Company (of whom five shall be a quorum) and of whom at least five shall be British subjects; and may

may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act, and "The Railway Act, 1868."

10. No person shall be qualified to be elected as such Director by the shareholders, unless he be a shareholder holding at least twenty shares of stock in the Company, and unless he has paid up all calls made thereon. Qualification of director.

11. Hereafter the general annual meeting of the shareholders of the said Company shall be held at such place in the City of Toronto, and on such days and at such hours as may be directed by the by-laws of the said Company; and public notice thereof shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more newspapers published at the City of Toronto. Annual general meetings of shareholders.

12. Special general meetings of the shareholders of the said Company may be held at places in the City of Toronto, and at such times, and in such manner and for such purposes as may be provided by the by-laws of the Company. Special general meetings of shareholders.

13. The Directors of the said Company are hereby authorized to issue bonds under the seal of the said Company signed by its President or other presiding officer, and countersigned by its Secretary; and such bonds may be made payable in such manner and at such place or places in Canada or elsewhere, and bearing such rate of interest as the Directors shall think proper; and the Directors shall have power to issue and sell, or pledge all or any of the said bonds at such price and upon such terms and conditions as they may think fit, for the purpose of raising money for prosecuting the said undertaking: Provided that the amount of such bonds shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway constructed, or under contract to be constructed; provided also that no such bonds shall be issued until at least five hundred thousand dollars shall have been subscribed to the capital stock and ten per centum paid thereon. Directors may issue bonds to raise money for prosecution of undertaking. Proviso. Proviso.

14. The bonds hereby authorized to be issued shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the said Company, and the undertaking, tolls, and income, and real and personal property thereof, now or at any time hereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bond-holders. Bonds to be preferential charges on the property of the company.

15. If the said Company shall make default in paying the principal or interest of any of the bonds hereby authorized, at the time when the same shall by the terms of the bond become due and payable, then at the next ensuing general annual meeting of the said Rights and privileges of bond-holders if principal or interest is not paid.

said Company, and all subsequent meetings, all holders of bonds so being and remaining in default, shall, in respect thereof, have and possess the same rights and privileges, and qualifications for Directors as would be attached to them as shareholders, if they had held fully paid up shares of the said Company to a corresponding amount : Provided nevertheless, that the right given by this section shall not be exercised by any bond-holder unless the bonds in respect of which he shall claim to exercise such rights, shall have been first registered in his name in the same manner as is provided by law for the registration of the shares of the said Company ; and for that purpose the Company shall be bound, on demand, to register any of the said bonds in the name of the holder thereof, and to register any transfers thereof, in the same manner as a transfer of shares : Provided also, that the exercise of the right given by this section, shall not take away, limit, or restrain any other of the rights or remedies to which the holders of the said bonds shall be entitled.

**Proviso.**  
Bonds to be registered.

**Proviso :** no other right or remedy taken away or limited.

**Transfer of bonds, debentures, &c.**

**16.** All the bonds, debentures, mortgages, and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall, in that case, be transferable by delivery ; and any holder of any such bonds, debentures, mortgages, or coupons so made payable to bearer, may sue at law thereon in his own name, unless and until registry thereof, in manner provided in the preceding section ; and while so registered they shall be transferable by written transfer registered in the same manner as in the case of shares, but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the Company shall be bound to register on the demand of the registered holder for the time being.

**All shareholders to have equal rights.**

**17.** All shareholders in the said Company whether British subjects or aliens, or residents of Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same and shall be eligible to office as Directors in the said Company.

**Company may become parties to promissory notes and responsible therefor if issued with the authority of the directors.**

**18.** The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars ; and any such note or bill made, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and under the authority of a quorum of the Directors, shall be binding on the said Company ; and any such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn ; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President, or Vice-President, or Secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors

Directors as herein enacted: Provided however, that nothing herein Proviso. contained shall be construed to authorize the said Company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

19. The Directors may, at any time, call upon the shareholders Calls on shares, limit and notice of. for such instalments upon each share which they or any of them may hold in the capital stock of the said Company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum on the subscribed capital and that thirty days' notice of each call shall be given.

20. The said Company shall have power to make running Running arrangements with other railways. arrangements with any railway lines in the Dominion of Canada situate on the line hereby authorized to be constructed, or crossing or connecting with the same, upon terms to be approved by two-thirds of the shareholders at a special general meeting to be held for that purpose in accordance with this Act.

21. It shall be lawful for the said Company to enter into any Line or rolling stock may be leased and agreement made with other companies. agreement with any other railway company whose line is situate on the line hereby authorized, or whose line can connect therewith, for leasing the said Great North West Railway or any part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders, plant, rolling stock or other property of either, or both, or any part thereof, or touching any service to be rendered by the one Company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person or by proxy at a special general meeting to be called in accordance with this Act for that purpose; and every such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof, and any company or individual accepting and executing such lease shall be, and is hereby empowered to exercise all the rights and privileges in this charter conferred.

22. Conveyances of land to the said Company for the purposes Conveyances of land to company. of this Act may be made in the form set out in the Schedule hereto annexed, or to the like effect; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of the Province in which the lands may be situate.

23. Whenever it shall be necessary for the purpose of procur- Purchase, &c. by company of land for gravel pits and stations. ing sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, or for opening a street to any station from an existing highway, the said Company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time, as they may deem expedient; and may also make use of, for the Use of streams or water courses. purpose of the said railway, the water of any stream or water-  
course

Compensation for lands or use of water. course over or near which the said railway passes, doing however no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse; and the compensation to be paid to the owners for such lands, or the use of such water, as also the powers of the said Company to take possession thereof, shall, in case of difference, be ascertained and exercised in the manner provided by the section of "*The Railway Act 1868*," respecting "lands and their valuation."

Telegraph line and bridges. 24. The Company may also construct an electric telegraph line in connection with the railway, and may also erect and construct across any of such rivers or lakes as are in the next section referred to, or which may be in or near the route of the railway, a bridge or bridges when the same shall be necessary for the purposes of the railway; but this shall not apply to navigable portions of any of the aforesaid waters without the assent of the Governor in Council first obtained.

Proviso.

Company may build and use vessels, and improve navigation of waters in connection with the railway. 25. The Company may also build, purchase, acquire, lease or possess, work and operate steam and other vessels in any lakes, rivers, or other navigable waters, as they may deem proper and expedient in connection with their railway; and may do all and such things as are necessary for improving the navigation between any of such navigable waters, subject to the obligation of compensating any individuals injured by such works; and for the purpose of connecting the means of transport between the said waters, may construct a railway of wood, iron or steel, or a tramroad between any of such lakes or rivers and others of them, and also around the rapids or any other obstructions of any of the said rivers, or may construct a canal or canals to avoid the same wherever requisite.

Limitation of Act. 26. The Railway shall be commenced within three years and completed within five years after the passing of this Act, and in default thereof, the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

When this Act shall come into force. 27. This Act shall only have force and effect from and after the day which may be appointed for that purpose by proclamation issued under an Order of the Governor in Council, and not before.

#### SCHEDULE.

Know all men by these presents that I (or we) (*insert also the name of wife or any other person who may be a party,*) in consideration of \_\_\_\_\_ dollars to me (*or as the case may be*) by the Great North West Railway Company, the receipt whereof is hereby acknowledged do grant, and

I the said \_\_\_\_\_ do grant and release  
 (or, do bar my dower in, *as the case may be*) all that certain  
 parcel (or, those certain parcels, *as the case may be*) of land  
 situate (*describe the land*) the same having been selected by the  
 said Company for the purposes of their railway, to hold, with the  
 appurtenances thereof unto the said Great North West Railway  
 Company, their successors and assigns.

As witness my hand and seal (or our hands and seals) this  
 day of \_\_\_\_\_ one thousand eight hundred and

Signed, sealed and delivered, } A. B. L. S.  
 in the presence of }

CHAP. 74.

An Act to incorporate the Ontario and Pacific Junction  
 Railway Company of Canada.

[Assented to 26th May, 1874.]

**W**HEREAS the construction of a railway from the Georgian Preamble.  
 Bay at or near the mouth of the French River, to a point  
 near the south-east shore of Lake Nipissing, with powers of ex-  
 tension to the southward, to connect with the railway system of  
 Ontario, and to the eastward to connect with the railways of the  
 Ottawa valley would be of general benefit to the Dominion; and  
 whereas a petition has been presented for the incorporation of a  
 Company for that purpose; and it is expedient to grant the prayer  
 of such petition: Therefore Her Majesty, by and with the advice  
 and consent of the Senate and House of Commons of Canada,  
 enacts as follows:—

1. The Ontario and Pacific Junction Railway is hereby declared Declaratory.  
 to be a work for the general advantage of Canada. ;

2. William Thomson, of the City of Toronto, Esquire, John Certain per-  
 Turner, of the same place, Esquire, D. Galbraith, of the same place, sons incor-  
 Esquire, James D. Edgar, of the same place, Esquire, John Moat, porated.  
 of the City of Montreal, Esquire, Henry S. Howland, of the City of  
 Toronto, Esquire, Herman H. Cook, of the same place, Esquire, A. P.  
 Cockburn, of the same place, Esquire, together with all such persons  
 and corporations as shall become shareholders in the Company  
 hereby incorporated, shall be and are hereby constituted a body  
 corporate and politic, by and under the name of the "Ontario and  
 Pacific Junction Railway Company." Corporate name.

Company may build a railway with extensions.

3. The said Company shall have full power and authority to lay out, construct, and complete a double or single iron or steel railway, of a gauge of four feet eight and one half inches in width, from the Georgian Bay, at or near the mouth of the French River, to a point near the south-east shore of Lake Nipissing, with powers of extension to the southward, to connect with the railway system of Ontario, and to the eastward to connect with the railways of the Ottawa Valley.

May acquire land for snow-drift fences, &c., and water-lot property.

4. Notwithstanding anything contained in section nine of "*The Railway Act, 1868*," the said Company may acquire land and water lot property for the purposes of their undertaking in the mode provided for by the said section, and may acquire under the provisions in that behalf of the said Railway Act, and hold, such width of land on the sides of the railway and its branches at any point as may be needed for the erection of snow drift fences or barriers, at a sufficient distance from the track to prevent the obstruction of the line by drifting snow; and the compensation to be paid to the owners for such lands, as also the power of the said Company to take possession thereof, shall, in case of difference, be ascertained and exercised in the manner provided by the section of the said Railway Act, respecting lands and their valuation.

Compensation for lands, &c.

Provisional directors.

5. The persons named in the second section of this Act, with power to add to their number, shall be and are hereby constituted Provisional Directors of the said Company, of whom five shall be a quorum, and shall hold office as such until the first election of Directors under this Act; and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to acquire any plans and surveys now existing, and to deposit, in any chartered bank of Canada, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking, and to receive for the Company any grant, loan, bonus or gift made to it, in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under "*The Railway Act, 1868*," are vested in ordinary Directors.

Their powers and quorum.

Capital stock and shares.

6. The capital stock of the said Company shall be one million dollars (with power to increase the same, in manner provided by "*The Railway Act, 1868*," to be divided into shares of one hundred dollars each; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway and other purposes of this Act.

Application.

7. No subscription for stock in the capital of the Company shall be binding on the Company, unless ten per centum of the amount subscribed has been actually paid thereon, within one month after subscription. Ten per cent. on stock subscribed to be paid up.

8. The said Company may receive, either from any Government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, in aid of the construction, equipment and maintenance of the said railway, bonuses, loans or gifts of money or securities for money. Company may receive grants of money, &c., in aid of railway.

9. When and so soon as shares to the amount of one hundred thousand dollars, in the capital stock of the said Company have been subscribed, and ten per cent. paid thereon, the Provisional Directors shall call a general meeting of the subscribers to the said capital stock, at the City of Toronto, for the purpose of electing Directors of the said Company, giving at least four weeks' notice by public advertisement in the *Canada Gazette*, and in a newspaper published in the City of Toronto, of the time, place and purpose of the said meeting. First general meeting of shareholders for election of directors.

10. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be Directors of the said Company (of whom five shall be a quorum); and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act, and "*The Railway Act, 1868.*" Business at such meeting. Election of Directors. By-laws.

11. No person shall be qualified to be elected as such Director, by the shareholders, unless he be a shareholder holding at least twenty shares of stock in the Company, and unless he has paid up all calls made thereon. Qualification of director.

12. Thereafter the general annual meeting of the shareholders of the said Company shall be held at such place, in the City of Toronto, and on such days and at such hours as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more newspapers published at the City of Toronto. Annual general meetings of shareholders.

13. Special general meetings of the shareholders of the said Company may be held at such places in the City of Toronto, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the Company. Special general meetings of shareholders.

14. The Directors of the said Company are hereby authorized to issue bonds under the seal of the said Company, signed by its President or other presiding officer and countersigned by its Secretary; and such bonds may be made payable in such money or moneys, at such times, in such manner, and at such place or places Directors may issue bonds to raise money for prosecuting the undertaking.

places in Canada or elsewhere, and bearing such rate of interest as the Directors shall think proper; and the Directors shall have power to issue and sell, or pledge all or any of the said bonds at such price and upon such terms and conditions as they may think fit, for the purpose of raising money for prosecuting the said undertaking: Provided that the amount of such bonds shall not exceed thirty thousand dollars per mile, to be issued in proportion to the length of railway constructed, or under contract to be constructed; provided also that no such bonds shall be issued until at least two hundred thousand dollars shall have been subscribed to the capital stock, and ten per centum paid thereon.

Proviso:  
amount  
limited.

Proviso.

Bonds to be  
preferential  
charges on  
the property of  
the company.

15. The bonds hereby authorized to be issued, shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the said Company, and the undertaking, tolls and income, and real and personal property thereof, now or at any time hereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata*, with all the other bond-holders.

Rights and  
privileges of  
bond-holders if  
principal or  
interest is  
not paid by  
company.

16. If the said Company shall make default in paying the principal or interest of any of the bonds hereby authorized, at the time when the same shall, by the terms of the bond, become due and payable, then at the next ensuing general annual meeting of the said Company, and all subsequent meetings, all holders of bonds so being and remaining in default, shall in respect thereof, have and possess the same rights and privileges and qualifications for Directors as would be attached to them as shareholders, if they had held fully paid up shares of the said Company to a corresponding amount: Provided nevertheless, that the right given by this section shall not be exercised by any bond-holder unless the bonds in respect of which he shall claim to exercise such rights, shall have been first registered in his name in the same manner as is provided by law for the registration of the shares of the said Company; and for that purpose the Company shall be bound on demand to register any of the said bonds in the name of the holder thereof, and to register any transfers thereof in the same manner as a transfer of shares: Provided also that the exercise of the rights given by this section shall not take away, limit, or restrain any other of the rights or remedies to which the holders of the said bonds shall be entitled.

Proviso.  
Bonds to be  
registered.

Proviso: other  
rights not  
taken away  
or limited.

Transfer of  
bonds, debentures,  
&c.

17. All the bonds, debentures, mortgages and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall in that case be transferable by delivery; and any holder of any such bonds, debentures, mortgages, or coupons so made payable to bearer, may sue at law thereon in his own name unless and until registry thereof, in manner provided in the next preceding section; and while so registered, they shall be transferable by written transfer registered in the same manner as in the case of shares, but

but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the Company shall be bound to register on the demand of the registered holder for the time being.

18. All shareholders in the said Company, whether British subjects or aliens, or residents of Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same. The President, Vice-President and a majority of the Directors shall be British subjects.

All shareholders to have equal rights.  
Exception; President, &c., to be British subjects.

19. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such note or bill made, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and under the authority of a quorum of the Directors shall be binding on the said Company: and any such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President or Secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein enacted: Provided however, that nothing in this section shall be construed to authorize the said Company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Company may become parties to promissory notes and responsible therefor, if issued with the authority of the directors.

Proviso.

20. The Directors may at any time call upon the shareholders for such instalment upon each share which they or any of them may hold in the capital stock of the said Company, and in such proportion as they may see fit; except that no such instalment shall exceed ten per centum on the subscribed capital, and that thirty days' notice of each call shall be given, in accordance with the by-laws of the Company and this Act.

Calls on stock, — limit and notice of.

21. The said Company shall have power to make running arrangements with any railway lines in the Dominion of Canada, situate on the line hereby authorized, or crossing or connecting with the same, upon terms to be approved by two-thirds of the shareholders at a special general meeting to be held for that purpose in accordance with this Act.

Running arrangements with other railways.

22. It shall be lawful for the said Company to enter into any agreement with any other railway company whose line is situate on the line hereby authorized, or whose line can connect therewith for leasing the said Ontario and Pacific Junction Railway of Canada or any part thereof, or the use thereof, at any time or times, or for leasing or hiring from such other company any railway, or part thereof, or the use thereof, or for leasing or hiring

Line or rolling stock, &c. may be leased and agreement made with other companies.

any locomotives, tenders, plant, rolling stock or other property or either or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person or by proxy, at a special general meeting to be called in accordance with this Act for that purpose; and every such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is hereby empowered to exercise all the rights and privileges in this charter conferred.

Effect of such agreement.

Conveyances of land to the company. Registration thereof.

**23.** Conveyances of land to the said Company for the purposes of this Act may be made in the form set out in the schedule hereto annexed, or to the like effect; and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the registry laws of Ontario.

Purchase, &c. by company, of land for gravel pits and stations.

**24.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, or for opening a street to any station from an existing highway, the said Company may purchase, hold, use or enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may sell and convey the same or parts thereof, from time to time as they may deem expedient; and may also make use of, for the purposes of the said railway, the water of any stream or water-course over or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course; and the compensation to be paid to the owners for such lands, or the use of such water, as also the powers of the said Company to take possession thereof, shall in case of difference, be ascertained and exercised in the manner provided by "*The Railway Act, 1868.*"

Use of streams or water courses.

Compensation for lands or use of water.

Company may build and use vessels, and improve navigation of waters in connection with the railway.

**25.** The Company may also build, purchase, acquire, lease or possess, work and operate steam and other vessels in any lakes, rivers or other navigable waters, as they may deem proper, and may do all and such things as are necessary for improving the navigation between any of such lakes and others of them; and for the purpose of connecting the means of transport between the said waters, may construct a railway of wood, iron or steel, or a tramroad, between any such lakes or rivers and others of them, and also around the rapids or any other obstructions of any of the said rivers, or may construct a canal or canals to avoid the same wherever requisite.

Telegraph line and bridges.

**26.** The Company may also construct an electric telegraph line in connection with the railway, and may also erect and construct across any such rivers or lakes, as are in the next preceding section

section referred to, or which may be in or near the route of the railway, a bridge or bridges where the same shall be necessary for the purposes of the railway; but this shall not apply to the navigable portions of any of the aforesaid waters without the assent of the Governor in Council first obtained. Proviso.

27. The railway shall be commenced within five years and completed within ten years after the passing of this Act, and in default thereof, the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete. Limitation of Act: as to non-user.

28. The Company shall not have power to acquire any lands or to commence the construction of the Railway hereby authorized until after such day as shall be fixed by Proclamation of the Governor in Council. When this Act shall come into force.

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### SCHEDULE.

Know all men by these presents, that I (or we) (*insert also the name of wife or any other person who may be a party*) in consideration of \_\_\_\_\_ dollars paid to me (or as the case may be) by the Ontario and Pacific Junction Railway Company of Canada, the receipt whereof is hereby acknowledged, do grant, and I, the said

do grant and release (or do bar my dower in, *as the case may be*) all that certain parcel (or those certain parcels, *as the case may be*) of land situate (*describe the land*) the same having been selected by the said Company for the purposes of their railway, to hold with the appurtenances thereof unto the said Ontario and Pacific Junction Railway Company of Canada, their successors and assigns.

As witness my hand and seal (or our hands and seals) this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred \_\_\_\_\_

and

Signed, Sealed and Delivered, }  
in the presence of }

A. B. [L.S.]

## CHAP. 75.

An Act to incorporate the Neepigon and Manitoba  
Railway Company.

[Assented to 26th May, 1874.]

Preamble.

**W**HEREAS the construction of a Railway from a point on the shore of Lake Superior at the west of Neepigon River to the City of Winnipeg in the Province of Manitoba, either in a continuous line or with power to utilize the navigable waters along the said route for the purpose of transport, would be of general benefit to the Dominion; And whereas a petition has been presented praying for the incorporation of a Company for that purpose, and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

**1.** Henry S. Howland, of the City of Toronto, Esquire; John Turner, of the same place, Esquire; D. Galbraith, of the same place, Esquire; A. P. Cockburn, Esquire, and Herman H. Cook, of the City of Toronto, Esquire; James D. Edgar, of the same place, Esquire; John Moat, of the City of Montreal, Esquire; and William Thomson, of the City of Toronto, Esquire, together with such persons and corporations as shall under the provisions of this Act become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Neepigon and Manitoba Railway Company."

Corporate name.

Company may build a railway and utilize navigable waters between certain points.

**2.** The said Company shall have full power and authority to lay out, construct and complete a double or single iron or steel railway, of a gauge of four feet eight and a half inches in width, from a point on the shore of Lake Superior at the west of Neepigon River, to the City of Winnipeg in the Province of Manitoba, either in a continuous line or with power to utilize the navigable waters along the said route for the purpose of transport.

May acquire water-lot property, and land for snow-drift fences.

**3.** Notwithstanding anything contained in section nine of "*The Railway Act, 1868*," the said Company may acquire land and water-lot property, for the purposes of their undertaking, and may acquire under the provisions in that behalf of the said Railway Act, and hold such width of land on the sides of the railway and its branches at any point as may be needed for the erection of snowdrift fences or barriers at a sufficient distance from the track to prevent the obstruction of the line by drifting snow; and the compensation to be paid to the owners for such lands and water-lots as also the powers of the said Company to take possession thereof shall, in case of difference, be ascertained and exercised in the manner provided by the section of the said Railway Act respecting lands and their valuation.

Compensation therefor.

4. The persons named in the first section of this Act, with power to add to their number, shall be and are hereby constituted Provisional Directors of the said Company, of whom five shall be a quorum, and shall hold office as such until the first election of Directors under this Act, and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and to receive payment on account of stock subscribed, and make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made; and to acquire any plans and surveys now existing, and to deposit in any chartered bank of Canada, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the Company any grant, loan, bonus or gift made to it, in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under "*The Railway Act, 1868*," are vested in ordinary Directors.

Provisional  
Directors.Their powers  
and quorum.

5. The capital stock of the said Company shall be three million dollars (with power to increase the same in manner provided by "*The Railway Act, 1868*"), to be divided into shares of one hundred dollars each, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway and other purposes of this Act.

Capital stock  
and shares.Application  
thereof.

6. No subscription for stock in the capital of the Company shall be binding on the Company unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Ten per cent.  
of amount  
subscribed,  
to be paid up.

7. The said Company may receive either from any Government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, in aid of the construction, equipment and maintenance of the said railway, bonuses loans or gifts of money or securities for money.

Company may  
receive grants  
of money, &c.,  
in aid of rail-  
way.

8. When and so soon as shares to the amount of three hundred thousand dollars in the capital stock of the Company have been subscribed, and ten per centum thereon has been paid, the Provisional Directors shall call a general meeting of the subscribers to the said capital stock at the City of Toronto for the purpose of electing Directors of the said Company, giving at least four weeks' notice by public advertisement, as provided by the eleventh section, of the time, place and purpose of the said meeting.

First general  
meeting of  
shareholders  
for election of  
directors.

Notice.

9. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof, with

Business at  
such meeting.

with

Election of  
Directors.

with such proxies as may be present, shall choose nine persons to be Directors of the said Company (of whom five shall be a quorum) and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act, and "*The Railway Act, 1868.*"

By-laws.

Qualification  
of director.

**10.** No person shall be qualified to be elected as such Director by the shareholders, unless he be a shareholder holding at least twenty shares of stock in the Company, and unless he has paid up all calls made thereon.

Annual general  
meetings of  
shareholders,  
and notice  
thereof.

**11.** Hereafter the general annual meeting of the shareholders of the said Company shall be held at such place in the City of Toronto, and on such days, and at such hours as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more newspapers published at the City of Toronto.

Special general  
meetings of  
shareholders.

**12.** Special general meetings of the shareholders of the said Company may be held at such places in the City of Toronto, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the Company.

Directors may  
issue bonds to  
raise money  
for the under-  
taking.

**13.** The Directors of the said Company are hereby authorized to issue bonds under the seal of the said Company signed by its President or other presiding officer, and countersigned by its Secretary; and such bonds may be made payable in such manner, and at such place or places in Canada or elsewhere, and bearing such rate of interest as the Directors shall think proper; and the Directors shall have power to issue and sell, or pledge all or any of the said bonds at such price and upon such terms and conditions as they may think fit, for the purpose of raising money for prosecuting the said undertaking: Provided that the amount of such bonds shall not exceed thirty thousand dollars per mile, to be issued in proportion to the length of railway constructed, or under contract to be constructed; provided also that no such bonds shall be issued until at least five hundred thousand dollars shall have been subscribed to the capital stock and ten per centum paid thereon.

Proviso:

Proviso.

Bonds to be  
preferential  
charges on  
the property of  
the company.

**14.** The bonds hereby authorized to be issued shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the said Company, and the undertaking, tolls, and income, and real and personal property thereof, now or at any time hereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bondholders.

Rights and  
privileges of  
bondholders.

**15.** If the said Company shall make default in paying the principal or interest of any of the bonds hereby authorized, at the

the time when the same shall by the terms of the bond become due and payable, then at the next ensuing general annual meeting of the said Company, and all subsequent meetings, all holders of bonds so being and remaining in default, shall, in respect thereof, have and possess the same rights and privileges, and qualifications for Directors as would be attached to them as shareholders, if they had held fully paid up shares of the said Company to a corresponding amount: Provided nevertheless, that the right given by this section shall not be exercised by any bond-holder unless the bonds in respect of which he shall claim to exercise such rights, shall have been first registered in his name in the same manner as is provided by law for the registration of the shares of the said Company; and for that purpose the Company shall be bound, on demand, to register any of the said bonds in the name of the holder thereof, and to register any transfers thereof, in the same manner as a transfer of shares: Provided also, that the exercise of the right given by this section, shall not take away, limit, or restrain any other of the rights or remedies to which the holders of the said bonds shall be entitled.

principal or interest is not paid.

Proviso: bonds to be registered.

Proviso: no other right or remedy taken away or limited.

16. All the bonds, debentures, mortgages and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall, in that case, be transferable by delivery; and any holder of any such bonds, debentures, mortgages or coupons so made payable to bearer, may sue at law thereon in his own name, unless and until registry thereof, in manner provided in the preceding section; and while so registered they shall be transferable by written transfer registered in the same manner as in the case of shares; but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the Company shall be bound to register on the demand of the registered holder for the time being.

Transfer of bonds, debentures, &c.

17. All shareholders in the said Company whether British subjects or aliens, or residents of Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same. The President and Vice-President and the majority of the Directors shall be British subjects.

Aliens may be shareholders.

President, &c. to be British subjects.

18. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such note or bill made, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and under the authority of a quorum of the Directors, shall be binding on the said Company; and any such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President, or Secretary be individually responsible for the

Company may become parties to promissory notes authorized by directors.

Form. Non-liability of officers.

Proviso. same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein enacted: Provided, however, that nothing herein contained shall be construed to authorize the said Company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Calls on shares, limitation and notice thereof. **19.** The Directors may, at any time, call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said Company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum on the subscribed capital and that thirty days' notice of each call shall be given.

Running arrangements with other proximate railway lines. **20.** The said Company shall have power to make running arrangements with any railway lines in the Dominion of Canada situate on the line hereby authorized to be constructed, or crossing or connecting with the same, upon terms to be approved by two-thirds of the shareholders at a special general meeting to be held for that purpose in accordance with this Act.

Agreement may be made with other companies as to lease of line or rolling stock. **21.** It shall be lawful for the said Company to enter into any agreement with any other railway company whose line is situate on the line hereby authorized, or whose line can connect therewith, for leasing the said Neepigon and Manitoba railway or any part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders, plant, rolling stock or other property of either, or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person or by proxy at a special general meeting to be called in accordance with this Act for that purpose; and every such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof, and any company or individual accepting and executing such lease shall be, and is hereby empowered to exercise all the rights and privileges in this charter conferred.

Conveyances of land to company. **22.** Conveyances of land to the said Company for the purposes of this Act may be made in the form set out in the Schedule hereto annexed, or to the like effect; and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the registry laws of the Province in which the lands may be situate.

Company may purchase land for gravel pits, streets and stations. **23.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, or for opening a street to any station from an existing highway, the said Company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time, as they may

may deem expedient; and may also make use of, for the purpose of the said railway, the water of any stream or water-course over or near which the said railway passes, doing however no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse; and the compensation to be paid to the owners for such lands, or the use of such lands, or the use of such water, as also the powers of the said Company to take possession thereof, shall, in case of difference, be ascertained and exercised in the manner provided by the section of "*The Railway Act 1868*," respecting "lands and their valuation."

Use of streams or water courses.

Compensation therefor.

24. The Company may also construct an electric telegraph line in connection with the railway, and may also erect and construct across any of such rivers or lakes as are in the next section referred to, or which may be in or near the route of the railway, a bridge or bridges when the same shall be necessary for the purposes of the railway; but this shall not apply to navigable portions of any of the aforesaid waters without the assent of the Governor in Council first obtained.

Company may construct telegraph line and bridges on route of railway.

Proviso.

25. The Company may also build, purchase, acquire, lease, or possess, work and operate steam and other vessels in any lakes, rivers, or other navigable waters, as they may deem proper and expedient in connection with their railway, and may do all and such things as are necessary for improving the navigation between any of such lakes and others of them; and for the purpose of connecting the means of transport between the said waters, may construct a railway of wood, iron or steel, or a tramroad between any of such lakes or rivers and others of them, and also around the rapids or any other obstructions of any of the said rivers, or may construct a canal or canals to avoid the same whenever requisite.

Company may build and use vessels, and improve navigation of rivers, &c., in connection with their railway.

26. The Railway shall be commenced within three years and completed within seven years after the passing of this Act, and in default thereof, the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Limitation of Act.

27. The Company shall not have power to acquire any lands or to commence the construction of the Railway hereby authorized, until after such day as shall be fixed by proclamation of the Governor in Council.

When this Act shall come into operation.

### SCHEDULE.

Know all men by these presents that I (or we) (insert also the name of wife or any other person who may be a party,) in consideration of \_\_\_\_\_ dollars to me (or as the case may be) by the Neepigon and Manitoba Railway Company, the receipt whereof is hereby acknowledged, do grant, and

I the said \_\_\_\_\_ do grant and release  
 (or do bar my dower in, *as the case may be*) all that certain  
 parcel (or those certain parcels, *as the case may be*) of land  
 situate (*describe the land*) the same having been selected by the  
 said Company for the purposes of their railway, to hold with the  
 appurtenances thereof unto the said Neepigon and Manitoba  
 Railway Company, their successors and assigns.

As witness my hand and seal (or our hands and seals) this  
 day of \_\_\_\_\_ one thousand eight hundred and

Signed, sealed and delivered, }  
 in the presence of }

A. B. [L.S.]

## CHAP. 76.

### An Act to incorporate "The Neutral Link Railway Company."

[Assented to 26th May, 1874]

Preamble.

WHEREAS Edward Gurney, John Stuart, Andrew Trew Wood  
 and James Miller Williams have, by their petition, set forth  
 that it will be to the general advantage of Canada, that a railway  
 shall be built from some point at or near the eastern terminus of  
 the projected Canadian Pacific Railway, and in the neighborhood  
 of Lake Nipissing, to some point near Lake Muskoka, to connect  
 with the existing railway system there converging, over which  
 railway all railway companies, whether such as are incorporated  
 by the legislature of the late Province of Canada, the Parlia-  
 ment of Canada or the Legislature of Ontario, shall have  
 equal rights and privileges to forward and despatch their  
 traffic to or from their own respective systems to the Canadian  
 Pacific Railway, without favor or discrimination; And whereas  
 the said persons have prayed that they should be incorporated to  
 accomplish the said objects; And whereas the construction of the  
 said railway for the use of all other railway companies, through  
 the sparsely peopled country over which the same is projected, will  
 prevent the waste of capital, and will afford for many years suf-  
 ficient railway accommodation; and it is expedient to grant the  
 prayer of the said petition: Therefore Her Majesty, by and with  
 the advice and consent of the Senate and House of Commons of  
 Canada, enacts as follows:—

Certain per-  
 sons incorpor-  
 ated.

1. Edward Gurney, Anthony Copp, William E. Sanford, John  
 Wright, James Miller Williams, John Field, William J. Copp, James  
 Turner, Andrew F. Skinner, Donald Nicholson, Peter W. Dayfoot,  
 William

William McGiverin, John Innes Mackenzie, John Brown, John Peter Cockburn, Adolphus Hugel, George Josiah Cook, John Proctor, Thomas Kelso, John C. Miller, Robert E. Perry, William Beatty, and Isaac B. McQuesten, with such persons and corporations as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The Neutral Link Railway Company."

Corporate name.

2. In this Act the expression "other Company" shall mean any other railway company, the railway of which, or any part thereof touches or shall touch the railway hereby authorized to be constructed, or any part thereof.

Interpretation "Other Company."

The expression "other Railway" shall mean the line of railway of any company above described as an "other Company."

"Other Railway."

The word "Traffic" shall mean not only passengers and their baggage, goods, animals and things conveyed by railway, but also cars, trucks and vehicles of any description adapted for running over any railway, and whether loaded or unloaded, and also shall include the cars, trucks and vehicles of other companies which may be brought over other railways to be conveyed or forwarded over the railway.

"Traffic."

The expression "Local Traffic" shall mean traffic as defined by this Act, which shall be booked to or from any station, or between any stations on the railway, or booked to or from any station on the railway to any station or place on any other railway, or place beyond any place on such other railway.

"Local Traffic."

3. "The Railway Act, 1868," is hereby incorporated with this Act, and shall form part hereof and be construed herewith as forming one Act: Provided that no powers in the said Act contained, shall be conferred upon, or capable of being exercised by the Company which shall permit or authorize the Company to become carriers of goods or passengers, or acquire rolling stock, save for the purpose of construction and maintenance of the said Company, or for the purpose of supplying locomotive power to move the traffic of other companies, if the Company shall not have made arrangements in pursuance of the sixteenth section of this Act.

Railway Act 1868, to form part of this Act.

Proviso: powers render said Act restricted in certain cases.

4. The Company hereby incorporated shall have full power and authority under this Act, to construct, maintain and manage a railway from any place near Lake Nipissing, at which the Canadian Pacific Railway shall terminate or be located, to some other point at or near Lake Muskoka, to which any railway is now built or under construction, and to any other point to which any railway is now built or under construction in the peninsula between Georgian Bay and Lake Simcoe, not further south than the Town of Barrie.

Line of railway under this Act.

Provisional  
Directors.

5. The persons named in the first section are constituted the Board of Provisional Directors of the 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 *Canada Gazette* of the time and place of their meeting, to receive subscriptions of stock; and the Provisional Directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing; and it shall be their duty as hereinafter provided, to call a general meeting of shareholders for the election of Directors.

Their powers  
and duties.

Subscription  
of Stock: ten  
per cent to be  
paid up.

6. No subscription of stock in the capital of the Company shall be legal or valid, unless ten per centum shall have been actually and *bond fide* paid thereon, within five days after subscription, into one or more of the chartered banks of Canada, to be designated by the Directors; and such ten per centum shall not be withdrawn from such bank or otherwise applied, except for the purposes of such railway, or upon the dissolution of the Company from any cause whatever.

Aliens may be  
shareholders.

7. All shareholders in the Company, whether British subjects or aliens, or residents, or corporations in Canada or elsewhere, shall have equal rights to hold stock in the Company, and to vote on the same, and (except corporations) shall be eligible to office in the Company: Provided always that the President and Vice-President and a majority of the Directors of the Company shall always be subjects of Her Majesty and residents of Canada.

President, &c.,  
and majority  
of directors to  
be British  
subjects.

Capital and  
shares.

8. The capital stock of the Company shall be one million dollars divided into ten thousand shares of one hundred dollars each.

First general  
meeting of  
shareholders.

9. So soon as one hundred thousand dollars of the capital stock shall have been subscribed as aforesaid, and ten per cent *bond fide* paid thereon, and deposited in one or more of the chartered banks of Canada for the purposes of the Company, the Provisional Directors or a majority of them, shall call a meeting of the shareholders of the Company, at such time and place as they may think proper, giving at least two weeks' notice in the *Canada Gazette*, at which meeting the shareholders shall elect seven Directors from the shareholders possessing the qualifications hereinafter mentioned,—which Directors shall hold office until the next annual meeting of the shareholders as hereinafter provided.

Election of  
directors.

Annual general  
meeting  
shareholders

10. The annual general meeting of the shareholders for the election of Directors, and other general purposes, shall be held at such place as may be appointed by by-law of the Board of Directors on the first Wednesday in the month of June in each year, and two weeks' previous notice thereof shall be given by publication, as provided in the last preceding section.

11. No person shall be elected a Director of the Company, Qualification of Directors. unless he shall be the holder and owner in his own right or as trustee for any corporation, of at least forty shares in the stock of the Company, and shall have paid up all calls made thereon.

12. The Directors of the Company may at any meeting of the Directors may vote by proxy. Board vote by proxy,—such proxy to be held by another Director: Provided that no more than two proxies shall be held by one Director of the other Directors, and not less than four Directors shall be present in person at any meeting of the Board of Directors for the transaction of business.

13. No call to be made at any time upon the capital stock, Calls on stock limited. shall exceed ten per centum on the subscribed capital.

14. The Company shall have power to become parties to Company may become party to notes and bills, &c., and how. promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such promissory note made or endorsed and such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company; and every such promissory note or bill of exchange made, drawn, Form of note, etc., binding on the company. accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note; nor shall the President, Vice-President or Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be Proviso. thereby subjected individually to any liability whatever: Provided always that nothing in this section shall be construed to authorize the Company to issue any note payable to bearer or any promissory note intended to be circulated as money or as the notes of a bank.

15. Whenever it shall become necessary for the purpose of Company may purchase and dispose of lands, and for what purposes. procuring sufficient lands for stations or gravel pits, or ballasting or other purposes for constructing, maintaining or using the railway, or working or using the trains, to purchase more land than is required for such stations, or gravel pits, or ballasting or other purposes, the Company may purchase, take, hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railway, in such manner and for such purposes connected with the construction, maintenance or use of the works as they may deem expedient, and may sell and convey the same or parts thereof from time to time as they may deem expedient.

16. It shall be lawful for the Company to enter into any May enter into agreements with other agreement with any other company for the use or partial use of the

companies for use of railway, etc.

the railway by such other company or for leasing or hiring from such other company any other railway or part thereof or the use thereof, and for any period or term, or for the leasing or hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with any other company touching the use of the railway or of the railway of the other company, or the moveable property of the other company, or touching any service to be rendered by the one company to the other and the compensation therefor; and any other company may agree for the loan of its credit to (either by direct guarantee or traffic contract or otherwise) or may subscribe to and become the owner of the stock of the Company hereby created, in like manner and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company accepting and executing such lease or agreement, shall be and is empowered to exercise all the rights and privileges in this charter conferred, subject to the limitations and reservations (if any) in such agreement or lease expressed.

And for borrowing money  
Subscribing to stock.

Effect of such agreement.

Tariff rates to be same for cars or traffic of all railways passing over railway hereby incorporated.

**17.** When the railway is completed and ready for traffic, the cars and traffic of the railway of other companies now constructed or hereafter to be constructed (including the cars of any other railway company which may be brought over other railways) shall have the right to be hauled and forwarded over the railway at corresponding tariff rates for the persons and property transported, so that no discrimination in tariff for such transportation shall be made in favor or against any other company whose cars or traffic may be forwarded over the railway.

Other railways may carry local traffic at certain rates.

**18.** Any other company using the railway shall have the right to carry and compete for the local traffic of the railway, of which monthly returns shall be made to the Company,—out of which local traffic a rate shall be allowed to such other company for earning the same, and the balance shall be struck half-yearly and then paid to the Company, and shall form part of the general fund of the Company, to be applied and accounted for in accordance with the twentieth section of this Act.

Arbitration in case of disagreement.

**19.** In case of any disagreement, and as often as the same may arise, as to the rights of any other company, whose traffic shall pass or desire to pass over the railway, or to pass over the other railways over which agreements for passing traffic may have been made by the Company, or the tariff rates to be charged in respect thereof, or in respect of local traffic, or the tariff rates in respect thereof, the same shall be determined by arbitrators, one to be appointed by the Company, and another by the other company with whom the disagreement shall have arisen, and a third (who shall be some person experienced in railway affairs) by one of the superior courts of the Province of Ontario, upon application to such court,—due notice thereof having been given to the parties interested; and the award of the arbitrators, or the majority of them

them, shall be final: Provided that the terms of the award shall Proviso.  
not be binding for a longer term than five years:

But in any arbitration in respect of the said matters in this Priority of  
section mentioned, the agreements which shall then be in force agreement to  
with any other company, or the use then being made of the rail- give no spe-  
way by any other company, shall not secure to such other com- cial privileges  
pany or companies any favor or discrimination in the use of the  
railway, by reason of priority of agreement or use by such other  
company or companies.

20. The Company shall have the right to charge the other What compen-  
companies, whose traffic shall pass and be forwarded over the sation for use  
railway, such compensation by way of toll or rental, as shall be of railway to  
found by experience requisite to yield an amount which will be be charged  
sufficient to pay the expense of keeping in repair, maintaining against other  
and managing the railway, the interest upon the money borrowed companies.  
for the construction thereof, and dividends not exceeding ten per  
centum per annum upon the capital stock, and an additional  
sum which would be sufficient to furnish a sinking fund each  
year, not to exceed five per centum of the amount of the bonded  
debt; and deficiencies in the amount of tolls in any one year  
may be charged for and collected in any subsequent year.

21. If the tolls or rental collected shall not, in any year, have Company to  
paid the amount which the other companies shall have guaranteed, defray defi-  
and the other companies shall have had to pay the deficiency, ciency in tolls  
such deficiency shall be a debt due by the Company to the other collected by  
companies, to be discharged thereafter with interest; or the other other com-  
companies and the Company may agree for the discharge of the panies in cer-  
said debt by the creation and issue of capital stock at such rates tain cases.  
or prices as may be agreed on.

22. It shall be lawful for the Company to agree with any other Tolls may be  
company using or proposing to use the railway as to the amount commuted;  
of tolls, rental or compensation to be paid for such use, and to etc.  
commute the same at any fixed or variable amount, and with Proviso.  
power to alter and vary the terms of such agreement: Provided,  
that any money to be so paid or received shall be charged and  
chargeable and be applied only in the same manner as the tolls,  
rentals or payments in lieu of which the same may be substituted  
would have been applicable, had the same been levied and paid.

23. The railway shall be commenced within three years, and I  
completed within six years, after the date of the proclamation Amitation  
mentioned in the next section. of Act.

24. The Company shall not have power to acquire any lands When any  
or to commence the construction of the railway hereby authorized, railway is  
until after such day as shall be fixed by proclamation of the required.  
Governor in Council.

## CHAP. 77.

## An Act to incorporate the Niagara Grand Island Bridge Company.

[Assented to 26th May, 1874.]

Preamble.

**W**HEREAS the persons hereinafter named have petitioned for power to build a railway bridge across the Niagara River at some point near Black Creek, in the County of Welland, and for the incorporation of a company for that purpose, 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:—

Declaratory.

1. The Niagara Grand Island Bridge is hereby declared to be a work for the general advantage of Canada.

Certain persons incorporated.

2. William A. Thomson, Isaac H. Allen, Edwin Hershey, John Flett, Lanty S. Lundy, Archibald McLachlin, Colin Macdougall, H. P. Smith and John Nice, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Niagara Grand Island Bridge Company;" and the said company shall have full power and authority to purchase, acquire, take and hold such lands, lands covered with water, beaches and other property, as may be necessary for the purpose of constructing the said bridge, or for the convenient using of the same, and also for the construction of such branch railway, not exceeding four miles in length, as may be necessary to make connections or to approach the said bridge.

Corporate name and general powers.

Railway Act, 1868, incorporated with this Act.

3. "The Railway Act, 1868," is hereby incorporated with this Act, and shall form part thereof, and be construed therewith as forming one Act.

Power to construct railway bridge across Niagara river.

4. The Company hereby incorporated shall have full power under this Act, to construct, maintain, work and manage a railway bridge across the Niagara River for railway purposes, from some point at or near Black Creek, in the County of Welland, towards the Grand Island, in the State of New York, in the United States of America.

Power to work trains over the bridge, for passenger and freight traffic.

5. The Company are hereby authorized to work trains by steam or horse power for local passengers and freight traffic between the State of New York and the County of Welland, over the bridge hereby authorized to be constructed, and to connect the said trains with other railways.

6. The persons named in the second section are constituted **Provisional directors** 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 *Canada 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 may acquire any plans and surveys now existing; and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of Directors. **Their powers and duties.**

7. 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 *bonâ fide* paid thereon, within five days after subscription, into one or more of the chartered banks of Canada, 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 bridge, or upon the dissolution of the Company from any cause whatever; and the said Directors, or a majority of them, may, in their discretion, exclude any person from subscribing who, in their judgment, would hinder, delay or prevent the said Company from proceeding with and completing their undertaking under the provisions of this Act; 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 such allocation, the said Directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, their so doing will best secure the building of the said railway bridge. **Subscriptions of stock, ten per cent. to be paid up.**  
**Directors may exclude objectionable subscribers.**  
**And allocate surplus stock.**

8. All shareholders in the said Company, whether British subjects or aliens, or residents in Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same, and shall be eligible to office in the said Company. **All shareholders to have equal rights.**

9. The capital stock of the said Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each. **Capital and shares.**

10. So soon as two hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent *bonâ fide* paid thereon, and deposited in one or more of the chartered banks of Canada 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 the *Canada and Ontario Gazettes*, 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 meeting of the shareholders as hereinafter provided. **First meeting of shareholders.**  
**Election of directors.**

Annual general meeting and notice thereof.

11. The annual general meeting of the shareholders for the election of Directors and other general purposes shall be held at Black Creek or elsewhere, as may be appointed by by-law, on the first Wednesday in the month of June in each year; and two weeks' previous notice thereof shall be given by publication as provided in the last preceding section.

Qualification of directors.

12. 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.

Calls on shares.

Liability limited.

13. No call to be made at any one time upon the said capital stock shall exceed ten per centum on the subscribed capital; and no stockholder shall be liable for the debts or obligations of the Company beyond the amount unpaid on any stock held by him.

