
5th Session, 8th Parliament, 29-30 Vict., 1866



BILL.

An Act to extend and define the powers of the Savings Bank known under the name of "La Caisse d'Economie de Notre Dame de Québec."

Received and read, first time, Monday, 25th June, 1866.

Second reading, Wednesday, 27th June, 1866.

Hon. Sir N. F. BELLEAU.

OTTAWA:

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BILL.

An Act to extend and define the powers of the Savings Bank known under the name of "La Caisse d'Economie de Notre Dame de Québec."

WHEREAS it is expedient that "La Caisse d'Economie de Notre Dame de Québec," which has been conducted under the authority of the Act fourth and fifth Victoria, chapter thirty-two, relating to the establishment and regulation of Savings Banks, should be incorporated, with more adequate provisions for its management than are afforded by the said Act; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1. From and after the passing of this Act, the said Savings Bank shall be a body corporate and politic under the corporate name of "La Caisse d'Economie de Notre Dame de Québec."

2. His Grace the Right Reverend the Roman Catholic Archbishop of Quebec or his Administrator, shall be *ex-officio* the patron of the said corporation, and, if present, he shall preside at meetings of the honorary members.

3. The following persons, and such other persons as shall be hereafter appointed to the office of honorary members, but not exceeding in all seventy in number, shall be the honorary members of the said "La Caisse d'Economie de Notre Dame de Québec," namely:

the Reverend Elzear Alexandre Taschereau, G. V., Superior of the Seminary of Quebec and Rector of the Laval University; the Reverend Charles F. Cazeau, V. G.; the Reverend Joseph Auclair, *curé* of Quebec; the Reverend Zéphirin Charest, *curé* of St. Rochs of Quebec; the Reverend Jean Langevin, Principal of the Normal School of Quebec; the Reverend Antoine Racine, officiating Minister of St. John's Church of Quebec; the Reverend B. McGauran, officiating Minister of St. Patrick's Church of Quebec; the Honorable Sir Narcisse F. Belleau; the Honorable Louis Panet; the Honorable Joseph Cauchon; the Honorable Antoine J. Duchesnay; the Honorable Ulric J. Tessier; the Honorable Elzear J. Duchesnay; the Honorable Charles Alleyn; the Honorable Isidore Thibaut; the Honorable M. P. de Sales Laterrière; the Honorable Luc Letellier de St. Just; the Honorable Hector L. Langevin; the Honorable Francois Evanturel; the Honorable Jean E. Gingras; the Honorable Charles Cormier; the Honorable Louis Massue; John Maguire, Esquire; Jacques Crémazie, Esquire, Recorder of Quebec; Olivier Robitaille, George H. Simard, Alexandre B. Sirois, Eugène Chinic, Charles Cinqmars, Jean D. Brousseau, Michel Tessier, David Dussault, Grégoire Matte, Louis Fiset, Louis G. Baillaigé, Siméon Lelièvre, Jean E. Landry, Rémi

F. Rinfret, Charles Langevin, Vital Têtu, Joseph Robitaille, Prudent Vallée, Francois O. Boisvert, Louis Bilodeau, Alexandre Lemoine, Jean Bélanger, Simon Roy, Eugène Panet, Abraham Hamel, Joseph Hardy, Joseph Hamel, Isaïe Gaudry, George S. Audette, Jérôme Gingras, Germain Roberge, Abraham Durant, Louis Amiot, Francois X. Picher, Pierre Gauvreau, Joseph Bussière, Olivier Martel, Romain Vallière, Ferdinand Gauvreau, Flavien Trudel, Joseph Corbin, Jean Paquet, Yves Tessier, Francois Vézina, Olivier Drolet and Flavien Babineau. 5

Annual meeting, statement of affairs and election of Directors. 4. The Honorary Members shall exercise a general supervision over the affairs of the said Corporation, and shall hold an annual meeting on the third Monday in June in each year, at which meeting shall be submitted to them the annual statement of the affairs of the said Corporation; and at such meeting the said Honorary Members, or a majority of such of them as shall be present at such meeting, shall elect, from among themselves, such persons to be the Directors of the said Corporation as shall be necessary to supply the places of those Directors whose office shall have become vacant as hereinafter provided. 10 15

Appointment of Honorary Members and auditors. 5. When any vacancy shall occur in the number of the Honorary Members hereby created, by reason of death or permanent absence from this Province, such vacancy shall be filled by the Directors, subject, however, to the approbation of the Honorary Members at their next annual meeting; at each annual meeting the Honorary Members shall appoint from among themselves, two auditors not being directors, whose duty it shall be to make a full and complete examination of the books, accounts, securities and vouchers of the Bank, and to report thereon at the annual meeting of the Honorary Members on the third Monday of June in each year; and the said Auditors shall have power to employ two accountants if necessary, and shall be afforded every facility by the Directors and officers of the Bank, for the purposes of their audit. 20 25 30

Corporation not to be dissolved by failure to elect Directors. 6. No failure to elect Directors or Honorary Members shall operate any dissolution of the Corporation hereby created, but in case of such failure to elect, the required election shall be made as soon thereafter as may be, at a special meeting of the Honorary Members, which the Directors are hereby authorized to call for that purpose; and until such subsequent election shall be made, the official acts of the Directors holding office shall be valid. 35

Term of office of Directors. 7. The present Directors of the said Savings Bank, "La Caisse d'Economie de Notre Dame de Québec," namely: Olivier Robitaille, M.D., the Honorable Isidore Thibaudeau, George H. Simard, A. B. Sirois, Eugène Chinic, Charles Cinq Mars, J. D. Brousseau, Michel Tessier, D. Dusault, and Grégoire Matte, shall continue in office as Directors of the Corporation hereby created, until the third Monday of June, one thousand eight hundred and sixty-seven, when two of such Directors, to be determined by ballot, shall vacate their office of Director; and the eight other directors shall remain in office as such until the third Monday in June, one thousand eight hundred and sixty-eight, when two other of such Directors to be selected in like manner shall retire, and so on every subsequent year for the six remaining other Directors; and as soon as any such Directors shall so vacate their office, an equal number shall be elected in the manner hereinbefore prescribed, for the term of five years; the Directors so retiring shall be eligible for re-election. 40 4 5

8. If any vacancy shall occur in the number of Directors in the course of any year, such vacancy shall be filled by the other Directors by electing from among the Honorary Members one of said Honorary Members to act as a Director until the end of the year, but such election shall be made at a meeting of Directors called for that special purpose, and at the expiration of such year, the office of such Director shall become vacant; when another Director shall be elected in the manner prescribed by this Act who shall hold office during the period during which the Director whose place had become vacant would have been entitled to hold office as such Director; but the Director so ceasing to be such Director shall be eligible for re-election.

9. The said Directors, at their first meeting every year, shall elect from among themselves, by a majority of votes, the President and two Vice-Presidents of the said Corporation, who shall respectively hold office till the election of their successors; and five of such Directors shall form a quorum for the transaction of business; and at every meeting of such Directors, the President, or in his absence one of the Vice-Presidents shall preside, and if neither of them be present, some other one of the Directors present shall be appointed *pro tempore* to do so; and the President, Vice-President or other presiding Director shall not vote as Director, but in the event of an equality of the votes, he shall have a casting vote.

10. Every Director of the said Corporation shall, immediately after his election, take an oath before a Justice of the Peace, faithfully to perform his duties as such Director; which oath, all Justices of the Peace of the District of Quebec are hereby authorized to administer, and which shall be in the following form, or in words to the same effect:

I, A. B., of _____ being duly sworn, depose and say: that so long as I shall continue to be a Director of _____ I will faithfully perform the duties of that office to the best of my judgment and ability. And I have signed.

Sworn before me, at _____ this _____ day of _____ 1866.
C. D.,
A Justice of the Peace for the District of Quebec.

11. Any Director or honorary member of the said Corporation 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 Directors, for twelve 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 of the said Corporation, and the vacancy so created shall forthwith be filled up as hereinbefore provided.

12. It shall be lawful for the said Corporation to acquire and hold real estate for the purposes thereof, not exceeding the yearly value of four thousand dollars; and also such real estate as may be temporarily acquired by the said Corporation to facilitate and secure the recovery of any loan; and to sell and alienate the same and acquire other instead thereof; provided always, that the limitation hereby established may be extended by an order of the Governor in Council.

Mode of filling vacancies in Board of Directors'

President, Vice-President and quorum of Directors.

Directors to be sworn before a Justice of the Peace.

Any Director becoming insolvent or absenting himself for twelve consecutive months or convicted of felony shall cease to be such Director

The Corporation may acquire Real Estate.

Proviso.

Power of Directors to make or change by-laws.