Directors to have power to issue bonds under Railway Act, 1868.

14. It shall be lawful for the Directors of the said Company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, to borrow money and issue bonds under the provisions of "*The Railway Act, 1868*"; and such bonds may be for any term of years not exceeding thirty, and may bear interest at the rate of seven per centum per annum, and may be sold or disposed of by the Directors at their marketable value.

Company may become parties to notes: and how.

15. The Company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer, as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note; nor shall the President, Vice-President or Secretary and Treasurer of the Company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subject individually to any liability whatever: Provided always, that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer, or any promissory note intended to be circulated as money, or as the note of a bank.

Form of note binding the company.

Proviso.

Plans of works, &c., to be submitted to Governor

16. The said Company shall not commence the said bridge, or any work thereunto appertaining, until the Company shall have submitted to the Governor in Council plans of such bridge, and of all

all the intended works thereunto appertaining, nor until such plans and the site of such bridge shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose, touching the said bridge and works, shall have been complied with; nor shall any such plan be altered, nor any deviation therefrom allowed, except by the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always, that the said bridge shall be constructed so as not materially to obstruct the navigation of the Niagara River; and the said bridge shall have a draw in the main channel of the river,—which said draw shall be of the width of one hundred feet, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river: from sundown until sunrise, during the season of navigation, suitable lights shall be maintained upon the said bridge to guide vessels approaching the said draw; and the use of the said bridge shall be subject to such regulations as shall be, from time to time, approved of by the Governor in Council.

in Council for approval.

Navigation of river not to be obstructed unnecessarily by bridge.

Draw in bridge.

Lights: Regulations.

17. It shall be the duty of the said Company during the construction of such bridge, to put up and maintain in the night time during the season of navigation a good and sufficient light at each end of any coffer, dam or pier which may be erected by the said Company: Provided always, that before commencing the works of the said bridge, or taking possession of any part of the beach or land covered with water or other property of the Crown, the Company shall obtain the consent of the Governor in Council, who may impose such terms and conditions as he shall think proper before granting permission to commence the works or take possession of any property of the Crown as aforesaid: Provided also, that the navigation of such river shall not be unnecessarily obstructed by such work.

Maintenance of lights on coffer dams, &c.

Proviso: Consent of Governor in Council required before commencing the works, &c.

Proviso.

18. Whenever it shall become necessary, for the purpose of procuring sufficient lands for stations or gravel pits or other purposes, for constructing, maintaining, and using the said bridge, to purchase more land than is required for such stations or gravel pits, or other purposes, the said Company may purchase, hold, use, or enjoy such lands, and also the right of way thereto, if the same be separated from their bridge, in such manner, and for such purposes connected with the constructing, maintenance or use of the said bridge, as they may deem expedient, and shall sell and convey the same, or part thereof, not permanently required for the use of the bridge.

Sale of land not required by company for use of bridge.

19. It shall be lawful for the said Company to enter into any agreement with any railway or railroad company or companies in the Dominion of Canada, or in the United States of America, for leasing the said bridge, or the use thereof, at any time or times, or for any period, to such railway or railroad company or companies; or for leasing or hiring from such company or companies, any railway or railroad, or part thereof, or the use thereof;

Company may lease bridge,

Or hire any railway,

or rolling stock, or make agreement for use of bridge or railway.

Railway companies may loan credit to or become stock-holders, &c., in Company.

or for the leasing or hiring any locomotives, tenders, or movable property; and generally to make any agreement or agreements with any such company or such companies, touching the use by one or the other or others, of the bridge, or railway or railways, or railroad or railroads, or movable property of either or any of them, or any part thereof, or touching any service to be rendered by the one company to the other or others, and the compensation therefor; and any such railway or railroad company or companies may agree for the loan of its credit to, or may subscribe to and become the owner of the stock of the Company hereby created, in like manner, and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in this charter conferred.

Tariff rates to be same for all railways passing over bridge.

**20.** When the said railway bridge is completed and ready for traffic, all trains of all railways or railroads terminating at or near Black Creek as aforesaid, or in the State of New York, at or near some point on Grand Island, nearly opposite Black Creek, now constructed, or hereafter to be constructed, (including the cars of any other railway company which may be brought over such railway), shall have the right to pass over the said bridge, at corresponding tariff rates, for the persons and property transported, so that no discrimination in tariff rates for such transportation shall be made in favor of or against any railway or railroad whose trains or business pass over the said bridge.

Arbitration in case of disagreement.

**21.** In case of any disagreement, and as often as the same may arise, as to the rights of any railroad or railway whose trains or business shall pass over the said work hereby authorized to be constructed, or the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators,—one to be appointed by the Company hereby incorporated, and another by the Company with whom the disagreement shall have arisen, and a third (who shall be some person experienced in railway affairs) by one of the superior courts of the Province of Ontario, upon application to such court, due notice thereof having been given to the parties interested; and the award of the said arbitrators, or the majority of them shall be final: Provided that the terms of the said award shall not be binding for a longer term than five years.

Award to be final.  
Proviso.

Power to unite with a Company incorporated in State of New York.

**22.** It shall be lawful for the said Company to unite, amalgamate, and consolidate its stock, property and franchises, with the stock, property and franchises of 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 the Company hereby incorporated, and to enter into all contracts and agreements therewith necessary to such union and amalgamation, and which said company shall be by the laws of the State of New York, authorized to enter into such amalgamation or consolidation:

23. Subject to the provisions of this Act, the Directors of the Company hereby incorporated, 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 the said corporations, for the amalgamation and consolidation of the said corporations—prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number 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 of par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation, and how, and when, and for how long directors and other officers of such new corporation shall be elected, and when elections shall be held, with such other details as they shall deem necessary to perfect such new organization, and the consolidation and amalgamation of the said corporations and the after-management and working thereof; and such new corporation shall have power to consolidate or unite with either or any of the lines of railway having powers of consolidation or union, connecting with the said bridge, by the same means and to the same ends as the same may be consolidated by this Act.

Power to directors to enter into agreement with New York Company, and regulate details.

New corporation may unite with any connecting lines of railway.

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 corporations shall stand on the books of such corporations, and delivered to such persons respectively, or addressed to them by mail, at their last known post office address or place of residence; and also by a general notice to be published in a newspaper published in the County of Welland, 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 the said ballot to be cast in person or by proxy; and if two-thirds of the votes of all the stockholders of each such corporation shall be for the adoption of such agreement, then that fact shall be certified upon each of the 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 the 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 of the Dominion of Canada, and the other in the office of the Secretary of State of the State of New York; and the said agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the

Agreement to be submitted to stockholders of each corporation.

Notice of meeting to be given to each stock-holder.

Voting on agreement.

If adopted agreement to be filed with Secretary of State of Canada, and with the Secretary of State of New York.

the 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.

Powers of consolidated corporation.

**25.** Upon the making and perfecting of the said agreement and act of consolidation as provided in the next preceding section and the filing of the said agreement, as in the said section provided, the several corporations, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, 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.

Property and rights of the several corporations to be transferred to and vested in new corporation.

**26.** Upon the consummation of such act of consolidation as aforesaid, all and singular the property, real, personal and mixed, and all rights and interests 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 the said corporations shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and provided also that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation; but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

Rights of creditors protected.

And rights of suitors not affected.

New corporation may negotiate loans, &c., under Railway Act, 1868.

**27.** 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 the work hereby authorized, 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; under the provisions of "*The Railway Act, 1868.*"

Mode of voting at all meetings.

Proxies.

Proviso. Quorum at meetings of directors.

**28.** At all meetings of the stockholders of the Company hereby incorporated, 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: Provided that no more than two proxies be held by one Director, of the other Directors, and not less than four Directors shall be present in person at any meeting of the Board of Directors for the transaction of business.

29. The works shall be commenced within three years, and completed within six years from the passing of this Act. Limitation clause.

30. The Company shall have power to construct as part of, or in connection with the said railway bridge, a passage floor or way for horses, carriages and foot passengers, and they may make the same either during the construction of the said railway bridge, or at any time after the completion thereof; and in the event of their electing to construct such way or foot bridge, they may make, amend, repeal, re-enact and enforce all such by-laws, rules and regulations as shall seem to them proper and necessary, as to the management, control and use thereof, and as to the tolls and fares to be received and charged for passing the same. Company may construct way or foot bridge in connection with railway bridge.

## CHAP. 78.

### An Act to incorporate the Lochiel, Hawkesbury and L'Original Junction Railway Company.

[Assented to 26th May, 1874.]

**WHEREAS** the persons hereinafter named and others have, by their petition, represented that a branch line of railway, to be constructed from some point on the line of the Montreal and City of Ottawa Junction Railway to the villages of Hawkesbury and L'Original, would afford to the lower section of the Ottawa Valley direct railway communication with the Cities of Ottawa and Montreal, and have prayed to be incorporated as a Company for the purpose of constructing such line; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble

1. The Lochiel, Hawkesbury and L'Original Junction Railway is hereby declared to be a work for the general advantage of Canada. Declaratory.

2. The Honorable Donald Alexander Macdonald, M.P., the Honorable John Hamilton, Senator, Archibald McNab, James Fraser, Allan B. Macdonald, William Robertson, and J. P. Wells, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic by the name of the "Lochiel, Hawkesbury and L'Original Junction Railway Company," and shall have all the powers incident to railway corporations in general, and the powers and privileges conferred on such corporations by "The Railway Act, 1868," subject to the provisions hereinafter contained. Certain persons incorporated. Corporate name and general powers.

Power to build Railway, within certain limits.

3. The said Company and their agents and servants may lay out, construct and finish a double or single iron railway, of such width or gauge as the Company see fit, from the River Ottawa, at or near the Village of L'Original to Hawkesbury, and thence to some point on the line of the Montreal and City of Ottawa Junction Railway in the Township of Lochiel.

Capital Stock and shares, and how to be applied.

4. The capital stock of the said Company shall not exceed in the whole the sum of one million dollars, to be divided into ten thousand shares, of one hundred dollars each, which amount shall be raised by the persons hereinafter named, and such other persons and corporations as may become shareholders in the said Company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the railway; and all the rest and remainder of such money shall be applied towards making, completing, and maintaining the said railway and other purposes of this Act.

Company may receive aid in land, &c., and dispose thereof.

5. It shall be lawful for the said Company to receive either by grant from Government or from any private individuals or corporations, as aid in the construction of the said railway, any vacant lands in the vicinity thereof, or any other real or personal property, or any sums of money, either as gifts, or in payment of stock, and legally to dispose of the same and alienate the lands or other real or personal property for the purposes of the said Company, in carrying out the provisions of this Act.

Provisional Directors and their powers.

6. The Honorable Donald Alexander Macdonald, M.P., the Honorable John Hamilton, Senator, Archibald McNab, James Fraser, Allan B. McDonald, Wm. Robertson, and J. P. Wells shall be and are hereby constituted a Board of Directors of the said Company, and shall hold office as such until other Directors shall be appointed under the provisions of this Act by the shareholders; and shall have power and authority to fill vacancies occurring therein, to open stock books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of shareholders for the election of other Directors as hereinafter provided, and generally to do all such other acts as such Board, under the Railway Act, may lawfully do:

Stock books.

The said Directors are hereby empowered to take all necessary steps for opening the stock books for the subscription of parties desirous of becoming shareholders in the said Company; and all parties subscribing to the capital stock of the said Company, shall be considered proprietors and partners in the same.

First general meeting of shareholders and election of Directors.

7. When and so soon as one tenth part of the capital stock (which capital stock shall not be less than three hundred thousand dollars) shall have been subscribed as aforesaid, and one-tenth of the

the amount so subscribed paid in, the said Directors, or a majority of them, may call a meeting of shareholders at such time and place as they shall think proper, giving at least two weeks' notice in one or more newspapers published at Ottawa, Montreal and L'Original; at which said general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect not less than five nor more than seven Directors in the manner and qualified as hereinafter provided,—which said Directors shall constitute a Board of Directors, and shall hold office until the last Tuesday in May in the year following their election.

8. On the said last Tuesday in May and on the last Tuesday in May in each year thereafter, at the principal office of the said Company, there shall be held a general meeting of the shareholders of the Company, at which meeting the said shareholders shall elect a like number of not less than five nor more than seven Directors for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual meeting and election shall be published one month before the day of election, in one or more newspapers in the Cities of Ottawa and Montreal and the Village of L'Original, or if there be no paper published in the said village, then in the newspaper published nearest thereto; and the election for Directors shall be by ballot, and the persons so elected shall form the Board of Directors.

Annual general meetings for like purposes.

9. A majority of the Directors shall form a quorum for the transaction of business; and the said Board of Directors may employ one or more of their number as paid Director or Directors: Provided however that no person shall be elected a Director unless he shall be the holder and owner of at least five shares of the stock of the said Company, and shall have paid up all calls upon the stock.

Quorum of Directors.

Qualification.

10. Any Municipal Council of a municipality which has given a bonus in aid of such railway, amounting to not less than ten thousand dollars, shall be entitled, during the construction of the railway but not afterwards, to appoint a person annually to be a Director of the Company, and such person shall be a Director of the Company in addition to all the other Directors authorized by this Act, or by the General Railway or any other Act; but such municipality shall incur no liability by the appointment of such Director.

Municipality granting bonus may appoint a director annually, during construction of railway.

11. The Reeve or other chief municipal officer of any municipality or parish holding not less than five shares in the stock of the Company, shall be eligible to the office of Director.

Reeves of Municipalities subscribing, eligible as Directors.

12. The Directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said Company, in such proportion

Calls by Directors: Amount limited. Notice thereof.

as they may see fit, no such instalment exceeding ten per cent; and the Directors shall give one month's notice of each call, in such manner as they may appoint.

Company may become parties to promissory Notes, &c.

Form of note, &c., binding on the Company.

Proviso.

Company may issue debentures chargeable on the railway.

As to payments on lands mentioned in fifth section of this Act.

Investment of moneys so paid.

Form of bonds.

Amount of bonds or debentures limited.

13. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed, and any bill of exchange drawn or accepted by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the Company, and under the authority of a majority of a quorum of the Directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the said President or Vice-President, or the Secretary and Treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted: Provided however that nothing in this section shall be construed to authorize the said Company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

14. The Directors of the said Company are hereby authorized and empowered to issue bonds or debentures which shall be and form a first charge on the undertaking, lands, buildings, tolls and income of the Company, or any, either or all of them, as may be expressed by the said bonds or debentures; and such bonds or debentures shall be in such form and for such amount and payable at such times and places as the Directors from time to time may appoint and direct; and the payment to the Treasurer of the Company or to any other person appointed for the purpose, by any *bond fide* purchaser of any of the lands in the fifth section of this Act mentioned, of the purchase money thereof, and the acquittance by such Treasurer or other person so appointed, of such purchase money, shall operate as a discharge of such charge in respect of the lands so paid for; and until other provisions be made therefor, the Treasurer of such Company or other person so authorized, shall keep all moneys so received separate and apart from the ordinary funds of the Company, and the moneys so received shall be invested from time time in Government securities, or in the stock of some solvent and well-established chartered bank in Canada, for the formation of a fund for the payment of the interest in such debentures as it becomes due, and for their redemption at maturity. The said bonds or debentures shall be signed by the President or Vice-President, and shall have the corporate seal of the Company affixed thereto: Provided that the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of

of railway under contract or to be constructed under and by virtue of this charter, and no such debenture shall be for a less sum than one hundred dollars.

15. The Directors of the said Company, elected by the shareholders, in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with the Montreal and City of Ottawa Junction Railway Company, for the purpose of making any branch or branches to facilitate a connection with the railway of the said Company.

Connection with Montreal and City of Ottawa Junction Railway Company.

16. The said Company are also hereby authorized and empowered to contract and agree with the said Montreal and City of Ottawa Junction Railway Company to assign, transfer or lease to that Company their railway or any part thereof, or any rights or powers acquired under this Act, and the surveys, plans, work, plant, stock, machinery or other effects belonging thereto, upon such terms and conditions and for any period that may be agreed upon, and with such restrictions as the Directors may deem expedient; or the said Montreal and City of Ottawa Junction Railway Company may agree to loan its credit to, or may subscribe to and become the owner of the whole or part of the stock of the Railway Company hereby incorporated, in like manner and with the like rights as individuals: Provided that any such assignment, transfer, lease or arrangement shall have been sanctioned by the majority of votes of a special meeting of the shareholders called for the purpose of considering the same, on due notice given as provided by "*The Railway Act, 1868.*"

Company may lease their Railway to that company, or make agreement for a loan of the credit of that company, &c.

Proviso: agreement, &c., to be sanctioned by shareholders.

17. All shareholders in the said Company, whether British subjects or aliens, or residents of Canada or elsewhere, have and shall have equal rights to hold stock in the said Company, and to vote on the same and to be eligible to office in the said Company: Provided always that a majority of the Directors shall at all times be British subjects.

Aliens may hold shares and vote.

Majority of directors to be British subjects.

18. Any deed of conveyance of land to the said Company may be in the form of Schedule A., to this Act annexed, and may be registered at full length upon the affidavit of one of the witnesses to the execution thereof, made before the officers usually authorized to receive the same, and a deed in such form, or in words of like import, shall be a legal and valid conveyance of the land and immoveables therein mentioned to all intents and purposes, and the registration thereof shall be of the same effect as if such deed were executed before a notary.

Form and registration of conveyance of land.

19. The powers given by this Act shall be exercised by the commencement of the said railway within four years after the passing of the Act, and its completion within eight years therefrom.

Time for commencing and completing the work.

20. This Act shall be known and cited as "The Lochiel, Hawkesbury and L'Original Junction Railway Act."

Short title.

SCHEDULE A.

*Form of Deed of Sale.*

Know all men by these presents, that I, A. B., in consideration of \_\_\_\_\_ paid to me by the Lochiel, Hawkesbury and L'Orignal Junction Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Lochiel, Hawkesbury and L'Orignal Junction Railway Company, their successors and assigns, all that tract or parcel of land (*describe the land*) to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

Signed, Sealed and Delivered } A.B. [L.S.]  
 in presence of }  
 C.D.  
 E.F.

CHAP. 79.

An Act to amend the Act to incorporate the Caughnawaga Ship Canal Company.

[Assented to 26th May, 1874.]

Preamble.  
 33 V., c. 47.

WHEREAS the Caughnawaga Ship Canal Company have represented by their petition the necessity of extending the time for the commencement and completion of the said Canal, to connect the waters of Lake Champlain with those of the St. Lawrence, and of increasing the number of Directors in the said Company; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for commencement and completion of canal, extended.

1. The time limited for the commencement of the work by the Act incorporating the said Company, to construct a Canal to connect the waters of Lake Champlain with the St. Lawrence, shall be extended for a period of three years from the passing of this Act; and the time for the completion shall also be extended to five years from the passing of this Act, notwithstanding anything to the contrary in the said amended Act of incorporation contained, as to the time of commencement and completion of the said Canal.

Number of Directors of Company increased. Proviso. President and majority to be British subjects.

2. The number of Directors of the Company may, by vote of the shareholders after the passing of this Act, be made to consist of thirteen instead of nine as at present: Provided that the President and a majority of the Directors shall be resident in Canada, and subjects of Her Majesty.

CHAP.

## CHAP. 80.

## An Act to incorporate the Huron Trent Valley Canal Company.

[Assented to 26th May, 1874.]

**W**HEREAS the opening up and making navigable the line of Preamble.  
inland waters between the Georgian Bay and the Bay of  
Quinté, would advance the general interests of Canada, by affording  
a new and expeditious avenue for the transport of the products of  
the Western States and the Canadian Territories, *en route* to the  
markets of Europe, and would facilitate the communication between  
the Eastern and Western Provinces of the Dominion; and whereas  
the several persons hereinafter named are desirous to construct  
and maintain canals and other works to effect such purpose, and  
they desire to be incorporated; and it is expedient to incorporate  
them accordingly: Therefore Her Majesty, by and with the  
advice and consent of the Senate and House of Commons of  
Canada, enacts as follows:—

1. Mossom Boyd, of Bobcaygeon, in the County of Victoria, Certain persons incorporated.  
Esquire, Darcy Edward Boulton, of the Town of Cobourg, Esquire, the  
William Cluxton, of the Town of Peterborough, Esquire, the  
Honourable James Cockburn, of the Town of Cobourg, James Hall,  
of the Town of Peterborough, M.P., the Honourable Billa Flint, of  
Belleville, George Henry Gordon, of Trenton, Esquire, James  
Brown, of Belleville, M.P., Joseph F. May, of Chisholm's Rapids,  
Esquire, Robert Strickland, of Lakefield, Esquire, William H.  
Scott, of Peterborough, Esquire, Herman H. Cook, of Toronto, M.P.,  
S. Casey Wood, of Lindsay, M.P.P., Alexander Smith, of Peter-  
borough, Esquire, George Dormer, of Lindsay, Esquire, James  
Frederick Dennistoun, of Peterborough, Esquire, George Hilliard,  
of Peterborough, Esquire, George Albertus Cox, of Peterborough,  
Esquire, and Henry Calcutt, of Ashburnham, Esquire, shall be Provi-  
sional Directors of the Company hereby incorporated, and together  
with such other person or persons as shall, under the provisions of  
this Act, become subscribers to and proprietors of any share or  
shares in the works hereby authorized to be made, and their  
several and respective executors, administrators and assigns, being  
proprietors of such share or shares, are and shall be united into a  
Company for carrying on, making, completing and maintaining the  
said canals and other works, according to the rules, orders and  
directions hereinafter expressed; and shall, for that purpose, be a  
body politic and corporate by the name of *The Huron Trent* Corporate name and general powers.  
*Valley Canal Company*, and by that name shall have perpetual  
succession; and shall have a common seal, and other the usual  
powers and rights of bodies corporate, not inconsistent with the  
other provisions of this Act; and by that name shall and may sue  
and be sued, and may purchase, acquire and hold lands (which  
word

word throughout this Act shall be understood to include the land and all that is upon or below the surface thereof, and all the real rights and appurtenances thereunto belonging) for them and their successors or assigns, for the use of the said canals and works; and also to alienate and convey any of the said lands purchased or acquired for the purpose aforesaid; and any person or persons, bodies politic or corporate, may give, grant, bargain, sell or convey to the said Company; and the said Company shall be, and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to construct, make and complete, and maintain canals, locks, dams, cuttings and such other works as shall be requisite to connect, deepen and render navigable the chain of lakes, rivers and interior waters lying between the Georgian Bay, at or near the mouth of the River Severn and the Bay of Quinte, at or near the mouth of the River Trent:

Limits within which the canals shall be made.

Plan of the canals, &c., to be first approved by the Governor in Council.

Government maps, &c., to be open to the Company.

Power to the Company to set out and survey lands necessary for their works, &c.

To get and place materials out of or on adjoining lands.

To erect buildings, machinery, &c.

2. Provided always, that before the said Company shall break ground or commence the construction of the said works, the plan, location, dimensions, and all necessary particulars of the canals and locks, bridges and other works therewith connected, shall have been submitted to and shall have received the sanction of the Governor in Council; and all maps, plans, surveys, levels, reports and documents, relating to the said interior line of navigation, now in possession of the Government, or copies thereof, shall be open to the said Company to aid it in the prosecution of its works, and the preparation of the map or plan and book of reference hereinafter mentioned.

3. For the purposes of this Act, the said Company, their deputies, servants, agents and workmen, are hereby authorized and empowered to enter into and upon any lands and grounds of the Queen's Most Excellent Majesty, not hereinafter excepted, or of any person or persons, bodies politic or corporate, whatsoever, and to 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 canals and other works hereby authorized, and all such works matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended canals and other works; and to 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 said intended canals and other works, on or out of the lands or grounds of any person or persons adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended canals or the works incidental or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same, respectively, according to the intent and purpose of this Act; and to make, build, erect and set up, in or upon their lands, such and

so many houses, warehouses, toll houses, watch houses, telegraphs or other signals, weighing beams, cranes, steam engines and other engines, tow-paths, machines and other works, as the said Company shall think requisite and convenient for the purposes of the said canals and works, and also from time to time to alter, repair, divert, widen, enlarge and extend the same, and also to make, maintain, repair and alter any bridges, passages over, under or through the said intended canals, and to construct, erect and keep in repair any bridges, arches and other works upon and across any rivers and brooks for the making, using, maintaining and repairing of the said intended canals, and to turn any such brook, river or water course, and to change its course; and the said Company, their servants and agents, shall have the right to enter upon any property or lands adjacent to the said canals on which there may be found quarries of stone requisite for constructing the locks and other works of the said canals, and to quarry and take stone therefrom for the said purposes, compensating the owners as herein-after provided, and to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving and completing of the said intended canals and other works, and 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 granted, and making satisfaction in manner hereinafter mentioned to the owners and proprietors of, or the persons interested in the lands, tenements and hereditaments, water, water-courses, brooks or rivers respectively, which shall be taken, used, removed, prejudiced, or of which the course shall be altered, or for all damages to be by them sustained in or by the execution of all or any of the powers given by this Act; and this Act shall be sufficient to indemnify the said Company and their servants, agents or workmen and all other persons whatsoever for what they or any of them shall do by virtue of the powers hereby granted, subject nevertheless to such provisions and restrictions as are hereinafter mentioned.

To make, &c.,  
bridges and  
other works.

To change  
course of  
brooks, rivers,  
&c.

To open  
quarries.

To construct  
other works  
necessary for  
the canals.

As little  
damage as pos-  
sible to be  
done, and  
compensation  
to be made.

4. For the purposes of this Act, the said Company shall and may by some sworn land surveyor for the Province of Ontario, and by an engineer or engineers by them to be appointed, cause to be taken and made surveys and levels of the lands through which the said intended canals are to be carried, together with a map or plan of such canals and of the course and direction thereof, as finally approved by the Governor in Council, and of the said lands through which the same is to pass, and the lands intended to be taken for the several purposes authorized by this Act so far as then ascertained, and also a book of reference for the said canals, on 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 they can be ascertained by the said Company, and in which shall be contained every thing necessary for the right understanding of such map or plan; which said map or plan and book of reference shall be examined and certified; copies thereof

Company to  
take surveys  
and levels of  
the lands  
through which  
the canal is  
to be carried,  
and make a  
map and book  
of reference.

To be examined and copies deposited with Secretary of State, &c.

Copies may be taken, &c., and used as evidence.

thereof shall be deposited in the office of the Secretary of State of Canada and in the office of the Clerk of the Peace for the County of Peterborough and in the office of the Company, and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts or copies thereof as occasion shall require, paying to the said Secretary of State or to the said Clerk of the Peace at the rate of ten cents for every one hundred words, and the said triplicates of the same plan or map and book of reference so certified, or a true copy thereof certified by the said Secretary of State or by the Clerk of the Peace aforesaid, shall severally be and are hereby declared to be good evidence in the courts of law and elsewhere in Canada.

Bridges where a canal shall cross a highway.

5. The said Company shall at each and every place where any of the said canals shall cross any highway, erect and keep good and sufficient draw-bridges to the satisfaction of the Governor in Council, which shall be kept shut except when vessels are passing, so that the public thoroughfare may be as little impeded as possible; and shall not in making the said canals cut through or interrupt the passage on any public road until they shall have made a convenient road past their works for the use of the public; and for every day on which they shall neglect to comply with the requirements of this section, the said Company shall incur a penalty of ten dollars.

What quantity of land may be taken without the consent of the proprietors.

6. The lands or grounds to be taken or used without the consent of the proprietors for the said canals and works, and the ditches, drains and fences to separate the same from the adjoining lands, shall not exceed one hundred and fifty yards in breadth, except in places where basins and other works are required to be cut or made as a necessary part of the canal, as shown on the plan approved by the Governor in Council.

Provision for deviation, errors in book of reference, &c.

7. The said Company may make, carry or place their said intended canals and works into and across or upon the lands of any person or party whomsoever in the line shown on the plan aforesaid (or within the distance of five hundred yards from such line, except at the points of entering the rivers aforesaid, where they shall be confined to the line shown on the said plan), although the name of such party be not entered in the said book of reference, through error, want of sufficient information, or any other cause, or although some other person or party be erroneously mentioned as the owner of, or party entitled to convey, or interested in such lands.

Company may use and hold beaches, &c., and construct dams.

8. The said Company may take, use, occupy and hold, but not alienate, so much of the public beach or beach road, or of the land covered with the waters of the rivers or lakes which the said canal may cross, start from or terminate at, as may be required for the wharves and other works of the said Company for making easy entrances to their said canals and other works which they are hereby authorized to construct, and they may also construct such

such dams and works as they may deem requisite to stop the waste of water from the lakes and rivers, and to economize the same for the use of their line of navigation, subject always to the right of compensation to any parties injured.

9. The said Company shall have the power to use, sell, lease, rent or otherwise dispose of, for their sole use and benefit, any water brought by their said canals and works, which may not be required for the purposes thereof, but which may be used or found useful and applicable to drive any machinery in mills, warehouses, manufactories or otherwise, on such terms as they may deem expedient and advisable. Company may for their own profit lease water-power, &c.

#### LANDS AND THEIR VALUATION.

10. After any lands shall be set out and ascertained in manner aforesaid, for making and completing the said canals and other works, and other the purposes and conveniences hereinbefore mentioned:— After any lands have been set out,—

1. All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *feme-coverts*, or other persons seized, possessed of, or interested in any lands, may contract, sell or convey unto the Company all or any part thereof: Certain parties may convey them to Company.

2. Any contract, agreement, sale, conveyance and assurance so made, under the preceding sub-section, shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the Company, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever; and the corporation or person so conveying, is hereby indemnified for what it or he respectively does by virtue of or in pursuance of this Act: Effect of Contract agreement or sale under preceding sub-section.

3. The Company shall not be responsible for the disposition of any purchase money for lands taken by them for their purposes, if paid to the owner of the land, or into court for his benefit, as hereinafter provided: Company not bound for disposition of purchase money.

4. Any contract or agreement made as it may be by any party authorized by this Act to convey lands, and made before the deposit of the map or plan and book of reference, and before the setting out or ascertaining of the lands required for the canal or works of the Company, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime, have become the property Effect of contract made before deposit of map or setting out of the lands.

property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of Arbitrators as hereinafter provided, and the agreement shall be in the place of an award:

Fixed rent to be paid by company in certain cases.

5. All corporations or parties who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the canal and works and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the proper registry office of the county:

As to contract made with proprietors being joint tenants, &c.

6. Whenever there is more than one party proprietor of any land as joint tenant or tenants in common, any contract or agreement made in good faith with any party or parties, proprietor or being together proprietors of one-third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenant or tenants in common; and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be;

Application to owners of lands after deposit of map, and notice thereof.

7. After the deposit of the map or plan and book of reference, and after notice thereof given for one month in at least one newspaper, published in the county, the Company may apply to the owners of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the canals and works; and in the case of Indian lands application shall be made to the Secretary of State; and thereupon, agreements and contracts may be made with such parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties; and in case of disagreement between them, or any of them, then all questions which arise between them, shall be settled as follows, that is to say:—

Deposit of map, &c., and notice of deposit to be general notice to all proprietors of lands.

8. The deposit of a map or plan and book of reference, and the notice of such deposit, shall be deemed a general notice to all the parties with respect to the lands and the powers and privileges which will be required for the canals and works:

9. The notice served upon the party shall contain,—

Notice served upon proprietors, what to contain.

a. A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them ;

b. A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages ; and,

c. The name of a person to be appointed as the Arbitrator of the Company, if their offer be not accepted ;

And such notice shall be accompanied by the certificate of a sworn surveyor for the Province of Ontario, disinterested in the matter, and not being the Arbitrator named in the notice,

That the land, if the notice relate to the taking of land, shewn on the said map or plan, is required for the canals or other works or is within the limits of deviation hereby allowed,

That he knows the land, or the amount of damage likely to arise from the exercise of the powers, and,

That the sum so offered is, in his opinion, a fair compensation for the land, or for the damages as aforesaid :

10. If the opposite party is absent from the County in which the lands lie, or is unknown, then, upon application to the Judge of the County Court for the county accompanied by such certificate as aforesaid, and by an affidavit of some officer of the Company that the opposite party is so absent, or that, after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the judge shall order a notice as aforesaid (but without a certificate,) to be inserted three times in the course of one month in a newspaper published in the county, to be named by the judge :

Proceedings if the owner be absent or unknown.

11. If within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not notify to the Company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as Arbitrator, then the judge shall, on the application of the Company, appoint a sworn surveyor for the Province of Ontario, to be sole Arbitrator for determining the compensation to be paid as aforesaid :

If any party does not accept Company's offer or appoint arbitrator.

12. If the opposite party within the time aforesaid, notifies to the Company the name of his Arbitrator, then the two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third (of which fact the allegation of either of them shall be evidence) then the Judge of the County Court shall, on the application of the party or of the Company (previous notice of at least two clear days having been given to the other party), appoint a third Arbitrator :

If he appoints one. Appointment of third arbitrator..

Duties of  
arbitrators.  
Award,

13. The Arbitrators, or two of them, or the sole Arbitrator, being sworn before some Justice of the Peace for the county in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best; and the award of such Arbitrators, or any two of them, or of the sole Arbitrator, shall be final and conclusive; but no such award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other Arbitrator has had at least two clear days' notice, or to which some meeting at which the third Arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the Arbitrator appointed by him, or whose appointment he required:

Award by  
majority,  
valid on cer-  
tain condi-  
tions.

Increased  
value given  
by canal to  
remaining  
lands to be  
considered.

14. The Arbitrators in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the canal will pass, by reason of the passage of the canal through or over the same, or by reason of the construction of the canal, and to set off the increased value that will attach to the said lands or grounds against the inconvenience, loss or damage that might be suffered or sustained by reason of the Company taking possession of or using the said lands or grounds as aforesaid:

Costs, by  
whom paid.

15. The award given by any sole Arbitrator shall never be for a less sum than that offered by the Company, as aforesaid, and if in any case where three Arbitrators have been appointed, the sum awarded is not greater than that offered, the costs of the arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the Company, and in either case they may, if not agreed upon, be taxed by the judge:

Power to Ar-  
bitrators to ex-  
amine parties  
or witnesses  
on oath.

16. The Arbitrators, or a majority of them, or the sole Arbitrator may examine on oath or solemn affirmation the parties or such witnesses as voluntarily appear before them or him, and may administer such oath or affirmation; and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly:

Time for mak-  
ing the award.

17. The judge by whom any third Arbitrator or sole Arbitrator is appointed, shall fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by order of the judge, as it may be for reasonable cause shown on the application of the sole Arbitrator or one of the Arbitrators, after one clear day's notice to the others, then, the sum offered by the Company as aforesaid, shall be the compensation to be paid by them:

18. If any Arbitrator appointed by the judge, or any Arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of an Arbitrator appointed by the judge, the judge upon the application of either party, being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another Arbitrator in his place; and in the case of any Arbitrator appointed by the parties, the Company or party respectively may appoint an Arbitrator in the place of his or their Arbitrator so deceased or not acting, notifying the other party or his or their Arbitrator of such appointment, but no re-commencement or repetition of prior proceedings shall be required in any case; and in case of failure to make such appointment by either party, the judge shall do so, after five days' default, after notice calling on him or them to fill the vacancy :

Arbitrator dying, &c.

19. Any such notice for lands, as aforesaid, may be desisted from and new notice given, with regard to the same or other lands, to the same or any other party, but in any such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist :

Company desisting from notice and giving a new one.

20. The surveyor or other person offered or appointed as valuator or as sole Arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the Company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any Arbitrator appointed by the judge, after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the judge :

Certain persons not disqualified as arbitrators, unless personally interested.

When disqualification must be urged.

21. No cause of disqualification shall be urged against any Arbitrator appointed by the Company or by the opposite party after the appointment of a third Arbitrator; and the validity or invalidity of any cause of disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by the judge, on the application of either party, after two clear days' notice to the other, and if the cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an Arbitrator :

No objection allowed after appointment of third Arbitrator.

Determination of cause of disqualification.

22. No award shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award :

Award is not voidable for want of form.

Possession of lands, may be taken on payment or tender of compensation or rent.

Warrant of possession.

Warrant of possession may issue in certain cases before award.

Security by Company in such case.

When compensation to stand in place of the land.

Proceedings if the Company has reason to fear claims or incumbrances, or if party refuses to convey or cannot be found, or is unknown.

23. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the Company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition be made by any person to their so doing, the judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the Sheriff of the County, or to a bailiff, as he may deem most suitable, to put the Company in possession, and to put down such resistance or opposition, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do:

24. Such warrant may also be granted by the judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the canal or works with which the Company are ready forthwith to proceed; and upon the Company giving security to his satisfaction and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be awarded within one month after the making of the award, with interest from the time at which possession is given, and with such costs as may be lawfully payable by the Company:

25. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the Company, be converted into a claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same,—saving always their recourse against such party:

26. If the Company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the Company, or if for any other reason the Company deems it advisable, the Company may pay such compensation into the Court of Chancery for Ontario, with the interest thereon for six months, and may deliver to the proper officer an authentic copy of the conveyance, or of the award if there be no conveyance; and such award shall thereafter be deemed to be the title of the Company to the land therein mentioned, or to do the thing required, and proceedings shall thereupon be had for the confirmation of the title or right of the Company, in like manner as in other cases of confirmation of title, except that, in addition to the usual contents of the notice, the officer

officer shall state that the title of the Company (that is, the conveyance or award,) is under this Act, and shall call upon all persons entitled to the lands or any part thereof, or representing or being the husband of any party so entitled, to file their claims to the compensation, or any part thereof; and all such claims shall be received and adjudged upon by the court:

27. Such judgment of confirmation shall for ever bar all claims to the land, or any part thereof (including dower), as well as any mortgage or incumbrance upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the security of the rights of all parties interested, as to right and justice and the provisions of this Act and to law shall appertain: Effect of judgment of confirmation of title by Court of Chancery.

28. The costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the court may order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the officer, the court shall direct a proportionate part of the interest to be returned to the Company; and if from any error, fault or neglect of the Company, it is not obtained until after the six months have expired, the court shall order the Company to pay the interest for such further period as may be right: Costs, how paid. Interest.

29. If the amount of the said compensation do not exceed eighty dollars, the same may be paid by the Company to the party in whose possession, as proprietor, the land was at the time the Company took possession thereof, or to any person who may lawfully receive money due to such party; and proof of such payment, and the award, conveyance or agreement shall be a sufficient title to the said Company, and shall forever discharge them from all claims of any other party to such compensation or any part thereof,—saving always the recourse of such other party against the party who shall have received such compensation: If the compensation do not exceed \$80, to whom it may be paid.

30. With regard to any lands which could not be taken without the consent of some party entitled under this Act to convey the same, or in any case in which the requirements of this Act shall not have been complied with, and in all cases where land shall have been taken, or damage shall have been done by the Company, without previously complying with the requirements of this Act, the rights of the Company and of other parties, shall be governed by the ordinary rules of law. Provide as to cases where this Act shall not apply or not have been complied with.

11. All suits for indemnity for any damage or injury sustained by reason of the powers and authority given by this Act shall be brought within six calendar months next after the time of such supposed damage sustained, 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. Actions for indemnity limited.

Penalty for obstructing the canal.

12. If any person by any means or in any manner or way whatsoever, obstructs, or interrupts, the free use of the said canal or the works incidental or relative thereto or connected therewith, such person shall, for every such offence, incur a forfeiture or penalty of not less than five dollars nor exceeding forty dollars; one half of which penalty and forfeiture, to be recovered before one or more Justices of the Peace for the County, shall go to the prosecutor or informer, and the other half to Her Majesty, Her Heirs and Successors, and shall be paid into the hands of the Receiver General, and be applied for the public uses of Canada, and the support of the Government thereof.

How recoverable and applicable.

Punishment for breaking down or obstructing or damaging the canal or works, or buildings connected therewith.

13. If any person or persons wilfully or maliciously, and to the prejudice of the said canal or other works authorized to be made by this Act, break, damage, or destroy the same, or any part thereof, or any of the houses, warehouses, toll-houses, watch-houses, weigh-beams, cranes, vessels, engines, machines or other works or devices incidental and relative thereto or connected therewith, or do any other wilful hurt or mischief to, or wilfully or maliciously obstruct the free use of the said canal or works, or obstruct, hinder or prevent the carrying on, completing, supporting and maintaining the said intended canal or works, such person or persons shall be adjudged guilty of felony, and shall be punished in like manner as felons are directed to be punished by law in such manner as the law directs in cases of simple larceny, in the discretion of the Court.

Company to raise and contribute the necessary sums for carrying on the undertaking.

14. And to the end that the said Company may be enabled to carry out so useful an undertaking, the said Company and their successors may raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing the said canal, and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said canals and other works: Provided always, that the before-mentioned Provisional Directors, or a majority of them, shall cause books of subscription to be opened at such places as they shall appoint, for receiving the signatures of persons willing to become subscribers to the said undertaking; and every person who or whose attorney shall write his or her signature in such book as a subscriber to the said undertaking, and pay such deposit as may be required by the said Provisional Directors or the majority of them on the sum subscribed for, shall thereby become a member of the corporation, 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: Provided always, that the sum so raised shall not exceed the sum of five million dollars in the whole, except as hereinafter mentioned, and that the money so raised shall be laid out and applied in the first place for and towards the payment and discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making

Proviso. Books of subscription to be opened.

Proviso. Capital limited.

making the surveys, plans and estimates incident thereto, and all other expenses relating thereunto, and all the rest, residue and remainder of such money for and towards making, completing and maintaining the said canal, and other the purposes of this Act, and to no other use, intent, or purpose whatever.

Order of charges on the capital.

15. The said sum of five million dollars, or such part thereof as shall be raised by the several persons hereinbefore named, and by such other person or persons as shall or may, at any time, become a subscriber or subscribers to the said undertaking shall be divided into equal parts or shares of one hundred dollars, currency; and the shares shall be deemed personal estate, and shall be transferable as such; and the said shares shall be and are hereby vested in the said several subscribers and their several and respective executors, administrators and assigns, proportionally to the sums they and each of them shall severally subscribe and pay thereunto; and all and every the bodies politic, and all and every person or persons, their several and respective successors, executors, administrators and assigns, who shall severally subscribe and pay the sum of one hundred dollars, or such sums as shall be demanded in lieu thereof, towards carrying on and completing the said canal, shall be entitled to and receive, after the said canal shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held; and every body politic, person or persons, having such property or shares in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking, in manner by this Act directed and appointed:

Capital to be divided into shares of \$100 each.

Shares to be personal property and transferable.

Rights of shareholders to profits, &c.

Their liabilities.

2. Interest shall be allowed to all subscribers of stock in the said Company on the sums by them respectively paid in on their respective subscriptions, at the rate of six per cent. per annum from the time the same is paid until the canal is opened for business, to be paid by the issue of new stock of the Company at par: Provided that no fraction of a share shall be issued and no subscriber shall be entitled to an issue of stock for this purpose, until the interest due such subscriber shall be equal to at least one share of the said stock.

Interest to be allowed on Stock paid up before the canal is opened for business.

16. In case the said sum of five million dollars be found from the adoption of a more enlarged scheme of works than is at present contemplated insufficient for the purposes of this Act, then the said Company may raise and contribute among themselves in manner and form aforesaid, and in such shares and proportions as to them shall seem meet, or by the admission of new subscribers, a further or other sum of money for completing and perfecting the said intended canal and other works or conveniences incidental or relative thereto, or hereby authorized, not exceeding the sum of five million dollars; and every subscriber towards raising such further or other

If the capital be insufficient the Company may raise a further sum.



And such vote or votes by proxy shall be as valid as if the principal or principals had voted in person; and every question, election of proper officers or matters or things which 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 present and so given as aforesaid, and all decisions and acts of any such majority shall bind the said Company, and be deemed the decisions and acts of the said Company.

Questions to be decided by majority of votes and proxies.

**19.** Aliens shall have the same right as British subjects to take and hold stock or shares in the Company, and to sit as Directors, and to vote either as principals or proxies.

Aliens may vote, &c.

**20.** No member of the said Company shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the Company beyond the extent of his or her shares in the capital of the Company not paid up.

Liabilities of shareholders limited.

**21.** The first general meeting of the members of the Company for putting this Act into execution, may be held at Peterborough whenever sufficient shares have been subscribed for; provided that public notice thereof be given during one week in at least one newspaper, and signed by at least three of the subscribers to the said undertaking holding among them at least one hundred shares; and at such said general meeting, the members assembled, with such proxies as shall be present, shall choose nine Directors, being each a proprietor of not less than ten shares in the said undertaking, in such manner as is hereinafter directed, and may also proceed to pass such rules and regulations and by-laws as shall seem to them fit, provided they be not inconsistent with this Act, or with the laws of Canada.

The first general meeting of the members of the Company.

Election of a board of nine Directors.

Their qualification.

**22.** The Directors first appointed (or those appointed in their stead in case of vacancy) shall remain in office until the election of Directors in the month of January of the then next year; and in the month of January in the said year and each year thereafter, and on such day of the month as shall be appointed by any by-law, an annual general meeting of the members of the Company shall be held to choose Directors in the room of those whose office may at that time become vacant, and generally to transact the business of the Company; but if at any time it shall appear to any five or more of such members holding together one hundred shares at least, that for more effectually putting this Act in execution, a special general meeting of the members is necessary to be held, such five or more of them may 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 such notice the time and place, and the reason and intention of such special meeting, respectively; and the members are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect

Annual election of directors.

Special general meetings of members may be called.

Proceedings at special general meetings.

respect to the matter so specified only; and all such Acts of the members or the majority of them, at such special meetings assembled (such majority not having either as principals or proxies less than one hundred shares), shall be as valid to all intents and

Proviso: Vacancies among the directors how filled.

purposes as if the same were done at annual meetings: Provided always, that it shall and may be lawful for the said members at such special meetings, (in like manner as at annual meetings,) in case of the death, 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, resign or be removed as aforesaid; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining Directors.

Proviso.

Five Directors to retire annually.

**23.** At each of the said annual meetings of the members of the said Company, five of the said Directors shall retire,—the order of retirement of the said first elected Directors being decided by ballot; but the Directors then or at any subsequent time retiring, shall be eligible for re-election: Provided always that no such retirement shall have effect, unless the members shall at any such annual meeting proceed to fill up the vacancies thus occurring in the direction.

Proviso in case of failure to elect.

Directors to elect a President;

**24.** 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 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.

And Vice-President.

Five Directors to be a Quorum.

**25.** Any meeting of the said Directors, at which not less than five Directors shall be present, shall be competent to use and exercise all and any of the powers hereby vested in the Directors of the said Company: 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, and the President or the Vice-President when acting as chairman, or any temporary chairman, who, in case of the absence of the President and Vice-President, may be chosen by the Directors present, shall, when presiding at a meeting of the Directors in case of a division of equal numbers, have the casting vote, and no other; And provided also, that the Directors shall from time to time be subject to the examination and control of the said annual and special meetings of the said members as aforesaid, and shall pay due obedience to all by-laws of the Company, and to such orders and directions, in and about the premises, as they shall, from time to time, receive from the said members at such annual and special meetings; such orders and directions not being contrary to any express directions

Proviso, as to voting at meetings of Directors.

Casting vote of Chairman.

Proviso: Directors subject to the control of general, annual and special meetings of the Company.

or provisions in this Act contained; And provided also, that the Proviso: Acts of a majority of a quorum to be valid.  
 act of any majority of a quorum of the Directors present at any meeting regularly held shall be deemed the act of the Directors.

**26.** No person concerned or interested in any contract or No contractor, &c., to be a Director.  
 contracts under the said Company shall be capable of being chosen a Director, or of holding the office of Director.

**27.** Every such annual meeting shall have power to appoint not Three Auditors to be appointed at annual general meeting.  
 exceeding three Auditors to audit all accounts of money laid out and disbursed on account of the said undertaking by the Directors and managers and other officer and officers to be by the said Directors appointed or by any other person or persons whatsoever, employed by or concerned for or under them in and about the said undertaking; and to that end the said Auditors shall have Power of the Directors to make calls,  
 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 Proviso: calls limited.  
 power from time to time to make such call or calls of money from the proprietors of the said canal and other works to defray the expense of, or to carry on the same, as they from time to time shall find wanting and necessary for those purposes: Provided however, that no call do exceed the sum of twenty dollars for every share of one hundred dollars; and provided also, that no Other powers of the Directors.  
 calls be made but at the distance of at least three calendar months from each other: And the said 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 managers, officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking; and to affix or authorize the Secretary or his deputy 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, Vice-President, or any Director, or by any officer by order of the Directors, shall be deemed the act of the Directors and of the Company, nor shall the authority of the signer of any document purporting to be so signed and sealed, to sign the name and affix the said seal thereto, be liable Further powers may be conferred by By-law.  
 to be called in question by any party except the Company; and the Directors shall have such other and further powers as, being vested in the Company by this Act, shall be conferred upon the said Directors by the by-laws of the Company, except such as are hereby expressly directed to be exercised by the members at annual or special meetings.

**28.** The owner or owners of one or more shares in the said under- Shareholders bound to pay calls.  
 taking, shall pay his, or her or their shares and proportion of the money to be called for as aforesaid to such bankers or persons and at such

such time and place as the said Directors shall appoint and direct, of which notice shall be given by at least four insertions thereof in the course of three months, in some newspaper as aforesaid, or in such other manner as the members of the Company shall by any by-law direct or appoint; and if any person or persons neglect or refuse to pay his, her or their rateable or proportional part or share of the said money, to be called for as aforesaid, at the time and place so appointed, he, she or they neglecting or refusing shall forfeit a sum not exceeding the rate of twenty dollars for every four hundred dollars of his, her or their respective share or shares in the said undertaking; and in case such person or persons neglect to pay his, her or their rateable calls as aforesaid, for the space of six calendar months after the time appointed for the payment thereof as aforesaid, then he, she or they shall forfeit his, her and their respective share and shares in the said undertaking, and all the profit and benefit thereof and all money paid thereon,—all which forfeitures shall go to the rest of the proprietors of the said undertaking, their successors and assigns, for the benefit of the said proprietors in proportion to their respective interests; and in every case such calls shall be payable with interest from the time the same shall be so appointed to be paid until the payment thereof: Provided always, that in case any person or persons neglect or refuse to pay any such call or calls at the time and in the manner required for that purpose, the said Company may sue for and recover the same with interest and costs in any court of law having competent jurisdiction; and in any such action it shall be sufficient to allege and to prove by any one witness, whether in the employ of the Company or not, that the defendant is the proprietor of a share (or of any number of shares, stating such number) in the stock of the said Company, that certain sums of money were duly called for upon such share or shares by the said Company under the authority of and in the manner provided by this Act, and were due and payable at a certain time or times, whereby an action hath accrued to the said Company to recover such sum or sums with interest and costs; and the production of the newspapers containing such calls shall be evidence that the same were made as therein stated; and neither in such action, nor in any other action, suit or legal proceeding by the Company, shall the election of the Directors, or the authority of them, or of the attorney or solicitor acting in the name of the Company, be called in question except by the Company, nor shall it in any such case be necessary to name the Directors or any of them, or to mention any other special matter whatever; and the defendant shall not plead the general issue, but may by a plea in denial traverse any particular matters of fact alleged in the declaration, or specially plead some particular matters of fact in confession and avoidance.

Penalty for neglect to pay.

Forfeiture for not paying calls within six months after time appointed.

Proviso: Amount of calls may be sued for.

What shall be alleged and proved in such suit.

Forfeitures to be declared at some general meeting. Proprietor forfeiting to be indemnified.

**29.** No advantage shall be taken of the forfeiture of any share or shares of the said undertaking, unless the same shall be declared to be forfeited at some annual or special meeting of the said Company assembled after such forfeiture shall be incurred; and

and every such forfeiture shall be an indemnification to and for every proprietor so forfeiting against all action and actions, suits or prosecutions whatever, to be commenced or prosecuted for any breach of contract or other agreement between such proprietor and the other proprietors with regard to carrying on the said canal and works.

**30.** 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 revoke, alter, amend or change any of the by-laws or orders prescribed with regard to their proceedings amongst themselves (the method of calling general meetings, and the time and place of assembling, and manner of voting and of 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 and workmen, for the good and orderly making, maintaining and using the said canal and all other works connected therewith, or belonging thereto, or hereby authorized, and for the well governing of all persons and vessels whatsoever travelling upon or using the said canal and other works, or transporting any goods, wares, merchandise or other commodities thereon; and by such by-laws to impose and inflict such fines or forfeitures upon the persons guilty of a breach of such by-laws or orders, as to such general meeting shall seem meet, not exceeding the sum of forty dollars, for every offence: such fines or forfeitures to be levied and recovered by such ways and means as are hereinafter mentioned; which said by-laws and orders being put into writing under the common seal of the said Company, shall be kept in the office of the Company, and a printed or written copy of so much of them as may relate to or affect any party other than members or servants of the Company, shall be affixed openly in the office of the said Company and 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 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 purporting to be certified as correct by the President or some person authorized by the Directors to give such certificate, and to bear the common seal of the Company, shall be deemed authentic, and shall be received as evidence of such by-laws in any court without further proof: Provided always, that no by-law of the said Company, fixing or altering the tolls on the said canal, or affecting others than the members or officers of the said Company, shall have force or effect until it shall have been confirmed by the Governor in Council; Provided, also, that no tolls, rates, or dues shall be levied on said canal otherwise than under such a by-law.

against prosecutions, &c.

Company may at any general meeting remove any Director, &c.

May make By-laws, &c.

Penalties under by-laws limited.

By-laws to be published.

Certified copies to be evidence.

Proviso: Certain by-laws to be subject to approval of the Governor in Council.

Proviso; as to levying of tolls on canal.

Proprietors of the said canal may dispose of their shares and how.

Duplicate of deed of sale to be filed with secretary of Company.

**31.** The several proprietors of the said canal or undertaking may sell or dispose of his, her or their share or shares therein, subject to the rules and conditions herein mentioned; and every purchaser shall have a duplicate of the deed of bargain and sale and conveyance made unto him or her, and one part of such deed duly executed by seller and purchaser, shall be delivered to the said Directors or their Secretary for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book or books to be kept by the said Secretary for that purpose, for which no more than twenty-five cents shall be paid, and the said Secretary is hereby required to make such entry accordingly; and until such duplicate of such deed shall be so delivered to the said Directors or their Secretary, and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said undertaking, nor any interest for the said share or shares, paid unto him, her or them, nor any vote as a proprietor or proprietors.

Form of the transfer of shares.

**32.** The sale of the said shares shall be in the form following, varying the names and description of the contracting parties as the case may require:—

“I, A. B., in consideration of the sum of                      paid to me by  
“C. D., of                      do hereby bargain, sell and transfer to the  
“said C. D.,                      share (or shares) of the stock of the  
“*Huron Trent Valley Canal Company*, to hold to him, the  
“said C. D., his heirs, executors, administrators and assigns,  
“subject to the same rules and 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 of the said  
“                      share (or shares) subject to the same rules, orders and  
“conditions. Witness our hands and seals the                      day of                      ,  
“in the year                      .”

Proviso: Registration of transfers, &c.

Provided always, that no such transfer of any share shall be valid until enregistered in a transfer book to be kept for that purpose, nor until all calls or instalments then due thereon shall have been paid up.

Directors may appoint the bankers, secretary, treasurer and clerks, &c., of the Company.

Register of shareholders.

**33.** The said Directors may and they are hereby authorized to nominate and appoint the Bankers, Secretary, Treasurer, Solicitor and servants of the said Company, taking such security for the due execution of their respective offices as the said Directors shall think proper; and in proper books shall be kept a true and perfect account of the names and places of abode of the several members of the said Company, and of the several persons who shall, from time to time, become owners and proprietors of, or entitled to any share or shares therein, and of all the 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.

34. The said Company may, from time to time and at all times hereafter, ask, demand, take and recover, to and for their own proper use and behoof, for all passengers, goods, wares, merchandise and commodities, of whatever description, transported upon the said canal, or vessels using the same, such tolls as they may deem expedient; which said tolls shall be, from time to time, fixed and regulated by by-laws of the Company to be confirmed as hereinbefore provided, and shall be paid to such person or persons, and at such places near to the said canal, in such manner and under such regulations as the said Company or the said Directors shall direct and appoint; and in case of denial or neglect of payment of any such rates or dues or any part thereof on demand, to the person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same in any court having competent jurisdiction, or the person or persons to whom the said rates or dues ought to be paid, may and he is, and they are hereby empowered to seize and detain such vessels, goods, wares, merchandise or other commodities for or in respect whereof such rates or dues ought to be paid, and to detain the same until payment thereof; and in the meantime the said vessels, goods, wares, merchandise or other commodities shall be at the risk of the owner or owners thereof; and the said Company or the said Directors shall have full power, from time to time, at any general meeting, by by-law, to lower or reduce all or any of the said tolls, and again to raise the same as often as it shall be deemed necessary for the interests of the said undertaking: Provided always, that the same tolls shall be payable at the same time and under the same circumstances upon all vessels and goods and upon all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any by-law relating to the said tolls.

Company may establish tolls on the canal.

How recovered if not duly paid.

Seizure of goods, &c.

Tolls may be lowered and again raised.

Proviso against unfair privilege or monopoly.

35. And in order to ascertain the amount of the clear profits of the said undertaking—The said Company, or the Directors for managing the affairs of the said Company, shall and they are hereby required to cause a true, exact and particular account to be kept and semi-annually made up and balanced to the first day of January and the first day of July in each year, of the money collected and received by the said Company or by the Directors or managers and servants of the said Company or otherwise for the use of 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 all other receipts and expenditure of the said Company or the said Directors; and at the general meetings of the members of the said Company 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 members of the said 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

Half yearly accounts to be made up.

Dividends to be made from time to time.

Proviso: Capital not to be reduced or impaired.

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 the payment of any call for money in respect thereof, until such call shall have been paid:

Fractions in distance traversed or weight of goods carried, how reckoned.

**36.** Provided always, that in all cases where there shall be a fraction of a mile in the distance which vessels, goods, wares, merchandise or other commodities or passengers shall be conveyed or transported on the said canal, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile, and that in all cases where there shall be the fraction of a ton in the weight of any such goods, wares, merchandise or other commodities, a proportion of the said rates shall be demanded and taken by the said Company, to the number of quarters of a ton contained therein; and in all cases where there shall be a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

Tables of tolls to be publicly stuck up.

**37.** The said Company shall, from time to time, print and stick up, or cause to be printed and stuck up in their officé, and in all and every of the places where the tolls are to be collected, in some conspicuous place there, a printed board or paper containing all the tolls payable under this Act.

Provision as to services to the Government.

**38.** Any enactments which the Parliament of Canada may hereafter deem it expedient to make, or any Order in Council which the Governor General may hereafter deem it expedient to pass, with regard to the exclusive use of the canal by the Government at any time, or the carriage of Her Majesty's mail or Her Majesty's forces and other persons and articles, or the rates to be paid for carrying the same, or in any way respecting the use of any electric telegraph, or other service to be rendered by the Company to the Government shall not be deemed an infringement of the privileges intended to be conferred by this Act.

Company to make fences, &c.

**39.** The said Company shall, within six calendar months after any lands shall be taken for the use of the said canal or undertaking, divide and separate, and keep constantly divided and separated, the lands so taken from the lands or grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, bank or other fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds which shall be purchased by, conveyed to, or vested in the said Company as aforesaid, and shall, at their own costs and charges, from time to time, maintain, support and keep in sufficient repair the said posts, rails, hedges, ditches, trenches, banks and other fences so set up and made as aforesaid.

Canal to be measured and miles marked by posts.

**40.** So soon as conveniently may be after the said Canal shall be completed, the said Company shall cause the same to be measured, and stones or posts, with proper inscriptions on the sides thereof, denoting the distance, to be erected and maintained at distances convenient from each other.

41. The said Company shall take sufficient security, by one or more bond or bonds, in a sufficient penalty or penalties, from their managers and collectors for the time being of the money to be raised by virtue of this Act, for the faithful execution by such managers and collectors of his and their office and offices respectively.

Manager and collectors of Company to give security.

42. All fines and forfeitures imposed by this Act, or which shall be lawfully imposed by any by-laws to be made in pursuance thereof (of which by-laws, when produced, all justices are hereby required to take notice,) the levying and recovering of which fines and forfeitures are not particularly herein directed, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for the County, either by the confession of the party or parties, or by the oath or affirmation of any one credible witness (which oath or affirmation such justice or justices are hereby empowered and required to administer without fee or reward) be levied with costs by distress and sale of the offender's goods and chattels, by warrant under the hand and seal or hands and seals of such justice or justices; and all such fines, forfeitures or penalties by this Act imposed or authorized to be imposed, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Company, and shall be applied and disposed of for the use of the said canal or undertaking; and the overplus of the money raised by such distress and sale, after deducting the penalty and the expenses of the levying and recovering thereof, shall be rendered to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalty and expenses, the offender shall be sent to the Common Gaol for the County wherein he is convicted, there to remain without bail or mainprize for such term not exceeding one month as such justice or justices shall think proper, unless such penalty and forfeiture, and all expenses attending the same, shall be sooner paid and satisfied.

Forfeitures under this Act, how recovered when not specially provided for.

Levy by distress and sale of goods and chattels.

Application of fines, when not particularly directed by this Act.

Imprisonment for want of sufficient goods and chattels.

43. Any person or persons who thinks himself, herself or themselves aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Act, may within four calendar months after the doing thereof, appeal from the conviction or order in the manner provided by the "Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders."

Appeal by persons aggrieved.

32, 33 V., c. 21.

44. If any action or suit be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities or of the orders and directions hereinbefore given or granted, 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.

Limitation of actions for things done under this Act, or in the execution of powers given.

As to contra-  
vention of this  
Act for which  
no punishment  
is provided.

45. Any contravention of this Act by the said Company or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and punishable 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.

Her Majesty  
may assume  
the canal and  
works of the  
Company.

46. Her Majesty, Her heirs and successors may, at any time, assume the possession and property of the said canal and work, and of all the rights, privileges and advantages of the Company all which shall after such assumption be vested in Her Majesty, Her heirs and successors, on giving to the said Company one week's notice thereof, and on paying to the said Company the value of the same to be fixed by three Arbitrators, or the majority of them, one to be chosen by the Government, another by the Company, and a third Arbitrator by the said two Arbitrators,—the Arbitrators having full power to consider in the valuation the expenditure of the Company, the business of the Canal, and its past, present and prospective business, with interest from the time of the investment thereof at eight per cent., deducting, however, all dividends declared and paid to the shareholders.

Map and book  
of reference to  
be deposited,  
stock sub-  
scribed,  
and the Canal  
completed  
within certain  
periods, or this  
Act to be void.

47. The said Company, to entitle themselves to the benefits and advantages to them granted by this Act, shall and they are hereby required to make and deposit the map or plan and book of reference mentioned in this Act within two years after the passing thereof, and to make and complete the said canal from the Bay of Quinte to the Georgian Bay in manner aforesaid, within five years from the passing of this Act: and if the said map or plan and book of reference be not so made and deposited within the said two years, or if eight hundred thousand dollars of the stock of the said Company be not subscribed and at least ten per centum thereon paid up and either expended for the purposes of this Act, or deposited in some chartered bank or banks in Canada within two years from the passing of this Act, or if the said canal be not so made and completed within the period of five years, so as to be used by the public as aforesaid, then and in either case this Act and every matter and thing therein contained shall cease and be utterly null and void.

Company an-  
nually to sub-  
mit detailed  
accounts to  
Parliament.

48. The said Company shall annually submit to the Parliament of Canada, within the first fifteen days after the opening of each session thereof, after the opening of the said canal or any part thereof to the public, a detailed and particular account, attested upon oath, of the moneys by them received and expended under and by virtue of this Act, with a classified statement of the amount of tonnage and of the vessels, passengers and freight that have been conveyed along the said canal; and no further provisions which Parliament may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company.

Further de-  
tails may be  
required by  
Parliament.

**49.** 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 or corporate,—such only excepted as are herein mentioned.

*Saving of Her Majesty's rights, &c.*

**50.** If any lock, canal, dam, slide or boom, bridge, or other work the property of the Government of Canada, or of the Government of Ontario, whether now in the possession of either of the said Governments or leased to any corporation or person, is required by the Company for the purposes of its undertaking, the Company may, with the consent and upon the consent of the Governor in Council, and upon such indemnity as may be agreed upon between the Company and the Government, take such lock, canal, dam, slide, boom, bridge or other work, the property of the Government, required by the Company for the purposes of its undertaking: Provided always that no lands or works belonging to the Government of the Dominion, or to that of the Province of Ontario, shall be taken until the consent of such Government shall have been first obtained.

*Provision for compensation if Government works are affected.*

*Consent of Government first required.*

*Proviso.*

**51.** The said Company shall not proceed to break ground or commence the construction of the said canal until shares to the amount of eight hundred thousand dollars shall have been taken in the capital stock of the said Company, and ten per cent. thereon shall have been paid into the hands of the Treasurer or Banker of the said Company, nor until the said election of Directors herein-before in that behalf provided shall have been held.

*Shares in Company to a certain amount to be taken, &c., before commencing operations.*

**52.** Nothing herein contained shall be construed to except the canal by this Act authorized to be made, from the provisions of any general Act which may be passed during the present or any future Session of Parliament, and no further provision which Parliament may make for enforcing any of the provisions of this Act, or for protecting the public or the rights of private parties shall be deemed an infringement of the rights of the said Company.

*Company not exempted from any general canal law, or further provisions of Parliament of Canada.*

**53.** The said Company may, upon having completed any canal connecting one lake or navigable water with another, impose tolls on vessels passing through, after submitting the by-law fixing the rate of tolls, and obtaining the approval of the same by the Governor in Council.

*Tolls on parts of Canal so soon as completed.*

**54.** The Company may receive, take and hold from any municipal corporation, aid by way of bonus, debentures or otherwise to assist them in their undertaking.

*Aid from Municipal Councils.*

**55.** In the interpretation of the land valuation sections of this Act, the word "land" shall also include water and land covered with water, and all rights acquired by owners on the banks of rivers and lakes, and by owners of milling and manufacturing privileges.

*Interpretation—"land."*

Interpre-  
tation.  
"Canal."

56. The word "canal," besides its proper signification, shall also, where the context will admit, include every kind of work entered into for the improvement of the navigation under this Act, such for example as dam work, cutting, filling, stopping water, altering water courses and all or any work calculated to aid in keeping up and preserving the supply.

Declaratory.

57. The works contemplated herein and to be performed by the Company hereby incorporated are hereby declared to be works for the general advantage of the Dominion of Canada.

## CHAP. 81.

### An Act to give certain additional powers to the Port Whitby Harbour Company.

[Assented to 26th May, 1874.]

Preamble.

WHEREAS the Port Whitby Harbour Company, a Company incorporated under the Statutes of the Province of Canada, and being the owners of the Whitby Harbour, in the Province of Ontario, have petitioned for an Act to enable them to issue bonds or debentures for improving the said harbour, and also to enable them to take stock in or grant bonuses to dry-dock and railway companies, or for the purchase of bonds or debentures of such companies, and also for power to amalgamate with any railway company, having its terminus at Port Whitby: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Power to issue bonds to take stock in other companies, &c. under Order in Council.

1. It shall be lawful for the said Company, upon receiving the authority of the Governor in Council, to issue bonds or debentures not exceeding in the aggregate fifty thousand dollars on the security of the property, tolls and undertaking of the Company for improving the said harbour, in sums of not less than one hundred dollars each, and payable at such times and places as the Directors of the said Company may determine; and also to have and exercise all the other powers mentioned in the preamble hereof: Provided, however, that nothing herein contained shall affect the rights of the Dominion of Canada under the Order in Council under which the said harbour was transferred to the said Company.

Proviso. Rights of Dominion not affected.

Terms and conditions in Order in Council to have full effect.

2. Any terms or conditions, which may be imposed on granting such authority, shall have the same effect as if they were specified in this Act, and they shall be specially set out or recited in such bonds or debentures, and in any by-law or resolution of the Company having reference to the exercise of such other powers as aforesaid.

Power to extend harbour.

3. It shall be lawful for the said Company to extend their harbour into deep water in Lake Ontario, in front of the premises now owned by the said Company.

## CHAP. 82.

An Act to extend the powers of the Dominion  
Telegraph Company.

[Assented to 26th May, 1874.]

**W**HEREAS the Dominion Telegraph Company have by their Preamble.  
petition prayed that the powers of the Company may be 34 V., c. 52.  
extended to the Maritime Provinces of the Dominion, and it is  
expedient to grant the prayer of the said petition, and whereas by  
mistake the shares of the said Company are, in the sixth section  
of the Act of incorporation of the said Company, stated as being  
twenty-five dollars each instead of fifty dollars each: 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, privileges and franchises conferred upon the Powers of  
said Company in and by their Act of incorporation (thirty-fourth Company  
Victoria, chapter fifty-two), shall be and are hereby extended to extended to  
and may, by the said Company, be exercised and enjoyed in the Maritime  
Provinces of New Brunswick, Nova Scotia and Prince Edward Provinces  
Island, as fully and amply to all intents and purposes as if the of Canada.  
clauses and provisions granting the same had been herein set  
forth at length, and extended and made applicable to the said  
Provinces.

2. The said sixth section of the said Act shall be read and Section 6 of  
construed as if the said mistake had not occurred, and the word 34 V., cap. 52.  
“fifty” were substituted therein for “twenty-five.” amended.

## CHAP. 83.

An Act to amend the Act to incorporate the Canadian  
and Great Northern Telegraph Company.

[Assented to 26th May, 1874.]

**W**HEREAS the Canadian and Great Northern Telegraph Preamble.  
Company have represented by their petition the necessity 32, 33 V., c. 63,  
of extending the time for the commencement and completion of 35 V., c. 96.  
laying down an ocean telegraph cable from the north of Scotland  
to Canada, *via* the Faroe Islands, Iceland, Greenland, through the  
Straits of Belle Isle to Gaspé, or some convenient landing place  
in the St. Lawrence, 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:—

Time for com-  
mencing and  
completing  
work, extend-  
ed.

1. The time limited for the commencement of the work by the Act incorporating the said Company for the connection of Europe and Canada by a telegraph cable shall be extended for a period of three years from the passing of this Act, and the time for its completion shall also be extended to five years from the passing of this Act, notwithstanding anything to the contrary in previous Acts contained.

## CHAP. 84.

### An Act to incorporate the Central Canada Telegraph Company.

[Assented to 26th May, 1874.]

Preamble.

WHEREAS Donald A. Smith, Charles J. Brydges, Marc A. Girard and Thomas Howard, have by their petition prayed to be incorporated under the name of "*The Central Canada Telegraph Company*," for the construction of certain lines of telegraph in the Province of Manitoba and the North-West Territory, to-wit: from Winnipeg, eastward to the Lake of the Woods, and westward to the White Mud River and Fort Ellice, *via* the settlement of Portage la Prairie; and whereas such lines of telegraph are now urgently required as well by the exigencies of the Government service as by the business necessities of the settlers, and it is expedient to grant the prayer of the said petitioners, and that the said persons and others who may be associated with them 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:—

Certain persons incorporated.

1. Donald A. Smith, Charles J. Brydges, Marc A. Girard, Sir Alexander T. Galt, George Stephen, Gilbert McMicken, Charles H. Haskins, and such other persons as may become shareholders in the Corporation to be by this Act created, shall be and they are hereby created, constituted and declared to be a corporation, body politic and corporate, by the name of "*The Central Canada Telegraph Company*," and the head office of the said Company shall be at the City of Winnipeg in the Province of Manitoba.

Corporate name and head office.

Company may build various telegraph lines.

2. The said Company shall have power to construct, make or lay and operate a line of telegraph within and from the City of Winnipeg, in the Province of Manitoba, to the Lake of the Woods by the way of Lower Fort Garry, or by St. Boniface and the route known as the Dawson road, or by both routes, and also to construct another line from the said city to the White Mud River settlement and Fort Ellice *via* the settlement of Portage la Prairie.

Power of Company for building telegraphs.

3. The said Company may land, lay down, erect and maintain its line or lines of telegraph along the sides of and across any public highways

highways, bridges, watercourses or other such places, or under any lakes, rivers or waters, and may enter upon any lands, waters or places and survey, set off, use, occupy and take such parts thereof as may be necessary for such line or lines of telegraph; and in case of disagreement between the Company and any owner or occupier of lands or water which the said Company may take or require to use for the purposes aforesaid, or in respect to any damage done to the same by constructing the line or lines under, through or upon the same, the said Company and such owner or occupier, as the case may be, shall each choose an Arbitrator, which two Arbitrators shall choose a third; and the decision on the matter in difference of any two of these shall be final; and if the said owner or occupier or the agent of the Company neglects or refuses to choose an Arbitrator within eight days after notice in writing from the opposite party and upon proof of service of such notice, or if such two Arbitrators when duly chosen disagree in the choice of a third Arbitrator,—in any such case it shall be lawful for the Lieutenant Governor of Manitoba for the time being, or a Judge of the Court of Queen's Bench, to nominate any such Arbitrators or such third Arbitrator, as the case may be, who shall have the same powers as if chosen in manner above named.

Arbitration in case of disagreement between Company and owner or occupier of lands or water which Company may require.

4. The said Company shall have power and authority to connect with any line or lines of telegraph in the United States of America, and to enter into and make business arrangements with the same from time to time as their business may require, and as the Directors of said Company shall deem meet and proper.

Power to form connections with lines in the United States.

5. The said Company shall at any time have power to extend the same eastward to Lake Superior, and westward to Victoria in Vancouver's Island, and they may construct the same from time to time, by such lengths of extension as to them may seem advisable.

Power to extend line eastward and westward.

6. The capital stock of the said Company shall be one hundred thousand dollars, and shall be divided in one thousand shares of one hundred dollars each; and the said capital stock may be increased from time to time by resolution of the Board of Directors by and with the consent of a majority in value of the shareholders, to such an extent as may suffice to carry into perfect completion and operation the whole undertaking.

Capital and shares.  
Increase of Capital.

7. The persons named in the first section of this Act shall be the Provisional Directors of the Company and shall have power and authority to open stock books and to procure subscriptions for the undertaking, to make calls upon the subscribers, and to cause surveys and estimates to be made, to cause plans to be executed, to enter upon and occupy lands and waters required for the purposes of the Company, to enter into contracts with any person or persons for materials or for constructing the said lines or any part thereof until the first general meeting of subscribers hereinafter provided for.

Provisional Directors.  
Their powers.

First general meeting of stockholders when and where held.

Notice of.

8. The Provisional Directors shall hold office until the first general meeting of the stockholders of the Company after the passing of this Act,—which said first general meeting shall be held as soon as ten per cent. upon the capital stock subscribed shall have been paid in, and such subscription of stock shall not be less than fifty thousand dollars. Notice of such first general meeting shall be given to each shareholder by mail at least one month previous to holding the same, and by insertion in some newspaper printed in Winnipeg for four weeks previous thereto.

Rights of stockholders.

9. Every subscriber to or holder of stock of the said Company shall thereby become a member of said Company, and shall have equal rights and privileges with other members thereof.

Board of Directors, qualification and election of.

10. The business of the Company shall be managed by a Board of seven Directors; each such Director shall be the proprietor of at least ten shares in the capital stock of the Company; and such Directors shall be elected and hold office as hereinafter provided.

All shareholders to have equal rights liability limited.

11. Aliens shall have equal rights with British subjects to take and hold stock and be eligible to office in the said Company; and no shareholder shall be liable beyond the amount of the stock subscribed or acquired by him, for any debt contracted by the Company or loss or liability incurred by the Company.

Officers and agents, appointment and removal of.

12. The Directors shall appoint one of their number to act as President, and another as Vice-President, and may appoint such other officers and agents as they may deem necessary; and the Directors may remove all officers appointed by them, and appoint others in their place, and may fill all vacancies in the offices. A majority of the Directors shall form a quorum, and all questions and proceedings shall be decided by a majority of votes of the Directors present. The President or chairman for the time being may vote as a Director, and in case of an equality of votes shall have a second or casting vote.

Quorum of Directors, &c.

Casting Vote.

Votes at meetings of stockholders.

13. At all meetings of the stockholders, each share shall entitle the holder to one vote, which may be given in person or by proxy; but no person other than a stockholder shall hold a proxy.

Annual general meeting, notice of, and business thereat.

14. The first general meeting shall be held as hereinbefore provided for; and in each year thereafter on the same day or on such other day as the Directors by any by-law may, from time to time, appoint, there shall be held a general meeting for the election of Directors and such other proceedings and business as it is competent for the stockholders to deal with and determine; and four weeks' notice of every such meeting shall be given in one or more of the newspapers published in the City of Winnipeg. The Directors or any of them shall be qualified for re-election.

Vacancies among Directors, how filled.

15. When a vacancy occurs by the death or resignation of a Director the vacancy shall be supplied,—the remaining Directors at their

their first meeting thereafter by resolution appointing a Director or Directors in stead of the Director or Directors so having died or resigned.

**16.** The Directors may from time to time make, alter, amend or repeal such regulations and by-laws as they may deem necessary and proper for the management of the affairs of the Company generally, but subject to the approval of a majority of the shareholders present in person or represented by proxy, at annual or special general meetings of the Company.

By-laws to be subject to approval at general meetings of Company.

**17.** The Directors may require payments of subscribed stock at such times and in such proportions as they may deem best, so that no call shall exceed ten per cent. of the amount subscribed, or be made upon less than sixty days' notice, and at least sixty days subsequent to the preceding call; failure to pay calls shall entail forfeiture, as may be provided for by by-law, but forfeited shares shall be disposed of by public auction and after public notice for a term not less than four weeks.

Calls on shares, amount and notice of. Forfeited shares.

**18.** All shares in the capital stock of said Company shall be held to be personal estate, and shall be transferable as such: Provided no assignment or transfer shall be valid unless all calls then due upon such shares are paid up, and said transfer duly made in a book to be kept for that purpose; and when a stockholder shall have transferred all his shares he shall cease to be a member of the said corporation.

Transfer of shares. Proviso.

**19.** The said Company, their employees, servants or contractors shall have full power and authority to set up posts for supporting the wires of 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; and such posts or poles and wires and other apparatus therewith connected shall be the property of the said Company, as shall also all cables, wires and other apparatus which shall be set up or carried under the surface of land and water by said Company for the purposes thereof, although the lands or waters on or under which the same are set up or carried be not the property of the Company.

Erection of telegraph posts, &c.

**20.** 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 twenty dollars nor more than one hundred dollars, 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 transmission of such despatches, and to receive, collect and recover such rates of payment as shall be, from time to time, fixed by by-laws made by the Directors: Provided always that any message in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime and Government messages or despatches shall always be transmitted in preference to any other message or despatch.

Messages to be transmitted in order as received. Collection of rates for transmission of despatches. Proviso, government and judicial messages to have preference in transmission.

despatch if required by any person connected with the administration of justice or any person thereunto authorized by the Secretary of State of Canada.

Divulging contents of message a misdemeanor, penalty therefor.

21. Any operator employed by the said Company on any of the lines of the Company divulging the contents of a private despatch shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding one hundred dollars, or to imprisonment not exceeding three months, or both, in the discretion of the court before which the conviction shall be had.

Short title.

22. This Act shall be known and cited as "*The Central Canada Telegraph Company Act.*"

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## CHAP. 85.

An Act to amalgamate "The Canadian Telegraph Supply Manufacturing Company (limited)," and "The Toronto Manufacturing Company (limited)," under the name of "The Electric and Hardware Manufacturing Company (limited)."

[Assented to 26th May, 1874.]

Preamble.

WHEREAS "The Canadian Telegraph Supply Manufacturing Company (limited)," and "The Toronto Manufacturing Company (limited)" have by their petitions represented that it has become desirable for the said Companies to effect an amalgamation the one with the other for the purpose of more effectually carrying out the objects for which they were incorporated, and have also by the said petitions prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayers of the said petitions: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Existing Companies amalgamated

1. From and after the passing of this Act "The Canadian Telegraph Supply Manufacturing Company (limited)" and "The Toronto Manufacturing Company (limited)" shall be amalgamated and become one corporation, and the present shareholders of the said respective Companies hereby amalgamated, together with such persons and corporations as shall hereafter become shareholders of the Company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic by and under the name and style of "The Electric and Hardware Manufacturing Company (limited)" hereinafter called the "New Company," who shall be invested with and have all the rights, privileges

New Company.

privileges, property and powers, and be responsible for all the liabilities of the said respective Companies, and shall be held to be the same corporation with each of them, so that any right or claim which could be enforced by or against either of them may, after such union, be enforced by or against the Company hereby incorporated; and any action, suit or proceeding pending at the time of such union by or against either of the said respective Companies may be continued and completed by or against the new company upon a suggestion of the passing of this Act.

Rights and liabilities transferred to New Company

2. The said new Company shall have full power and authority to carry on the business of manufacturing, selling and dealing in electrical instruments and insulators, and all kinds of telegraph supplies and material, and also all kinds of curtain fixtures and general hardware.

Business of the new Company.

3. For the management of the affairs of the said new Company there shall be seven Directors, of whom three shall be a quorum; they shall be annually elected at a general meeting of the shareholders of the said new Company,—the first of which meetings shall be held in the City of Toronto on the first Thursday of July next, and thereafter the general annual meeting of the shareholders of the said new Company for the election of Directors and other purposes shall be held at such place and on such days and at such hours and upon such notice as may be directed by resolution of the Directors of the said new Company; and no shareholder shall be entitled to be a Director unless he is the holder of at least one thousand dollars of stock in the said Company upon which all calls shall have been paid.

Board of Directors and quorum of same.

Annual general meetings of Company, when and where held.

Qualification for Director.

4. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed under the provisions of this Act, the said new Company shall not be deemed nor taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders to be duly called by the Directors for that purpose; and in the event of the election of Directors not being held on the day appointed the last elected Directors shall hold office till their successors are elected.

Failure of election of Directors not to dissolve corporation.

Provisions in case no election is held.

5. Special general meetings of the shareholders of the said new Company may be held at such places, at such times, on such notice and for such purposes as the Directors may from time to time by resolution declare.

Special general meetings of shareholders.

6. The present Boards of Directors of the said Companies hereby amalgamated shall be and form a joint Board of Directors of the Company hereby incorporated, and shall hold office until other Directors shall be elected under the provisions of this Act.

Present boards of directors of said Companies continued in office until election.

7. The capital stock of the new Company hereby incorporated shall be two hundred thousand dollars, to be divided into shares of

Capital stock and shares.

of

As to shareholders in either of amalgamated Companies.

of one hundred dollars each, and every person who at the time of the passing of this Act shall be a shareholder in either of the companies hereby amalgamated, shall be entitled to an allotment of an equivalent number of shares in the Company hereby incorporated, and shall receive credit upon such allotted shares for all sums or calls paid upon his shares in the said companies hereby amalgamated, and the balance of the said capital stock shall be raised by such other persons or corporations who may become shareholders in the Company hereby incorporated.

Twenty per cent. of subscribed stock to be paid up.

8. No subscription for stock in the capital of the new Company shall be binding on the said Company, unless twenty per centum of the amount subscribed shall have been actually paid thereon within fifteen days after such subscription.

Forfeiture of shares for non-payment of calls.

9. The Directors, in case of the neglect or refusal of any shareholders to pay any call regularly made for the space of two months after the time appointed for the payment thereof, may declare the shares of such shareholders forfeited, and such forfeited shares and all the profit and benefit thereof shall thereafter become the property of the new Company.

Company may become party to promissory notes and bills of exchange.

10. The said new Company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars each; and all such promissory notes or bills of exchange made or endorsed by the President or Vice-President of the said Company and countersigned by the Secretary, shall be binding on the Company; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory notes or bills of exchange, nor shall the President, Vice-President or Secretary be individually responsible for the same: Provided however, that nothing herein contained shall be construed to authorize the said Company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Form of notes and bills binding on Company.

Proviso.

Election of President and Vice-President.

11. The Directors shall, from time to time in addition to a President, elect from among themselves a Vice-President, who in the absence of the President shall act in his place.

32, 33 V., c. 12, to form part of this Act.

12. The "*Canada Joint Stock Companies' Clauses Act, 1869*," shall extend and apply to the new Company hereby incorporated, and shall be incorporated with and form part of this Act.

## CHAP. 86.

An Act to amend the Act incorporating the British America Assurance Company, and other Acts affecting the same, and to extend the powers of the said Company.

[Assented to 26th May, 1874.]

**W**HEREAS the British America Assurance Company have petitioned for certain amendments to their charter, and other acts affecting the same, and that their powers may be extended thereunder; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. So much of the eighteenth section of the Act of incorporation of the said Company, as relates to investments by the said Company, shall be and is hereby repealed; and from and after the passing of this Act, it shall be lawful for the said Company to invest the capital stock, funds and money of the said Company, temporarily or otherwise, in Dominion, Provincial, Municipal and Foreign Securities, in bonds and mortgages, and the stocks of the incorporated moneyed institutions of the Dominion of Canada.

Section 18 of Act of U. C. 3 W. 4, c. 18, as to investments of the capital stock repealed. New provisions.

2. To enable the Company to extend their business to parts abroad, as contemplated by the Act of incorporation, it shall be lawful for the said Company to make deposits of money or securities there in compliance with the laws of the country, State or States wherein it may be desirable to carry on their business of assurance.

Company may make deposits in country or state where they desire to carry on business.

3. So much of the fifth section of the thirty-fifth Victoria, chapter ninety-eight, amending the said Act of incorporation as relates to the calls to be made upon additional stock in the Company issued and allotted under the provisions of the said last mentioned section, shall be and is hereby repealed; and it shall be lawful for the Directors of the said Company to call in such additional stock in such amounts and at such periods as the Board of Directors for the time being may, from time to time, limit and direct.

Section 5, of 35 V., c. 98, repealed as to calls upon additional stock. Directors may limit and direct the amounts and periods of call.

4. The fourteenth section of the said Act of incorporation, and so much of the third section of the thirty-fifth Victoria, chapter ninety-eight above mentioned, as relates to a Director of the said Company accepting the office of and acting as a Director in any other insurance company or association, shall be and are hereby repealed.

Repeal of Section 14 of Act of U. C. 3 W. 4, c. 18 and s. 3 of 35 V., c. 98 in part.

## CHAP. 87.

## An Act to amend the Act incorporating "The Royal Canadian Insurance Company."

[Assented to 26th May, 1874.]

Preamble.

36 V., 99.

WHEREAS "The Royal Canadian Insurance Company" have, by their petition, prayed for certain amendments to their Act of incorporation, passed in the session held in the thirty-sixth year of Her Majesty's reign, and being chapter ninety-nine of the Acts of that Session; 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:

Further power of insurance on vessels, &c., navigating the ocean, lakes, rivers, &c.

1. The said Company shall, in addition to the powers vested in them by the said Act, have power and authority to make and effect contracts of insurance with any person or persons, body or bodies politic or corporate, against loss or damage of or to sea-going or lake-going ships, boats, vessels, steamboats or other crafts navigating the ocean, lakes, rivers, high seas or any other navigable waters whatsoever, from any port or ports in Canada to any other port or ports in Canada, or to any British or foreign port or ports upon the ocean, lakes, rivers or other navigable waters aforesaid, or from one foreign port to another foreign port, or from any foreign port or ports to any port or ports in Canada or elsewhere, upon all or any of the seas, lakes, rivers and navigable waters aforesaid, (Provided always that no ocean risks shall be assumed by the said Company until and unless special authority to assume that class of risks be conferred on the Directors, at a meeting of the shareholders of the said Company specially convened for that purpose), and against any loss or damage of or to the cargoes or property conveyed in or upon such ships, boats, vessels, steamboats or other craft, and the freight due or to grow due in respect thereof; or of or to timber or other property of any description conveyed in any manner upon all or any of the seas, lakes, rivers and navigable waters aforesaid; and, generally, to do all matters and things related to or connected with marine insurances, on all or any of the seas, lakes, rivers and navigable waters aforesaid;

Proviso, authority to assume ocean risks to be granted the Directors by special general meeting of Shareholders.

Insurance on cargoes or property in vessels, &c.

Insurance on timber, &c., and general marine insurance.

Insurance on buildings, goods, &c., against loss or damage by fire.

And the said Company shall also have power to effect contracts of insurance with any person or persons, body or bodies politic or corporate, against loss or damage by fire in Great Britain, or in any of her dependencies, or in foreign countries, on any houses stores, or other buildings whatsoever; and also on any goods, chattels or personal estate whatsoever, including such as may be carried by railway or be stored in any railway station or warehouse, for such time or times and for such premiums and considerations, and under such modifications and restrictions, and upon such conditions as may be bargained or agreed upon, or set forth,

by

by and between the Company and the person or persons, body or bodies politic or corporate, agreeing with them for such insurance; and to cause themselves to be re-insured against any loss or risk they may incur in the course of their business, or to insure any other insurance company against any loss or risk which such other Company may incur in the course of their business; and generally to do and perform all other necessary matters and things connected with and proper to promote those objects.

Re-insurance.

2. For all or any of the purposes aforesaid, it shall be lawful for the Directors of the said Company to establish agencies, for the carrying on of the business of the Company, at any port or place in the Dominion of Canada, the United States of America, or elsewhere, and in so doing, to appoint and from time to time to remove such agents and local boards as they in their discretion may deem advantageous to the interests of the said Company, and to remunerate such agents and local boards, and invest them with such powers as they may deem necessary.

Establishing agencies, remuneration and removal of agents.

3. The said Company shall have power to acquire and hold, for the purposes of their business, such real estate in the Dominion of Canada or elsewhere, not exceeding in annual value at any one place, the sum of ten thousand dollars, current money of Canada, as the Directors of the Company may deem necessary or expedient, and likewise such real estate in the Dominion of Canada or elsewhere, as the Directors may find it necessary or expedient, from time to time, to accept in payment of debts due to the said Company, or to purchase at sales on judgments obtained for such debts; and shall also have power to alienate and convey any or all such real estate: Provided always, that the said Company shall not retain and hold any such real estate as they may so accept in payment of debts or purchase at sales on judgments obtained for such debts, for a longer period than five years.

Holding real estate, value held limited.

Proviso, time of holding limited.

4. It shall also be lawful for the Company to purchase and hold, for the purpose of investing therein any part of the funds or money thereof, any of the public securities of the United States of America, to such an amount as may be required to be deposited with the Federal Government, or the Government of any of the different States of said United States, for the purpose of doing business therein.

Company may hold United States' securities for purposes of deposit there.

5. No person shall be elected as a Director of the said Company unless he be a registered shareholder, owning absolutely and in his own right and not in trust, not less than one hundred shares of the capital stock of the Company, and be not in arrear in respect of any call thereon.

Qualification of a director.

6. Aliens, whether resident in Canada or elsewhere, shall have the same rights as British subjects to take and hold stock or shares in the Company, and to vote either as principals or proxies, and shall

Rights of aliens.

Proviso,  
President, &c.  
to be British  
and reside in  
Canada.

shall be eligible to office as Directors or otherwise : Provided always that the President, Vice-President and a majority of the Directors shall reside in Canada, and be subjects of Her Majesty.

Vacating  
office of a  
director.

7. Whenever a Director shall have absented himself from the meetings of the Board of Directors during three consecutive months, unless by leave of absence from the Board, or shall become notoriously insolvent or bankrupt, or shall cease to be a registered owner, as aforesaid, of one hundred shares of the capital stock of the Company, his office shall, *ipso facto*, become vacant.

Annual gen-  
eral meeting  
and ballot for  
election of  
Directors.

8. The annual general meeting of the shareholders shall be held on the first Thursday in February in each year, or, if that day be a holiday, on the next succeeding day, at the hour of two of the clock in the afternoon; and the ballot for the election of Directors shall be kept open for two hours,—at the expiration of which time the ballot shall be closed, and when so closed, no person shall have a right to vote, on any pretence whatever.

Special meet-  
ings, how  
called.

9. Special meetings of the shareholders may be called for any day not a Sunday or holiday, by order of the President, or, in his absence, of the Vice-President, or on the requisition of at least ten shareholders, representing not less than one thousand shares of the capital stock of the Company.

Notice of  
meetings, of  
Shareholders,  
&c.

10. All meetings of shareholders may be held in such place in the City of Montreal, as the Directors may select; and notices of all such meetings shall be given by advertisement during the ten days preceding the day fixed for the meeting, in an English and a French newspaper published in the City of Montreal, and in such other manner as the Directors may deem fit:

Quorum.  
Proxies.

The quorum at all such meetings shall consist of twelve shareholders; and no person shall be entitled to act or vote as proxy at any such meeting unless he be a registered shareholder of stock owned absolutely in his own right and not in trust.

Enforcing  
payment of  
calls by action.

11. 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 has accrued to the Company; and a certificate purporting to be under the seal of the Company and 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 as *prima facie* evidence to that effect.

What suffi-  
cient allega-  
tions.

And proof.

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

Proof of by-laws, entry on books of Company, &c.

13. It shall be lawful for the Directors of the said Company, with the consent of the majority in value of the shareholders present at any meeting of shareholders, to increase the capital stock of the said Company, from time to time, to an amount not exceeding in all the sum of ten millions of dollars, subject to the conditions in section three of the original charter contained.

Increase of capital within certain limits.

14. So much of the said Act incorporating the said Company as is contrary to or inconsistent with the provisions of this Act is hereby repealed.

Repeal of inconsistent enactments.

## CHAP. 88.

### An Act to amend the Act incorporating the Confederation Life Association,

[Assented to 26th May, 1874.]

**WHEREAS** the Confederation Life Association has petitioned for an amendment of the Act passed in the thirty-fourth year of Her Majesty's reign, intituled "*An Act to incorporate the Confederation Life Association*;" and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.  
34 V. c. 54.

1. The General Board may by by-law fix the time for holding the annual meeting of the Association, and change the same from time to time as may be deemed expedient, so that the annual meeting shall be held not later than the first day of May in any year; and it shall be lawful to fix and hold the annual meeting to be held next after the passing of this Act, at any time not later than the first day of May, one thousand eight hundred and seventy-five; and such meeting and all things done thereat shall be as valid and effectual as if the meeting had been held in the present year.

Time for holding annual meeting, how fixed.

2. The General Board may by by-law fix the time for the ending of the financial year of the Association, and a statement made

Financial year and statements under 31 V., c. 48, s. 14.

made up from the making of the last preceding statement to the balancing day fixed by any such by-law shall be a sufficient compliance for the first year after the passing of this Act with the fourteenth section of the "*Act respecting Insurance Companies*," passed in the thirty-first year of Her Majesty's reign, and chaptered forty-eight.

34 V., c. 54, s. 8, amended.

3. The eighth section of the said Act in the preamble to this Act mentioned is hereby amended by striking out the words "in addition to *ex-officio* members."

Sections 18 and 19 repealed.

4. The eighteenth and nineteenth sections of the said Act are hereby repealed, and the following section is substituted therefor:—

New section, as to policies surrendered or premium not paid.

"Whenever any holder of a policy shall have paid two or more annual premiums thereon, and shall fail to pay any further premium or shall desire to surrender the policy, the premiums paid shall not be forfeited, but he shall be entitled to receive a paid-up and commuted policy for such sum as the General Board may ascertain and determine, or to be paid in cash such sum as the General Board may fix as the surrender value of the policy; such sums to be ascertained upon principles to be adopted by by-laws applicable generally to all such cases as may occur; provided he shall demand such paid-up and commuted policy or such cash payment while the original policy is in force, or within six months after his failure to pay a premium thereon."

Section 21, amended.

5. The twenty-first section of the said Act is hereby amended by inserting the words "in or on" after the words "real estate or" in the seventh line of the said section, and by striking out the proviso in the last three lines of the said section contained.

## CHAP. 89.

### An Act to incorporate "The Ottawa Agricultural Insurance Company."

[Assented to 26th May, 1874]

Preamble.

**W**HEREAS the Honorable William H. Chaffers, Senator, William H. Brouse, M.P., Robert Blackburn, M.P., Pierre St. Jean, M.D., M.P., William Gibson, M.P., John P. Featherston, Thomas McKay, Allan Gilmour, Gordon Burleigh Pattee, Martin Wholehan, the Honorable James Skead, Senator, John Rochester, M.P., and Cyril Archibald, M.P., have by their petition represented that they are desirous of forming an association for the insurance of farm property and residences against loss and damage by fire and lightning, and believe that the establishment of an association

tion, confining its business to this class of risks, would be greatly beneficial to the interests of the people of this Dominion, and have prayed that they might be incorporated for the purpose of carrying on a business of this description by the name of "The Ottawa Agricultural Insurance Company;" and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The several persons mentioned in the preamble, together with all such persons as now are, or shall hereafter become members of the said Company, and their respective administrators, executors and assigns, shall be and are hereby constituted and declared to be a corporation, body politic and corporate, under the name of "The Ottawa Agricultural Insurance Company;" and the head office of the said Company shall be in the City of Ottawa.

Certain persons incorporated.

Corporate name and head office.

2. The Company shall have a common seal, and may sue and be sued, contract and be contracted with, in the corporate name aforesaid.

Corporate powers.

3. The capital stock of the said Company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each,—which said shares shall be, and are hereby, vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act: Provided always that it shall be lawful for the said Company to increase the amount of the stock at any time, or from time to time, to an amount not exceeding in the whole one million of dollars, as a majority of the shareholders at a special general meeting to be expressly convened for that purpose may agree upon.

Capital stock and shares.

Increase, how authorized and limited.

4. When duly licensed under the Act respecting Insurance Companies, the said Company shall be legally authorized to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire or lightning on dwellings, barns and outbuildings, with their contents and other detached property, for such time and for such premiums or considerations, and under such modifications and restrictions and upon such conditions as may be bargained or agreed upon, or set forth by and between the Company and the person or persons agreeing with them for such insurance; and to cause themselves to be re-insured against any loss or risk they may incur in the course of their business; and generally to do and perform all other necessary matters and things connected with and proper to promote the objects aforesaid.

General business of the Company.

Re-insurance.

5. All policies or contracts of insurance issued or entered into by the said Company, shall be under the seal of the said Company and shall be signed by the President or Vice-President, and countersigned by the Manager or Secretary, or otherwise, as may

Form of policies of insurance binding on the Company.

be directed by the by-laws, rules and regulations of the Company, and being so sealed, signed and countersigned, shall be deemed valid and binding upon them according to the tenor and meaning thereof.

Provisional Directors.

Opening of stock books, when, where, and for how long.

6. For the purpose of organizing the said Company, the persons named in the preamble to this Act shall be Provisional Directors thereof, and they, or a majority of them, may cause stock books to be opened after giving due public notice thereof.—upon which stock books shall be recorded the subscriptions of such persons as desire to become shareholders in the Company; and such books shall be opened in the city of Ottawa and elsewhere, and for such time as the Provisional Directors shall deem necessary.

First general meeting of shareholders, when and where held.

7. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of the shareholders at some place to be named in the city of Ottawa, giving at least ten days' notice thereof in the *Canada Gazette* and also in some daily newspaper published in the said city; at which general meeting the shareholders present, in person or by proxy, shall elect fifteen Directors in the manner and qualified as herein-after provided, who shall constitute a Board of Directors and shall hold office until the first Wednesday in January in the year following their election: Provided the said Company shall not commence business until at least fifty thousand dollars of its capital stock shall be paid up.

Election of Directors.

Proviso: when Company may go into operation.

8. The shares of the capital stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint. But such instalments shall be payable at periods of not less than three months' interval; and no instalment shall exceed five per cent, and not less than one month's notice thereof shall be given.

Calls on Stock, amount and frequency limited.

Board of Directors and officers.

9. The stock, property, affairs and concerns of the said Company shall be managed and conducted by a Board of Directors, which shall be composed of fifteen members of the said Company, one of whom shall be chosen President and one Vice-President, who excepting as hereinbefore provided, shall hold office for one year; which Directors shall be shareholders residing in Canada, and be elected at the annual general meeting of shareholders to be holden in the City of Ottawa on the first Wednesday in January in each year, or such other day as may be appointed by by-law,—not less than ten days' notice of such meeting being given in the *Canada Gazette* and also in some daily newspaper published in the said city; and the said election shall be held and made by such of the shareholders present in person or by proxy as shall have paid all calls made by the Directors and then due; and all such elections shall be by ballot, and the fifteen persons who shall have the greatest number of votes at any such election shall

Qualification and election of Directors.

Shareholders qualified to vote.

shall be Directors except as hereinafter provided; and if two or more persons have an equal number of votes in such manner that a greater number of persons shall appear to be chosen as Directors, then the Directors who shall have 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 fifteen; and the said Directors as soon as may be after the election, shall proceed in like manner to elect by ballot one of their number to be the President and one to be Vice-President; but shareholders not residing within the Dominion of Canada shall be ineligible, and if any Director shall remove his domicile out of Canada his office shall be considered as vacant; and if any vacancy should at any time happen amongst the said Directors by death, resignation, disqualification or removal, during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors or a majority of them, electing in such place or places a shareholder or shareholders eligible for such office: Provided always that no person shall be eligible to be or continue as Director, unless he shall hold in his name and for his own use stock in the said Company to the amount of ten shares, whereof at least ten per cent shall have been paid in, and shall have paid all calls made upon his stock, and all liability incurred by him to the Company.

Election of officers by Directors.

Disqualifications and vacancies among Directors.

Qualification of Director.

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

Failure of election on day appointed not to dissolve corporation.

11. At all general meetings of the said Company, each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid. Such votes may be given either in person or by proxy,—the holder of any such proxy being himself a shareholder; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes,—the chairman presiding at such meeting having the casting vote in case of an equality of votes: Provided that no clerk or other employee of the said Company shall vote either in person or by proxy at the election of Directors.

Votes on shares at general meetings of the Company.

Proxies. Questions, how decided.

Proviso: as to employees of Company.

12. If any shareholder shall neglect or refuse to pay the instalments due upon any share or shares held by him, the Directors may forfeit such share or shares together with the amount previously paid thereon in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold, or any part thereof for the benefit of the Company, to any other person or persons.

Forfeiture of shares for non-payment of calls.

Payment of arrears of calls, &c., before share forfeited is sold.

Proceedings in suits for recovery of arrears or calls, &c.

What proof sufficient on behalf of Company.

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

Quorum at meetings of Directors.

Decision of questions thereat.

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

Business at annual and special meetings of shareholders.

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

Statements, &c., to be laid before meeting.

Who to preside.

Matters on which Directors may make by-laws—calling of meetings—appointment of sub-boards—calls on stock—appointment of

**16.** The Directors shall have full power and authority to make and from time to time to alter such by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well ordering of the Company, the management and disposition of its stock, property, estate and effects; the calling of special general meetings; the regulation of the meetings of the Board of Directors; the appointment of sub-boards to facilitate

tate the details of business, and the definition of the duties and powers of such sub-boards; the making of calls upon the subscribed capital; the appointment and removal of officers and agents of the Company, the regulation of their powers and duties, and the salaries to be paid to them; the regulation of the transfer of stock, and the form thereof; the compensation of Directors; and the establishment and regulation of agencies: Provided always, that all such by-laws, rules, regulations and ordinances made by the Directors as aforesaid shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved by such meeting, and shall thereafter have force and effect, as so approved or modified at such meeting; and provided further that such by-laws do not contravene the provisions of this Act.

officers—transfer of stock—establishment of agencies, &c.

Proviso; by-laws, &c., made by Directors to be approved or modified at next annual meeting of shareholders.  
Proviso.

17. The Company shall have power to acquire and hold real estate for the purpose of its business within the Dominion of Canada and to sell or dispose of the same and acquire other property in its place, as may be deemed expedient; and to take, acquire and hold, all such lands and tenements, real or immovable estate, as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts due the said Company, or purchased at sales upon judgments or executions which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof, or of the owner thereof; and to retain the same for a period not exceeding five years: and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada or any of the Provinces thereof, or in the stocks of any banks or building societies in Canada, or in the bonds or debentures of any incorporated city, town, or municipality in Canada authorized to issue bonds or debentures, or in mortgages on real estate.

Company may acquire and hold real estate of limited value, and for limited time.

Investment of funds.

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

Transfer of stock, entry in books, and consent of Directors required.

Proviso: as to shareholders indebted to company.

19. In the event of the property and assets of the said Company being insufficient to satisfy its debts, liabilities and engagements, the shareholders shall be liable for the deficiency, but to no greater extent than the amount of the balance remaining unpaid upon their respective shares in the capital stock: Provided always, that nothing in this section shall be construed to alter or diminish the liabilities of the Directors of the Company.

Liability of shareholders limited.

Proviso: Liability of Directors not affected.

Dividenda.

20. The Directors of the Company, at the annual meetings thereof, shall declare such dividends upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends.

General Act  
31 V., c. 48  
as amended  
by 34 V., c. 9,  
to apply.

21. This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred shall be subject to the provisions contained in the Act thirty-first Victoria, chapter forty-eight, intituled "*An Act respecting Insurance Companies*" as amended by the Act thirty-fourth Victoria, chapter nine, and to such other enactments on the subject of insurance as may, from time to time, be passed.

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## CHAP. 90.

### An Act to incorporate "The Maritime Insurance Company"

[Assented to 26th May, 1874.]

Preamble.

WHEREAS the persons hereinafter named have, by their petition, prayed that they may be incorporated for the purpose of establishing a Company in the City of Montreal for the transaction of the business of Marine Insurance, to be called the "Maritime Insurance Company;" 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:—

Certain  
persons incor-  
porated.

Corporate  
name and  
powers.

What real  
estate may be  
held and for  
what time.

1. Theodore Hart, Andrew Allan, John Torrance, Hector Mackenzie, Thomas Cramp, Nathaniel S. Whitney, Charles T. Hart, Jacob H. Joseph, John Cowan and such other persons as may become shareholders in the Company to be by this Act created, shall be, and they are hereby created, constituted and declared to be a corporation, body corporate and politic under the name and style of the "Maritime Insurance Company;" and shall have power to acquire and hold real estate for the management of their business not exceeding the yearly value of ten thousand dollars, and the same to sell and dispose of and other to acquire as may be deemed expedient; and to take and hold any real estate *bond fide* mortgaged to the said Company by way of security, or conveyed to them in 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, which may have been obtained for such debt, or by virtue of any proceeding at law, or in equity, or acquired by purchase to avoid loss to the Company, and to hold the same for any period not exceeding five years, during which time the said Company shall be bound to sell and dispose of the same, or to institute the necessary proceedings for that purpose where it is necessary to have recourse to any court of law or equity therefor.

2.

2. The said Company shall have power and authority to make, Business of the Company declared. 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 peril of navigation of or to any vessel, steamer, boat or other craft, either seagoing or navigating upon lakes, rivers or navigable waters; and of or to any cargo, goods, merchandise, specie, bullion, jewels, bank notes, bills of exchange and other evidences of debt conveyed therein, or on any railway, or stored in any warehouse or railway station while in transit; and of and to any timber or other property of any 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 upon which they have made or may make insurance, and generally to do and perform all other matters and things necessary to such objects.

3. The capital of the said Company shall be five hundred Capital and shares. thousand dollars, consisting of five thousand shares of one hundred dollars each; but it shall be lawful for the said Company from Increase thereof. time to time to increase the capital stock to an amount not exceeding in the whole one million dollars, by a resolution adopted by a majority of the shareholders present at a meeting expressly convened for that purpose.

4. It shall be lawful for the said Company, within the limits of Investment of funds of Company. Canada, to invest their funds or any part thereof, in loans upon public or landed securities, and the same to call in and to re-loan as occasion may require; and in the purchase of mortgages upon real estate, the public securities of the Dominion or any Province thereof, the bonds and debentures of any municipal corporation, or the stock of any incorporated bank in Canada; and to sell and transfer the same as occasion may require: Proviso: as to dealing in goods. Provided always, that the said Company shall not deal in any goods, wares or merchandise, other than such as they shall become possessed of by virtue of any insurance made thereon, and which may be abandoned to them.

5. The property, affairs and business of the Company shall be Provisional Directors. managed by a Board of not more than fifteen nor less than seven Directors, one of whom shall be chosen President and one Vice-President; which Board, in the first instance, shall be provisional, and until others shall be appointed as hereinafter provided, shall consist of the persons named in the first section of this Act; and they or a majority of them may cause stock books to be opened, Powers. upon which shall be recorded the subscriptions of such persons as desire to become shareholders in the said Company.

6. So soon as the sum of one hundred thousand dollars shall have been subscribed as aforesaid, it shall be lawful for such subscribers to proceed to the election, by ballot, of a Board of Directors, First election of Directors, when to be held, at such time as the Provisional Board shall direct,—giving **fifteen**

President, &c. fifteen days' continuous notice thereof in two newspapers at least, published in the City of Montreal; which Directors shall be subscribers, at the time of their election and during their continuance in office, to the amount of twenty-five shares each, and shall have power to choose from amongst themselves a President and Vice-President; and the said Directors shall hold office until the first annual general meeting of the shareholders thereafter: Provided always, that the said Company shall not begin the business of insurance, until the sum of at least two hundred and fifty thousand dollars, shall have been subscribed, and twenty per cent. paid up.

Proviso: when to begin business.

Annual general meetings of shareholders. 7. A general meeting of the shareholders of the said Company shall be held in the City of Montreal on such day of each and every year as a majority of the Directors may appoint, after giving thirty days' notice thereof in at least one newspaper published in the City of Montreal; and the stockholders present at such meeting either in person or by proxy, shall proceed to elect by ballot the Directors for the ensuing year: Provided that nothing herein contained shall be held to render the retiring Directors ineligible for re-election.

Proviso: as to re-election.

Vote, one on each share. 8. Each stockholder shall be entitled to one vote for each share he shall hold in his own name at least one month prior to the time of voting, upon which all calls then due shall have been paid; and all votes given at any meeting may be given either personally or by proxy,—the holders of such proxies being stockholders authorized by writing under the hands of the stockholders nominating them; and any proposition at any such meeting shall be determined by a majority of the votes of the parties present including proxies; and if two or more persons have an equal number of votes, in such a manner that a greater number of persons shall appear to be chosen as Directors than is provided for by this Act, then the Directors who shall have a greater number of votes or a majority of them, shall determine which of such persons so having an equal number of votes, shall be a Director or Directors, so as to complete the full number required to be elected.

Proxies.

Ties, how to be decided.

Vacation of seats of Directors. Vacancies how filled. 9. If any Director shall die, resign or become disqualified or incompetent to act as a Director, or shall cease to be a Director through any other cause, the remaining Directors, if they think proper so to do, may elect in his place any stockholder duly qualified to be a Director; and the stockholder so elected to fill up such vacancy shall continue in office until the first annual meeting thereafter.

Annual statement of affairs. 10. At the annual general meeting of the Company, and before the shareholders then assembled, the Board of Directors shall exhibit a full and unreserved statement of the affairs of the Company, of the funds, property and securities, shewing the amount of real estate, of bonds and mortgages and other securities and investments, and the amount due to and by the said Company.

11. If it shall happen at any time, or for any cause, that an election of Directors shall not be made on any day, when pursuant to this Act or the ordinances of the Company it ought to have been made, the said corporation shall not for that cause be dissolved; but it shall be lawful on any other day to hold and to make an election of Directors in such manner as may have been regulated by the by-laws of the Company; and the Directors in office shall so continue until a new election shall have been made.

Provision in case of failure of election on appointed day.

12. Any number of the Directors of the Company, being a majority thereof, shall have full power and authority to make, prescribe, and alter such by-laws, rules, or ordinances and regulations, not being contrary to law nor to the provisions of this Act, as shall appear to them right, proper and needful, touching the government, management and well-ordering of the Company, its business and affairs, servants and agents; the rates and amount on any one risk of insurance; the terms and conditions of policies, and the mode of issuing the same; the calling of special general meetings; the management and control of branch boards, and of the stock, property, estate and effects of the Company; and also to call in any instalment or instalments of the subscribed stock, at such times or seasons and in such manner as they may see fit, giving due notice thereof as hereinafter provided; and also to declare and cause to be paid or distributed to the respective shareholders of the Company, any dividend or dividends, at such times and seasons as they may deem expedient; and also to appoint a Manager, Secretary, Treasurer and other officers, or any of them, with such salary or allowance to each as may be agreed upon, and to take security for the due performance of their respective duties as such Directors shall think advisable: Provided always, that for the purposes in this section set forth a majority of the Directors shall be present, except as hereinafter specially provided.

Powers of Directors as to by-laws, for certain purposes.

Dividends. Appointment of officers.

Proviso.

13. There shall be, as may be fixed by the by-laws of the Company, a weekly, fortnightly or monthly meeting of the Directors; and any three or more of the Directors shall be a quorum for the general management of the business and affairs of the Company; and at all meetings of the Directors all questions shall be decided by a majority of the voices or votes; and in case of an equality of votes, the President, Vice-President, or presiding Director shall give a casting vote over and above his proper vote as a Director.

Meetings of Directors: Quorum.

Casting vote.

14. All policies, cheques and other instruments, issued or entered into by the said Company, shall be signed by the President or Vice-President and countersigned by the Manager or Secretary, or as otherwise directed by the rules and regulations of the Company in case of their absence; and being so signed and countersigned shall be deemed valid and binding upon the Company, according to the intent and meaning thereof.

Signing policies, cheques, &c.

15. The Directors may make such calls upon the respective shareholders in respect of the shares subscribed or held by them respectively.

Making of calls and recovery of

the same by  
forfeiture :

pectively, as they may, from time to time, deem expedient,—giving not less than thirty days' continuous notice of each of such calls in at least two newspapers published in the City of Montreal; and if any shareholder refuse or neglect to pay to the said Directors, or to such person or persons and at such place as they may appoint, the instalments called for, due or to become due upon any share or shares held by him, when required so to do, he shall forfeit his shares together with the amount paid thereon; and such forfeited share or shares may be sold by the Directors after such notice to the holder thereof as they may direct,—being not less than thirty days, and the money arising from such sale shall be applied for the purposes of this Act: Provided always, that the Directors shall have power to enforce such calls of payments by law; and in any action for the payment of calls, it shall be sufficient to prove that the defendant is the holder of one or more shares, that such calls were in fact made, and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such calls, or any other matter whatever.

Or by suit :  
allegations and  
proof therein.

Transfer of  
shares : con-  
ditions for  
validity.

**16.** No transfer of any share or shares of the capital stock of the said Company shall be valid, until entered in the books thereof, according to such form as the Directors may, from time to time, determine; and until the whole of the said share or shares of the said Company are paid up, it shall be necessary to obtain the consent of the Board of Directors by a vote which shall not be less in number than that of the majority of the whole number of the said Directors to such transfer being made: Provided always, that no stockholder indebted to the said Company shall be permitted to make a transfer or receive a dividend, until such debt is paid or secured to the satisfaction of the Directors.

Proviso, as to  
debtors to the  
Company.

Liability of  
shareholders  
limited.

**17.** Each shareholder shall be individually liable to the creditors of the Company for the debts and liabilities thereof, to an amount equal to the amount unpaid on the stock held by him, but no further.

Shares per-  
sonalty.

**18.** All shares in the said Company shall be deemed personal property.

Dividends :  
when only to  
be lawful.

**19.** No dividend shall be declared or paid out of the capital stock of the Company; nor shall any dividend out of the net profits be declared or paid unless the said capital shall be unimpaired, and no larger dividend shall be declared or paid in any one year than twenty per cent. on the paid up capital; and every larger amount earned shall be appropriated to a rest, until such rest shall be equal to twenty-five per cent. of the amount of the capital for the time being.

Places of  
business.

**20.** The operations and business of the Company shall be carried on at such place in the City of Montreal as the said Board may direct; but agencies with or without Branch Boards of Directors, may be established elsewhere as the said Board may deem expedient.

21. Suits against the Company may be prosecuted or maintained by any shareholder therein; and no shareholder of the Company shall be incompetent as a witness in any proceedings by or against the Company. Suits by or against Company.

22. This Act and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in the Act thirty-first Victoria, chapter forty-eight, as amended by the Act thirty-fourth Victoria, chapter nine, and to such other legislation on the subject of insurance as may, from time to time, be passed. Act to be subject to general Acts, 31 V., c. 48, 34 V., c. 9, &c.

## CHAP. 91.

### An Act to incorporate "The Merchants' Marine Insurance Company of Canada."

[Assented to 26th May, 1874.]

**W**HEREAS the persons whose names are hereinafter mentioned Preamble. have, by their petition, prayed that they may be incorporated for the purpose of establishing a Company to carry on the business of Marine Insurance, and have represented that such a Company would be a public benefit: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Charles H. Gould, James McDougall, Daniel Butters, Thomas Ritchie, John Cassie Hatton, Robert Moat, James O'Brien and James K. Oswald, and such other persons as may become shareholders in the Company to be by this Act created, shall be and they are hereby created, constituted and declared to be a corporation, body corporate and politic, under the name of "The Merchants Marine Insurance Company of Canada,"—having the head office of the said Company at the City of Montreal; and shall have perpetual succession and a corporate seal, with power to alter and change the same at pleasure; and may, by such name, sue and be sued, implead and be impleaded in all courts of law and equity. Persons incorporated. Corporate name and general powers.

2. The said Company shall have power and authority to 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 peril of navigation of or to any vessel, steamer, boat or other craft, either seagoing or navigating upon lakes, rivers or navigable waters; and of or to any cargo, goods, merchandise, specie, bullion, jewels, bank notes, bills of exchange and other evidences of debt conveyed therein, or on any railway Business of the Company. Insurance.

- or stored in any warehouse or railway station while in transit ; and of and to any timber or 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 reinsured when deemed expedient against any loss or risk upon which they have made or may make insurance ; and generally to do and perform all other matters and things necessary to such objects.
- Re-Insurance.**
- General provisions.**
- Capital and shares.**
- Provision for increase.**
- Provisional Directors.**
- To open stock books.**
- First General meeting for election of Directors.**
- When to be held.**
- Notice.**
- Qualification for Director.**
- Number of Directors may be altered.**
- Payment of shares.**
- Calls.**
- 3.** The capital stock of the said Company shall be one million dollars and shall be divided into ten thousand shares of one hundred dollars each ; which shares shall be and are hereby vested in the several persons who shall subscribe for the same : Provided always, that it shall and may be lawful for the said Company to increase its capital stock to a sum not exceeding two million dollars, as a majority of the shareholders, at a special general meeting to be expressly convened for that purpose, shall agree upon.
- 4.** For the purpose of organizing the said Company, the persons named in the first section of this Act shall be Provisional Directors thereof ; and they or a majority of them may cause a stock book or books to be opened, upon which stock book or books shall be recorded the subscriptions of such persons as desire to become shareholders in the said Company ; and such book or books shall be opened in the City of Montreal and elsewhere, at the discretion of the said Provisional Directors, and shall remain open so long as they deem necessary.
- 5.** When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and not less than ten per cent. of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of shareholders at some place to be named in the City of Montreal, giving at least fifteen days' continuous notice thereof in two daily newspapers published in the said city : at which general meeting the shareholders present in person or represented by proxy, shall elect nine Directors in the manner and qualified as hereinafter provided, who shall constitute a Board of Directors, and shall hold office as hereinafter provided : Provided always, that no person shall be eligible to be or continue a Director, unless he shall hold in his own name and for his own use at least ten shares of the capital stock of the Company, and shall have paid all calls thereon and all liabilities incurred by him to the Company ; and the shareholders shall have power to increase the number of Directors at any general meeting, to any number not exceeding fifteen, or to reduce them to any number not less than five.
- 6.** The shares of the capital stock subscribed for shall be paid in and by such instalments and at such times and places as the said Directors shall appoint ; no instalment shall exceed ten per cent., and not less than thirty days' notice shall be given : and the said Company shall not begin the business of insurance until

at least five hundred thousand dollars of its capital has been subscribed, and not less than twenty per cent. of the amount subscribed, has been paid in.

Conditions previous to commencing business.

7. The stock, property, affairs and concerns of the said Company shall be managed and conducted by the said Directors, one of whom shall be chosen President and one Vice-President. Three of the said Directors shall, in rotation, retire each year, and the three who shall first retire shall be determined by the Directors, by lot, and so in rotation; but any retiring Director shall be eligible for re-election. If any vacancy should at any time happen amongst the said Directors, during the term of office of any Director, such vacancy shall be filled for the remainder of the term by the remaining Directors, or the majority of them, electing in such place or places a shareholder or shareholders eligible for such office. All elections of Directors shall be made and take place at the annual general meeting of the shareholders, to be holden at the head office of the Company or elsewhere, in Montreal, on the first Tuesday in January in each year, or such other day as may be appointed by by-law,—not less than fifteen days' notice of such meeting being given, as provided in section five; and the said election shall be held and made by such of the shareholders present in person or represented by proxy, as shall have paid all calls made by the Directors and then due; and all such elections shall be by ballot, and the persons who shall have the greatest number of votes shall be Directors; and if two or more persons have an equal number of votes, in such manner that a greater number of persons shall appear to be chosen as Directors than should have been chosen, then a second vote on the names of such persons shall be taken, and so on, until the proper number of persons shall be elected; and the said Directors, as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be President, and one to be Vice-President.

Directors, President, &c.

Retirement by rotation.

Filling vacancies.

Election of Directors.

Place and time of election.

Notice.

Voters and manner of voting.

Ties.

Election of President, &c.

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

Provision in case of failure of any election.

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

Qualification of voters and manner of voting.

Determination of questions.

Casting vote.

Forfeiture for non payment of instalments, and sale of shares.

**10.** If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the Directors may forfeit such share or shares, together with the amount previously paid thereon, in such manner as may be provided by the by-laws, and such forfeited share or shares may be sold at a public sale by the Directors, after such notice as they may direct; and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always that if the money realized by any sale of shares be more than sufficient to pay all arrears and interest together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner; and no more shares shall be sold than shall be deemed necessary to pay such arrears, interest and expenses.

Proviso: surplus to go to owner.

Payment of arrears before sale of shares forfeited.

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

Allegations required in suits for calls.

Proof in such cases, and of by-laws, &c.

Quorum at meetings of Directors.

**12.** At all meetings of the Directors five shall constitute a quorum for the transaction of business, of whom the President or Vice-President shall be one, and shall preside at such meetings; except in case of illness or absence, when the Directors present may choose one of their number to be chairman of such meeting.

Business at annual meetings. Statement of affairs.

**13.** At the annual meeting of the shareholders, the election of Directors shall be held and all business transacted, and a general balance sheet and statement of the affairs of the Company, with a list of all the shareholders thereof, and all such further information as shall be required by the by-laws shall be laid before the shareholders. Special general meetings of shareholders may be called in such manner as may be provided for by the by-laws; and at all meetings of the shareholders the President, or in his absence the Vice-President, or in the absence of both of them a Director chosen by the shareholders shall preside, and, in case of an equality of votes, shall give the casting vote in addition to his vote as a shareholder.

Special general meetings. Who shall preside at meetings.

14. The Directors shall have full power and authority to make, and from time to time to alter such by-laws, rules, regulations, and ordinances, as shall appear to them proper and needful, touching the well ordering of the Company, the management and disposition of its stock, property, estate, and effects; the calling of special general meetings, the regulation of the meetings of the Board of Directors; the appointment of a manager and of sub-boards to facilitate the details of business, and the definition of the duties and powers of such sub-boards; the making of calls upon the subscribed capital; the appointment and removal of officers and agents of the Company, the regulation of their powers and duties, and the salaries and allowances to be paid to them; the regulation of the transfer of stock and the form thereof; the compensation of Directors, and the establishment and regulation of agencies: Provided that such by-laws do not contravene the provisions of this Act and are not contrary to law: Provided also, that such by-laws shall have force until the next general meeting of shareholders, but no longer unless approved at such meeting.

Power of Directors to make by-laws for certain purposes.

Proviso.

Proviso.

15. The Company shall have power to acquire and hold such real estate as it may require for the purposes of its business, within the Dominion of Canada or elsewhere, and to sell and dispose of the same and acquire other property in its place as may be deemed expedient; and to take, hold and acquire all such lands and tenements, real and immovable estate as shall have been *bonâ de* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or otherwise obtained: and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada or any of the Provinces thereof, or in the stocks of any banks or building societies, or in the bonds and debentures of any incorporated city, town, or municipality, authorized to issue bonds or debentures, or in mortgages on real estate.

Company may hold and dispose of real estate for certain purposes.

Investment of its funds.

16. No transfer of any share of the said Company shall be valid until entered on the books of the said Company, according to such form as may, from time to time, be fixed by the by-laws; and until the whole of the capital stock of such share is paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made: Provided always that no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the Board of Directors, by a vote which shall not be less in number than that of the majority of the whole number of the said Directors; and no transfer of stock shall at any time be made until all calls thereon have been paid in.

Transfer of shares, how validly made.

Proviso: debts to company to be first paid.

17. No larger dividend shall be made in any one year than twenty per cent on the paid up capital; and any larger amount earned shall be appropriated to a rest, until such rest shall be equal to twenty-five per cent of the amount of the capital for the time being.

Amount of dividends limited, &c.

Limited liability of shareholders.

18. In the event of the property and assets of the said Company being insufficient to liquidate its debts, liabilities, and engagements, the shareholders shall be liable for the deficiency, but to no greater extent than the amount of the balance remaining unpaid upon their respective shares in the capital stock.

Offices in United Kingdom or United States.

19. It shall be lawful for the said Company to have offices, maintain agencies, and transact business in any part of the United Kingdom of Great Britain and Ireland, and in any part of the United States of America,—should a majority of the shareholders, at a special general meeting to be expressly convened for that purpose, so determine.

31 V., c. 48, and 34 V., c. 9 to apply.

20. This Act and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in the Act thirty-first Victoria, chapter forty-eight, intituled, "*An Act respecting Insurance Companies*," as amended by the Act thirty-fourth Victoria, chapter nine.

## CHAP. 92.

### An Act to amend an Act to incorporate the Canada Mutual Marine Insurance Company.

[Assented to 26th May, 1874.]

Preamble. 36 V., c. 100.

WHEREAS the Canada Mutual Marine Insurance Company have, by their petition, prayed for certain amendments to their Act of incorporation hereinafter set forth; and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 3 of 36 V., c. 100 amended.

1. The third section of the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered one hundred, and intituled "*An Act to incorporate the Canada Mutual Marine Insurance Company*," is hereby amended by substituting the word "twelve" for the word "sixteen" where it occurs in the fourth line of the said section; and by substituting the words "not less than five nor more than seven" for the words "so many as they may judge expedient" in the seventh line of the said section.

Section 5 amended.

2. The fifth section of the hereinbefore cited Act is hereby amended by substituting the word "Fifty" for the words "Five hundred" in the tenth line of the said section; by substituting the words "twelve trustees or more, as provided in section three" for the words "sixteen trustees" in the twelfth line of the said section; and by substituting the words "two thousand five hundred" for the words "five thousand" in the sixteenth and seventeenth lines of the said section.

3. The eighteenth section of the hereinbefore cited Act is hereby amended by substituting the words "fifty thousand dollars of which fifty per cent. shall be paid up; and before the Company shall commence the business of Inland Marine Insurance, the said fund shall amount to the sum of One hundred thousand dollars, and fifty per cent. thereof shall be paid up;" for the words "One hundred thousand dollars" in the fifth and sixth lines of the said section. Section 18 amended.

4. The Executive Committee of the Company shall have power to make such by-laws, rules and regulations as they may deem expedient and necessary for the proper working of the Company, and to alter and amend the same from time to time,—to remain in force till the then next general meeting only, unless confirmed by a vote of the shareholders at such meeting. Executive committee may make by-laws.

5. This Act and the Act hereby amended shall be read and construed as one and the same Act. Act to be one with 36 V., c. 100.

## CHAP. 93.

### An Act to incorporate the Alliance Assurance Association of Canada.

[Assented to 26th May, 1874.]

**W**HEREAS the persons hereinafter mentioned have, by their petition, prayed for an Act to incorporate them and others under the style and title of "The Alliance Assurance Association of Canada," to carry on the business of Marine, Inland Navigation and Transportation and Fire Insurance; and whereas it has been considered that the establishment of such an association would be beneficial to the interests of the Dominion, and would promote the business of insurance among Canadians: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. M. Hamilton Gault, T. James Claxton, Hugh McLennan, A. Frederick Gault, Daniel Butters, Louis Tourville, John Rankin, James Crathern, Edward K. Greene, Alexander Walker Ogilvie, Alexander Buntin, James McDougall, George M. Kinghorn, and Charles Peers Davidson, all of the City of Montreal, Esquires, and all such other person and persons, body and bodies politic, as shall from time to time, be possessed of any share or shares of the stock of the said Association, are hereby constituted and shall be one body politic and corporate, by the name of "The Alliance Assurance Association of Canada," and by that name shall have perpetual succession and a common seal, with power to break and alter such seal; and by that name may sue and be sued, plead and be impleaded, in all courts whatsoever. Persons incorporated.  
Corporate name and general powers.

Insurance powers.  
On what risks.

2. The said Association shall have power, in the Dominion of Canada or in Great Britain and Ireland, or in any of her dependencies or in foreign countries, to transact and carry on the business of insurance and reinsurance in all its various branches and departments, whether against risk by fire or marine risks, and to insure and also reinsure all kinds of property, rights and interests and for said purposes or any or either of them at any and all times and places, to make and execute written or printed or partly printed and partly written policies, contracts, agreements or undertakings, according to the exigency of the particular case and cases, and generally to do and perform all the necessary matters and things connected with and proper to promote these objects.

Other necessary powers.

Head office and branches.

3. The principal office of the said Association shall be in the City of Montreal, in the Province of Quebec, but the Directors of the said Association may appoint Local Boards of Directors, and establish agencies for carrying on the business of the said Association in any of the countries, or at any of the ports or places where it is permitted to do business as aforesaid.

Stock and shares of the Company.

4. The capital stock of the Company shall be two millions of dollars, divided into twenty thousand shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same their legal representatives and assigns subject to the provisions of this Act; and books of subscription shall be opened in the City of Montreal and elsewhere, of which public notice shall be given under such regulations as the majority of the Directors hereinafter appointed shall direct: Provided always that it shall and may be lawful for the said Association to increase its capital stock from time to time, to a sum not exceeding five millions of dollars, or such portion thereof as a majority of the stockholders at a meeting to be especially convened for that purpose shall agree upon.

Proviso—  
Increase of capital stock.

Subscription of shares and payment on subscribing for Calls.

Proviso: notice of calls.

5. It shall be lawful for any person to subscribe for such and so many shares as he may think fit, and ten per cent. shall be paid at the time of subscription, and the remainder shall be paid in and by such instalments as a majority of the Directors may determine upon, not to exceed ten per cent. per call, and at periods of not less than three months interval: Provided always that no instalment shall be called for or be payable in less than thirty days after public notice shall have been given continuously in two daily newspapers published in the City of Montreal, and by circular addressed to each stockholder at his last known residence.

Forfeiture of shares for non-payment.

6. If any stockholder or stockholders as aforesaid shall refuse or neglect to pay to the said Association the instalments due upon any share or shares held by him, her or them, at the time required so to do, the Directors may forfeit such share or shares as aforesaid, together with the amount previously paid thereon; and such forfeited share or shares may be sold at a public sale by the said Directors



or in any of the public securities of Great Britain and Ireland or the United States of America, to such an amount as may be required to be deposited with the national governments of the said countries or either of them or the governments of any of the different States of the said United States for the purpose of doing business in the said countries or states; and to loan the same upon the security of such stocks and debentures, and also upon mortgage on real estate at any legal rate of interest, with power to receive the same in advance; and the same investments to call in and re-loan as occasion may require.

First Board  
of Directors.

**10.** The stock, property, affairs and concerns of the said Association shall be managed by a Board of not less than nine or more than fifteen Directors, one of whom shall be chosen President, and one Vice-President,—which Board, in the first instance and until replaced by others, shall consist of the said M. Hamilton Gault, T. James Claxton, Hugh McLennan, A. Frederick Gault, Daniel Butters, Alexander Walker Ogilvie, Edward K. Greene, Alexander Buntin, James Crathern and John Rankin: Provided always, that no person shall be elected as a Director of the said Association unless he be a registered shareholder owning absolutely in his own right and not in trust, not less than one hundred shares of the capital stock of the said Association, and be not in arrear in respect of any call thereon.

Proviso: quali-  
fication of a  
Director.

First general  
meeting of  
shareholders,  
when to be  
held.

**11.** When and so soon as five hundred thousand dollars of the capital stock shall have been subscribed as aforesaid, and ten per centum of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of the shareholders at some place to be named in the City of Montreal, giving at least ten days notice thereof in the *Canada Gazette*, and also in some daily paper published in the said city,—at which general meeting the shareholders present in person, or represented by proxy, shall elect such number of Directors not being less than nine or more than fifteen, as the Provisional Directors may ordain in the manner hereinafter provided, who shall constitute a Board of Directors, and shall hold office for one year or until the annual general meeting in the year following their election: Provided always that the said Association shall not be authorized to commence business until at least one hundred thousand dollars of its capital stock shall have been paid up.

Notice.

Election of  
Directors.

Proviso: when  
to commence  
business.

Participation  
in profits by  
policy holders.

**12.** It shall be lawful for the Directors to return to the holders of policies, or other instruments, such portion of the actual realized profits of the said Association, in such proportions, at such times, and in such manner as the said Directors may think proper, and to enter into obligations so to do, either by endorsement on the policies or otherwise: Provided always, that the holders of policies or other instruments so participating in the profits shall not be in anywise answerable or responsible for the debts of the said Association; And provided also that no larger dividend shall be made in any one year than twenty per cent. on the paid-up capital

Proviso.

Proviso.

capital; and every larger amount earned shall be appropriated to a rest, until such rest shall be equal to twenty-five per cent. of the amount of the capital for the time being.

13. In addition to the returns required by the Act thirty-first Victoria, chapter forty-eight, to the provisions of which as amended by the Act thirty-fourth Victoria, chapter nine, the Association shall be subject, the said Association shall, when required so to do, by the Parliament of Canada, or either of the branches thereof, present a return under oath of the amount of real estate held by the said Association, the amount of capital stock subscribed and paid up, with a list of the shareholders, and the stock subscribed by each and the names of the Directors, together with a statement of the amount of losses paid during the past year, the amount of risks for which the said Association is liable under each class, the amount paid or to be paid the stockholders in dividends and bonuses, and the amount of money in hand at the time of making the return.

Return to Parliament, of forms and what to show.

14. Notwithstanding anything contained in "Canada Joint Stock Companies Clauses Act, 1869," or in any other law, the said Act shall extend and apply to the Association hereby incorporated and shall be incorporated and form part of this Act, in so far as the same is not inconsistent with any of the provisions hereinbefore contained.

General Act to amend, 32, 33 V. cap. 12.

15. The present Act shall in nowise be forfeited for non-user at any time before the first day of January, one thousand eight hundred and seventy-six.

No forfeiture for non-user before 1876.

## CHAP. 94.

### An Act to incorporate "The Stadacona Fire and Life Insurance Company."

[Assented to 26th May, 1874.]

WHEREAS Jean Baptiste Renaud, the Honorable Eugène Preamble.  
Chinic, the Honorable John Sharples, Philippe Baby Casgrain, John Ross, James G. Ross, Alexandre Le Moine, John Lane, Cirice Têtu and others, all of the City and District of Quebec, have petitioned for an Act to incorporate them and others under the style and title of "The Stadacona Fire and Life Insurance Company" to enable them to carry on the business of fire and life insurance; and whereas it has been considered that the establishment of such an association would be greatly beneficial to the interests of the Dominion, and tend to the retaining therein a portion of the moneys annually sent away as premiums for such insurances: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation  
of certain  
persons.

Corporate  
name and gene-  
ral powers.

Stock and  
shares of the  
Company.

Proviso: for  
increase of  
capital stock.

Subscription  
of shares and

Payment on  
subscribing;—  
and of calls.

Notice of  
calls.

Calls overdue  
to be payable  
with interest

Forfeiture and  
sale of shares  
for non-pay-  
ment.

Proviso.

1. The said parties and all other person and persons, firm and firms, body and bodies politic as shall, from time to time, be possessed of any share or shares of the stock of the Company, are hereby constituted, and shall be one body politic and corporate by the name of the "Stadacona Fire and Life Insurance Company;" and by that name shall have perpetual succession and a common seal, with power to break and alter such seal; and by that name may sue and be sued, plead and be pleaded in all courts whatsoever.

2. The capital stock of the said Company shall be two millions of dollars, divided into twenty thousand shares of one hundred dollars each; books of subscription shall be opened in the City of Quebec and elsewhere at the discretion of the Directors, and shall remain open so long as and in the manner that they shall deem it proper, after giving due public notice thereof,—which said shares shall be and are hereby vested in the several persons, firms or corporations who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act: Provided always that it shall and may be lawful for the said corporation to increase its capital stock from time to time to a sum not exceeding five millions of dollars, or such portion thereof as a majority of the stockholders at a meeting to be especially convened for that purpose shall agree upon.

3. It shall be lawful for any person or persons, firm or body politic to subscribe for such and so many shares as he, she or they may think fit; and five per cent. shall be paid at the time of subscription, and five per cent. shall be paid in three months thereafter, to be called for by the Directors; and the remainder shall be payable, in such instalments as a majority of the Directors may determine upon, not to exceed five per cent. per call, and at periods of not less than three months interval: Provided always that no instalment shall be called for nor be payable in less than thirty days after public notice shall have been given in two newspapers, published in the City of Quebec (one in the English language, and the other in the French language) and in the *Canada Gazette*.

4. If any stockholder or stockholders as aforesaid, shall refuse or neglect to pay the instalment due upon any share or shares held by him, her or them, at the time required so to do, he, she or they shall *ipso facto* be and become further liable to the payment to the Company of interest on the amount of the unpaid call, from the date fixed for the payment of the same, at the rate of seven per cent. per annum. And the Directors may declare such share or shares as aforesaid to be forfeited, together with the amount previously held thereon, and such forfeited share or shares may be sold at a public sale by the said Directors, after such notice, as they may direct; and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always that, in case the money produced by any sale of shares be

more

more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus money shall be paid on demand to the owner :

5. Provided always that the Company may, if the Directors think proper, enforce payment of all calls and interest thereon, with costs of suit 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 for the Company 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 has accrued to the Company to recover the same with interest for non-payment; and a certificate under the seal of the Company, and purporting to be signed by one of their officers, 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 shall be received in all courts of law as *prima facie* evidence to that effect.

Recovering calls.

What only need be averred or proved in an action for calls.

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

Evidence of by-laws, rules, regulations, minutes or entries.

7. The Company shall have power and authority to make and effect contracts of insurance with any person or persons, firm, body politic or corporate, against loss or damage by fire in Canada on any houses, stores or other buildings whatsoever, and in like manner on any goods, chattels, or personal estate whatsoever, for such time or times, and for such premiums or considerations, and under such modifications and restrictions, and upon such conditions as may be bargained and agreed upon or set forth by and between the Company and the assured. And also to carry on the business of life insurance in all branches and modes of conducting the same, and on any plan or principle as the Board of Directors may determine and direct, including the granting of endowments and reversionary annuities, and to buy, sell, grant and otherwise acquire and otherwise dispose of annuities and endowments of every description, whether of reversion, remainder, annuities, life policies or otherwise, and generally to enter into any transaction depending upon the contingency of life and all other transactions usually entered into by life insurance companies or associations. And the said Company shall also have power to cause themselves to be insured against any loss or risk they may have incurred in the course of their business ; or to insure any other insurance company against any loss or risk which such other insurance company

Company may make contracts of fire insurance, and of life insurance, annuities, endowments, &c.

Re-insurance of the Company.

company

General necessary powers. company may have incurred in the course of their business. And generally to do and perform all other necessary matters and things connected with and proper to promote those objects.

Agencies and local boards. **8.** For all or any of the purposes aforesaid, it shall be lawful for the Directors of the said Company to establish agencies, for the carrying on of the business of the Company at any place in Canada, and in so doing to appoint and from time to time remove such agents and local boards as they, in their discretion, may deem advantageous to the interests of the said Company, and to remunerate such agents and local boards and invest them with such powers as they may deem necessary.

When the Company may commence fire business and afterwards life business. **9.** It shall be lawful for the said Company to commence the business of fire insurance so soon as they shall have complied with the requirements of the "*Act respecting Insurance Companies,*" thirty-one Victoria, chapter forty-eight, and its amendments, with regard to fire insurance companies and have obtained from the Minister of Finance the necessary license. And afterwards, when the Directors shall think proper, and when the Company shall have complied with the requirements of the said Act, and amendments with regard to life insurance companies and have obtained from the Minister of Finance the necessary license, it shall then be lawful for them to commence the business of life insurance: Provided that so soon as the said Company shall commence the business of life insurance, separate books of accounts shall be opened and kept for all transactions connected with that branch of the business of the Company; and the funds pertaining to the said branch shall be kept distinct and separate from those pertaining to the fire business of the Company; and the funds derivable from the said life branch shall not be applicable to, nor liable for any losses or claims whatsoever that may happen in the fire branch; and in like manner the accounts in the fire branch shall be kept distinct and separate from those of the life branch, and the funds of the same shall not be applicable to, nor liable for any losses or claims whatsoever arising in the life branch.

Proviso.

Separate accounts to be kept for the Life and Fire branches.

The funds of one branch not to be applicable nor liable for claims on the other branch.

Real estate for use of Company. **10.** The said Company shall have power to acquire and hold for the purposes of its business, such real estate in the Dominion of Canada, to sell the same and buy others, as the Directors may deem expedient; and the said Company in addition to the above mentioned real estate may purchase and hold such other real estate on which it may hold mortgages or hypothecs, which may be brought to a forced sale; or it may take any real estate, with the approval of the majority of the Directors, in payment of any debt due to it in the course of its legitimate business; but the said Company shall sell such real estate, either so purchased or so taken in payment and not required for offices or for the purposes of its business as above provided, within five years after the same shall have been acquired.

Power to hold other real estate in certain cases.

Limitation of time of holding.

In what securities company may invest its funds. **11.** It shall be lawful for the said Company to invest its funds in the debentures, bonds, stocks or other securities of the Dominion

ion of Canada, or in the securities of any of the Provinces comprising the Dominion, or in the securities of any municipal corporation in the Dominion, or in stocks of banks or building societies incorporated in Canada, or in stock or debentures of companies incorporated in Canada; or to loan its funds on the security of such stocks, bonds or debentures, or on hypothecs or mortgages on real estate in the Dominion of Canada, or on its life policies to the extent of their surrender value; and it shall have power from time to time to dispose of such stocks, bonds or debentures and hypothecs, and replace them by others at the discretion of the Directors.

**12.** The properties, affairs and concerns of the said Company shall be managed and conducted by a board of nine Directors, one of whom shall be chosen President and one Vice-President, by them; and they shall fix the quorum and procedure of their meetings,—which board, in the first instance, and until replaced by others shall consist of the said Jean Baptiste Renaud, Honorable Eugène Chinic, Honorable John Sharples, Philippe Baby Casgrain, John Ross, James G. Ross, Alexandre Le Moine, John Lane and Cirice Têtu, all of the City and District of Quebec.

First Board of Directors.

They shall fix the quorum and procedure of their meetings.

**13.** The principal office of the Company shall be in the City of Quebec; but the Company may establish agencies or branch offices in any part of Canada as above provided.

Head office and branches.

**14.** When and so soon as five hundred thousand dollars of the capital stock shall have been subscribed and fifty thousand dollars of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of the shareholders, at some place to be named in the City of Quebec,—giving at least ten days notice thereof in the *Canada Gazette*, and also in a daily French newspaper and a daily English newspaper, published in the City of Quebec; at which general meeting the shareholders present in person or by proxy shall elect nine Directors in the manner and qualified as hereinafter provided, who shall constitute a board of Directors, and shall hold office until the annual general meeting in the year following their election: Provided always, that the said Company shall not commence the business of life insurance, until at least one hundred thousand dollars of their capital stock shall have been paid up.

First general meeting of shareholders.

Notice.

Election of Directors and term of office.

When to commence business

**15.** The annual general meeting of the shareholders shall be held on the first Tuesday in February in each year, or if that be a holiday, on the next succeeding day not being a holiday, at the hour of two of the clock in the afternoon; at which meeting shall be submitted a statement of the affairs of the Company. The annual election of Directors shall take place at this meeting by ballot, which shall be kept open from two to three o'clock of the said afternoon, at the expiration of which time it shall be closed, and when so closed no person shall have a right to vote on any pretence whatever; and the nine persons who shall have the greatest

Annual general meeting.

Statement of affairs.

Annual election of Directors. Ballot.

Nine Directors

greatest

greatest number of votes at any such election shall be Directors, except as hereinafter directed; and if two or more persons have an equal number of votes in such a manner that a greater number of persons than nine shall appear to be chosen as Directors, then the Directors who shall have the greater number of votes, or a majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of nine; and no person shall be eligible to be or shall continue as Director, unless he shall hold in his name and for his own use, stock in the said Company to the amount of fifty shares and shall have paid all calls made and due upon his stock.

**16.** Special general meetings of the shareholders may be called for any day not a holiday, by order of the President, or, in his absence, of the Vice-President, or on the requisition of at least ten shareholders, representing not less than one thousand shares of the capital stock of the Company; and on such requisition the Directors shall be bound to call the meeting within the time specified therein.

**17.** All general meetings of shareholders, whether for the annual election or special or other, shall be held in such place in the City of Quebec as the Directors may select and indicate; and notices of all such meetings shall be given by advertisement during the ten days preceding the day fixed for the meeting in a daily English newspaper, and a daily French newspaper published in the City of Quebec. The *quorum* at all such meetings shall consist of twelve shareholders duly qualified to vote. At all such general meetings, whether for the annual election or for any other purpose, each shareholder shall be entitled to give one vote for every share held by him absolutely and in his own name for not less than thirty days prior to the said meeting, upon which all calls then due have been paid up; such votes may be given in person or by proxy,—the holder of such proxy being himself a shareholder qualified to vote, and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality of votes: Provided that no salaried employee of the Company shall have the right to vote.

**18.** In case it should at any time happen that an election of Directors of said Company should not be made on the day appointed, it shall be lawfully held on any other subsequent day appointed by the Directors for the time being; and they shall so continue in office until a new election is made.

**19.** And if any vacancy should at any time happen amongst the said Directors, such vacancy shall be filled for the remainder of the year by the remaining Directors or the majority of them, electing in such place or places a shareholder or shareholders eligible for such office.

**20.** Each shareholder shall be individually liable to the creditors of the Company, to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities thereof, but no further; but shall not be liable to an action therefor by any creditor before the state of insolvency of the Company be proved; and the shares shall be deemed personal estate.

Liability of shareholders limited.

**21.** No transfer of any shares of the stock of the said Company shall be valid until entered in the books of the said Company according to such form as may, from time to time, be fixed by the Directors; and until the whole of the capital stock of the said Company is paid up it shall be necessary to obtain the consent of the Directors to such transfer being made: Provided that no transfer of stock shall, at any time, be made until all calls due thereon have been paid in.

Transfer of shares, when valid.

Proviso.

**22.** 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 his signature will suffice for any transfer of such share or other thing concerning such share, whether or not such notice of such trust shall have been given the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt or transfer.

Company not liable in respect of trusts.

**23.** It shall be lawful for the Directors to return to the holders of the policies or other instruments, such part or parts of the profits of the Company in such parts, shares and proportions, and at such times and in such manner as the said Directors may deem advisable; and to enter into obligations so to do, either by endorsements on the policies or otherwise: Provided always that such holders of policies or other instruments shall not be held to be in anywise answerable for the debts or losses of the Company, beyond the amount of the premium or premiums which may have been actually paid up by him, her or them.

Participation in profits by policy holders.

Proviso.

**24.** The Directors of the Company shall have full power in all things to administer the affairs of the Company, and may, from time to time, if they deem advisable, make by-laws, not contrary to law nor to this Act, for the conduct in all particulars of the affairs of the Company and the remuneration of the Directors, 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.

Powers of Directors.

Making by-laws.

Altering by-laws.

Confirmation by shareholders.

Transmission of shares—proof required in certain cases.

**25.** The transmission of the interest in any share of the capital stock, in consequence of the marriage, death, bankruptcy or insolvency of a shareholder, or by any other lawful means than an ordinary transfer, shall be authenticated and made in such form, by such proof, with such formalities and generally in such manner as the Directors shall, from time to time, require or by any by-law may direct; and in case the transmission of any share of the capital stock of the Company shall be by virtue of the marriage of a female shareholder, it shall be competent to include therein a declaration to the effect that the share transmitted is the sole property and under the sole control of the wife, and that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and dispose of and transfer the share itself, without requiring the consent or authority of her husband; and such declaration shall be binding upon the Company and the parties making the same, until the said parties shall see fit to resolve it by a written notice to that effect to the Company; and the omission of a statement in any such declaration that the wife making the same, is duly authorized by her husband to make the same, shall not cause the declaration to be deemed either illegal or informal,—any law or usage to the contrary notwithstanding.

Transmission by marriage of female shareholders.

Proceeding in case of doubt as to title to any share.

**26.** If the Directors of the Company shall entertain doubts as to the legality of any claim to and upon such share of stock, it shall be lawful to the Company to make and file in the Superior Court, at Quebec, a declaration and petition in writing addressed to the said court, or to one judge thereof, setting forth the facts and praying for an order or judgment adjudicating or awarding the said share to the party or parties legally entitled to the same; and by which order or judgment the Company shall be guided and held fully harmless and indemnified, and released from all and every other claim for the said share, or arising therefrom: Provided always that notice of such petition shall be given to the party claiming such share, who shall, upon the filing of such petition, establish his right to the several shares referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said Superior Court: Provided also that, unless the said court or judge otherwise orders, the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong; and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

Proviso.

Proviso.

Fraud on part of officers of Company to be a misdemeanor.

**27.** Any person, who, as Secretary, clerk or other officer of the Company shall be guilty of any designed fraud or falsehood, in any matter or thing pertaining to his office or duty, shall be guilty of a misdemeanor; and any person offering to vote in person at any election of Directors in the said Company, who shall falsely personate another or who shall falsely sign or affix the

the name of any other person, a member of the Company, to any appointment of a proxy, shall be guilty of a misdemeanor.

28. In all actions, suits and prosecutions, in which the said Company may be at any time engaged, any officer or stockholder in the said Company shall be a competent witness notwithstanding any interest he may have therein. Officers or stockholders competent as witnesses.

29. During the hours of business, every stockholder of the said corporation shall have power to ask and receive from the President, Secretary or other officer the names of all the stockholders of the said corporation and the number of shares held by each of them. Names of stockholders and shares of each.

30. Any description of action may be prosecuted and maintained between the Company and any shareholder thereof; and no shareholder, not being himself a party to such suit shall be incompetent as a witness therein. Actions between Company and shareholders.

31. The Act thirty-first Victoria, chapter forty-eight, intituled "*An Act respecting Insurance Companies*," as amended by the Act thirty-fourth Victoria, chapter nine, shall apply to this Act, and the Company therein mentioned. Act 31 V., c. 48, and 34 V. c. 9, to apply.

## CHAP. 95.

An Act to incorporate the "Commercial Travellers' Mutual Life Insurance Company of Canada."

[Assented to 26th May, 1874.]

**WHEREAS** Warring Kennedy, William J. Bryan, Robert J. Wylie, James Patterson, William L. McGillivray, Charles Riley, Robert Cuthbert, William H. Fraser, William Cooper Campbell, of the City of Toronto, in the Province of Ontario, Adam Brown, William E. Sanford, James Turner, John Brown, Thomas Christie, of the City of Hamilton, in the Province of Ontario, and Andrew Robertson, James Cantlie, Stapleton Caldicott, James Cooper, Andrew Jack, and John McDougall, of the City of Montreal, in the Province of Quebec, have, by petition, prayed that a Company may be incorporated under the name of the "Commercial Travellers' Mutual Life Assurance Company of Canada," to enable the said petitioners and their associates to carry on the business of insurance in the several branches known as life insurance: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The above-named persons, and all such other persons as shall hereafter become members of the Company hereby incorporated, and Incorporation and corporate name.

Business of  
the Company.

and their respective administrators, executors and assigns shall be and are hereby constituted and declared to be a corporation, body politic and corporate, under the name of the "Commercial Travellers' Mutual Life Insurance Company of Canada," and shall be legally authorized to effect contracts of insurance with any persons or corporations on life or lives, or on or against any event, loss or risk in any manner dependent on life or lives, to grant, sell or purchase annuities, to grant endowments, to purchase contingent rights, reversions or remainders, and generally to enter into any transactions dependent on the contingency of life and such as are usually transacted by life insurance companies, including re-insurance.

Guarantee  
Fund and  
other condi-  
tions previous  
to the com-  
mencing of  
business by the  
Company.

2. Before issuing any policy there shall be a guarantee fund subscribed of not less than fifty thousand dollars, and twenty-five per cent. thereon paid up (which may be increased to one hundred thousand dollars), divided into shares of fifty dollars each, and applications shall be made and accepted for assurances of not less than one hundred thousand dollars, and so soon as such guarantee fund shall have been subscribed and such applications for insurances received, and the requirements of the Act intituled "*An Act respecting Insurance Companies*" or any Act amending it shall have been complied with, the Company may commence business: Provided that no increase of the guarantee fund shall be made without a resolution of the Board authorizing such increase having been first submitted to and confirmed by a majority of the guarantors present at a special meeting of the guarantors held for that purpose; and twenty five per cent. of such increase shall be paid in when subscribed.

Proviso: as to  
increase of  
Guarantee  
Fund.

Use of Gua-  
rantee Fund  
and how it  
may be  
redeemable.

3. The guarantee fund thus subscribed may be used for the purposes of the Company in such manner and to such extent as the Directors may, by by-law, determine; such guarantee fund shall be redeemable by the Company out of the accumulated reserves, at such time and upon such terms as shall be decided by a majority of the members present at a meeting called for that purpose; and until such redemption or extinction of such guarantee fund the Directors may pay to the subscribers thereto interest on the amount paid up, not exceeding seven per cent. per annum, and allot to them such proportion of the profits, not exceeding one tenth thereof as may be provided by the by-laws, and subject to the provisions of the Act intituled "*An Act respecting Insurance Companies*" and any Act amending it; and when and after such fund shall have been so redeemed the whole of the profits of the Company shall belong exclusively to the policy holders on the mutual principle and shall be thencetoward divided among them, in such proportions and at such times—no interval being more than five years—as the Directors shall appoint, subject to the provisions of the last cited Act: Provided that the redemption of the guarantee fund shall not be effected until the full deposit required by such Act shall have been made with the Receiver General.

Interest to  
subscribers.

Division of  
profits after  
redemption of  
Guarantee  
Fund.

Proviso: as to  
deposit with  
Receiver  
General.

4. Any person or corporation being the holder of a policy of insurance in the Company, or being a subscriber to the guarantee fund hereinbefore mentioned, and who shall have paid all due premiums or calls thereon, respectively, shall be a member of the Company and entitled to all the benefits thereof, under the provisions of this Act and the by-laws of the Company.

Who shall be a member of the Company.

5. The Company shall enact by-laws to carry out the objects of this Act and for the organization, maintenance and government of the Company as well as for the application of its funds and profits as hereinbefore provided; and such by-laws shall, in the first instance, be submitted at a meeting of the members specially called for that purpose after due notice as hereinafter provided, and may be adopted by a vote of a majority of the members present at such meeting, and may, from time to time, be altered and amended by the Directors under the sanction of a majority of the members present at any meeting called for such purpose; and such by-laws, so legally made in accordance with the objects of this Act and not inconsistent with law, shall be legal and binding until altered, amended or repealed.

Company to make by-laws, and in what manner.

How to be amended or altered.

6. The first Board of Directors of the Company shall consist of not less than seven nor more than fifteen Directors, four of whom shall form a quorum; and one of such Directors shall be elected President and another Vice-President by the other Directors; such of the said petitioners hereinbefore named or other persons necessary to complete the Board who shall have qualified themselves to Act as Directors by a subscription of at least one thousand dollars to the guarantee fund, or who shall have applied for a policy of insurance in the Company and subscribed to a declaration or contract to that effect in a sum of at least two thousand dollars on a life policy, shall be entitled, on election by a majority of the votes of duly qualified members at the first general meeting, to act as Directors of the Company on the first Board at the head office, and to continue to act as such for two years immediately subsequent to the organization of the Company, subject to a continuance of qualification; and shall prepare the by-laws for the management of the Company as hereinbefore provided. The Board of Directors may appoint a Managing Director and all other officers of the Company as they may deem necessary; and may appoint sub-boards and agents and may remove the same and appoint others in their place whenever a vacancy may arise.

First Board of Directors, Quorum, President, &c.

Qualification.

Election of Directors.

Board may appoint a Managing Director.

7. A general meeting of the Company shall be called once in each year after the organization of the Company and commencement of business, as the Directors may appoint, after not less than ten days' notice in one or more newspapers published in the City of Toronto, the first of which meetings shall be called by any one or more of the said corporators,—at which meetings a statement of the affairs of the Company shall be submitted. Special general or extraordinary meetings of the members of the Company may at any time be called by five of the Directors; and the President, Vice-President

Annual general meetings, and business thereat.

Special meetings, how called, &c.

Vice-President or Secretary shall call such meeting upon the requisition of twenty-five members, specifying in the notice the object of such meeting.

Annual elections by ballot after first.

8. After the term of two years for which the first Board of Directors are appointed shall have expired the Directors shall be elected annually by ballot.

Head office and branches.

9. The head office of the Company shall be in the City of Toronto, or in such other city of the Dominion of Canada as may be decided on hereafter by the Directors; and branch boards or agencies may be established at such places within the Dominion of Canada in such manner as the Directors may, from time to time, appoint: Provided that no insurance shall be effected in any Province other than the Province of Ontario, until an office or domicile is opened in some place therein and a local agent or manager is there appointed; and service of summons or other process may be made at the office of any local agent or upon such agent personally.

Proviso: Conditions previous to insurance out of Province of Ontario.

Scale of votes.

10. Each subscriber to the guarantee fund shall be entitled either in person or by proxy to one vote for every fifty dollars subscription,—all calls being paid; and every holder of a policy on the mutual principle upon which all premium dues have been paid shall have one vote for each one thousand dollars insurance held by him. No person shall act as proxy unless he is himself a member qualified to vote.

Proxies.

Calls for Guarantee Fund.

11. The Directors shall have power to make calls upon the subscribers to the guarantee fund for such sums and at such times as they shall think fit for the purposes of the Company, and to sue for and enforce the payment of the same.

Forfeiture for non-payment of calls.

12. If any subscriber to the guarantee fund shall fail to pay any call duly made at maturity, the Board may declare a forfeiture of the previous payments made by such subscriber, and the same shall be thereupon forfeited to the Company accordingly, and such subscriber shall thereupon have no claim upon the Company in respect of such subscription.

Liability of subscribers and of policy holders limited.

13. No subscriber to the guarantee fund shall be liable as a subscriber for more than the amount of his subscription, and his liability as a guarantor shall be limited to the amount for which he has subscribed as such guarantor; and no policy holder shall be liable for more than the premiums paid on his policy and the amount of profits which may have accrued or have been added thereon.

Corporate seal &c.

14. The Company shall have a corporate seal and may sue or be sued in its corporate name.

15. It shall be lawful for the said Company to invest its funds in the debentures, bonds, stocks or other securities of the Dominion of Canada, or on the security thereof, or in or on the securities of any of the Provinces composing the Dominion, or in or on the securities of any municipal corporation in the Dominion, or on the security of stock of any incorporated building society or bank, or on the security of real estate or mortgage security thereon in any Province of the Dominion; and to take, receive and hold all or any of such securities in the corporate name of the Company, whether for funds invested by being advanced and paid in the purchase of such securities, or loaned by the said Company on the security of the said debentures, bonds, stocks, mortgages or other securities as aforesaid,—such loans to be on such terms and conditions, and in such manner, and at such times, and for such sums, and in such sums of repayment, whether of principal or interest or principal and interest together, and at such interest and return as the Board of Directors may, from time to time, determine and direct, and whether they are taken absolutely or conditionally, or whether such securities are taken in satisfaction of debts due to the said Company or judgments recovered against any person or body corporate in its behalf or in security for the payment of the same or any part thereof: Provided always that the investments on the security of real estate or mortgage security thereon or leasehold shall not exceed twenty-five per cent. of the total investments of the Company.

In what securities Company may invest its funds.

Conditions of loans by the Company.

Proviso: amount on mortgage limited.

16. The Company may hold such real estate as shall have been *bonâ 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 comprising the Dominion, and in the bonds, debentures and stock of any municipality or incorporated Company transacting business in any of the Provinces of the Dominion, or on 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.

Power to hold real estate in certain cases.

Proviso: for sale after a certain time.

17. The Company may hold real estate for its use and accommodation, and may sell or mortgage the same.

Real estate for use of Company.

18. The shares of the subscribers to the guarantee fund shall be transferable under the regulations of and in accordance with the by-laws; but the Company shall not be liable for the execution of any trust, whether expressed, implied or constructive.

Transfer of shares, &c.

19. Sections twelve, fourteen, thirty-one, thirty-seven and forty of "*The Canada Joint Stock Companies Clauses Act, 1869*," shall apply to this Act and be incorporated therewith, in so far as the same are not inconsistent with the provisions of this Act.

Certain sections of 32, 33, V., c. 12, to apply.

This Act and the Company to be subject to General Insurance Acts, 31 V., c. 43., 34 V., c. 9.

20. This Act and the Company hereby incorporated and the exercise of the powers hereby conferred, shall be subject to the provisions contained in the Act thirty-first Victoria, chapter forty-eight, intituled "*An Act respecting Insurance Companies*," as amended by the Act thirty-fourth Victoria, chapter nine, and to such other legislation on the subject of insurance as may, from time to time, be passed.

## CHAP. 96.

### An Act to incorporate the "Commercial Travellers' Association of Canada."

[Assented to 26th May, 1874.]

**Preamble.**

WHEREAS an Association under the name of "The Commercial Travellers' Association of Canada," has existed for some time past in the City of Toronto, having for its object the moral, intellectual and financial improvement and advancement and welfare of its members; and whereas the members of the said Association have prayed to be incorporated with certain powers, and it is expedient to grant their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**Incorporation.**

1. Warring Kennedy, William J. Bryan, Robert J. Wylie, James Patterson and William L. Macgillivray and the other present members of the said Association, and all other persons who may hereafter become members of the corporation hereby created, shall be and they are hereby constituted a body politic and corporate in fact and in name, under the name of "The Commercial Travellers' Association of Canada," having its head-quarters in the City of Toronto; and by that name shall have power, from time to time and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive, for themselves and their successors, all lands, tenements and hereditaments and all real or immovable estate, being and situated in the Dominion of Canada, necessary for the actual use and occupation of the said corporation, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes; and any majority of the said corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act nor with the laws then in force in the Dominion of Canada, as they may deem expedient and necessary for the interest of the said corporation and for the admission of members thereof, and the same, as also such by-laws and regulations of the Association as may be in force at the passing of this Act, to amend and repeal from time to time in whole or in part.

**Corporate name.**

**Real estate.**

**By-laws.**

2. All the revenues of the corporation, from whatever source they may be derived, shall be devoted to the maintenance and objects of the corporation, to the providing and furnishing of libraries and reading rooms and for the purchase of books, periodicals and newspapers for the said libraries and reading rooms, as the Directors of the said Association may decide for the benefit of the members of the said corporation, and for the erection and repair of the buildings necessary for the purposes of the said corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to: Provided always, that it shall be lawful for the Board of Directors of the said corporation to invest the funds of the said corporation in the bonds and debentures of any incorporated Company transacting business in any of the Provinces of the Dominion, or of any municipal corporation in Canada, or on mortgage of real estate, or in any Government securities of the Dominion or any Province thereof, or in the stock of any chartered bank of Canada.

Application of revenues of the corporation.

Provision for investment in stock, &c.

3. The affairs and business of the said corporation shall be managed by an Executive Committee or Board of Directors, composed of the officers of the said corporation, consisting of a President, seven Vice-Presidents, a Secretary and a Treasurer, and twenty-eight other members of the corporation.

Board of Directors and officers.

4. All real and personal estate at present the property of the said Association or which may be hereafter acquired by the corporation now constituted or by the members thereof in their capacity as such, by purchase, gift, devise or otherwise, and all debts, claims and rights which they may be or become possessed of in such capacity are hereby declared to be the property of the corporation constituted by this Act; and the said corporation shall be chargeable with, and liable for all the debts, liabilities and obligations of the said Association; and the rules, regulations and by-laws now established for the management of the said Association or for the management of the reading rooms and libraries above referred to shall be and continue to be the rules, regulations and by-laws of the said corporation until altered or repealed in the manner prescribed by this Act.

Property of present association transferred to corporation.

By-laws continued until altered.

5. Until others are elected according to the by-laws of the corporation, the present officers of the said Association shall be the officers of the corporation, that is to say, the said Warring Kennedy shall be President, the said W. J. Bryan, R. J. Wylie and Andrew Robertson, James Cantlie, Adam Brown, W. E. Sanford and John Burrill shall be the Vice-Presidents, the said James Patterson shall be the Treasurer, the said W. L. Macgillivray shall be the Secretary; Charles Riley, Robert Cuthbert, W. Norris, J. Fairbairn, John F. Ellis, R. B. Linton, J. B. Mather, D. McCall, S. Caldicott, James Cooper, And. Jack, John McDougall, James O'Brien, Jacob Wilson, Walter Wonham, S. O. Shorry, James Turner, John Brown, Thomas Christie, Wm. McGivern, Alex. Harvey

Present officers to continue till others are appointed.

Harvey, John McKenzie, A. T. Wood, J. H. Park, Edward Long, George Laird, John Sutherland and Robert Waddell the other members of the Board of Directors.

General meetings.

6. The general meetings of the said corporation shall be held in such manner, after such notice, upon such requisition and at such times, in the City of Toronto, as provided by the by-laws of the corporation.

Recovery of money due to the corporation.

7. All subscriptions and penalties due to the corporation under any by-law may be recovered by action or suit in the name of the corporation in any court of competent jurisdiction; but any member may withdraw from the said Association at any time, on payment of all amounts by him due to the corporation, inclusive of his subscription for the year then current, after which he shall have no claim or demand of any kind against the corporation.

Returns, to Parliament when required.

8. The corporation shall, at all times when required so to do by the Governor or the Parliament of Canada, make a full return of all their property, real and personal, and of their receipts and expenditure for such period, and with such details and other information as the Governor or as Parliament may require.

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## CHAP. 97.

An Act to amend the Act to incorporate a Company by the name of "*Le Crédit Foncier du Bas Canada*."

[Assented to 26th May, 1874.]

Preamble.  
36 V., c. 102

WHEREAS "*Le Crédit Foncier du Bas Canada*" has by its petition prayed that certain amendments may be made to its Act of incorporation; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

S. 29 amended as to rate of interest.

1. The proviso to section twenty-nine of the said Act is hereby repealed, and the rate of interest (if any) to be allowed by the Company to its borrowers on payments made by them on account of sinking fund, shall be such as may be settled by the deeds between the Company and its borrowers respectively.

Bonus may be deducted from loans.

2. It shall be lawful for the Company to deduct previously from the amounts of its loans a *bonus*, which shall not at any time exceed two per cent.,—which *bonus* may be retained at the outset or distributed over the whole period for which the loan

is made, and in the last mentioned case shall form part of the annuity,—the whole as may be settled in the deed between the Company and the debtor.

3. The Company may, if it thinks fit, take a deed of sale of any immovable property which it is desirous of having pledged to it as security in any transaction made or to be made, and that subject to such clauses and conditions of lease and of reconveyance as may be settled in the deed between the Company and its debtor,—the clauses of such deed being indispensable and not comminatory. The Company may possess any immovable property so acquired during the whole of the time stipulated in the deed between it and its debtor; but if the Company finally becomes the actual owner of any such immovable property unconditionally, it shall dispose thereof within five years, as provided for by section fifty-five of the said Act of incorporation.

Company may take deed of sale on making a loan. Effect of such deed.

4. *Lettres de gage* payable to order shall be transferable by indorsement, without any other warranty on the part of the indorser than that he is the holder thereof in good faith.

*Lettres de gage* how transferable.

5. The annual general meeting of the shareholders of the Company shall be held on the fifteenth day of January in each year, or on the next following juridical day, and section forty-eight of the said Act is hereby amended to that extent.

Annual General Meetings.

6. Money received in deposit by the Company may be invested in or loaned upon the debentures or other securities of the Dominion, or any of the Provinces of the Dominion, or in any municipal debentures.

Investments by Company.

7. The election already made of the Board of Directors of the Company is hereby legalized and confirmed, as are also the nomination and appointment by them of the President, Vice-President, notary and other officers of the Company.

Certain elections and appointments confirmed.

8. Every section and provision of the Act of incorporation of the said Company inconsistent with this Act is hereby repealed; and this Act shall be construed as forming to all intents and purposes part of the said Act of incorporation.

Inconsistent provisions repealed.

9. The Directors of the Company shall not be subject to the provisions of section thirty-nine of the Act thirty-second and thirty-third Victoria, chapter twelve, intituled "*The Canada Joint Stock Companies' Clauses Act.*"

S. 39 of Joint Stock Clauses Act not to apply.

## CHAP. 98.

## An Act to enlarge and extend the powers of the Montreal Credit Company.

[Assented to 26th May, 1874.]

Preamble.  
Acts of Quebec  
cited.

**W**HEREAS the Montreal Credit Company, incorporated by the Statute of the Province of Quebec, thirty-fifth Victoria, chapter thirty-six, as amended by the Statute of Quebec, thirty-sixth Victoria, chapter sixty-two, have petitioned for an extension and enlargement of their powers, so as to allow them to transact business throughout the Dominion, and the regulation of the rate of interest which they may pay and receive; and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain rights  
and powers  
vested in the  
Company.

Corporate  
name.

1. All such persons as now are or hereafter shall become members of the said Company, and their respective executors, administrators and assigns, shall have full authority, as a body corporate and politic, under the name and style of the "Montreal Credit Company," to exercise all the rights, powers and privileges within and throughout the Dominion of Canada, hereinafter mentioned.

Power to ac-  
quire and dis-  
pose of stock,  
securities, &c.

2. The Company may acquire, hold and dispose of public or other securities, stocks, bonds or debentures of any corporate bodies, the bonds and debentures and other evidences of debt of the Government of the Dominion of Canada or of any of the Provinces thereof, municipal debentures or debentures issued by any of the said Governments in exchange for those of any town, city, or municipality, constituted and ground rents (but not arrears of *cens et rentes*), and any moneys secured by privilege, hypothec, mortgage, pledge or otherwise, and the titles or evidences thereof; and shall, by the acquisition thereof, be subrogated in and have all the rights of the parties from whom the same or any of them shall be acquired.

Company may  
lend money on  
real or personal  
security.

3. The said Company are empowered to make loans of money, securities or values, to whomsoever may be competent to borrow, whether they be individuals, corporations, bodies politic or otherwise; and may stipulate for, take, receive, reserve and exact any rate of interest or discount that shall be lawful or may be lawfully taken, received, reserved or exacted in the place where the contract for the same shall be made or be executory, and shall not in respect thereof be liable for any loss, penalty or forfeiture on any account whatever: And the said Company may accept by way of security or guarantee for the repayment of such loans, and on such conditions as may be agreed upon, all kinds of securities or pledges

pledges, whether of real or personal property,—which securities may be renewed, added to or replaced by others, as may be agreed upon : and the said Company may allow and pay on sums which they may borrow, or other liabilities they may contract, such rate of interest as may be agreed upon and may be lawful at the place where the liability is contracted.

Rates of interest.

4. The capital stock of the Company shall remain, (as provided by the above recited Acts,) one million dollars, divided into two thousand shares of five hundred dollars each, and may be increased to an amount not exceeding two million dollars by a vote of two-thirds of the shareholders present, or represented, at any annual or special meeting to be called for that purpose : Provided, that stock to the amount of one hundred thousand dollars has been or shall be subscribed, and an amount of at least fifty thousand dollars on subscribed stock paid up, before the Company shall go into operation ; and the remainder at such time, and in such amounts as the Directors for the time being may appoint :

Capital stock and shares.

When to commence business.

Calls on shares.

Provided also that the Directors may, at any time, by resolution, convert the present shares of five hundred dollars each in the capital stock of the said Company, into shares of one hundred dollars, so that for each share of five hundred dollars in the capital stock of the Company, as heretofore organized, a shareholder will be entitled to five shares of one hundred dollars each ; but such conversion cannot take place, nor such resolution have effect, until confirmed by a vote of shareholders representing at least two-thirds of the actual subscribed capital.

Proviso : \$500 shares may be converted into \$100 shares.

5. The Directors may issue the said shares of the capital stock, or such number of them as they shall see fit, in separate classes or denominations, and distinguish each class or denomination as may be convenient, and may determine out of what investments or profits dividends shall be declared upon such classes of stock respectively ; and upon their so doing, the profits derived or losses arising from investments under one class of stock, shall not be participated in or borne by the holders of any other class of stock as such : Provided, that the Directors may apportion the expenses of management in an equitable manner among all classes of stock : and provided also, that in order to restrict the liability of the said " Montreal Credit Company," in respect of any bill, note, or other negotiable instrument other than bonds or debentures, the class or denomination of stock under which the same is drawn or made, must be clearly designated thereon, with the amount of capital stock under such class or denomination.

Stock may be classified.

Liability of holders of each kind of stock.

Proviso : expenses.

Proviso as to liability.

6. The Directors of the said Company may make by-laws to prevent, absolutely or conditionally, or in the discretion of the Directors, or subject to such conditions as they may see fit to impose, the transfer of any share or shares of the capital stock of the Company, until the owner thereof shall have paid and satisfied the Company the amount of any liability, the shareholder may have incurred

Directors may prevent the transfer of shares held by persons liable to the Company.

incurred to the said Company for any cause whatever, notwithstanding that the term or delay for the payment of such liability may not have elapsed; also, to accept, by way of security, or take in pledge, or wholly purchase, any share or shares of the said Company.

Power to borrow money.

7. The Directors may, from time to time, with the consent of the shareholders present or represented in a general meeting, borrow money on behalf of the Company, upon such terms, and at such rates of interest, as may be lawful at the place where the liability is contracted; and the Directors may, for that purpose, make or cause to be made bonds or other instruments under the common seal of the Company for sums of not less than four hundred dollars, which may be payable at any place, and either to order or to bearer, and may have interest coupons attached: Provided that the said Company shall not exercise the powers conferred by this section until at least one hundred thousand dollars of their capital stock shall have been paid up; and provided also that the aggregate of the sum or sums so borrowed shall not at any time exceed the amount of the capital of the Company, for the time being actually paid up: and no lender shall be bound to enquire into the occasion for any such loan, or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted.

Proviso: when such power may be exercised.

Company may act as an Agency and Trust Company.

8. The Company is empowered to act as an agency and trust company, and may hold, invest and deal in its own name or otherwise, with such moneys, mortgages, hypothecs, securities or evidences of debt as shall, from time to time, be transferred or delivered to the Company, upon trust or as agents, and may exercise all the rights which the parties so transferring or delivering the same might or could exercise; and the Company may give such guarantee as may be agreed on for repayment of principal or interest or both, of any such moneys, mortgages, hypothecs, securities or evidences of debt.

Company may hold real estate for five years.

9. The Company may hold such real estate as, being mortgaged or hypothecated to them, may be acquired by them for the protection of their investment, and may, from time to time, sell, mortgage, lease or otherwise dispose of the same: Provided always that the Company shall sell any such real estate within five years after so acquiring it.

Offices in Canada and United Kingdom.

10. The Company may have offices throughout the Dominion and Great Britain and Ireland for such purposes as the Directors shall determine; and the bonds, coupons or dividends of the Company may be made payable at any of such offices, and in sterling or currency.

Transmission of shares by marriage, death, &c.

11. The transmission of the interest in any share of the capital stock, in consequence of the marriage, death, bankruptcy or insolvency of a shareholder, or by any other lawful means than an ordinary

ordinary transfer, shall be authenticated and made in such form, by such proof, with such formalities, and generally in such other manner, as the Directors shall from time to time require, or by any by-law may direct.

12. If the Directors of the Company shall entertain doubts as to the legality of any claim to and upon such share or shares of stock, it shall be lawful for the Company to make and file in the Superior Court for Lower Canada, a declaration and petition in writing, addressed to the justices of the said court, setting forth the facts, and praying for an order or judgment adjudicating or awarding the said shares to the party or parties legally entitled to the same,—and by which order or judgment the Company shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares, or arising therefrom: Provided always, that notice of such petition shall be given to the party claiming such shares who shall, upon the filing of such petition, establish his right to the several shares referred to in such petition; and the delays to plead, and all other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said Superior Court: Provided also, that unless the said Superior Court otherwise order, the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said 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.

Directors may petition Superior Court respecting doubtful claims to shares.

Proviso: notice of petition.

Proviso: as to costs.

13. The affairs of the Company shall be managed by a Board of not less than five nor more than nine Directors; and the Directors now in office shall continue to be the Directors of the Company until replaced by others duly elected in their stead.

Board of Directors. Present Directors to continue in office.

14. The said Company shall not be deemed to be constituted a new corporation by reason of the powers hereby conferred, but its rights, powers, privileges and liabilities shall continue unimpaired and unaffected.

Company not made a new corporation.

15. "The Canada Joint Stock Companies Clauses Act, 1869," shall extend and apply to the said "Montreal Credit Company," and shall be incorporated with and form part of this Act, in so far as the same is not inconsistent therewith: Provided always, that section thirty-nine of the said last cited Act shall not apply to or be incorporated with this Act.

Joint Stock Clauses Act 32-33 V., c. 12, incorporated herewith, except s. 39.

## CHAP. 99.

An Act to amend the Act 27 Victoria, chapter 49, incorporating "The Lower Canada Investment and Agency Company (Limited)."

[Assented to 26th May, 1874.]

Preamble.  
27 V., c. 49.

**W**HEREAS the said Company, acting by certain of its Provisional Directors, have petitioned for certain amendments to their Act of incorporation, and that the name of the said Company be changed; and it is expedient that the prayer of their said petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Provisional  
Directors.

Quorum.

1. The Honorable Alexander Campbell is hereby added to the Provisional Directors of the Company; and five of such Provisional Directors shall be a sufficient quorum thereof to order the opening of the books of the Company for the subscription of shares, and to call a first meeting of shareholders.

Corporate  
name.

2. The name of the Company shall be "The Canada Investment and Agency Company (Limited)."

Section 3 and  
following re-  
pealed and  
new substitu-  
ted.

3. The third and following sections of the said Act are hereby repealed, and the following sections are hereby substituted therefor:—

Application  
of capital,  
preliminary  
expenses.

3. The Company are hereby empowered to lay out and invest their capital, in the first place, in paying and discharging all costs, charges and expenses incurred in applying for and obtaining this Act, and all other expenses preparatory or relating thereto; and the remainder of such capital, or so much thereof as may, from time to time, be deemed necessary, in the manner, and for the purposes hereinafter mentioned, that is to say:—the Company may,

Loans on real  
or personal se-  
curity, public  
securities, bank  
stock, &c.

from time to time, lend and advance money, by way of loan or otherwise, for such periods as they may deem expedient, on any real or personal security or both, or on the public securities of the Dominion, or on security of the debentures of any corporation, issued under or in pursuance of any statutory authority, or of the stock or shares of any incorporated bank in this Dominion, and upon such terms and conditions as to the Company shall seem satisfactory or expedient; and may acquire, by purchase or otherwise, mortgages on real estate, and real and personal securities and evidences of debt (other than the stocks of incorporated companies), and debentures of municipal or other corporations issued under any statutory authority, and may re-sell the same as they may deem advisable,—with power to do all acts that may be necessary

Mortgages.

General  
powers for  
such purposes.

for advancing such sums of money and for receiving and obtaining repayment

repayment thereof, and for compelling the payment of all interest (if any) accruing from such sums so advanced, and the observance and fulfilment of any conditions annexed to such advance, and the forfeiture of any term or property consequent on the non-fulfilment of such conditions or for delay of payment, and to give receipts, acquittances and discharges for the same, either absolutely and wholly or partially, and to execute such deeds, assignments or other instruments as may be necessary for carrying any such purchase or re-sale into effect; and for all and every, and any of the foregoing purposes, and for every and any other purpose in this Act mentioned or referred to, the Company may lay out and apply the capital and property, for the time being, of the Company, or any part thereof, or any of the moneys authorized to be hereafter raised or received by the Company in addition to their capital for the time being, with power to do, authorize and exercise all acts and powers whatsoever in the opinion of the Directors of the Company, requisite or expedient to be done or exercised in relation thereto.

Capital may be laid out for such purposes.

4. The Company are hereby empowered to act as an agency association, and for the interest, and on behalf of others, who shall entrust them with money for that purpose, and either in the name of the Company or of such others, to lend and advance money to any person or persons, upon such securities as are mentioned in the last preceding section, or to any body or bodies corporate whomsoever, or to any municipal or other authority, or any board or body of trustees, or commissioners whatsoever, upon such terms and upon such security as to the Company shall appear satisfactory, and to purchase and acquire mortgages, real and personal securities, debentures of municipal or other corporations, the stock of incorporated banks, and other securities and evidences of debt, and again to re-sell the same; and the conditions and terms of such loans and advances, and of such purchases and re-sales may be enforced by the Company for their benefit, and for the benefit of the person or persons, or corporation for whom such money has been lent and advanced, or purchase or re-sale made; and the Company shall have the same power in respect of such loans, advances, purchases and sales as are conferred upon them in respect of loans, advances, purchases and sales made from their own capital; and they may also guarantee either the repayment of the principal or interest, or both, of any moneys entrusted to the Company for investment; and for all and every and any of the foregoing purposes may lay out and employ the capital and property, for the time being, of the Company, or any part of the moneys authorized to be hereafter raised by the Company, in addition to their capital for the time being, or any moneys so entrusted to them as aforesaid; and to do, assent to, and exercise all acts whatsoever, in the opinion of the Directors of the Company, for the time being, requisite or expedient to be done in regard thereto.

Company may act as an agency association, for such purposes.

May guarantee re-payment of principal or interest.

5. After one hundred thousand dollars of the capital stock of the Company shall have been paid in, the Directors may, from time

Power to borrow money after \$100,000

paid in and  
issue bonds &c.

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

Proviso: as to  
amount to be  
borrowed.

What real-  
estate the com-  
pany may hold  
and dispose of.

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

Proviso: for  
sale within a  
certain period]

Company may  
charge com-  
mission.

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

What rate of  
interest or dis-  
count Com-  
pany may  
take.

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

Sinking fund.

Register of  
securities to be  
kept.

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

Capital and  
shares.

**10.** The capital of the Company shall be one million dollars, in shares of one hundred dollars each, of which five hundred thousand dollars shall be subscribed, and ten per centum thereof shall be paid in before the actual transaction of business is pro-  
**ceeded**

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

Power to increase capital.

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

Shares to be personalty.

12. No member of the Company shall be liable for or be charged with the payment of any debt or obligation of, or demand due from the Company, beyond the amount unpaid on any shares in the capital of the Company held by him.

Limited liability of members.

13. The Company shall keep in a book or books, a stock register, and therein shall be fairly and distinctly entered from time to time the following particulars:—The names and addresses and the occupations, if any, of the members of the Company, and the number of shares held by each member, and the amount paid or agreed to be considered as paid on the shares of each member.

Stock register to be kept with names, &c.

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

Who shall be deemed members.

15. The stock register shall be *prima facie* evidence of any matters by this Act directed or authorized to be inserted therein.

Register to be evidence.

16. Notice of any trust expressed, implied or constructive, whether entered on the books of the Company or not, shall not in any way affect the Company.

Trusts not to affect Company.

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

Application for shares, its effect.

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

Certificate of shares held; how renewable, &c.

scribe; such certificate shall be *prima facie* evidence of the title of the member therein named, to the share or shares therein specified.

Shares held by one or more persons.

**19.** If any share stands in the name of two or more persons, the first named in the register of such persons shall, as regards voting at meetings, receipt of dividends, service of notices, and all other matters connected with the Company (except transfer), be deemed the sole holder thereof; no share in the Company shall be sub-divided.

Calls.

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

Notice.

Limitation.

Payment obligatory.

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

Calls unpaid to bear interest.

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

Shares may be paid up in advance.

Company may pay interest on them.

**23.** The Directors may, if they think fit, receive from any member willing to advance the same, all, or any part of the amounts due on the shares held by such member, beyond the sums then actually called for; and upon the moneys so paid in advance or so much thereof as shall, from time to time, exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate not exceeding six per cent. per annum, as the member paying such sum in advance [and the Directors shall agree upon.

Register of transfers.

**24.** There shall be a book called the register of transfers provided, and in such book shall be entered the particulars of every transfer of shares in the capital of the Company.

Consent of Directors.

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

Transfers how executed.

**26.** Every instrument of transfer of any share in the Company shall be executed by the transferer and transferee, and the transferee

ferer shall be deemed to remain the holder of such share, and a member of the Company in respect thereof, until the name of the transferee shall be entered in the stock register in respect thereof.

**27.** The Directors of the Company shall have power to prescribe the form for the transfer of shares. Prescribing form.

**28.** The Directors may decline to register any transfer of shares belonging to any member who is indebted to the Company. Transfer may be refused.

**29.** The executors or administrators of any deceased member shall be the only persons recognized by the Company as having any title to his share. Shares of deceased members.

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

**31.** If any member fail to pay any call on the day appointed for the payment thereof, the Directors may at any time thereafter during such time as the call may remain unpaid, serve a notice on him, requiring him to pay such call, together with any interest that may have accrued due thereon by reason of such non-payment; and such notice shall name a day (not being less than twenty-one days from the date of such notice) and a place on and at which such call and interest, and any expenses that may have been incurred by reason of every such non-payment, are to be paid; and such notice shall also state, that in the event of non-payment at or before the time, and at the place so appointed as aforesaid, the shares in respect of which such call was made will be liable to be forfeited. Proceedings for forfeiture of shares for non-payment of calls.

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

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

**34.** Any member whose shares shall have been forfeited shall, notwithstanding such forfeiture, be liable to pay to the Company all calls, interest and expenses owing upon such shares at the time of the forfeiture. Liability of holder for costs, &c.

Reserved  
shares and  
issue thereof.

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

To be first  
offered to  
members.

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

Sale if refused.

Company may  
receive  
deposits.  
Proviso.

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

Opening stock  
books.

**38.** For the purpose of organizing the Company, the Provisional Directors or a majority of them, may cause stock books to be opened after giving due public notice thereof,—in which stock books shall be recorded the names and subscription of such persons as desire to become shareholders in the Company; and such books may be opened in London, England, and elsewhere at the discretion of the said Provisional Directors, and shall remain open so long as they deem necessary

When and  
where the first  
general meet-  
ing may be  
held.

**39.** When and so soon as two hundred thousand dollars of the capital stock shall have been subscribed, and at least ten per cent. of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of the shareholders to be held in London, England, or in Montreal, Canada, within three years from and after the passing of this Act, giving at least two weeks' notice of the time and place for holding such meeting by publishing the same in some daily newspaper published in Montreal aforesaid, and also by serving such notice on each shareholder, either personally or by sending the same through the post as hereinafter provided; at which general meeting the shareholders present or represented by proxy shall elect seven Directors, who shall constitute the Board of Directors and shall hold office until they are re-elected or their successors are appointed at such time and in such manner as may be provided for in the by-laws of the Company.

Notice.

Election of  
Directors.

Seven  
directors.  
Qualification.

**40.** The business of the Company shall be managed by seven Directors, each of whom shall be the holder of at least thirty shares of the stock of the Company.

- 41.** The number of Directors by whom the business of the Company shall be managed, may at any general meeting of the Company be increased to any number not exceeding fifteen. Number may be increased.
- 42.** The profits of the Company, so far as the same shall extend, shall be divided and disposed of in manner following, *videlicet* :—there shall, in the first place, be set apart for the purpose of forming a reserve fund to meet contingencies, or for equalizing dividends, such sum not less in any year than two and a-half per centum upon the net profits of the business of such year, as the Directors shall from time to time think fit; and the residue of such profits shall be divided amongst the members, and in such manner as the Directors, with the sanction of the Company in general meeting, shall determine. How the Company's profits shall be divided.
- 43.** The Company shall not make any dividend whereby their capital stock will be, in any degree, reduced. Restriction of dividend.
- 44.** The Directors may deduct from the dividends payable to any member all such sums of money as may be due from him to the Company, on account of calls or otherwise. Debts to company may be deducted.
- 45.** Notice of any dividend that may have been declared shall be given to each member, and no dividend shall bear interest against the Company. Notice of dividend.
- 46.** The Company shall, at all times, have an office in the City of Montreal, which shall be the legal domicile of the said Company in Canada, and notice of the situation of that office and of any change therein shall be advertised in the *Canada Gazette*, and they may establish such other offices and agencies elsewhere in the Dominion of Canada, as they may deem expedient. Domicile of the company.
- 47.** Notices requiring to be served by the Company upon the members, may be served either personally or by leaving the same for, or sending them through the post, in prepaid letters, addressed to the members at their registered places of abode. Notices how served.
- 48.** All notices directed to be given to the members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is first named in the stock register; and notice so given shall be deemed sufficient notice to all the proprietors of such share. As to joint owners.
- 49.** Every person who, by operation of law, transfer or other means whatsoever, shall become entitled to any share, shall be bound by any and every notice which, previously to his name and address being entered upon the stock register in respect of such share, shall have been given to the person from whom he shall derive his title. Transferee, &c., bound by notice to former owner.
- 50.** The appointment or election of Directors and officers, and the times, place and mode of calling and holding ordinary and extraordinary Appointments, elections, meet-

ings, &c., to be regulated by by-laws.

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

One vote for each share held 20 days.

Proxies.

Calls must have been paid.  
Majority.

Casting vote.

**51.** At all meetings of the Company, each shareholder shall be entitled to give one vote for each share then held by him and so held for not less than twenty days prior to the time of voting. Such votes may be given in person or by proxy, the holder of any such proxy being himself a shareholder. But no shareholder shall be entitled, either in person or by proxy, to vote at any meeting unless he shall have paid all the calls upon all the shares held by him; all questions proposed for the consideration of the shareholders shall be determined by the majority of votes,—the Chairman presiding at such meeting having the casting vote in case of an equality of votes.

Yearly statement to Minister of Finance what to contain.

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

Interpretation clause.

**53.** In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say, the word "Manager" shall include the words Cashier, Secretary and Clerk; the word "lands" and the words "real estate" shall extend to messuages, lands, tenements and hereditaments of any tenure; the expression "the Company" shall mean the Lower Canada Agency and Investment Company (Limited), in this Act mentioned and described; the expressions "the Directors" and "the Manager" shall mean the Directors and the Manager respectively, for the time being, of the said Company.

## CHAP. 100.

An Act to authorize the shareholders of the Canada Permanent Building and Savings Society to change the name of the said Society.

[Assented to 26th May, 1874.]

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

Preamble.

Canada 9 V.,  
c. 90, Con. Stat.  
U. C. c. 53.

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

Corporate  
Name may be  
changed, and  
how.

2. Upon the said change taking effect, the said Society and all its then members, their successors and assigns for ever shall thenceforth be and be held to be constituted, and shall continue to be a body politic and corporate under the name specified in such by-law, having its principal place of business in the City of Toronto: and, under that name, shall be capable of suing and being sued, pleading and being impleaded in all courts and places whatsoever.

Effect of  
such change.

3. The said Society, under its new name, shall not be deemed to be a new corporation, but it shall have, hold and continue to exercise all the rights, powers and privileges that shall previously to such change have heretofore been held, exercised and enjoyed by

Not to be a  
new corpora-  
tion.

by the said "Canada Permanent Building and Savings Society" in as full and ample a manner as if the said Society had continued to exist under its original name; and all statutory provisions applicable to the said Society shall continue applicable to the said "Canada Permanent Loan and Savings Company."

Property and liabilities vested in Society under new name.

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

Officers continued.

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

By-laws continued.

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

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## CHAP. 101.

An Act to authorize the shareholders of the Western Canada Permanent Building and Savings Society to change the name of the said Society.

[Assented to 26th May, 1874.]

Preamble.

9 V., c. 90  
amended by  
13-14 V., c. 79.  
Con. Stat.  
U.C. c. 53.

WHEREAS the Western Canada Permanent Building and Savings Society, by their petition, have represented that they were incorporated under the authority of the Act passed by the legislature of the late Province of Canada, in the ninth year of Her Majesty's reign, intituled: "*An Act to encourage the establishment of certain Societies commonly called Building Societies in that part of the Province of Canada formerly constituting Upper Canada*," and of the Act amending the same; and that by reason of the great extension of their business, the increase in the number of their shareholders, and the extended character of their financial

financial transactions it is necessary that they should seek from Parliament powers to change the name of the said Society; and whereas it would be for the public advantage as well as for the convenience of the Corporation that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

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

Power to change the name of the Society.

Proviso: Directors to advertise the change of name.

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

Society to be a corporation and have certain powers under its new name.

3. The said Society under its new name shall not be deemed to be a new corporation, but it shall have, hold and continue to exercise all the rights, powers and privileges that shall, previously to such change, have been held, exercised and enjoyed by the said "Western Canada Permanent Building and Savings Society," in as full and ample a manner as if the said Society had continued to exist under its original name; and all statutory provisions applicable to the said Society shall continue applicable to the said Western Canada Loan and Savings Company.

Society not to be a new corporation, but to continue to have all rights and powers exercised by it under its original name.

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

Property, debts, and rights, shareholders and legal proceedings not to be affected by change of name.

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

Officers of original society to continue in office.

By-laws of original society to continue in force.

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

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## CHAP. 102.

An Act to authorize the shareholders of the "Farmers' and Mechanics' Loan and Savings Company," to change the name of the said Company to that of the "Farmers' Loan and Savings Company."

[Assented to 26th May, 1874.]

Preamble.

WHEREAS the Farmers' and Mechanics' Loan and Savings Company by their petition have represented that they were incorporated under the authority of the Act intituled "*An Act respecting Building Societies*," and chaptered fifty-three of the Consolidated Statutes for Upper Canada and of the Act amending the same; and have, by their petition, prayed for a special Act to enable them to change the name of the said Company, and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Consol. Stat. U. C., c. 53.

Power to change name of Company by by-law.

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

Provide: Directors of Company to advertise change of name.

Company continued under new name.

2. Upon the said change taking effect, the said Company and all its then members, their successors and assigns for ever shall thenceforth be and be held to be constituted, and shall continue to be a body politic and corporate under the name specified in such by-law, having its principal place of business in the City of Toronto: and, under that name, shall be capable of suing and being sued, pleading and being impleaded in all courts and places whatsoever.

3. The said Company, under its new name, shall not be deemed to be a new corporation, but it shall have, hold and continue to exercise all the rights, powers and privileges that shall previously to such change have heretofore been held, exercised and enjoyed by the said "Farmers' and Mechanics' Loan and Savings Company," in as full and ample a manner as if the said Company had continued to exist under its original name; and all statutory provisions applicable to the said Company shall continue applicable to the said Company under its new name.

Not to be deemed a new corporation, but shall continue to exercise all rights, &c., heretofore enjoyed.

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

Property, debts, claims, &c., of old Company to be vested in company under its new name.

Proviso: legal proceedings heretofore begun.

5. The then existing President, Vice President, Directors and officers of the said "Farmers' and Mechanics' Loan and Savings Company" shall continue in office as such in the said Company under its new name, until replaced in conformity with the by-laws of the corporation.

By-laws and rules continued.

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

Officers continued.

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## CHAP. 103.

### An Act to incorporate the Colonial Building and Investment Association.

[Assented to 26th May, 1874.]

**W**HEREAS the persons hereinafter named, owners of real estate in the City and District of Montreal and elsewhere in the Dominion, have petitioned for an Act of incorporation, to establish an Association to be called the "Colonial Building and Investment Association," whereby powers may be conferred on the said Association for the purpose of buying, leasing or selling landed property, buildings and appurtenances thereof, for the purchase of building

Preamble.

building materials, to construct an improved class of villas, homesteads, cottages and other buildings and premises and to sell or let the same, and for the purpose of establishing a building or subscription fund to which persons may subscribe or pay in money for investment or for building purposes, and from which payments may be made for said purposes, and also to act as an agency ; and whereas it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Certain persons incorporated.

1. William Rodden, John Torrance, Andrew Robertson, William Clendinneng, Philip Simpson Ross, William W. Robertson, Edward MacKay, George Winks, and Alexander Holmes (who shall be Provisional Directors) and all other persons and bodies corporate who shall, from time to time, be possessed of any share or shares in the Association, shall form and are hereby constituted an incorporate association by the name of the "Colonial Building and Investment Association," with all the rights and powers hereinafter named, necessary to properly carry out the objects of the Association and incident to such incorporations.

Corporate name.

Capital and shares, and provision for increase.

2. The capital stock of the Association shall be one million dollars divided into shares of one thousand dollars each, and may be increased to five millions of dollars by a vote of two-thirds of the shareholders present at any meeting called for that purpose : Provided the said two-thirds of the shareholders shall represent at least one half of the paid up stock of the Association ; and before the Association shall go into operation, one half of the stock shall be taken up and ten per cent. thereon paid in.

Proviso.

Issue of shares &c., classification of shares, dividends, how to be paid.

3. The Directors may issue the shares of the capital stock or such number thereof as they may see fit from time to time, and may issue the shares in one or more classes or denominations and distinguish the same as may be convenient ; and may determine out of what profits dividends shall be declared and paid upon the whole stock, or upon such class or classes respectively ; and upon their so doing the profits derived or losses arising from investments or transactions under one class of stock, shall not be participated in or borne by the owners of any other class of stock as such : Provided that the Directors may in an equitable manner apportion the expenses of management among all classes of stock, should there be more than one class thereof.

Proviso : as to expenses of management.

Powers of the Association. Purchasing, leasing, &c., lands, buildings, &c.

4. The Association shall have power to acquire and hold by purchase, lease or other legal title, any real estate necessary or requisite for the carrying out of the undertakings of such Association, lands, houses, buildings, premises and rights and privileges belonging thereunto ; to construct, erect, build and maintain houses or other buildings and premises ; and to lease, let, sell, convey and dispose of the said property or such part thereof as the Association may deem for its advantage and the public convenience ; and also shall have power to acquire and use or dispose of

of every description of material for building purposes ; and shall have power to lend money on security by mortgage on real estate or on Dominion or Provincial Government bonds, stocks or other securities, or on the stocks of chartered banks in the Dominion. The Association may acquire, hold and dispose of public securities, stocks, bonds or debentures of any corporate bodies, the bonds and debentures and other evidences of debt of the Dominion or Provincial Government, municipal debentures or debentures issued by the Government in exchange for those of any town, city or municipality, constituted and ground rents, (but not arrears of constituted *rentes*) and any moneys secured by privilege, hypothec, mortgage, pledge or otherwise, and on the titles or evidences thereof ; and shall by the acquisition thereof be subrogated in and have all the rights of the parties from whom the same or any of them shall be acquired ; and for the foregoing purposes they may execute such assignments or other instruments as may be necessary for carrying the same into effect. The Association may effect or cause to be effected such insurances as may be necessary to protect all its interests ; and shall be invested with all the powers, privileges, and immunities necessary to carry into effect the intentions and objects of this Act, and which, by law, are incident to such corporations : Provided the Association shall sell the property so acquired within five years from the date of the purchase thereof, and that any lease made according to the provisions of the thirty-third section of this Act shall be held to be a sale within the meaning of this section and of the sixth section of this Act.

Disposing of building material.

Acquiring and disposing of public securities, &c.

Mortgages.

Effecting insurances.

Proviso : Property acquired to be sold within five years.  
Lease under 33rd section to be a sale.

5. The Association may act as an agency and trust company, and may hold, invest, and deal in its own name or otherwise with such real estate, moneys, mortgages, hypothecs, securities or evidences of debt as shall, from time to time, be transferred or delivered to the Association upon trust or as agents, and may exercise all the rights which the parties so transferring or delivering the same might or could exercise, and the Association may give such guarantee as may be agreed on for repayment of principal or interest or both of any such moneys, mortgages, hypothecs, securities or evidences of debt.

May act as an agency and trust company

Guarantee by association.

6. The Association may hold such real estate as, being mortgaged or hypothecated to them, may be acquired by them for the protection of their investments, and may, from time to time, sell, mortgage, lease or otherwise dispose of the same : Provided always, that the Association shall sell any such real estate within five years after so acquiring it.

May acquire real estate mortgaged to them.

Proviso.

7. The Directors may obtain money for the purposes of the Association from time to time, at such rates of interest, and upon such terms, as may be agreed upon, and for that purpose may make or cause to be made bonds or other instruments under the common seal of the Association for sums of not less than one hundred dollars, which may be payable at any place, and either to order or

May borrow money and issue bonds.

to

**Proviso.** to bearer, and may have interest coupons attached: Provided that the Association shall not exercise the powers conferred by this section until at least one hundred thousand dollars of their capital stock shall have been paid up; and provided also that the aggregate of the sum or sums so obtained shall not at any time exceed the amount of paid up capital of the Association for the time being; and provided also that the shareholders shall by by-law or resolution regularly passed at a meeting of the Association authorize the Directors to the foregoing effect, and no lender or lenders shall be bound to enquire into the validity of any resolution or by-law authorizing the same, or the purpose for which such sum or sums are required or obtained.

**Board of Directors.** **8.** The affairs of the Association shall be managed by a board of not less than three nor more than seven Directors, and the persons named in section one of this Act shall be the Directors of the Association until replaced by others duly elected in their stead.

**Provisional Directors.**

**Qualification of Directors.** **9.** No person shall hereafter be named a Director unless he be a shareholder owning stock to the amount of at least five thousand dollars in his own right, and not in arrear in respect of any call thereon; and the major part of the Directors must be residents within the Dominion of Canada.

**Election of Directors, manner and time of.** **10.** The Directors to be hereafter appointed shall be elected by ballot, or by acclamation without a ballot if so agreed upon, by the shareholders in a general meeting of the Association assembled, at such time, in such manner, and for such term as the by-laws of the Association may prescribe; and until a by-law shall be made for the purpose, the election shall take place annually.

**Chief office and agencies.** **11.** The chief office of the Association shall be in the City of Montreal. Branch offices or agencies may be established in London, England, in New York, in the United States of America, and in any city or town in the Dominion of Canada, for such purposes as the Directors may determine in accordance with this Act; and the bonds, coupons, dividends, or other payments of the Association, may be made payable at any of the said offices or agencies, and in sterling or currency.

**Directors may make contracts and by-laws, and for what purposes.** **12.** The Directors of the Association shall have full power in all things to administer the affairs of the Association; and may make or cause to be made for the Association any description of contract which the Association may by law enter into; and may, from time to time, make by-laws not contrary to law, nor to this Act to regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the number of Directors, their term of service, time and manner of their election, and the quorum

quorum necessary for the transaction of business, the amount of their stock qualification; the appointment, functions, duties and removal of all agents, officers and servants of the Association, the security to be given by them to the Association, their remuneration; the time at which and place where the annual meetings of the Association shall be held, the calling of meetings, regular and special, of the Board of Directors and of the Association, the requirements as to proxies and the proceedings in all things at such meetings; the allowance of discount or additions for prepayment of moneys becoming due and payable to the Association; 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 Association, and may from time to time, repeal, amend or re-enact the same; and every such by-law and every repeal, amendment or re-enactment thereof shall remain in force until rescinded at a general meeting of the Association duly called for that purpose: Provided always, that one fourth part in value of the shareholders of the Association shall, at all times, have the right to call a special meeting thereof, for the transaction of any lawful business specified in such written requisition and notice as they may issue to that effect.

Proviso: As to calling of special meetings.

13. A copy of any by-law of the Association under its seal and purporting to be signed by any officer of the Association, shall be received as *prima facie* evidence of such by-law in all courts of law or equity in this Dominion.

Certified copy of any by-law to be evidence.

14. The stock of the Association shall be deemed personal estate, and shall be transferable in such manner only and subject to all such conditions and restrictions as by the by-laws of the Association shall be prescribed.

Stock to be personalty: how transferable.

15. The capital stock shall be allotted when and as the Directors by by-law or otherwise may ordain, and the Directors of the Association may call in, and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places and in such payments or instalments as this Act may require or allow, and interest shall accrue and fall due upon the amount of any unpaid call, from the day appointed for payment of such call.

Allotment of stock and calls on stock.

16. The Association may enforce payment of all calls and interest thereon, by any action in a competent court, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more (stating the number of shares) and is indebted in the sum of money to which the calls in arrear amount, in respect 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 Association to the effect that the defendant is a shareholder, that such call or

Enforcement of calls: what necessary to declare in action therefor.

Proof in such case.

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.

Transfer of shares : calls must be first paid.

**17.** No share shall be transferable otherwise than in the manner and at the time or times which may be provided for in a by-law to be passed by the Association, as provided for in section fourteen of this Act, and until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon.

Shareholders in arrears not to vote.

**18.** No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the Association.

Authentication and form of transmission otherwise than by transfer.

**19.** The transmission of the interest in any share of the capital stock in consequence of the marriage, death, bankruptcy or insolvency of a shareholder, or by any other lawful means than an ordinary transfer shall be authenticated and made in such form, by such proof, with such formalities and generally in such other manner as the Directors shall from time to time require, or by any by-law may direct.

Legal proceedings in case of doubts as to claims upon shares.

**20.** If the Directors of the Association shall entertain doubts as to the legality of any claim to and upon such share or shares of stock it shall be lawful for the Association to make and file in the Superior Court for Lower Canada, a declaration and petition in writing, addressed to the justices of the said court, setting forth the facts and praying for an order or judgment, adjudicating or awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the Association shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares or arising therefrom : Provided always that notice of such petition shall be given to the party claiming such shares, who shall upon the filing of such petition establish his right to the several shares referred to in such petition ; and the delays to plead and all other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said Superior Court : Provided also that unless the said Superior Court otherwise order, the costs and expenses of procuring such order and adjudication, shall be paid by the party or parties to whom the said 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, other than the said Association.

Proviso : Notice to claimant.

Proviso : Costs to be paid by party adjudicated owner.

Votes.

**21.** Every shareholder shall be entitled to as many votes as he owns shares in the Association, and may vote by proxy under such arrangement as may be agreed on or provided for in the by-laws.

Vacancies in Board of Directors, how filled.

**22.** Vacancies occurring in the Board of Directors may be filled for the unexpired term by the Board from among the qualified shareholders.

**23.** The Directors shall, from time to time, elect from among themselves a President and Vice-President of the Association; and shall also appoint and may remove at pleasure all the other officers thereof.

President and other officers.

**24.** If at any time an election of Directors be not made or do not take effect at the proper time, the Association shall not be held to be thereby dissolved, but such election may take place at any general meeting of the Association duly called for that purpose, and the retiring Directors shall continue in office until their successors are elected.

Failure of election of Directors not to dissolve corporation.

**25.** The Association shall cause a book or books to be kept by the Secretary or by some other officer specially charged with that duty, wherein shall be kept recorded,—

Books to be kept by Secretary of Association.

1st. The names alphabetically arranged of all persons who are or have been shareholders ;

2nd. The address and calling of every such person, while such shareholder ;

3rd. The number of shares of stock held by each shareholder ;

4th. The amount paid in and remaining unpaid respectively on the stock of each shareholder ;

5th. All transfers of stock in their order as presented to the Association for entry, with the date and other particulars of each transfer, and the date of entry thereof,—and,

6th. The names, addresses and calling of all persons who are or have been Directors of the Association, with the several dates at which each became or ceased to be such Director.

**26.** The Association shall not be bound to see to the execution of any trust, whether expressed, implied or constructive in respect of any shares, and the receipt of the shareholder in whose name the same may stand in the books of the Association, shall be a valid and binding discharge to the Association for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the Association, and the Association shall not be bound to see to the application of the money paid upon such receipt.

Association not bound to see to execution of trusts.

**27.** Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Association, by any agent, officer or servant of the Association, in general accordance with his powers as such under the by-laws of the Association, shall be binding upon the Association ; and in no case shall it be necessary to have the seal of the Association affixed

Acts of agent to be binding on Association.

Seal not necessary to contracts, &c.

Agent not individually liable.

Proviso.

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 Association be thereby subjected individually to any liability whatever to any third party therefor: Provided always, that nothing in this section shall be construed to authorize the Association 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.

Liability of shareholders limited.

\* **28.** Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the Association 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 Association 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.

Responsibility of shareholders limited.

**29.** The shareholders of the Association shall not as such be held responsible for any act, default or liability whatsoever of the Association, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Association beyond the amount of their respective shares in the capital stock thereof.

Trustees, executors, &c., holding stock not liable personally, but as to estates and funds held.

**30.** No person holding stock in the Association 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 fund or 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.

Pledgers of stock liable.

Executors, &c. may vote on stock in their hands.

**31.** Every such executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his hands at all meetings of the Association, and may vote accordingly as a shareholder.

Building fund may be established by association.

**32.** The Association may establish and provide for a building fund, to which persons may become subscribers, and pay in or deposit moneys, from time to time, for investment or building purposes or withdrawals, in the manner, at the times, at the rate of interest and on the conditions established by order or by-law of the Directors, or as may be agreed upon between the said subscribers and Directors.

Sale of property by association.

**33.** Upon an agreement being made by the said Association for the sale of any house or other real estate held thereby, it shall be

be lawful for the said Association to execute, in favor of the intending purchaser thereof, a lease thereof, for the time stipulated in such agreement of sale, as the limit of the delay thereby fixed for the payment of the last instalment of the price therein agreed upon, at a rental corresponding in the amount and in the terms of payment thereof, with such prices and with the terms of payment of such price. And if such lease appear by its terms to have been made under the provisions of this Act, it shall not be held to convey, to such intending purchaser, any right in or to the property intended to be sold, or any real right therein whatever, nor shall the possession thereof, by the intending purchaser, be held to be a possession as proprietor, nor shall any legal or other hypothec be created or attached thereon, notwithstanding that such lease shall contain a direct promise of sale of such property so soon as the conditions thereof shall have been performed, until the sum of money in such lease stipulated for, and every part and portion thereof shall have been fully paid with all interest due thereon, nor until all charges, conditions and obligations created by or due under such lease shall have been fully paid, performed and fulfilled.

Provisional lease to intending purchaser.

**34.** If the intending purchaser or lessee having accepted a lease, under this Act, of the property intended to be acquired by him, from such Association, shall make all the payments and perform all the conditions stipulated for by such lease, and shall fulfil all the obligations thereby imposed upon him, the said lease shall thereupon and thereafter be held to be and shall be equivalent to a promise of sale of such property with possession, and shall vest the same in such intending purchaser in the same manner and to the same extent as if it were an ordinary promise of sale (*promesse de vente*), and shall give the right, to the holder thereof, to demand and have, from the said Association, a valid deed of sale of the property mentioned therein, containing warranty of title and against all charges thereon, other than those disclosed and agreed to be permitted to remain thereon; and all hypothecs and privileges, whether conventional or legal, which were created by the intending purchaser, during the pending of the said lease, shall immediately thereupon attach to such property, according to their rank and privilege and the date of their registration, in the same manner as if the same had been the property of such intending purchaser from the date of such lease.

Completion of sale : conveyance and warranty.

**35.** If at any time six months' arrears of the instalments stipulated for in any such lease shall become due and shall remain unpaid, the said Association shall have the right to re-take possession of the property intended to be sold, upon giving to the intending purchaser or lessee ten days' notice to vacate and deliver back the same, and tendering to him the amount by him actually paid on account of the instalments agreed upon in the said lease, after the deduction therefrom of interest at the rate of ten per centum per annum on the price agreed upon remaining unpaid each year for the time during which the premises agreed to be sold remained in the occupation of the intending

If instalments are not paid, property to revert to association.

Notice and tender to intending purchaser in possession.

ing purchaser, by way of rent for the use and occupation of such premises, and of ten per centum of the amount actually paid in to be retained as a forfeiture and penalty for non-performance of the agreement of purchase, of the cost of such tender, of the expense of repairs, and restoring all injuries and deteriorations suffered by the premises so intended to be sold, reasonable wear and tear excepted, and of all taxes, charges and assessments which attached thereto by the occupation thereof by the intending purchaser or lessee, and which shall then remain unpaid, all which charges and deductions shall be a first and privileged charge upon the amounts so actually paid in by him. But if the instalments payable annually under such lease, shall amount to less than ten per centum upon such price, then, and in that case the amount to be deducted for rental shall be the amount of instalments stipulated for in such lease.

Proviso.

Ejection of purchaser in default, and refusing to vacate.

**36.** If, at the end of ten days after service of such notice and tender, the intending purchaser or lessee shall not vacate and deliver back to the said Association the premises intended to be bought by him, the said Association shall have the right to cause him to be ejected therefrom by proceedings to be taken under the provisions of the first chapter of the second title of the second book of the Code of Civil Procedure of Lower Canada, commencing with Article 887, in all respects in the same manner and with the same delays as if such lease were an ordinary lease; Provided further, that if it shall be necessary to institute proceedings at law to recover possession of property so leased, as aforesaid, outside of the Province of Quebec, or where a different system of law prevails, then, in such case, the said Association shall be entitled to institute and prosecute proceedings for the recovery of such property, or to enforce any other their rights under any provisions of law therein open to parties under an ordinary lease, and to avail themselves of the most summary method there in force for the recovery of such property, save and except only that the jurisdiction of the court which shall have the right to hear and determine such proceedings shall be ascertained, regulated and established by the amount which shall have been actually paid to the Association under such lease, and not by the amount due or that of damages alleged. And the costs awarded to the said Association in any action instituted under this Act shall also be a charge upon and be deducted from the amount of money actually paid in by the intending purchaser.

Proceedings outside of Province of Quebec.

Costs.

What shall be sufficient tender.

**37.** Any tender made by the said Association shall be held to be sufficiently made if the Association shall have *bonâ fide* used diligence to ascertain the amounts which they shall be entitled to retain out of the purchase money paid in by the intending purchasers, notwithstanding that the amount tendered may not be precisely that which would have been so tendered according to the provisions hereof; and in such case the Association, and the intending purchaser shall have the right to recover each from the other the amount which may have been over or under tendered

**38.** In the event of the surrender of any property so leased as aforesaid, and of the sum of money actually paid in by the intending purchaser being insufficient to meet all the charges thereon and deductions therefrom herein provided for, the said Association shall have the same lien, privilege and remedies as an ordinary lessor upon the effects of the intending purchaser or lessee for the balance remaining due: Provided always that such balance does not exceed in amount the sum chargeable against such intending purchaser by way of rental for the use and occupation of the premises intended to be sold.

Recovery of balance remaining due.

Proviso.

**39.** Service of all manner of summons or writ whatever upon the Association may be made by leaving a copy thereof at the office or chief place of business of the Association with any grown up person in charge thereof, or elsewhere with the President or Secretary thereof, or if the Association have no known office or chief place of business, and have no known President or Secretary, then upon return to that effect duly made, the Court shall order such publication as it may deem requisite to be made in the premises for at least one month in at least one newspaper, and such publication shall be held to be due service upon the Association.

Service of process on association, how made.

**40.** Any description of action may be prosecuted and maintained between the Association and any shareholders thereof, and any shareholder not being himself a party to such suit shall be competent as a witness therein.

Suits and actions between association and shareholders.

**41.** If at any time the Directors consider it expedient to cease carrying on the business of the Association and to wind up and close it, they shall have power to do so in such manner as they shall deem best for the interests of the stock-holders, provided that the consent of a majority of the stockholders present at any meeting thereof be obtained thereto—in the notices for the calling of which the intention of considering the winding up thereof shall have been mentioned: Provided always, that such majority of stock-holders shall be the *bonâ fide* owners of at least one-half of the subscribed stock of the Association.

Winding up of the association.

Proviso.

## CHAP. 104.

### An Act to incorporate "The Ottawa Loan and Investment Company."

[Assented to 26th May, 1874.]

**W**HEREAS William Ralph Bell, William White, William Pennock, James Fraser, Alexander S. Woodburn, Richard Austin Bradley and Frederic Wright propose to establish a Joint Stock Company, and have petitioned for an Act of incorporation

Preamble.

for

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

Certain persons and their associates incorporated.

1. William Ralph Bell, William White, William Pennock, James Fraser, Alexander S. Woodburn, Richard Austin Bradley and Frederic Wright and all and every other person and persons, body and bodies politic who shall, from time to time, be possessed of any share or shares in the undertaking hereby authorized to be carried on, shall be united into a Company, according to the powers and authorities, rules, orders and regulations hereinafter set forth or referred to, and shall be one body politic and corporate, by the name of "The Ottawa Loan and Investment Company;" and by that name shall have perpetual succession and a common seal, with power to break and alter such seal, and by that name may sue and be sued, plead and be impleaded in all courts, whether at law or equity whatsoever.

Corporate name and general powers.

Provisional Directors.

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

Powers and business of the Company.

3. The Company are hereby empowered to lay out and invest their capital, in the first place, in paying and discharging all costs, charges and expenses incurred in applying for and obtaining this Act, and all other expenses preparatory or relating thereto; and the remainder of such capital, or so much thereof as may, from time to time, be deemed necessary, in the manner, and for the purposes hereinafter mentioned, that is to say:—the Company may, from time to time, lend and advance money, by way of loan or otherwise, for such periods as they may deem expedient, on any real or personal security, or both, or on the public securities of the Dominion, or on security of the debentures of any corporation, issued under or in pursuance of any statutory authority, or of the stock or shares of any incorporated bank in this Dominion, and upon such terms and conditions as to the Company shall seem satisfactory or expedient, and may acquire by purchase or otherwise, mortgages on real estate, and real and personal securities and evidences of debt (other than the stocks of incorporated companies), and debentures of municipal or other corporations issued under any statutory authority; and may re-sell the same as they may deem advisable,—with power to do all acts that may be necessary for advancing such sums of money and for receiving and obtaining repayment thereof, and for compelling the payment of all interest (if any) accruing from such sums so advanced, and the observance and fulfilment of any conditions annexed to such advance, and the forfeiture of any term or property consequent on the non-fulfilment of such conditions or for the delay of payment, and to give receipts, acquittances and discharges for the same, either absolutely and wholly or partially, and to execute such deeds, assignments or other instruments as may be necessary for carrying any such purchase or re-sale into effect; and for all and every and any of the foregoing

May make loans of money and on what security, etc.

Powers for collecting, &c.

foregoing purposes, and for every and any other purpose in this Act mentioned or referred to, the Company may lay out and apply the capital and property, for the time being, of the Company, or any part thereof, or any of the moneys authorized to be hereafter raised or received by the Company in addition to their capital for the time being, with power to do, authorize and exercise all acts and powers whatsoever in the opinion of the Directors of the Company, requisite or expedient to be done or exercised in relation thereto.

Application of capital for such purposes.

Incidental and necessary expenses.

4. The Company are hereby empowered to act as an agency association, and for the interest, and on behalf of others, who shall entrust them with money for that purpose, and either in the name of the Company or of such others, to lend and advance money to any person or persons, upon such securities as are mentioned in the last preceding section, or to any body or bodies corporate whomsoever, or to any municipal or other authority, or any board or body of trustees, or commissioners whatsoever, upon such terms and upon such security as to the Company shall appear satisfactory; and to purchase and acquire mortgages, real and personal securities, debentures of municipal or other corporations, the stock of incorporated banks and other securities, and evidences of debt, and again to re-sell the same; and the conditions and terms of such loans and advances, and of such purchases and re-sales may be enforced by the Company for their benefit, and for the benefit of the person or persons or corporation for whom such money has been lent and advanced, or purchase or re-sale made; and the Company shall have the same power in respect of such loans, advances, purchases and sales as are conferred upon them in respect of loans, advances, purchases and sales made from their own capital; and they may also guarantee either the re-payment of the principal or interest, or both, of any moneys entrusted to the Company for investment, and for all and every, and any of the foregoing purposes may lay out and employ the capital and property, for the time being, of the Company or any part of the moneys authorized to be hereafter raised by the Company, in addition to their capital for the time being, or any moneys so entrusted to them as aforesaid, and to do, assent to, and exercise all acts whatsoever, in the opinion of the Directors of the Company for the time being, requisite or expedient to be done in regard thereto.

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

May guarantee repayment if they see fit.

5. The Directors may, from time to time, with the consent of the Company in general meeting, borrow money on behalf of the Company, at such rates of interest and upon such terms as they may from time to time think proper; and the Directors may, for that purpose, make and execute any mortgages, bonds, or other instruments, under the common seal of the Company, for sums of not less than one hundred dollars each, or assign, transfer or deposit, by way of equitable mortgage or otherwise, any of the documents of title, deeds, muniments, securities or property of the Company, and either with or without power of sale or other special provisions as the Directors may deem expedient: Provided, that

Borrowing powers of the Company.

Securities to be given by them.

Total amount to be borrowed limited.

the aggregate of the sum or sums so borrowed shall not, at any time, exceed the amount of the subscribed capital of the Company, for the time being, not paid up; and no lender shall be bound to enquire into the occasion for any such loan, or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted.

Power to receive money on deposit.  
 Proviso: Preliminary condition, and amount limited.

6. It shall be lawful for the said Company to receive money on deposit for such periods and at such rate of interest as may be agreed on: Provided, that the Company shall not exercise the powers conferred by this section until at least one hundred thousand dollars of the capital stock shall have been paid up; and provided also that the aggregate amount of such deposits, together with the amount of the mortgages, bonds or other instruments given by the Company remaining unpaid, shall not at any time exceed the amount of the paid up capital stock of the Company.

Power to hold land for the transaction of their business or taken in satisfaction of debt.  
 Proviso: the latter to be sold within a certain time.

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

Company may demand and receive interest in advance.

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

Expenses may be added to principal.

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

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

Register of securities, open to parties interested.

10. A register of all securities held by the Company shall be kept; and within fourteen days after the taking of any security,

an entry or memorial specifying the nature and amount of such security and the names of the parties thereto, with their proper additions, shall be made in such register, and such register may be perused at all reasonable times by any of the members, or by any person interested in any such security, without fee or reward.

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

Capital and number of shares.

Power to increase, &c.

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

Shares to be personal estate.

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

Extent of liability of shareholders.

**14.** The Company shall keep, in a book or books, a register of the members of the Company, and therein shall be fairly and distinctly entered from time to time the following particulars: the names and addresses and the occupations (if any) of the members of the Company, and the number of shares held by such members, and the amount paid or agreed to be considered as paid on the shares of each member.

Register of shareholders.

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

Who to be deemed members.

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

Register to be deemed evidence.

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

Company not bound to register trusts on stock.

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

Allotment of shares and its effect.

Certificates of shares.

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

Renewal of certificates.

Joint shareholders.

**20.** If any share stands in the name of two or more persons, the first named in the register of such persons shall, as regards voting at meetings, receipt of dividends, service of notices, and all other matters connected with the Company (except transfer), be deemed the sole holder thereof;—no share in the Company shall be sub-divided.

No share to be divided.

Power to make calls.

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

Notice: calls limited.

Liability to pay calls.

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

Interest on calls due and unpaid.

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

Payment in advance.

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

Interest may be allowed.

Register of transfers.

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

**26.** No transfer of shares shall be made without the consent and approval of the Directors. Consent of Directors requisite.

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

**28.** Shares in the Company shall be transferred in the form in the Schedule (A.) to this Act annexed. Form of transfer.

**29.** The Directors may decline to register any transfer of shares belonging to any member who is indebted to the Company. Arrear must be first paid.

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

**31.** If any member fail to pay any call on the day appointed for the payment thereof, the Directors may at any time thereafter during such time as the call may remain unpaid, serve a notice on him, requiring him to pay such call, together with any interest that may have accrued due thereon by reason of such non-payment, and such notice shall name a day (not being less than twenty-one days from the date of such notice) and a place on and at which such call and interest, and any expenses that may have been incurred by reason of every such non-payment, are to be paid; and such notice shall also state, that in the event of non-payment at or before the time and at the place so appointed as aforesaid, the shares, in respect of which such call was made, will be liable to be forfeited. Liability to forfeiture for non-payment of calls. Notice.

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

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

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

Fee on transfers.

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

Reservation of shares.

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

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

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

If not accepted.

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

**38.** When and so soon as one hundred thousand dollars of the capital stock shall have been subscribed, and fifty thousand dollars shall have been paid in, the Provisional Directors of the said Company may call a general meeting of shareholders at some place to be named, in the City of Ottawa, giving at least twenty days' notice by circular, and also in some daily newspaper published in the said City; at which general meeting, the shareholders present in person or by proxy shall elect seven Directors in the manner and qualified as hereinafter provided, who shall constitute a Board of Directors, and shall hold office until the first Wednesday in September in the year following their election.

Number of Directors, and notice of general meeting and election of Directors.

**39.** The business of the Company shall be managed by seven Directors, one of whom shall be chosen President and one Vice-President, who, except as is hereinbefore provided for, shall hold office for one year; which Directors shall be shareholders, and shall be elected at the annual general meeting of shareholders, to be holden at the City of Ottawa, on the first Wednesday in September in each year or such other day as may be appointed by by-law,—not less than twenty days' notice of such meeting being given in the manner provided by the next preceding section; and the said election shall be held and made by such of the shareholders present in person or by proxy as shall have paid all calls made by the Directors and then due, and all such elections shall be by open vote, and the seven persons who shall have the greatest number of votes at any such election shall be Directors, except as hereinafter directed; and if two or more persons have an equal number of votes, in such a manner that a greater number of persons shall appear to be chosen as Directors, then the Directors who shall have a greater number of votes or the majority of them, shall

Who may vote thereat.

Majority.

Provision in case of ties.

shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of seven; and the said Directors, as soon as may be after the said election, shall proceed in like manner to elect one of their number to be the President and one to be the Vice-President; and if any vacancy should at any time happen amongst the said Directors by death, resignation, removal or disqualification during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors, or the majority of them, electing in such place or places a shareholder or shareholders eligible for such office: Provided always, that no person shall be eligible to be or continue as Director unless he shall hold in his name and for his own use, stock in the said Company to the amount of ten shares (whereof at least ten per cent. shall have been paid in) and shall have paid all calls made upon his stock and all liability incurred by him to the Company.

President and Vice-President.

Vacancies.

Proviso: Qualification of Directors.

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

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

**41.** At all meetings of the Company, every member shall be entitled to one vote for each share possessed by him upon which all calls then due have been paid: and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes,—the chairman presiding at such meeting having the casting vote in case of an equality of votes.

Voting at general meetings.

**42.** The Directors shall have full power and authority to make and, from time to time to alter such by-laws, rules, regulations and ordinances, not contrary to law or the provisions of this Act, as shall appear to them proper and needful for the well ordering of the Company, the management and disposition of its stock, property, estate and effects, the calling of ordinary and extraordinary or other meetings of the Company, and of the Directors and other officers, and the proceedings at meetings of the Company and of the Directors, the making of calls upon the subscribed capital, the appointment and removal of officers and agents of the Company, the regulation of their powers and duties, and the salaries to be paid to them; the compensation of Directors; and for the conduct in all other particulars of the affairs of the Company: Provided always, that all such by-laws, rules, regulations and ordinances made by the Directors as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved by such meeting, and shall thereafter have force and effect as so approved or modified at such meeting.

Powers of Directors to make and alter by-laws.

Proviso: for approval by shareholders.

Certified copies of by-laws, etc., to be received as *prima facie* evidence, without further proof.

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

Quorum of Directors.

44. At all meetings of Directors, four shall form a quorum for the transaction of business, and all questions before them shall be decided by a majority of votes, and in case of an equality of votes the President, Vice-President or presiding Director shall give the

Casting vote.

casting vote in addition to his own vote as Director.

Division of profits of Company.

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

Dividend not to reduce capital.

46. The Company shall not make any dividend whereby their capital stock shall be in any degree reduced.

Deductions of calls out of dividends.

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

Notice of dividend.

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

Chief office in Ottawa.

49. The Company shall have its chief office in the City of Ottawa; and they may establish such other offices and agencies elsewhere in the Dominion of Canada as they may deem expedient.

Agencies elsewhere.

Service of notices by the Company.

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

Notices to members sent by post.

51. A notice or other document served by post by the Company on a member, shall be taken as served at the time when the letter containing it would be delivered in the ordinary course of post; to prove the fact and time of service, it shall be sufficient to prove that

that such letter was properly addressed and was put into the post office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of post.

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

Notices to joint share-holders.

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

Notices binding on transferees.

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

Appointment and election of Directors and officers, meetings, &c. to be subject to by-laws.

**55.** The Company shall, on or before the fifteenth day of February, in each year, transmit to the Minister of Finance a full and clear statement of their assets and liabilities on the day of the date thereof, and such statement shall contain, in addition to such other particulars as the Minister of Finance may require,—

Company to send yearly statement to Minister of Finance;—contents thereof.

- 1st. The amount of stock subscribed;
- 2nd. The amount paid in upon such stock;
- 3rd. The amount borrowed for the purposes of investments, and the securities given therefor;
- 4th. The amount invested and secured by mortgage deeds;
- 5th. The value of real estate under mortgage;
- 6th. The amount of mortgages overdue and in default;
- 7th. The amount of mortgages payable by instalments;

And such statement shall be attested by the oath before some Justice of the Peace, of two persons, one being the President, Vice-President, or other functionary for the time being at the head of the Company, and the other the Manager or Auditor of the Company, each of whom shall swear distinctly that he has such quality or office as aforesaid; that he has had the means of

How to be attested.

verifying and has verified the statement aforesaid, and found it to be exact and true in every particular; that the property under mortgage has been set down at its true value, to the best of his knowledge and belief; and that the amount of the shares and debentures issued and outstanding, as he verily believes, is correct; and such statement shall be published by the Minister of Finance in such manner as he shall think most conducive to the public good: and for any neglect to transmit such statement in due course of post, within five days after the day to which it is to be made up, the Company shall incur a penalty of one hundred dollars per diem; and if the same be not transmitted within one month after the said day, or if it shall appear by the statement that the Company is insolvent, the Minister of Finance may, by notice in the *Canada Gazette*, declare the business of the Company to have ceased; and if the Minister of Finance shall in any case suspect any such statement to be wilfully false, he may depute some competent person to examine the books and enquire into the affairs of the Company, and to report to him on oath; and if by such report it shall appear that such statement was wilfully false, or that the Company is insolvent, or if the person so deputed shall report on oath that he has been refused such access to the books, or such information as would enable him to make a sufficient report, the Minister of Finance may, by notice in the *Canada Gazette*, declare the business of the Company to have ceased; but in any of the cases in which discretionary power is given to the Minister of Finance to declare the business of the Company to have ceased, he may, before so doing, give notice to the Company and afford the same an opportunity of making any explanation it may be advisable to make; and all expenses attending such periodical statements, and the publication thereof shall be borne by the Company.

To be published by Minister of Finance.

Penalty and consequence of failure to send statement.

If any false statement be suspected.

If found to be wilfully false, business may be stopped.

Proviso: Notice to Company.

Expenses.

## SCHEDULE A.

### INSTRUMENT OF TRANSFER OF SHARE.

#### *The Ottawa Loan and Investment Company.*

Form and contents thereof.

I, (A. B.) of \_\_\_\_\_, in consideration of the sum of \$ \_\_\_\_\_ paid to me by (C. D.) of \_\_\_\_\_, do hereby transfer to the said (C. D.) \_\_\_\_\_ share (s) now standing in my name in the books of the above-named Company, to hold to him, his executors, administrators and assigns, subject to the conditions on which I now hold the same; and I, the said (C. D.) do hereby accept the said share (or shares) subject to the conditions aforesaid and agree to become a member of the said Company: As witness our respective hands this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_:

A. B.  
C. D.

Signed by the above named A. B. and C. D. respectively in the presence of \_\_\_\_\_ (N. O. with description and address).

CHAP

## CHAP. 105.

## An Act to incorporate "The Anglo-Canadian Mortgage and Investment Company (Limited)."

[Assented to 26th May, 1874.]

**W**HEREAS the persons hereinafter named, have by their Preamble.  
 petition represented that advantage would result to the public from the formation of a Company with sufficient capital for the making of loans upon mortgage of real and personal estate, and upon other securities, and for investment otherwise, as hereinafter mentioned, and have prayed for the passing of an Act of incorporation of such a Company for such purposes; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sir Leopold G. Heath, K.C.B., George Latham Browne, Certain persons incorporated.  
 Alexander Rivington, Sir Keith Jackson, Baronet, The Honorable James Cox Aikins, John Stuart, M. P., and all and every other person and persons, body and bodies politic and corporate who shall, from time to time, be possessed of any share or shares in the undertaking hereby authorized to be carried on, shall be, and they are hereby constituted a body politic and corporate, under the name of "The Anglo-Canadian Mortgage and Investment Corporate name.  
 Company (Limited)."

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

3. The Company are hereby empowered to lay out and invest Powers and business of the Company.  
 their capital, in the first place, in paying and discharging all costs, charges and expenses incurred in applying for and obtaining this Act, and all other expenses preparatory or relating thereto; and the remainder of such capital or so much thereof as may, from Making loans and on what securities.  
 time to time, be deemed necessary, in the manner and for the purposes hereinafter mentioned, that is to say:—the Company may, from time to time, lend and advance money, by way of loan or otherwise, for such periods as they may deem expedient, on any real or personal security, or both, or on the public securities of the Dominion, or on security of the debentures of any corporation, issued under or in pursuance of any statutory authority, or of the stock or shares of any incorporated Bank in this Dominion, and upon such terms and conditions as to the Company shall seem satisfactory or expedient; and may acquire by purchase or otherwise, mortgages of real estate, and real and personal securities and evidences of debt (other than the stocks of incorporated companies), and debentures of municipal or other corporations issued under any statutory authority, and may re-sell the same as they

Powers incident to such loans and enforcing payment thereof.\*

Capital may be employed for such purposes.

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

Their powers in such cases.

And may guarantee repayment if they see fit.

may deem advisable—with power to do all acts that may be necessary for advancing such sums of money and for receiving and obtaining repayment thereof, and for compelling the payment of all interest (if any) accruing from such sums so advanced, and the observance and fulfilment of any conditions annexed to such advance, and the forfeiture of any term or property consequent on the non-fulfilment of such conditions or for delay of payment, and to give receipts, acquittances and discharges for the same, either absolutely and wholly or partially, and to execute such deeds, assignments or other instruments as may be necessary for carrying any such purchase or re-sale into effect; and for all and every, and any of the foregoing purposes, and for every and any other purpose in this Act mentioned or referred to, the Company may lay out and apply the capital and property, for the time being, of the Company or any part thereof, or any of the moneys authorized to be hereafter raised or received by the Company in addition to their capital for the time being, with power to do, authorize and exercise all acts and powers whatsoever in the opinion of the Directors of the Company, requisite or expedient to be done or exercised in relation thereto.

4. The Company are hereby empowered to act as an agency association, and for the interest, and on behalf of others, who shall entrust them with money for that purpose, and either in the name of the Company or of such others, to lend and advance money to any person or persons, upon such securities as are mentioned in the last preceding section, or to any body or bodies corporate whomsoever, or to any municipal or other authority, or any board or body of trustees, or commissioners whatsoever, upon such terms and upon such security as to the Company shall appear satisfactory; and to purchase and acquire mortgages, real and personal securities, debentures of municipal or other corporations, the stock of incorporated banks, and other securities and evidences of debt, and again to re-sell the same—and the conditions and terms of such loans and advances, and of such purchases and re-sales may be enforced by the Company for their benefit, and for the benefit of the person or persons, or corporation for whom such money has been lent and advanced, or purchase or re-sale made; and the Company shall have the same power in respect of such loans, advances, purchases and sales as are conferred upon them in respect of loans, advances, purchases and sales made from their own capital; and they may also guarantee either the repayment of the principal or interest or both, of any moneys entrusted to the Company for investment; and for all and every and any of the foregoing purposes may lay out and employ the capital and property, for the time being, of the Company, or any part of the moneys authorized to be hereafter raised by the Company, in addition to their capital for the time being, or any moneys so entrusted to them as aforesaid, and to do, assent to, and exercise all acts whatsoever, in the opinion of the Directors of the Company, for the time being, requisite or expedient to be done in regard thereto.

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

Borrowing powers of company and securities to be given by them.

Lender not bound to certain enquiries

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

Power to hold real estate.

Proviso: if not required for their use.

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

Company may charge commission to either party.

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

Company may recover any lawful rate of interest agreed for.

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

Register of securities: what to show

10. The capital of the Company shall be one million, two hundred and fifty thousand dollars, in shares of one hundred dollars each, of which ten per centum shall be paid in before the actual

Capital and number of shares.

Power to increase, and how.

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

Shares to be personalty.

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

Liability of shareholders limited.

**12.** No member of the Company shall be liable for or be charged with the payment of any debt or obligation of, or demand due from the Company, beyond the amount unpaid on any shares in the capital of the Company held by him.

Stock Register to be kept.

**13.** The Company shall keep in a book or books, a stock register, and therein shall be fairly and distinctly entered from time to time the following particulars:—The names and addresses and the occupations, if any, of the members of the Company, and the number of shares held by each member, and the amount paid or agreed to be considered as paid on the shares of each member.

Who to be deemed members.

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

Stock register to be evidence.

**15.** The stock register shall be *prima facie* evidence of any matters by this Act directed or authorized to be inserted therein.

Notices of trusts not to affect company.

**16.** Notice of any trust expressed, implied or constructive, whether entered on the books of the Company or not, shall not in any way affect the Company.

Allotment of shares, its effect.

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

Certificates of shares.

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

Renewal of certificates.

twenty-five cents, or such less sum as the Directors shall prescribe; such certificate shall be *prima facie* evidence of the title of the member therein named, to the share or shares therein specified.

**19.** If any share stands in the name of two or more persons, the first named in the register of such persons shall, as regards voting at meetings, receipt of dividends, service of notices, and all other matters connected with the Company (except transfer), be deemed the sole holder thereof; no share in the Company shall be subdivided. As to joint shareholders.

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

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

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

**23.** The Directors may, if they think fit, receive from any member willing to advance the same, all or any part of the amounts due on the shares held by such member, beyond the sums then actually called for; and upon the moneys so paid in advance, or so much thereof as shall, from time to time, exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate not exceeding six per cent. per annum, as the member paying such sum in advance and the Directors shall agree upon. Payment in advance on shares. Interest may be allowed.

**24.** There shall be a book called the register of transfers provided, and in such book shall be entered the particulars of every transfer of shares in the capital of the Company. Register of transfers.

**25.** No transfer of shares shall be made without the consent and approval of the Directors. Consent to transfers.

**26.** Every instrument of transfer of any share in the Company shall be executed by the transferrer and transferee; and the transferrer Execution of transfers.

ferrer shall be deemed to remain the holder of such share, and a member of the Company in respect thereof, until the name of the transferee shall be entered in the stock register in respect thereof.

Form of transfer.

**27.** The Directors of the Company shall have power to prescribe the form for the transfer of shares.

Arrears to be first paid.

**28.** The Directors may decline to register any transfer of shares belonging to any member who is indebted to the Company.

Shares of deceased members.

**29.** The executors or administrators of any deceased member shall be the only persons recognized by the Company as having any title to his share.

Transmission of shares otherwise than by transfer.

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

Notice of forfeiture for non-payment of calls.

**31.** If any member fail to pay any call on the day appointed for the payment thereof, the Directors may, at any time thereafter during such time as the call may remain unpaid, serve a notice on him, requiring him to pay such call, together with any interest that may have accrued due thereon by reason of such non-payment; and such notice shall name a day (not being less than twenty-one days from the date of such notice) and a place on and at which such call and interest, and any expenses that may have been incurred by reason of every such non-payment, are to be paid; and such notice shall also state, that in the event of non-payment at or before the time, and at the place so appointed as aforesaid, the shares in respect of which such call was made will be liable to be forfeited.

Forfeiture of share.

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

Disposal of forfeited shares.

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

Liability for payment of arrears.

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

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

Reservation of shares.

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

Offer of reserved shares to members. Disposal of reserved shares not accepted by members.

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

Power to receive money on deposit. Proviso: as to amount.

**38.** For the purpose of organizing the Company, the Provisional Directors or a majority of them may cause stock books to be opened after giving due public notice thereof,—in which stock books shall be recorded the names and subscription of such persons as desire to become shareholders in the Company; and such books may be opened in London, England, and elsewhere, at the discretion of the said Provisional Directors, and shall remain open so long as they deem necessary.

Opening of stock books, and where.

**39.** When and so soon as two hundred thousand dollars of the capital stock shall have been subscribed, and at least ten per cent. of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of the shareholders to be held in London, England, or in Hamilton, Canada, within three years from and after the passing of this Act, giving at least four weeks' notice of the time and place for holding such meeting, by publishing the same in some daily newspaper published in London aforesaid, and in the *Canada Gazette*, and also by serving such notice on each shareholder, either personally or by sending the same through the post as hereinafter provided,—at which general meeting the shareholders present, or represented by proxy, shall elect seven Directors who shall constitute the Board of Directors, and shall hold office until they are re-elected or their successors are appointed at such time and in such manner as may be provided for in the by-laws of the Company.

First general meeting of shareholders.

Notice.

Election of Directors.

**40.** The business of the Company shall be managed by seven Directors, each of whom shall be the holder of at least thirty shares of the stock of the Company.

Number and qualification of directors.

Directors may be increased to fifteen.

41. The number of Directors by whom the business of the Company shall be managed may, at any general meeting of the Company, be increased to any number not exceeding fifteen.

Division of profits of company.

42. The profits of the Company, so far as the same shall extend, shall be divided and disposed of in manner following, *videlicet*:—there shall, in the first place, be set apart for the purpose of forming a reserve fund to meet contingencies, or for equalizing dividends, such sum not less in any year than two and a-half per centum upon the net profits of the business of such year, as the Directors shall, from time to time, think fit; and the residue of such profits shall be divided amongst the members, and in such manner as the Directors, with the sanction of the Company in general meeting, shall determine.

Dividend not to reduce capital.

43. The Company shall not make any dividend whereby their capital stock will be in any degree reduced.

Deductions from dividends.

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

Notices of dividends.

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

Chief and other offices, and agencies.

46. The Company shall at all times have an office in the City of Hamilton, which shall be the legal domicile of the said Company in Canada; and notice of the situation of that office and of any change therein shall be advertised in the *Canada Gazette*; and they may establish such other offices and agencies elsewhere in the Dominion of Canada, as they may deem expedient.

Service of notices upon members.

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

Notices to joint shareholders.

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

Certain matters may be regulated by by-laws.

49. The appointment or election of Directors and officers, and the times, place and mode of calling and holding ordinary and extraordinary or other meetings of the Company, and of the Directors and other officers, and the proceedings at meetings of the Company, and of the Directors, shall be subject to and regulated by such rules, regulations and provisions, and meetings of the Company, and of the Directors, shall have such powers, privileges

privileges and authorities, as may be set forth and directed in and by by-laws of the Company, passed from time to time at any general meeting of the Company.

**50.** At all meetings of the Company, each shareholder shall be entitled to give one vote for each share then held by him and so held for not less than twenty days prior to the time of voting. Such votes may be given in person or by proxy,—the holder of any such proxy being himself a shareholder. But no shareholder shall be entitled, either in person or by proxy, to vote at any meeting unless he shall have paid all the calls upon all the shares held by him; all questions proposed for the consideration of the shareholders shall be determined by the majority of votes,—the Chairman presiding at such meeting having the casting vote in case of an equality of votes.

Votes and proxies.  
All calls to be paid before voting.  
Majority to decide.

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

Annual statement to Minister of Finance, and what it must show.

**52.** In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say, the word "Manager" shall include the words "Manager," Cashier, Secretary and Clerk; the word "lands" and the words "real estate" shall extend to messuages, lands, tenements, and hereditaments of any tenure; the expression "the Company" shall mean the Anglo-Canadian Mortgage and Investment Company (limited), in this Act mentioned and described; the expressions, "the Directors," and "the Manager" shall mean the Directors, and the Manager respectively, for the time being, of the said Company.

Interpretation  
"Lands."  
"The Company."  
"The Directors."

## CHAP. 106.

## An Act to incorporate the Provincial Steamship Company.

[Assented to 26th May, 1874.]

Preamble.

**W**HEREAS John Magee, Stephen S. Hall, and Edwin N. Sharp, have petitioned the Parliament of the Dominion of Canada, praying that they may be incorporated, with such other persons as shall become associated with them, as a company under the name and style of the "Provincial Steamship Company," for the purpose, among other things, of building and sailing steam and other vessels between the different ports of the Dominion, or to ports in the United States or the West Indies or elsewhere, and for such other purposes of steam navigation as to the said company may seem expedient; and it is expedient to grant the prayer of the said petitioners: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

**1.** John Magee, Robert Reed, James Domville, Gideon Palmer, R. Barry Dickey, James L. Dunn, Stephen S. Hall, A. Chip. Smith and Edwin N. Sharp, together with such other person or persons as shall be and become shareholders in the said Company, and their respective heirs, executors, administrators, curators, and assigns, shall be and are hereby constituted a body politic and corporate, by the name of the "Provincial Steamship Company," with all and every the incidents and privileges to such corporations belonging.

Corporate name.

Business of the company.

**2.** It shall be lawful for the Company to construct, acquire, charter, navigate and maintain steam vessels for the carrying and conveyance of goods and passengers or other traffic, between the ports of the Dominion of Canada, and between the said ports and elsewhere out of Canada, and to, from and between any ports out of Canada, and steam or other vessels, for all business and purposes connected therewith, and the profitable prosecution thereof,—with power to sell or dispose of the said vessels or any of them or grant and consent to bottomry or other bonds on the same, or to mortgage the stock of the Company, or any part thereof, when and as they may deem expedient, and to make contracts and agreements with any person or corporation whatsoever, for the purposes aforesaid, or otherwise for the benefit of the said Company.

Company may acquire real estate for their own uses.

**3.** It shall be lawful for the said Company to purchase, rent, take, hold and enjoy, to them and their successors, as well in Canada as in such other places where it shall be deemed expedient for the purposes of the said Company, either in the name of the said Company, or in the name of trustees for the said Company, such lands, wharves, docks, warehouses, offices and other buildings, as they

they may find necessary and convenient for the purposes of the said Company, but not for any other purpose, and to sell, mortgage or dispose of the same, and others to purchase and acquire in their stead.

4. The capital stock of the said Company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, with power to increase the same to one million dollars, at any special general meeting called for that purpose, at which meeting not less than two thirds of the stockholders shall be present in person or represented by proxy: Provided always, that the said Company shall have paid up the sum of fifty thousand dollars before receiving any passengers or freight.

Capital stock and share, and increase thereof.  
Proviso.

5. So soon as five hundred shares of the Company have been subscribed, and ten per cent. paid thereon, a general meeting of the shareholders shall be held in the City of Saint John, in the Province of New Brunswick, and may be called by any two of the persons named in the first section of this Act, (who shall be Provisional Directors of the Company until the election of their successors as hereinafter provided,) by giving notice thereof for ten days in one or more newspapers published in the City of Saint John,—at which or any subsequent meeting to be for that purpose holden, by-laws shall be established, and such number of Directors shall be elected as may be required by such by-laws.

First general meeting of shareholders.

6. The Directors may, from time to time with the consent of the majority of the shareholders present or represented by proxy at a general meeting, borrow money on behalf of the Company at such rate of interest and upon such terms as they may think proper.

Directors may borrow money with consent of shareholders.

7. Each shareholder shall be entitled to one vote for each share held by him; all votes given at any meeting may be given either personally or by proxy (such proxy being a shareholder), and any proposition at any meeting shall be decided by a majority of the shareholders present or represented by proxy.

Votes.  
Proxies.  
Majority to decide.

8. 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 connected with the said Company or the liabilities, acts or defaults of the said Company, beyond the sum, if any, remaining due to complete the amount of the unpaid-up portion of the shares subscribed for or held by them in the stock of the Company.

Liability of shareholders limited.

9. The Directors aforesaid shall have power, if they think fit, to receive, and take into the stock of the said Company, such steamers as may have already been built or acquired by individual shareholders for the purpose of this Company.

Acquisition of vessels for the purposes of the Company.

10. The Directors of the Company shall take the said steamers at their cost or at such valuation as shall be put upon them by persons

Valuation of same.

persons mutually chosen to decide the same, and such valuation shall be credited to the shareholders as payment made on account of their stock; but no shareholder shall be entitled to claim from the Directors any money payment for such steamers unless by special agreement to that effect.

**Acts of directors valid, notwithstanding defects of appointment.** 11. All acts done by any person or persons acting as Directors, shall notwithstanding there may have been some defect in the appointment of any such person or persons, or that they or any of them were disqualified, be as valid as if every such person or persons had been duly appointed and was qualified to be a Director.

## CHAP. 107.

### An Act to amend the Act incorporating the St. Lawrence Tow-Boat Company.

[Assented to 26th May, 1874.]

Preamble.

WHEREAS the St. Lawrence Tow-Boat Company have, by 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 of Commons of Canada, enacts as follows:—

Name of Company changed. Not to affect contracts, suits &c.

1. The said St. Lawrence Tow-Boat Company shall hereafter be called the "St. Lawrence Navigation Company (Steam)" but such change of name shall not affect in any respect any contract or obligation made with or by or due to the said Company; and any suit now pending may be continued in the name of the said St. Lawrence Tow-Boat Company to final judgment and execution in that name, and without any *reprise d'instance*.

When annual general meeting shall be held.

Balance sheet, &c., to be submitted, and auditors appointed.

2. The annual meeting of the Company shall hereafter take place on such day between the fifteenth day of January and the fifteenth day of March, and at such hour and place as shall be fixed from time to time by the Directors; and the balance sheet, statements and reports, and all other business referred to in the eleventh section of the Act incorporating the said Company, shall be submitted to such annual meeting; and the Directors may be appointed thereat instead of at a general meeting of shareholders as provided by the fifth section of the said Act.

Part of 28 V., c. 46 and of 26 V., c. 59, repealed.

3. Sections two and three of the Act passed by the legislature of the late Province of Canada, in the twenty-eighth year of Her Majesty's reign, chapter forty-six, and so much of section five of the Act passed by the same legislature, in the twenty-sixth year of Her Majesty's reign, chapter fifty-nine, as is inconsistent with this Act, and so much of section eleven of the said last mentioned Act, as requires the calling of a general meeting, are hereby repealed.

## CHAP. 108.

## An Act to incorporate the Collins Bay Rafting and Forwarding Company.

[Assented to 26th May, 1874.]

**W**HEREAS the persons hereinafter named have, by their Preamble. petition, prayed that they may be incorporated for the purpose of establishing a company in the City of Toronto, and at Collins Bay, for the transaction of the business of shipping and forwarding between the different Provinces and foreign countries, to be called the "*Collins Bay Rafting and Forwarding Company*;" and whereas it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Isaac Cockburn, James Murray, John McArthur, Alexander McArthur, Peter McArthur, William B. Scarth, James L. Scarth and such other persons 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, under the name and style of the "*Collins Bay Rafting and Forwarding Company*."

Certain persons incorporated.  
Corporate name.

2. The said Company are hereby empowered to construct, acquire, charter, employ, navigate, and maintain all kinds of tugs, vessels, boats and ships, used for navigation, trade or other purposes, for the carriage and conveyance of rafts, timber, goods and passengers and other traffic, and to carry on all such business, including the general business of shipping and warehousing shipping agency, and to do all such matters as may be incidental to the carrying out of the objects of the Company as necessary or expedient to the more profitable prosecution thereof, with power to sell or mortgage any of the property of the Company real or personal and to make contracts with any persons or corporations whatever for the purposes of their business. The Directors shall have the power, if they think fit, to receive and take into the stock of the Company, any steam or other vessel owned or built by any person or persons, assigning shares of the said Company in payment or part payment thereof: Provided always that the assent of a majority in number and value of the stockholders of the Company at a general meeting to be called for the purpose, shall be procured.

Business and general powers  
Vessels may be received as stock.  
Proviso.

3. The Company may lease, construct, build or acquire by purchase or otherwise, and may hold absolutely or conditionally such real property, lands, tenements, roads, docks and buildings as may be necessary or convenient for the purposes of the Company, not exceeding

Power to hold real estate to a certain value.

exceeding the yearly value of ten thousand dollars, with power to sell, let or lease, mortgage and dispose of and convey the same and others in their stead to acquire, not exceeding at any time the value aforesaid :

- Further powers of the Company : buying and selling timber limits &c. and making advances.
2. The Company may also buy and sell timber of all kinds, and may, from time to time, make advances on timber and lumber of every kind and description, and on the security of timber limits; and the Company may charge a commission on such advances not exceeding five per centum on the amount thereof, for which advances and commission the said Company shall have a lien upon such goods and securities.
- Capital stock and shares.
4. The capital of the Company shall be one hundred thousand dollars, with power to increase the same as occasion may require to one million dollars, and shall be divided into shares of one hundred dollars each, which shall be held to be personal estate, and shall be assignable in such manner and form as may, from time to time, be prescribed by resolution of the Board of Directors in that behalf.
- Provisional Directors.
5. The said Isaac Cockburn, James Murray, John McArthur Alexander McArthur, Peter McArthur, William B. Scarth, and James L. Scarth shall be Directors of the said Company until a choice of Directors by election by the shareholders shall take place in the manner hereinafter prescribed ; and the said Directors and their successors or any three of them shall have power to open books for the subscription of shares, to receive subscriptions to the stock of the Company, and to allot shares to the several subscribers; and no person shall hereafter be qualified to be a Director who does not hold in his own right ten shares of the capital stock of the Company.
- Stock books.
- Qualification of Directors.
- 6 The annual meeting of the shareholders of the Company, for the transaction of the general business of the Company and election of Directors from among the shareholders for the management of the affairs of the Company, shall be held at such time and place in the City of Toronto, and under such regulations with regard to notice as shall be determined by resolutions of the Board of Directors of the Company in that behalf ; and the holding of such other meetings as may be found necessary or expedient may also be provided for by such resolutions.
- Annual general meeting.
- Other meetings.
- Condition as to commencement of operations, and first general meeting : and election of Directors.
7. As soon as one hundred thousand dollars of the capital stock shall have been subscribed, and fifty per cent. shall have been paid thereon, it shall be lawful for the Company to proceed with their operations under this Act ; and as soon as convenient thereafter a first meeting of shareholders for the election of Directors and the transaction of business generally shall be held ; and one week's previous notice of the time and place of holding the said first meeting shall be given by three of the Directors, in one or more newspapers published in the City of Toronto; and of subsequent **annual**

annual meetings a like notice shall be given under the hand of the Secretary of the Company, unless otherwise prescribed by resolution of the Company as aforesaid; and all or any of the Directors may be removed at any meeting of the shareholders called for the purpose, or for that purpose together with any other object or business.

Removal of Directors.

8. Each share shall entitle the holder thereof to one vote at all meetings of the Company and such vote may be given either personally or by proxy,—such proxy being also a shareholder, and having written authority: Provided always that no single shareholder shall be entitled to vote in his own right for any greater number of shares than one-third of the subscribed capital of the Company; and all questions shall be determined by the majority of votes given in respect thereof.

Votes and proxies.

Proviso.

9. The Company shall have [its head offices in the City of Toronto, and shall have a President and Vice-President, who shall be elected by the Directors from among themselves; the Directors shall also appoint a Secretary and may appoint such other officers and may employ such agents as they from time to time judge expedient and may require,—such Secretary, officers, and agents to give such security for the faithful performance of their duties as the Directors shall see fit to exact; and may pay and allow such Secretary, officers and agents, such salaries and other remuneration as may be agreed on.

Head office and officers.

10. The Directors may make such calls upon the shareholders in respect of the shares subscribed or held by them respectively as they may, from time to time, deem expedient, and may impose penalties for failure of payment not exceeding two per centum at any one time upon the amount of the call or calls made, and likewise subject to such rules and conditions as may be imposed by resolution; they may declare forfeited all such shares as may be in arrear in respect of such call or calls or penalty, and such shares shall, upon such declaration, be and become forfeited in favor of the Company as well as the amount paid thereon, and shall thereupon be sold and disposed of in such manner as the Directors may see fit to direct and the net proceeds applied in reduction of the claims of the Company against the shareholder in default; or the Directors may, in their discretion should they see fit, proceed by suit or action for the recovery of any sum or sums due for a call or calls upon such shares with or without interest and penalties or either, as the case may be, and may afterwards, if not recovered in full, proceed by forfeiture as above directed, without prejudice to their recourse by suit in any case until the shares shall have been paid in full.

Calls on shares

Forfeiture for non-payment of calls.

Suits for recovery of calls.

11. The Directors may pass resolutions and may, from time to time, alter, repeal, amend or wholly substitute others, for the government of the Company, its affairs, business, managers, officers, and servants, which resolutions shall be subject to approval

Directors may pass resolutions for regulating certain matters

approval or disallowance by the shareholders, and shall not be in force until approved of either at the annual or any special general meeting of the shareholders ; and the same may among other things, besides comprehending all matters hereinbefore referred to as the subject of such resolutions, be made, subject to the general provisions of this Act, for the following objects and purposes, viz :—

- Directors.** 1. To fix and determine the number of Directors, the manner of filling up vacancies that may occur between any annual elections, how many Directors shall constitute a quorum, and generally the manner in which their powers shall be exercised, including the appointment and control of subsidiary or local boards of Directors and agents ;
- Meetings.** 2. The manner of calling meetings as well of the Directors as of the shareholders, and fixing the time for annual meetings ;
- Forfeiture of shares.** 3. The forfeiture of shares in arrear in respect of a call or calls, and the condition and manner in which such forfeiture shall be declared ;
- Register and Transfer books** 4. The keeping of register and transfer books for shares, prescribing the manner in which transfers shall be made and the conditions in respect to the previous payments of calls or unpaid balance of the stock on which transfer shall be allowed, also the vouchers and evidence required to be lodged with the Company in case of transmission of shares by marriage, bequest, inheritance, bankruptcy, or otherwise than by sale, and the forfeiture of shares for non-payment of anything due thereon or in respect thereof ;
- Minutes and accounts.** 5. The keeping of minutes of proceedings and the accounts of the said Company, and rectifying any errors which may be therein, the auditing of accounts, and the appointment of auditors ;
- Dividends.** 6. The declaration and payment of the profits of the said Company and dividends in respect thereof ;
- Remuneration of Directors.** 7. The remuneration of Directors ;
- Borrowing and lending money.** 8. The borrowing or advancing of money for promoting the purposes of the Company, and the securities to be given by or to the said Company for the same ;
- Increase of capital stock.** 9. The times and manner of proposing and voting for increasing the capital stock of the Company, the mode of taking subscriptions for and allotting shares for such increase, and making calls thereon and collecting the same ;
- Other subjects** 10. Generally the transaction and management of the affairs and business of the Company, and the carrying into effect of all the powers and duties conferred or imposed on the Company its shareholders and Directors by this Act :

And such resolutions shall be accessible at all reasonable hours to all persons interested therein. Resolutions to be accessible.

12. The Company are authorized at any time to borrow to the amount and extent of seventy per cent. of their paid-up capital at such rate of interest as may be agreed upon. Company may borrow money to limited amount.

13. The Company may become a party to promissory notes and bills of exchange, cheques, agreements, deeds, mortgages, pledges, bottomry and other bonds, and may pledge and mortgage their property in the same manner as individuals can and may do; but no such promissory note or bill of exchange shall be for a less sum than one hundred dollars, or be payable to bearer or be intended to be circulated as money or as the note of a bank. May become party to promissory notes, &c. Proviso.

14. 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 shareholder to the extent of the amount by him due on his shares. Liability of shareholders; extent of.

15. The shareholders of the Company shall not as such be held responsible for any act, default or liability whatever of the Company or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever related to or connected with the Company beyond the amount due by them on their respective shares in the capital stock thereof. Responsibility of shareholders limited.

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## CHAP. 109.

### An Act to amend an Act to incorporate the Maritime Warehousing and Dock Company.

[Assented to 26th May, 1874.]

**W**HEREAS the Maritime Warehousing and Dock Company, incorporated by the Act of the Parliament of Canada, passed in the thirty-sixth year of Her Majesty's reign, chaptered one hundred and twelve, have by their petition prayed for amendments to their said 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 of Commons of Canada, enacts as follows:—

Company may  
establish a  
reserve fund.

1. It shall be lawful for the said Company to establish a reserve fund, and for that purpose to purchase and hold any of the public securities of the Dominion, or of any Province thereof, the stocks of any chartered banks, or the stock or bonds of any other corporation, or the bonds or debentures of any incorporated city or town or municipal corporation, and also to sell and transfer the same, and again to renew such investment when and as often as a due regard to the interests of the Company shall require.

## CHAP. 110.

### An Act to incorporate the "International Transportation Association."

[Assented to 26th May, 1874.]

Preamble.

WHEREAS the Honorable Charles Wilson, the Honorable Henry Starnes and Thomas M. Taylor, John Ogilvy, George A. Drummond, Alexander Dennistoun, James S. Evans, John M. Vernon, J. H. R. Molson, Henry Hogan, Edward T. Taylor, Romeo H. Stephens, Andrew Robertson, Maurice Cuvillier, Alexander Maurice Delisle, James Benning, Joseph Barsalou, Alexander Molson, Theodore Hart, Harrison Stephens, Andrew Wilson and Alfred Pinsonneault, Esquires, all of the City of Montreal, Dominion of Canada, have petitioned the Parliament of Canada, praying that they may be incorporated, with such other persons as shall become associated with them, as an Association under the name and style of the "International Transportation Association," for the purpose of establishing a through system of freights, between the Western States and the interior of this Continent, and Europe, *via* Montreal and *vice versa*; and it is expedient to grant the prayer of their petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. The said Honorable Charles Wilson, the Honorable Henry Starnes and Thomas M. Taylor, John Ogilvy, George A. Drummond, Alexander Dennistoun, James S. Evans, John M. Vernon, J. H. R. Molson, Henry Hogan, Edward T. Taylor, Romeo H. Stephens, Andrew Robertson, Maurice Cuvillier, Alexander Maurice Delisle, James Benning, Joseph Barsalou, Alexander Molson, Theodore Hart, Harrison Stephens, Andrew Wilson and Alfred Pinsonneault, Esquires, all of Montreal, together with such other person or persons as shall be and become stockholders in the said Association, and their respective heirs, executors, administrators, curators and assigns, shall

shall be and are hereby created a body politic and corporate by the name of the "International Transportation Association," with a common seal; and by that name may sue and be sued, plead and be impleaded, in all courts of law or equity.

Corporate name and general powers.

2. The capital stock of the said Association shall be one million of dollars, divided into ten thousand shares, of one hundred dollars each, with power, at any annual general meeting of the Association, to increase the same, from time to time, to any amount, in one hundred dollar shares, up to five millions of dollars: Provided always that the said Association shall not commence business until five hundred thousand dollars of the said capital shall have been *bonâ fide* subscribed, and ten per cent. thereof paid up, and that no addition shall be made at any time to the capital of the Association until the whole of the original capital of the Association shall have been subscribed and fifty per cent. thereof paid up.

Capital stock and shares.

Proviso: Conditions preliminary to commencing business.

3. The Association shall have power to own, build, buy, sell and charter ships and vessels of all kinds, and to employ them in any lawful business whatsoever and wheresoever, and to build, own, lease or hire all kinds of railway rolling stock, and to employ the same as they may see fit for the transportation of goods in the Dominion or between the Dominion and the United States, or in the United States, and to assist in the development of any artificial or natural channel of transport.

Powers and business of the Association.

4. It shall be lawful for the Association to purchase, rent, take, hold and enjoy, for them and their successors, as well in Canada as in such other places where it shall be deemed expedient for the purposes of the said Association to do so, either in the name of the said Association or in the name of Trustees for the said Association, such lands, wharves, docks, warehouses, offices, and other buildings, as they may find necessary and convenient for the purposes of said Association, and to sell, lease, mortgage or dispose of the same, and others purchase or acquire: Provided, always, that the yearly income or value of such lands, docks, wharves, warehouses, offices and other buildings, within the Dominion, shall not exceed the sum of twenty-five thousand dollars, at any one point.

Association may hold real property for its own use.

Proviso: Value limited.

5. The Association may charge on all property placed with them, or in their custody, a fair remuneration, or such sums as may be agreed upon for the storage, warehousing, wharfage, dockage, cooperage, elevating or other care and labour, in and about such property, on the part of said Association, over and above the regular freight and primage of the said property which may have been carried by them.

Charges for storage, advances, &c.

6. The Association shall have the power to recover all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal

Back charges paid on goods by the Association lien for.

formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities, while in their possession; and the said Association shall be subrogated by such payment in the rights and remedies of such persons for such charges.

Insurance on goods entrusted to the Association.

7. The said Association is hereby authorized to make contracts of insurance with any underwriter against all loss, damage or injury of the goods, vessels and effects entrusted to its safe keeping, either on sea, lake, river or land, upon which it may have made advances, to the full amount of the said advances and claims thereon, and may obtain policies in the name of the Association evidencing such insurance.

Association may make advances on goods entrusted to it.

8. The Association may, at any time, make advances on goods, wares or other merchantable commodities transferred to or in its custody or possession for transport or safe keeping, and such advances may be made either in cash or negotiable paper made, endorsed or accepted by the Association; and the Association may charge a commission on such advances not exceeding five per centum on the amount thereof, and interest at the rate of eight per centum per annum, and the regular rate of exchange if the advances have been made in a foreign country,—for which advances, commission, interest and exchange, the said Association shall have a lien upon such goods or effects until paid: Provided that the rate of interest in this clause shall be subject to the law regulating the rate of interest in the Province where the advance is made.

Province.

Sale of goods for non-payment of freight or advances.

9. The Association, in the event of non-payment of freight, advances and other charges when due, upon goods or effects in its possession or under its control, may sell at public auction or private sale the goods whereon such advances and other charges have been made, and retain the proceeds or so much thereof as shall be equal to the amount due to the Association, with charges and costs,—returning the surplus, if any, to the owner thereof; but no sale of any goods or effects shall take place under this Act until or unless, prior to the sale thereof, thirty days' notice of the time and place of such sale has been given by registered letter, transmitted through the post office to the owner of such goods or effects, unless otherwise provided in the contract between the parties; and in case any property deposited with the Association upon which it has made any advances shall from any cause decrease in value from the original fixed price per invoice or otherwise, the Association may give notice to the owner or agent or pledger by means of a registered letter or otherwise to perform the conditions of the contract, or make good the deficiency caused by such decrease in value, and in default thereof the Association may sell and dispose of such property at once by private or public sale.

Provision in case goods are perishable.

Calling in stock. Provide.

10. The Directors of the said Association may call in the capital stock of the same, in such sums as they may see fit: Provided that

no larger sum than ten per cent. of the amount subscribed shall be payable at any one time, and that at least three months shall elapse between each payment.

**11.** The business and affairs of the said Association shall be conducted and managed and its powers exercised by ten Directors, (five of whom shall form a quorum) elected by the shareholders, and who shall be severally shareholders to an amount of twenty-five shares of the said stock, and who shall be elected in such manner and for such period of time as shall be provided by the by-laws of the Association. Qualification and election of Directors.

**12.** The Provisional Directors of the said Association shall consist of the Honorable Charles Wilson, Thomas M. Taylor, John Ogilvy, George A. Drummond, Alexander Dennistoun, Honorable Henry Starnes, James S. Evans, John M. Vernon, H. Hogan and Romeo H. Stephens, all of the City of Montreal. The Provisional Directors after the passing of this Act shall have power to organize, to open subscription books for the subscription of stock therein, and generally to exercise the usual functions of Directors until the first general election as hereinafter provided. Provisional Directors.  
Stock books.

**13.** It shall be lawful for the Association at any annual meeting or any regular meeting convened for the purpose, to make and pass such resolutions, and make such regulations and by-laws as shall appear to them proper and necessary to regulate the elections of Directors and the period during which they shall hold office, 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 appointment, functions, duties and removal of all agents, officers and servants of the Association, the security to be given by them to the Association, their remuneration and that of the Directors, the time at which meetings of the shareholders may be called, 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 Association, and from time to time to repeal, amend or re-enact the same: but every by-law and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Association duly called for that purpose, shall only have force and effect until the next annual meeting of the Association, and in default of confirmation thereat, shall from that time only cease to have force; and a register of all such by-laws shall be kept by the Association, which shall be open to the inspection of the public during regular office hours. Power to make by-laws and for what purposes.  
Proviso; for confirmation at a general meeting.

**14.** The Directors of the Association shall, from time to time, issue to each of the shareholders respectively, certificates under the seal of the Association, of the number of the shares to which he is entitled; and he shall then be legal owner of such shares Certificates of shares to be issued.  
and

and invested with all the rights and subject to all the liabilities of a shareholder in respect of such shares; and such person to whom any share or shares shall be assigned, shall sign an acknowledgment of his having taken such share or shares,—which acknowledgment shall be kept by the Directors, and shall be conclusive evidence of such acceptance, and that the person signing it has taken upon himself the liability aforesaid.

Effect of such certificates.

Enforcing payment of shares by suit.

15. Should the said Directors deem it more expedient, in any case, to enforce the payment of any unpaid instalment, than to forfeit or sell the said share therefor, it shall and may be lawful for the Association to sue for and recover the same from such shareholder, with interest thereon, in an action in any court having civil jurisdiction to the amount claimed: Provided that nothing herein contained shall in any way affect the right of the said Association to forfeit the shares of any shareholder for non-payment of calls or subscriptions, whether after or before such judgment for recovery thereof.

To what purposes the capital shall be applied.

16. The capital stock and increase thereof of the said Association is hereby directed and appointed to be laid out and applied in the first place to the preliminary expenses attending the establishment of the said Association; and all the rest, residue and remainder of such money for and towards carrying out the objects of the undertaking and the other purposes of the Association, and to no other use, intent or purpose whatsoever.

Association shall not be bound to see to trusts on shares.

17. The Association 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 Association, shall, from time to time, be a discharge to the Association 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 Association have had notice of such trust; and the Association shall not be bound to see to the application of the money paid upon such receipt.

Transfer of shares by bankruptcy, marriage of female members, &c., how proved.

18. Any person becoming entitled to a share in consequence of the death, bankruptcy or insolvency of any shareholder, or in consequence of the marriage of any female shareholder, may be registered as a shareholder upon such evidence being produced as shall, from time to time, be required by the Directors, and on production of a declaration and request in writing, in that behalf, signed by him, which declaration shall distinctly state the manner in which, and the party to whom such shares shall have been transmitted; and the signature thereto shall be attested by at least one witness, whom the said Association may require to be sworn before a judge of a court of record, or the mayor, provost or chief magistrate of a city, town, or borough, or municipality, or a public notary or, if from a foreign country, by the British Consul

or Vice-Consul or other accredited representative of the British Government in the country where the declaration shall be made, which shall be conclusive evidence of his having agreed to become a shareholder.

**19.** The annual general meeting of the Association shall be held in the office of the Association, in the City of Montreal, on the third Monday of November in each year, for the purpose of electing Directors and for transacting the general business of the Association. At this meeting the President of the Association, or in his absence the Vice-President, and in the absence of both, the Managing Director, or any other of the Directors, shall take the chair, and shareholders may appear in person or by proxy, as hereinafter provided.

General annual meetings.  
Who shall preside.

**20.** The Directors elected at the annual meeting, or by a meeting convened for the purpose, shall assemble within two days after the annual election of said Directors, and shall then elect, from amongst themselves, by a majority of votes of those then present, a President, and a Vice-President, and a Managing Director (who may be either the President or Vice-President), who shall hold office for one year, or until their successors are elected and enter upon the duties of their office; any of these officers may call meetings of the Directors as often as occasion may require.

Election of President and other officers.

**21.** At all meetings of the shareholders held in pursuance of this Act, whether the same be annual or special, every shareholder shall be entitled to as many votes as he has shares in the said stock, and such vote or votes may be given in person or by proxy; and all questions proposed, or submitted for the consideration of the said meetings, shall be finally determined by the majority of the votes of the shareholders present or voting by proxy, except in any case or cases otherwise provided for by this Act: Provided always, that no person shall be entitled to vote as proxy, at any meeting, unless he shall be a shareholder in the said Association, and produce written authority as such proxy.

Votes on stock, one for each share.

Majority to decide.

Proviso: as to proxies.

**22.** At all elections of Directors or other business of the Association, the voting shall be by ballot, and between the hours of ten o'clock A.M. and four o'clock P.M., and thirty days notice must be given in at least one city newspaper, and by special notices mailed to the address of the shareholders who shall have made known such address to the Association, stating whether the meeting is annual or special, and if special, the principal object for which it is called.

Voting to be by ballot; notice required of elections, &c.

**23.** The Directors of the Association may appoint local boards of management or agents in Canada or elsewhere, and for such time and on such terms as to them shall seem expedient, and the Directors may empower and authorise any such board or agent 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

Directors may appoint Local Boards of Management or Agents.

perform and exercise, except the power of making by-laws; and all things done by any such board or agent, by virtue of the powers in them vested by such Directors, shall be as valid and effectual to all intents and purposes, as if done by such Directors themselves,—anything in this Act to the contrary notwithstanding.

**Annual statement of affairs.**

**24.** The Directors shall cause an exact statement of the affairs, debts and assets of the Association to be made up to the first day of November in each year, which shall be submitted to the shareholders at each annual meeting.

**Books to be kept for certain purposes and what to contain.**

**25.** The Association shall cause a book or books to be kept by the Secretary, or by some other officer specially charged with that duty, wherein shall be recorded—the names of all persons who are or have been shareholders; the address and calling of every such person while such shareholder; the number of shares of stock held by each shareholder; the amounts paid in and remaining unpaid, respectively, on the stock of each shareholder; all transfers of stock, in their order as presented to the Association for entry, with the date and other particulars of each transfer, and the date of the entry thereof; the names, addresses and callings of all persons who are or have been Directors of the Association, with the several dates at which each became or ceased to be such Director.

**Directors may disallow entry of transfer in certain cases.**

**26.** The Directors may refuse to allow the entry, in any such books, of transfer of stock whereof the whole amount has not been paid in; and no transfer made with the view of relieving the transferrer from pre-existing debts of the Association, shall be valid or prevent any antecedent creditor from exercising his remedy against such transferrer in the same way as if he had continued to be a shareholder in such Association.

**Examination of books by shareholders.**

**27.** Every shareholder shall be permitted to examine the books of the Association, on making application, in writing, to the Directors, stating the reasons and objects of such examination: Provided always, that the business of the Association be not interrupted thereby.

**Provide.**

**Liability of shareholders limited.**

**28.** 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 connected with the said Association, or the liabilities, acts or defaults of the said Association, beyond the sum, if any, remaining due to complete the amount of the unpaid-up portion of the shares subscribed for or held by them in the stock of the Association.

**Shares to be personalty.**

**29.** The shares in the capital stock of the said Association shall be deemed personal estate, and shall be transferable as such.

**Steamers and other vessels**

**30.** The Directors of the Association shall have power, if they think fit, to receive and take as stock of said Association, such steamers

steamers, propellers, sailing vessels, barges or any other kind of vessel, or any kind of railway rolling stock, or any kind of vehicle used for carrying goods and passengers as may have already been built or which may hereafter be built or acquired by any individual shareholder, for the purpose of the Association, at their cost or at such valuation as shall be put upon them by persons mutually chosen to decide the same; this provision shall apply to foreign-built vessels or rolling stock as well as native.

may be purchased and received in stock.

**31.** Every contract, agreement or bargain by the Association, or by any one or more of the Directors on behalf of the Association, or by any agent or agents of the said Association, 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 Association, or by any such agent or agents, in general accordance with the powers to be devolved to and conferred upon them respectively under the said by-laws, shall be binding upon the said Association; and in no case shall it be necessary to have the seal of the Association affixed to any such contract, agreement, engagement, bargain, promissory note or bill of exchange, or to prove that the same was entered into, made or done in strict pursuance of the by-laws; nor shall the party entering into, making or doing the same as Director or agent be thereby subjected individually to any liability whatsoever.

Contracts, &c. made by Directors to bind Association.

Notes and Bills.

Officers not liable.

**32.** The Directors may from time to time resolve at any meeting specially called for such purpose, to borrow money on behalf of the Association, upon such rates of interest and upon such terms as they may by such resolution determine; and to effect such loan the Directors may authorise the Managing Director of the Association, the President or any two of the Directors to make and execute mortgages, issue, grant and consent to bottomry or other bonds or other instruments which may be necessary, and to that end charge such property of the Association as they may by such resolution be authorized to so charge, by way of pledge, mortgage or hypothec, and may assign, transfer or deposit any of the documents, title deeds, muniments, securities or property of the Association, and either with or without power of sale or other special provisions as the Directors at such meeting may deem expedient: Provided that the aggregate of the sum or sums borrowed or bonds issued shall not at any time exceed half the amount of the paid-up capital stock of the said Association; and no lender or purchaser of bonds so issued by said Association shall be bound to enquire into the occasion for any such loan or into the validity of any resolution authorizing the same or the purpose for which such loan is wanted.

Directors may borrow money, &c.

Proviso: amount limited.

**33.** Aliens shall have the same right as British subjects to take and hold stock or shares in the Association, and to vote either as principals or proxies, and shall be eligible to office: Provided always that the President, Vice-President or Managing Director and four other Directors reside in Canada, and be subjects of Her Majesty.

Aliens may hold stock and vote, &c. Proviso: as to certain officers.

When only shares are transferable.

**34.** No share shall be transferable until all overdue calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon or sold under execution.

Who may answer in cases of attachment on Association.

**35.** If any writ of *saisie-arrêt* or attachment be served upon the said Association in the Province of Quebec, it shall be lawful for the President, Managing Director, or for the Secretary or Treasurer thereof, or any agent to be appointed as hereinbefore provided, in any such case to appear in obedience to the said writ to make the declaration by law required according to the exigency of such case, which said declaration, or the declaration of the said President, Managing Director, Secretary or Treasurer shall be taken and received in all courts of justice in the said Province as the declaration of the Association.

Provision in case of failure of election of Directors.

**36.** If at any time an election of Directors be not made or do not take effect at the proper time, the Association 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.

Disposal of forfeited shares.

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

Power to issue paid-up stock as price of purchase of vessels, &c.

**38.** The Directors shall have power to issue paid-up stock in the Association in payment of the price of vessels, rolling stock, or real estate, and such paid-up stock shall be free from all calls whatsoever and from all claims and demands on the part of the Association or of the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the Association and paid by the holder thereof in full.

Indemnity to Directors for official acts.

**39.** Every Director of the Association and his heirs, executors, and administrators, shall, from time to time and at all times, be indemnified and saved harmless out of the funds of the Association, from and against all costs, charges and expenses whatsoever which he shall or may sustain or incur, in or about any action, suit or proceeding which shall be brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office; and also from and against all other costs, charges and expenses which he shall sustain or incur in or about, or in relation to the affairs thereof, except such costs, charges or expenses as shall be occasioned by his own wilful neglect or default.

Shareholders, being executors, etc., not personally liable.

**40.** No person holding stock in the Association as an executor, administrator, curator, guardian or trustee, shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person shall be liable in like manner and to the

same

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.

41. The head office of the Association shall be in the City of Montreal, but the Directors may have offices and transact business wherever they may see fit. Head office of Association.

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## CHAP. III.

### An Act to incorporate the Rouge Boom Company.

[Assented to 26th May, 1874.]

**W**HEREAS it is indispensable to the lumbering interests on the River Rouge, that commodious and secure booms should be maintained at the mouth of the said river in the county of Argenteuil; and whereas James Kewley Ward, of the city of Montreal, lumber merchant, John Roche, Benson Bennett and Robert Hamilton, all of the city of Quebec, lumber merchants, and the Honorable John Hamilton, of the City of Montreal, a Senator of Canada, have by their petition represented that the incorporation of a company with power to levy and collect tolls is necessary to the proper maintenance and working of such booms: 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 persons hereinbefore mentioned and all such persons as now are, or hereafter shall become shareholders of the Company hereby incorporated, shall be, and are hereby constituted and declared to be a body corporate and politic in law, and in fact, under the name, style and title of the Rouge Boom Company, for the purpose of holding, maintaining and working such booms at the mouth of the said River Rouge. Certain persons incorporated.  
Corporate name.

2. The capital stock of the said Company shall be fifty thousand dollars, divided into five hundred shares, of one hundred dollars each, of which twenty per cent. shall be paid up before the Company goes into operation. Capital stock, and shares.

3. The said James Kewley Ward, John Roche, Benson Bennett, Robert Hamilton, and the Honorable John Hamilton shall be the first Directors of the said Company. First directors.

Election of Directors, time and place of.

4. The Directors of the Company hereafter shall be chosen annually at a general meeting of the shareholders to be held at the time and place fixed by the by-laws of the Company, and in default of the by-laws providing for the same to be held, at the chief office of the Company on the first juridical day of February in each year.

Management of affairs.

5. The management of the property and affairs of the Company generally shall be vested in the Directors, subject to the by-laws of the Company.

By-laws how to be made.

6. The shareholders of the Company shall have power to make such by-laws, as they may deem proper, not inconsistent with this Act or with the law for the management of the property and affairs of the Company, and to alter, amend, or repeal the same at any general meeting of the shareholders.

Chief office.

7. The chief office of the Company shall be in the City of Montreal.

Company may acquire certain property.

8. The Company shall have the right to acquire all booms, lands, plant and dependencies, at the mouth of the said River Rouge, and all property and rights whatsoever appertaining thereto.

Tolls may be levied on saw-logs, &c., passing through booms.

9. The said Company have a right to levy, exact, recover and receive the following tolls on all saw-logs and timber which may pass through the said booms, that is to say :—

On each pine saw-log, not over sixteen feet in length	3 cents.
On each spruce, hemlock, or other saw-log, not over sixteen feet in length.....	2 „
On each piece of square pine timber or board timber	10 „
On each piece of flatted tamarack, spruce, hemlock, cedar or other timber.....	5 „

Subject, however, to approval by the Governor in Council,

Plans of booms must be approved by Board of Works.

10. Plans of the booms proposed to be erected or acquired, shall be submitted to and approved by the Department of Public Works before any tolls can be levied under this Act.

C. S. C., c. 68 to apply.

11. The said Company shall be subject to and entitled to the benefit of all the provisions of chapter sixty-eight, of the Consolidated Statutes of Canada, in all matters herein not expressly provided for.

## CHAP. 112.

## An Act for granting certain powers to the Richelieu River Hydraulic and Manufacturing Company.

[Assented to 26th May, 1874.]

**W**HEREAS the Richelieu River Hydraulic and Manufacturing Preamble.  
Company have, by their petition, represented that they were incorporated by an Act of the Legislature of the Province of Quebec, thirty-sixth Victoria, chapter seventy-four, for the purpose, among others, of creating water powers and constructing dams; that by the fourth section of their said Act of incorporation, it is provided that the Company shall not erect any dam across the River Richelieu, nor do any other act affecting the navigation of the River Richelieu without the authority or consent of the Government or the Parliament of Canada first obtained, and have prayed for the passing of an Act to authorize them to construct the said dams; and whereas it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. It shall and may be lawful for the Richelieu River Hydraulic and Manufacturing Company to construct dams across the rapids of the River Richelieu, at and in the neighbourhood of the village of Chambly: Provided always that the navigation of the River Richelieu and Chambly Canal is thereby in no way impeded or interfered with: Provided also, that before the said Company shall commence the construction of the said dams, the plans, location, dimensions and all necessary particulars of the said dams and other works therewith connected shall have been submitted to and shall have received the sanction of the Governor in Council. Dams may be constructed across Richelieu River. Proviso. Proviso: for approval of Governor in Council.

2. The said Company shall indemnify any person or persons who may sustain any injury by reason of such dams. Parties to be indemnified for injury by dams.

## CHAP. 113.

## An Act to authorise Joseph Meunier to build a Toll-bridge over the River L'Assomption, in the Province of Quebec.

[Assented to 26th May, 1874.]

**W**HEREAS the construction of a toll-bridge over the River Preamble.  
L'Assomption, a navigable river between the Parishes of St. Paul l'Hermite and Repentigny, in the County of L'Assomption, in the Province of Quebec, will greatly tend to promote the welfare

welfare and intercourse of the inhabitants of the said parishes and of the adjacent parishes, and the convenience of the public generally; and whereas Joseph Meunier, trader, of the Parish of Repentigny, has by a petition presented by him for that object prayed to be authorised to construct a toll-bridge over the said River L'Assomption at the place above mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Authority to build Bridge and dependencies.

1. The said Joseph Meunier is hereby authorised to erect and construct, at his own cost and expense, a solid and sufficient toll-bridge over the said River L'Assomption, between the Parishes of Repentigny and St. Paul l'Hermite, in the County of L'Assomption, in the Province of Quebec, and to erect and construct toll-houses and toll-gates, with other dependencies and approaches to or upon the said bridge; and also to do and execute all such other matters and things as shall be necessary, useful or advantageous for erecting and constructing, keeping up and maintaining the said intended bridge, toll-houses, toll-gates and other dependencies, according to the true intent and meaning of this Act.

Not to commence until plans are approved by Governor in Council, and requirements complied with.

2. The said Joseph Meunier shall not commence the erection or construction of the said bridge, nor of any work thereunto appertaining, until he shall have submitted to the Governor in Council plans of the said bridge and of all the intended works thereunto appertaining, nor until such plans and the site of the said bridge shall have been approved by the Governor in Council, and such conditions as the Governor in Council shall have thought fit to impose, for the public good, touching the said bridge and works, shall have been complied with; nor shall any such plan be altered, nor any deviation therefrom be allowed except by the permission of the Governor in Council, and upon such conditions, as the Governor in Council may impose.

May take land, &c., paying compensation therefor.

3. For the purpose of erecting, building, maintaining and supporting the said bridge, the said Joseph Meunier shall, from time to time, have full power and authority to take and use all land reasonably required on either side of the said River L'Assomption, and there to work up or cause to be worked up the materials and other things necessary for erecting, constructing or repairing the said bridge accordingly, doing as little damage as possible, and first making just and reasonable compensation for the land so taken or occupied as aforesaid; such compensation to be settled by arbitrators, named, one by each party interested, and a third one by the two arbitrators so chosen; the whole, however, subject to the laws in force in the Province of Quebec.

Bridge, &c., vested in J. Meunier and his representatives.

4. The said bridge and the said Toll-houses, Toll-gates and dependencies to be erected thereon or near thereto, and also the ascents or approaches to the said bridge, and all materials which shall, from time to time, be found or provided for erecting, building or maintaining and repairing the same, shall be vested in the said

Joseph

Joseph Meunier for ever; provided that, after the expiration of fifty years from the passing of this Act, it shall be lawful for Her Majesty, Her heirs and successors, to assume the possession and property of the said bridge, toll-houses, toll-gates and dependencies, and the ascents and approaches thereto, upon paying the said Joseph Meunier the then full and intrinsic value of such bridge and other dependencies; Provided also that nothing herein contained shall be construed to prevent the municipalities of the Parishes of St. Paul l'Hermite and Repentigny, or that of the County of L'Assomption, from acquiring at any time the said bridge, toll-houses, toll-gates and dependencies, and the ascents and approaches thereto, upon paying to the said Joseph Meunier the full and intrinsic value, which the same shall, at the time of such assumption, bear and be worth, with an addition of twenty-five per cent. upon the actual value thereof; and that after such assumption of the said bridge it shall become a free bridge, and shall for ever thereafter be vested in and maintained by the municipalities aforesaid as such free bridge.

**Proviso:**  
power to H. M., after 50 years, to assume the Bridge, &c. Municipalities may do so at any time and it shall then be a free Municipal Bridge.

5. When and so soon as the said bridge shall be erected and built and made fit and proper for the passage of travellers, cattle, horses and carriages, it shall be lawful for the said Joseph Meunier, from time to time and at all times, to ask, demand, receive, take, sue for, recover, to and for his own proper use, benefit and behoof, for pontage, as or in the name of toll or duty, before any passage over the said bridge shall be permitted, the several sums following, that is to say:—

**Tariff of tolls on the said Bridge.**

	\$	cts.
For every vehicle drawn by one horse or ox.....	0	10
For every vehicle drawn by two horses or two oxen.....	0	15
For every vehicle drawn by three horses or three oxen.....	0	20
For every vehicle drawn by four horses or four oxen.....	0	25
For every horse, ox or cow.....	0	05
For every sheep, hog, calf or colt.....	0	03
For every horse with its rider.....	0	10
For every foot passenger.....	0	02

But all children on their way to or from their college classes or their schools shall be exempted from the payment of the above tolls.

**Exemption.**

6. It shall be lawful for the said Joseph Meunier to diminish the said tolls, or any of them, and then afterwards, if he sees fit, again to augment the same or any of them, so as not to exceed in any case the rates by this Act authorised to be taken; and the said Joseph Meunier shall affix, or cause to be affixed, in some conspicuous place at or near the said toll-gates, or upon the said bridge, a table of the rates payable for passing over the said bridge; and so often as such rates may be diminished or augmented, he shall cause such alteration to be affixed in manner aforesaid.

Tolls may be diminished and again increased.

**Tariff to be posted up.**

Tolls vested  
in Joseph  
Meunier, &c.

7. The said tolls shall be, and the same are hereby vested in the said Joseph Meunier for ever, provided that if Her Majesty shall in the manner and after the expiration of the time hereinbefore mentioned, assume the possession of the said bridge, then the said tolls shall, from the time of such assumption, appertain and belong to Her Majesty, Her heirs and successors, who shall from thenceforth be substituted in the place and stead of the said Joseph Meunier, for all and every the purposes of this Act.

Penalty for  
passing with-  
out paying  
tolls, &c.

8. If any person shall forcibly pass through the said toll-gates, or over or upon the said bridge without paying the said toll, or any part thereof, or shall interrupt or disturb the said Joseph Meunier, or any person or persons employed by him in building or repairing the said bridge, or making or repairing the way over the same, or any road or avenue leading thereto, or shall at any time drive faster than a walk on the said bridge,—every person so offending in each of the cases aforesaid shall, for every such offence, forfeit a sum not exceeding ten dollars, or be imprisoned for a period not exceeding ten days in the common gaol of the district.

Other bridges  
and ferries  
prohibited  
within certain  
limits.

9. So soon as the said bridge shall be passable and opened for the use of the public, and for so long a time as the same shall so remain, no person whatsoever shall erect any bridge or bridges, nor shall use for purposes of ferriage boats of any description whatever, for the passage of any person, cattle or vehicle whatsoever, for hire across the said river, within the distance of two miles above and two miles below the said bridge, measuring along the banks of the said river and following its windings; and any person who shall build any toll-bridge or toll-bridges over the said river within the limits aforesaid shall, without prejudice to any proceedings which may be instituted against him by the said Joseph Meunier before any court, to cause the said bridges to be destroyed, and to cause his privileges to be otherwise respected, pay to the said Joseph Meunier treble the tolls hereby imposed for all persons, cattle, horses and carriages passing over such bridge or crossing by means of such ferry or ferries.

Penalty and  
liability for  
contraven-  
tion.

10. The said Joseph Meunier to entitle himself to the benefits and advantages to him by this Act granted, shall, and he is hereby required to erect and complete the said bridge, toll-houses, toll-gates, and dependencies, within two years from the day of the passing of this Act; and if the same shall not be completed within the term last mentioned, so as to afford a convenient and safe passage over the said bridge, the said Joseph Meunier shall cease to have any right, title or claim in or to the tolls hereby imposed, which shall from thenceforward belong to Her Majesty; and the said Joseph Meunier shall not by the said tolls, or in any other manner or way, be entitled to any reimbursement of the expense he may have incurred in and about the building of the said bridge; and in case the said bridge, after it shall have been erected and completed, shall at any time become impassable or unsafe for travellers

Period for  
completing  
Bridge.

Penalty if not  
so completed.

If the Bridge  
becomes im-  
passable or  
unsafe.

travellers, cattle or carriages, the said Joseph Meunier shall, and he is hereby required to repair or restore the same within one year from the time when the said bridge shall, by any court of competent jurisdiction, in and for the District of Joliette, be ascertained to be impassable or unsafe, and notice thereof to him by the said court shall have been given; and he shall also be bound to cause the same to be made safe and commodious for the passage of travellers, cattle and carriages; and if, within the time last mentioned, the said Bridge be not repaired or rebuilt, as the case may require, then the said bridge, or such part thereof as shall be remaining, shall be, and be taken and considered to be the property of Her Majesty; and after such default to repair and rebuild the said bridge, the said Joseph Meunier shall cease to have any right, title or claim in or to the said bridge, or to the remaining parts thereof, and the tolls hereby granted, and his and each and every of his rights in the premises, shall be wholly and for ever terminated.

Forfeiture if not repaired in due time.

**11.** The penalties hereby inflicted shall, upon proof of the offence, respectively, before any one or more Justices of the Peace or magistrates for the District of Joliette, or before any other court of competent jurisdiction, either by the confession of the offender or by the oath of one or more credible witness or witnesses (which oath such justice, court or magistrate is hereby empowered and required to administer), be levied by distress and sale of the goods and chattels of such offender, by warrant, signed by such Justice or Justices of the Peace, or magistrate, or issued by such court, and the overplus, after such penalties and the charges of such distress and sale are deducted, shall be returned, on demand, to the owner of such goods and chattels; and one-half of such penalties, respectively, when paid or levied, shall belong to Her Majesty, and the other half to the person suing for the same.

Enforcement of penalties.

**12.** The said bridge shall be built upon piers placed at a distance of not less than forty feet from each other, and the height of the arches of the said bridge shall be not less than five feet above the level of high water; and the said bridge shall be provided with a swing or draw, or other practicable arrangement, so constructed as to allow a space not less than fifty feet in width for the passage of rafts and vessels, which swing or draw or other practicable arrangement shall at all times be tended and moved at the expense of the said Joseph Meunier or his heirs or assigns, and so as not to hinder or delay unnecessarily at any time the passing of any raft or vessel.

Height of piers and width of arches.

Swing bridge.

**13.** All the powers, privileges and immunities hereby granted to Joseph Meunier, shall be vested in the said Joseph Meunier, his heirs and assigns.

Privileges granted to J. Meunier, his heirs and assigns.

**14.** Nothing in this Act shall authorize any interference with the rights or privileges belonging to or within the exclusive jurisdiction of the Legislature of the Province of Quebec.

Rights of Quebec Legislature saved.

## CHAP. 114.

## An Act to incorporate the Consolidated Silver Mining Company.

[Assented to 26th May, 1874.]

## Preamble.

**W**HEREAS the persons hereinafter mentioned have, by petition, represented that they are desirous of associating themselves together for the purpose of carrying on mining operations in the Territory of Utah, in the United States of America, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for an Act of incorporation to that end; and whereas it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts; as follows:—

## Certain persons incorporated.

1. James A. Mahon, Joseph Jeffery, William Glass, Charles P. Smith, Samuel Crawford and John F. Mahon, together with such other persons as shall become shareholders in the Company hereby constituted, shall be and they are hereby constituted a body corporate and politic, by the name of "The Consolidated Silver Mining Company."

## Corporate name.

## Business of the Company, and where to be exercised.

2. The Company may carry on the business, in the said Territory of Utah, of exploring for, mining, smelting, manufacturing and selling gold, silver, copper and other ores and metals, and for those purposes may acquire and hold by purchase, lease, or other legal title, personal property, lands and mining claims or rights, and construct and maintain buildings, machinery and other erections and improvements thereon or connected therewith, with power to sell and convey any of such lands or other property, the whole in so far as the Parliament of Canada can grant the power contained in this section.

## Head office, and others.

3. The head office of the Company shall be at the City of London, in the Province of Ontario; but the Directors may have offices and transact business wherever they see fit.

## Capital stock and shares.

4. The capital stock of the Company shall be one million of dollars, divided into twenty thousand shares of fifty dollars each: Provided the Company shall not commence operations under this Act until one hundred thousand dollars of the capital stock shall have been subscribed, and at least ten per centum thereof shall be actually paid in.

## When to commence business.

## Stock to be personalty and when assignable.

5. The stock of the Company shall be deemed personal estate, and shall be assignable in such manner only and subject to such conditions and restrictions as the by-laws may prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

6. Aliens as well as British subjects, and whether resident in the Dominion of Canada or elsewhere, may be shareholders in the Company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office in the Company as Directors or otherwise.

Aliens may  
vote and hold  
office.

7. At all meetings after the first annual meeting of the Company every shareholder not being in arrears in respect of any instalment called for, and being the *bonâ fide* holder of stock and registered as such on the stock books of the Company for at least three months before such meeting, shall be entitled to one vote for each share so held by him, and no shareholder being in arrears shall be entitled to vote, and all votes may be given in person or by proxy: Provided always that the proxy is held by a shareholder not in arrear, and is in conformity with the by-laws.

Votes: one  
for each share.

Proxies.  
Proviso.

8. The affairs of the Company shall be administered by a Board of not less than three nor more than nine Directors, being severally the holders of at least fifty shares of stock, and not in arrear in respect of any call thereon; and until otherwise provided by by-law a majority of the Directors shall form a quorum.

Directors and  
their quali-  
fications.

Quorum.

9. When and so soon as one hundred thousand dollars of the capital stock shall have been subscribed as aforesaid, and ten per centum of the amount so subscribed paid in, the said Provisional Directors shall call a general meeting of the shareholders at some place to be named in the City of London, in the Province of Ontario, giving at least twenty days' notice thereof in the *Canada Gazette*, and also in some daily newspaper published in the said city, at which general meeting the shareholders present in person or by proxy shall elect five Directors in the manner and qualified as hereinbefore provided, who shall constitute a Board of Directors, and shall hold office until the annual general meeting in the year following their election.

First general  
meeting for  
election of  
Directors,  
when and  
where to be  
held.

10. Joseph Jeffery, William Glass, Charles P. Smith, John F. Mahon, and Richard J. Evans, together with such other persons as they may associate with themselves, are hereby constituted the first Board of Directors of the Company, and shall hold office until other Directors shall have been appointed by the shareholders under the provisions of this Act.

First Board of  
Directors.

11. The Directors of the Company may act as Directors in Canada or elsewhere, and may appoint one or more agents in Canada or elsewhere and for such time and on such terms as to them shall seem expedient; and the Directors may, by 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, ~~and~~ anything in this Act to the contrary notwithstanding.

Appointment  
of agents and  
their powers.

Acts of  
agents.

**Directors may borrow money and issue debentures after with sanction of the shareholders.** **12.** The Directors of the Company, after the sanction of three fourths in number, representing a majority in amount of the stock, of the shareholders shall have been first obtained at a special general meeting to be called from time to time for that purpose, shall have power from time to time to borrow for the purposes of the Company, either in the Dominion of Canada or elsewhere, such sums of money as may be necessary for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures, or other securities for the sums so borrowed, and to make the same payable either in currency or sterling and either in Canada or elsewhere, as may be deemed advisable, and to sell the same at such prices as may be deemed expedient, and to hypothecate, mortgage or pledge the lands, revenues, and other property of the Company for the due payment of the said sums and of the interest thereon, in such manner as by the laws in force in the said State of Utah they may have power so to do: but no such bond or debenture shall be for a less sum than one hundred dollars.

**Security by mortgage of real estate.**

**Proviso.**

**Company may purchase mines and issue paid up stock in payment therefor.** **13.** The Directors may purchase such mines or other property, real or personal, as they may deem necessary for the purposes of this Act or the business of the Company, and shall have power to issue paid up stock in the Company in payment therefor, and such paid up stock shall be free from all calls whatsoever and from all claims and demands on the part of the Company or of the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the Company and paid by the holder thereof in full.

**Winding up the business of the Company.** **14.** If at any time the Directors consider it expedient to cease carrying on the business of the Company, and to wind up and close it, they shall have power so to do in such manner as they shall deem best for the interests of the shareholders: Provided that the consent of two-thirds of the shareholders present at any meeting called for that purpose, after six weeks' notice, be obtained thereto.

**Proviso.**

**32-33 V., c. 12. to apply** **15.** The provisions of "*The Canada Joint Stock Companies' Clauses Act, 1869*," shall, except in so far as they are inconsistent with the provisions of this Act, and except the provisions contained in section eighteen of the said Act, apply to the Company hereby incorporated.

**Exception.**

**Yearly payments on stock.** **16.** At least ten thousand dollars a year shall be paid in on the subscribed capital until the sum of one hundred thousand dollars in all has been paid in.

## CHAP. 115.

## An Act to incorporate "The International Express Company."

[Assented to 26th May, 1874.]

**W**HEREAS the several parties hereinafter named have, by Preamble.  
 their petition, represented that they have associated themselves together, with divers others, for the purpose of the transport and carriage and conveyance of money, packages of goods, chattels, wares and merchandise, and of every description of property that may be intrusted to their care for transport, carriage and delivery to and from any part or portion of the country being within the Dominion of Canada; and the more effectually to carry out this enterprise, they have prayed that an Act be passed incorporating them with the powers hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Ashley Hibbard, of Chambly, in the Province of Quebec; Norman A. Smith, M.D., and Edward H. Goff, both of the City of Montreal, in the Province aforesaid; Owen Murphy, Willis Russell, George Goodwin and Thomas H. Mahoney, all of the City of Quebec, in the Province aforesaid; James McShane, junior, Michael C. Mullany and Charles H. Chandler, all of the City of Montreal aforesaid; and John C. Baker, of Stanbridge, in the said Province, Esquires, and such others as may be associated with them and their successors, and such and so many other persons or parties as have become or may become shareholders in the capital stock hereinafter mentioned, shall be and they are hereby constituted a body politic and corporate, in fact and in name, by the title of "The International Express Company." Certain persons incorporated. Corporate name.

**2.** The capital stock of the said Corporation shall be two hundred and fifty thousand dollars, divided into twenty-five hundred shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act: Provided always that it shall be lawful for the said Corporation to increase its capital to five hundred thousand dollars, as a majority of the shareholders, at a special general meeting to be expressly convened for that purpose, may agree upon. Capital stock and shares. Provision for increase.

**3.** No shareholder in the said Company shall be in any manner liable or charged with the payment of any debt or demand due by the said corporation, beyond the amount of his, or her, or their subscribed share or shares in the capital stock of the said corporation. Liability of shareholders limited.

Business of  
the Company.

4. It shall and may be lawful for the said Company,—

(1). To contract with railway companies, steamboat companies or owners, stage or wagon proprietors and others, for the carriage and transport of any goods, chattels, merchandise, money, packages or parcels that may be intrusted to them for conveyance from one place to another within the Dominion of Canada ;

(2). To contract with British and foreign express companies, and other parties, for co-operating with and transacting such business as aforesaid in connection with the said Company ;

(3). To make by-laws for managing the business and affairs of the Company, and for regulating the appointment and duties of the officers and servants thereof.

Provisional  
Directors.

5. For the purpose of organizing the said Company, the persons named in the first section of this Act, shall be Provisional Directors thereof, and they or a majority of them may cause stock-books to be opened, after giving due public notice thereof, upon which stock-books shall be recorded the subscriptions of such persons as desire to become shareholders in the Company ; and such books shall be opened in the City of Montreal and elsewhere, and for such time as the Provisional Directors shall deem necessary.

Stock books.

First meeting  
of share-  
holders for  
election of  
Directors,  
when and  
where to be  
held.

6. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and paid in to one or more of the chartered banks of Canada, the said Provisional Directors may call a general meeting of shareholders at some place to be named in the City of Montreal, giving at least ten days' notice thereof in some daily newspaper published in the said City ; at which general meeting the shareholders present in person or represented by proxy, shall elect five Directors in the manner and qualified as hereinafter provided, who shall constitute a Board of Directors, and shall hold office until the second Wednesday in January, in the year following their election.

Calls on stock.

Limitation.

7. The shares of capital stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint ; no such instalment shall exceed ten per cent, and not less than one month's notice thereof shall be given.

Board of  
Directors, &c.

Qualification  
and election.

8. The stock, property, affairs and concerns of the said corporation shall be managed and conducted by five Directors, one of whom shall be chosen President and one Vice-President, who, excepting as hereinbefore provided for, shall hold office for one year,—which Directors shall be shareholders, residing in Canada, and be elected at the annual meeting of shareholders, to be holden in the City of Montreal, on the second Wednesday in January in each year, or such other day as may be appointed by by-law,—not less than ten days' notice of such meeting being given, as provided in section six ; and the said election shall be held and made by such

such of the shareholders present in person or represented by proxy, as shall have paid all calls made by the Directors, and then due; and all such elections shall be by ballot, and the five persons who shall have the greatest number of votes at any such election, shall be Directors, except as hereinafter provided; and if two or more persons have an equal number of votes, in such manner that a greater number of persons shall appear to be chosen as Directors, then the Directors who shall have 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 five; and the said Directors, as soon as may be after the election, shall proceed in like manner to elect by ballot one of their number to be the President, and one to be Vice-President; but shareholders not residing within the Dominion of Canada shall be ineligible, and if any Director shall move his domicile out of Canada, his office shall be considered as vacant; and if any vacancy should at any time happen amongst the said Directors by death, resignation, disqualification or removal during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors or a majority of them, electing in such place or places, a shareholder, or shareholders, eligible for such office: Provided always that no person shall be eligible to be or continue as Director, unless he shall hold in his name, and for his own use, stock in the said Company to the amount of twenty shares, whereof at least ten per cent. shall have been paid in, and shall have paid all calls made upon his stock, and all liability incurred by him to the Company.

Election of officers.

Vacancies, how created and filled.

Proviso: Qualification of Directors.

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

Failure of election not to dissolve corporation.

10. At all general meetings of the said Company, each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid: such votes may be given either in person or by proxy,—the holder of any such proxy being himself a shareholder; and no shareholder shall be entitled to give more than one hundred votes upon proxies held by him; and all questions proposed for the consideration of the shareholders, shall be determined by the majority of votes,—the chairman presiding at such meeting having the casting vote in case of an equality of votes: Provided that no clerk or other employee of the said Company shall vote either in person or by proxy at the election of Directors.

Votes on shares.

Proxies.

Majority and casting vote.

Proviso: as to employees.

Forfeiture of shares for non-payment of calls.

**11.** If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the Directors may declare forfeited such share or shares, together with the amount previously paid thereon, in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold, or any part thereof, for the benefit of the Company, to any other person or persons.

Effect of payment of arrears.

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

What only need be alleged in suits for calls.

Proof in such cases.

Quorum of Directors.

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

Casting vote.

Annual general meeting.

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

Special general meetings.

15. The Directors shall have full power and authority to make and from time to time to alter such by-laws, rules, regulations and ordinances, as shall appear to them proper and needful, touching the well ordering of the Company, the management and disposition of its stock, property, estate and effects; the calling of special general meetings; the regulation of the meetings of the Board of Directors; the appointment of a Managing Director, and of sub-boards to facilitate the details of business, and the definition of the duties and powers of such sub-boards; the making of calls upon the subscribed capital; the appointment and removal of officers and agents of the Company, the regulation of their powers and duties, and the salaries to be paid to them; the regulation of the transfer of stock, and the form thereof; the compensation of Directors; and the establishment and regulation of agencies: Provided always that such by-laws, rules, regulations and ordinances made by the Directors as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved by such meeting, and shall thereafter have force and effect, as so approved or modified at such meeting; and provided further that such by-laws do not contravene the provisions of this Act.

By-laws may be made by Directors for certain purposes.

Proviso: such by-laws subject to be confirmed at general meeting.

Proviso.

16. The Company shall have power to acquire and hold real estate for the purpose of its business within the Dominion of Canada; and to sell or dispose of the same and acquire other property in its place as may be deemed expedient; and to take, acquire and hold all such land and tenements, real or immovable estate, as shall have been *bonâ fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof, or of the owner thereof; and to retain the same for a period not exceeding five years; and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada or of any of the Provinces thereof, or in the stocks of any banks or building societies in Canada or in the bonds or debentures of any incorporated city, town or municipality in Canada authorized to issue bonds or debentures, or in mortgages on real estate.

Company may acquire real estate for its own use.

Investment of Company's funds.

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

Transfer of stock, how made.

Proviso: Debts to Company to be first paid.

Liability of shareholders limited.

18. In the event of the property and assets of the said Company being insufficient to satisfy its debts, liabilities and engagements, the shareholders shall be liable for the deficiency, but to no greater extent than the amount of the balance remaining unpaid upon their respective shares in the capital stock: Provided always that nothing in this section shall be construed to alter or diminish the additional liabilities of the Directors of the Company hereinbefore provided for.

Proviso: as to Directors.]

Dividends: Amount limited.

19. The Directors of the Company, at the annual meetings thereof, shall declare such dividends upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends.

S. 39 of 32, 33 V., c. 12, not to apply.

20. Section thirty-nine of "*The Canada Joint Stock Companies Clauses Act, 1869*," shall not apply to the said Company.

## CHAP. 116.

### An Act to incorporate the Saint Croix Printing and Publishing Company.

[Assented to 26th May, 1874.]

Preamble.

WHEREAS David Main, Zachariah Chipman and James G. Stevens, junior, all of the Town of Saint Stephen in the Province of New Brunswick, have prayed that they may be constituted a corporation by the name of "The Saint Croix Printing and Publishing Company;" and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The persons hereinbefore mentioned and all others who now are or may hereafter become shareholders of the said Company, shall be and they are hereby constituted a corporation and body politic and corporate, by the name of "The Saint Croix Printing and Publishing Company;" and may by that name sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity; and in and by that name they and their successors shall have perpetual succession, and may have a common seal, and may change and alter the same at pleasure; may print and publish a newspaper and establish agencies for the sale of the same in the several Provinces of the Dominion; may acquire property, real and personal, for themselves and their successors under any legal title whatsoever, for the purpose of carrying on their business only; may alienate, sell, convey, lease or otherwise dispose

Corporate name and general powers.

Real estate and personalty.

dispose of the same or any part thereof from time to time as occasion may require, for such prices and on such terms and conditions as they may see fit.

2. The said Company is constituted for the purpose of carrying on the publication of a newspaper and generally for carrying on the business of printing, publishing, bookbinding, engraving, wood cutting, lithographing and the dealing in and vending of all merchandise connected therewith. The head office of the Company shall be in the Town of Saint Stephen aforesaid, with branches in any other city, town or place in the Dominion where the Company may see fit.

Business of the Company.  
Head office.

3. The capital stock of the said Company shall be forty thousand dollars, divided in four hundred shares of one hundred dollars each, and shall be deemed personal estate and shall be transferable only in such manner and subject to such conditions as by the by-laws of the Company shall be directed and prescribed.

Capital and shares: personally and how transferable.

4. The said David Main, Zachariah Chipman and James G. Stevens, junior, are hereby constituted Provisional Directors of the Company, and they shall have power to open stock books, receive subscriptions of stock or shares and do all matters and things necessary for the full organization of the Company, and generally manage the affairs of the Company until Directors as hereinafter provided shall be elected in their place, when all their powers and functions shall cease.

Provisional Directors and their powers.

5. As soon as the capital stock shall have been subscribed, the Provisional Directors shall call a general meeting of the shareholders in the Town of Saint Stephen, of which meeting not less than fourteen days' notice shall be given by advertisement in some newspaper published in the said town, for the purpose of electing Directors, who shall be three in number, the appointment of officers, the passing of by-laws for the management of the affairs of the Company, and generally for the exercise of the powers conferred on the shareholders by this Act, and by the "*Canada Joint Stock Companies' Clauses Act, 1869.*"

First meeting of shareholders for election of Directors, when and where to be held.

6. The shareholders 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: Provided always that among the officers of the Company there shall be a printer and publisher, who shall be held responsible in any criminal proceeding for libellous matter published in any newspaper, book, pamphlet or other printed matter issuing from the establishment of the said Saint Croix Printing and Publishing Company, and in every issue of the said newspaper shall be contained the full name and residence of the party holding the office of printer and publisher.

Liability of shareholders limited.  
Provide: responsible publisher to be appointed.

Votes at meetings of shareholders.

7. Every executor, administrator, tutor, curator, guardian or trustee, shall represent the stock in his hands at all meetings of the Company and may vote accordingly as a shareholder, and shall be eligible as a Director; and every person who pledges his stock by any instrument disclosing the conditional nature of the transfer may nevertheless represent the same at all such meetings and may vote accordingly as a shareholder.

Forfeiture of Act by non-user.

8. The charter of the Company shall be forfeited by non-user during three consecutive years at any one time, or if the Company do not go into actual operation within three years after it is granted.

Any future general Act to apply, and 32-33 V. c. 12.

9. The corporate rights hereby conferred, shall at all times be subject to the provisions of any general enactment hereafter to be passed respecting incorporated companies, and, except as altered herein, to the provisions contained in the "*Canada Joint Stock Companies' Clauses Act, 1869*," so far as they are applicable.

## CHAP. 117.

### An Act to incorporate Lamb's Water-Proof Gum Manufacturing Company.

[Assented to 26th May, 1874.]

Preamble.

WHEREAS Daniel Martin Lamb, of the Town of Strathroy, in the County of Middlesex, Ontario, Machinist, Marvin Knowlton, Andrew McKenzie, Joseph Atkinson, James Durand, Isaac Waterman, George M. Gunn, William A. Gunn, John Geary and Charles P. Smith have, by their petition, represented that the said Daniel Martin Lamb, Marvin Knowlton, Andrew McKenzie, Joseph Atkinson, James Durand and Isaac Waterman are the proprietors of certain patents granted by the Dominion of Canada and other countries, to the said Daniel Martin Lamb, for certain new and useful inventions and discoveries in and for the manufacturing of Vulcanizable Water-Proof Gum; and that they are desirous of acquiring such patents and of manufacturing Vulcanizable Water-Proof Gum in accordance with the said patents, and carrying on business connected therewith in the several Provinces of Canada, and in the United States of America and the territories thereof; and they are desirous of obtaining an Act of incorporation, conferring upon them all necessary powers for the same and praying for such incorporation; and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said Daniel Martin Lamb, Marvin Knowlton, Andrew McKenzie, Joseph Atkinson, James Durand, Isaac Waterman, George M. Gunn, William A. Gunn, John Geary and Charles P. Smith, and such other persons as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body politic and corporate by the name of "Lamb's Water-Proof Gum Manufacturing Company;" and by that name shall have perpetual succession and a common seal, with power to break and alter the same at pleasure; and by that name may sue and be sued, plead and be impleaded in all courts whatsoever.

Certain persons incorporated.

Corporate name and general powers

2. The capital stock of the Company shall be three hundred thousand dollars divided into three thousand shares of one hundred dollars each,—of which fifty thousand dollars shall be subscribed and ten per cent. thereof paid into some chartered bank of the Dominion, before the Company shall organize under this Act: and such capital stock may, from time to time, be increased as the wants of the Company may require, by a vote of not less than three-fourths in value of the shareholders present in person or represented by proxy, at a meeting of the Company called for that purpose, to an amount not exceeding one million two hundred thousand dollars.

Capital stock and shares.

When to commence business.

Increase of capital stock.

3. The Company may carry on the business of manufacturing Water-Proof Gum, and shall have all the powers necessary for that purpose, and may acquire and become the assignees of any patent or patents granted or to be granted to the said Daniel Martin Lamb for the exclusive use in Canada of improvements in such manufacture.

Company may manufacture gum and acquire certain patents.

4. The principal office and place of business of the Company shall be at the City of London, in the Province of Ontario, unless and until otherwise, at any time or times, provided by by-law of the Company; and the business and operations of the Company may be carried on in any part or parts of the Dominion of Canada, and also of the United States of America, in so far as the laws of the said United States will permit, as the Directors may from time to time determine; and the said Company shall have power from time to time to lease or purchase and to hold any real estate which they shall deem necessary for the purposes aforesaid; and so often as any property or real estate, so purchased and acquired, ceases to be necessary for the purposes of the Company, they shall, when the Company finds it expedient so to do, sell or dispose thereof; and the Company may also, from time to time and as their business may require, purchase, lease or build any workshops, machinery or other works and appliances which the Company may think necessary and proper for their purposes or for the exercise of the powers by this Act conferred; and the same or any part of them, when the Company find it expedient, shall be disposed of.

Chief place of business.

Operations in other places.

Power to hold real estate for their own uses, and dispose of the same.

5. The affairs of the Company shall be managed by a Board of not less than three or more than nine Directors, who shall be shareholders in the said Company: until otherwise provided by by-law, five of the Directors shall form a quorum.

Directors: Qualification.

Quorum.

6.

First Board of Directors.

6. The said Daniel Martin Lamb, Marvin Knowlton, Andrew McKenzie, Joseph Atkinson, James Durand, Isaac Waterman, George M. Gunn, John Geary and Charles P. Smith shall be Provisional Directors of the Company, and shall hold office until replaced by others duly appointed in their stead, at a general meeting of the shareholders to be called within six months after the passing of this Act.

Subsequent Directors, election.

7. The subsequent Directors of the Company shall be elected by the shareholders in general meeting of the Company assembled at such times, in such wise and for such term, not exceeding one year, as the by-laws of the Company may prescribe.

Patent rights may be paid for in stock or bonds.

8. The Directors in any such contract for the purchase or any purchase of any patent right under the third section of this Act, may agree to pay and may pay therefor in paid up stock or in bonds of the Company; and any such contract for purchase or acquisition and the terms thereof shall be binding upon the Company.

Company may borrow money: to what amount, in what manner, and on what security.

9. In case a by-law authorizing the same is sanctioned by a vote of not less than three-fourths in value of the shareholders then present in person or by proxy at a general meeting duly called for considering the by-law, the Directors may borrow money upon the credit of the Company and issue the bonds or debentures of the Company, and may sell the said bonds or debentures at such prices as may be deemed expedient or be necessary, but no such bonds or debentures shall be for a less sum than one hundred dollars; and such bonds or debentures and the coupons for interest attached thereto may be made payable at such place as the Directors shall think fit; and such bonds or debentures shall, without registration or filing of the same, be and be taken as an hypothec, mortgage and pledge (according to the rank and priority which may be therein mentioned) upon the real and personal property, patent rights, privileges and revenues of the Company then existing and thereafter acquired, and each holder of the said bonds or debentures shall be deemed a mortgagee and incumbrancer *pro rata* with the other holders of bonds of the same issue, rank and priority, upon all and every the property of the Company hereinbefore mentioned: And no lender shall be bound to enquire into the occasion of any such loan or into the validity of any by-law authorizing the same or the purpose for which such loan is required: Provided that each issue of bonds or debentures shall state the rank and priority of such issue; and provided also that the total amount of such bonds or debentures outstanding at any time shall never exceed the amount of capital actually subscribed and paid up in cash, and used in carrying out the business of the Company, over and above any amount thereof expended in purchasing or represented by the sums allowed in shares of capital stock for the price of any such patents as aforesaid, or invested in real property, plant or other assets, properly forming part of the capital of the Company.

Lender not bound to make certain inquiries.

Proviso: as to rank and amount of debentures.

10. Except in so far as the same is inconsistent with the provisions of this Act, the "Canada Joint Stock Companies Act 1869," is hereby incorporated with this Act. 32, 33 Vict.,  
c. 12 to apply.

## CHAP. 118.

### An Act to incorporate the Royal Canadian Chemical Fire Engine Company.

[Assented to 26th May, 1874.]

**W**HEREAS the Honorable John Young, Henry Shackell, Alfred Perry, William C. Nunn, of Canada, the Honorable William Clafin, O. C. Gibbs, of Massachusetts, and the Honorable Henry Howard, of Rhode Island, have, by their petition, represented that great public advantages would result from the manufacture in Canada of Chemical Fire and other Engines—and have prayed for an act of incorporation to build such in Canada, under the name of the Royal Canadian Chemical Fire Engine Company, and for the powers necessary to carry out the same; and it is expedient to grant the prayer of 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 John Young, Henry Shackell, Alfred Perry, William C. Nunn, William Clafin, O. C. Gibbs, and Henry Howard, and such other persons as may be associated with them, under the name and style aforesaid, as shareholders in the Company to be by this act created, shall be, and they are hereby constituted a body corporate and politic by the name of the Royal Canadian Chemical Fire Engine Company.

Certain persons incorporated  
Corporate name.

2. The capital stock of the Company shall be one hundred thousand dollars, in shares of one hundred dollars each, of which twenty per centum shall have to be paid before commencing business, and the said capital stock may be increased from time to time by resolution of the shareholders under the by-laws of the Company: Provided always that no such increase shall take place until the stock previously subscribed for shall have been paid up in full.

Capital and shares.  
Increase.  
Proviso.

3. The Company by its name aforesaid may sue and be sued, and shall have a perpetual succession and a common seal, with power to break and alter such seal, and with all the rights conferred on corporations by the "Interpretation Act."

General Powers.

4. The Company shall have power to carry on in each and every Province of the Dominion of Canada, the business of manufacturing, buying and selling all descriptions of articles connected with

Business of the Company.

with the manufacture of the said Fire Engines, or machinery connected therewith, and shall have power to hold and convey in each such Province, all real and personal estate necessary to carry on the operations of said Company.

Real and personal estate.

5. Subject to the provisions of this Act, aliens shall have equal rights with British subjects to take stock and to vote and shall be eligible to office in said Company, and no shareholder shall be responsible for any act, default, or liability whatsoever of the Company, beyond the amount, if any, remaining unpaid on his shares in the stock thereof.

Board of Directors.

6. The affairs of the Company shall be under the control, and shall be managed and conducted by a Board to consist of seven Directors, four of whom shall form a quorum; and the said John Young, Henry Shackell, Alfred Perry, William C. Nunn, William Claffin, O. C. Gibbs, and Henry Howard, shall be the first Provisional Directors of the said Company, and shall hold their offices until the first election of Directors under this Act, in the manner hereinafter provided.

Provisional Board.

Powers of Provisional Directors.

7. The said Provisional Directors shall during the time of being such Directors have all the powers of Directors to be elected under this Act, and shall also have power and authority to open stock books, and to procure subscriptions for the undertaking, and to make calls upon the subscribers, and to issue stock thereon or scrip therefor.

First meeting of shareholders for election of Directors when and where to be held.

8. As soon as the capital stock is subscribed, and ten per cent. paid thereon, and deposited in some chartered bank of Canada to the credit of the Company, the Provisional Directors, or a majority of them shall call a meeting of the shareholders, at such time and place in the City of Montreal as they may think proper, giving at least one week's notice of such meeting in a French and English newspaper published in the said City,—at which general meeting the shareholders present in person or represented by proxy (the holder of any such proxy being a shareholder) shall elect by ballot seven of their number to be Directors; and from and after the completion of such election, the powers and functions of the Provisional Directors shall cease and determine.

Annual general meeting.

9. The annual meeting of the shareholders of the Company shall be held in the City of Montreal, for the transaction of general business and the election of Directors,—the time and place of meeting to be regulated by the by-laws of the Company.

Head office: Branches.

10. The principal office of the Company shall be in the City of Montreal, but the Company may establish branch offices in any part of Canada, should their business require it.

Votes.

11. Every shareholder shall be entitled to as many votes as he owns shares in the Company, and no one shall be eligible to be a Director

Director unless he is a shareholder, owning at least ten shares of stock in his own right, and not in arrear in respect of any call thereon; and at least three Directors of the Company shall at all times be persons resident in Canada and subjects of Her Majesty by birth or naturalization, but a minority may be aliens. Qualification  
of Directors.

**12.** The Directors when chosen shall elect from among themselves a President and Vice-President of the Company, and shall also appoint and may remove at pleasure all other officers and servants of the Company. Appointment  
of officers.

**13.** The Directors of the Company shall have full power to make any by-laws not contrary to law, and a copy of any such by-law of the Company, signed by the President or Vice-President and the Secretary of the Company and sealed with its common seal, shall be received as *prima facie* evidence of such by-law in all courts of law and equity in the Dominion. Making  
By-laws.

**14.** The Act known as "*The Canada Joint Stock Companies Act, 1869*," and the provisions thereof shall be applicable to, and be incorporated in this Act, so far as the same may not be inconsistent with this Act. 32, 33 V., c.  
12 to apply.

**15.** All reasonable and preliminary expenditure incurred in obtaining this Act, and in the formation or establishing of the said corporation shall be paid from the funds of the Company. Expenses,  
how paid.

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1874.

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FIRST SESSION, THIRD PARLIAMENT, 37 VICTORIA;

AND

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