13. The Directors of the said Corporation shall have power to make, ordain and establish the rules and regulations, and from time to time, to add to or change the same, binding on the said Corporation, Directors and Officers thereof and on the depositors therein, as to them shall seem fit and necessary for the due and proper administration of the affairs of the said Corporation, and for the protection and advantage of the depositors therein, and for the regulation of its Directors and officers, and its good government generally; and until such By-laws shall be so made, the By-laws, rules and regulations of the said Bank, now in force, shall remain valid and binding; provided always that the By-laws, rules and regulations to be made under this Act shall not be contrary to any express provision of law; provided also that they shall have no force or effect unless approved of by a majority of Honorary Members present at any annual or at any special meeting called for the purpose of considering such By-laws, and until they shall have been fairly entered in a book kept in the office of the said Corporation, for that purpose, which book shall be open at all times during the business hours of the said Corporation, to the inspection of the depositors therein.

Present By-laws.

Proviso.

Proviso. Sanction of By-laws.

Directors to appoint officers and servants of the Corporation.

14. The Directors of the said Corporation shall have power to appoint, and, when necessary, to remove and replace by others, the officers, clerks, and servants, as they may think it proper for the management of the business thereof, and shall award to them such remuneration as they shall deem fit; provided always, that every such officer, clerk or servant, who shall be entrusted with or have the custody of any moneys or valuable securities of the said Corporation, shall, before entering upon his duties, take an oath to the faithful discharge thereof, before a Justice of the Peace for the District of Quebec, any one of whom is hereby authorized and required to administer the same, which oath shall be similar in form to that herein before prescribed for the Directors of the said Corporation; and shall also give such security either personal or by way of any incorporated institution, for the faithful discharge of his duties, and for the due accounting for all moneys and securities aforesaid as shall be required of him by the Directors.

Proviso. Vote of office and security in certain cases.

Managing Directors may be remunerated.

15. It shall be lawful for the Directors, by any By-law to be made as hereinbefore provided, to provide for the remuneration of the President, Vice-Presidents, Directors and Auditors of the said Corporation, for their attendance at meetings of Directors and for their general superintendence of the affairs of the said Corporation; provided always, that such remuneration shall only be so awarded out of the net revenue of the year, of the Bank, after payment of all expenses and of all interest due to depositors, and shall not, in the total amount thereof, exceed four thousand dollars in any one year.

Proviso.

Special meeting of Honorary Members.

16. The President, or any person acting in his place, is hereby authorized to convene a special meeting of the Honorary Members whenever the Directors shall deem it expedient; he shall also be required to convene a special meeting whenever called upon to do so by a requisition signed by not less than fifteen Honorary Members, at least six days previous notice being given to the said members.

Corporation may receive deposits and allow interest therefor.

17. It shall be lawful for the said Corporation 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 derive 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 Directors.

18. Every depositor, whether male or female, on making his or her first deposit in the said Corporation, shall disclose and declare his or her name, residence, quality and occupation. Certain disclosures to be made by depositors.

19. It shall be lawful for the said Corporation 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 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 if the person making any deposit in the said Bank be not, by the existing laws, authorized to do so, then and in that case, the total amount of deposits made by such person shall not exceed the sum of two thousand dollars. Any person irrespective of quality may deposit. Proviso.

20. It shall be lawful for the said Corporation to invest any moneys not exceeding three fourths of the whole sum deposited therewith, in any debentures issued under the authority of any act of the Provincial Parliament, or in any other public security of this Province, or in the stock of any Bank chartered by any Act of the Legislature of either of the late Provinces of Lower or Upper Canada, or of the Province of Canada, or by Royal Charter. Corporation may invest in public securities or Bank Stock.

21. It shall be lawful for the said Corporation to loan any moneys upon the personal security of individuals, or to any corporate bodies, provided that collateral securities of the nature above mentioned, or any stock in incorporated Building Societies be taken in addition to such personal or corporate security, with authority to sell such securities if the loan be not paid; but the said Corporation shall not make any loan directly or indirectly upon the security of real estate, or with any reference to the security of real estate; provided always, that nothing herein contained shall prevent the said Corporation from taking security upon real estate in addition to such collateral securities, subsequent to the making of the loan, and subsidiary to the security originally taken therefor. Loans on personal and collateral security. Proviso.

22. In the event of the said Corporation making any loans upon personal securities with collateral security or securities for the repayment of said loans, if the repayment is not made upon such loans becoming due, it shall be lawful for the said Corporation, upon such loans becoming due and remaining unpaid for sixty days after they shall so become due, to cause such collateral securities to be exposed for sale by public auction, after due advertisement of such sale, and after notice thereof shall have been given to the borrower or party depositing such collateral security, by addressing and mailing to his residence, a letter containing such notice; and such may be so made, of whatever nature such collateral securities may be, whether consisting of stocks, bonds, debentures or negotiable paper; and the said Corporation shall only be bound to account to the person or persons indebted to them in the amount of such loan, for the actual net proceeds of the sale of such collateral securities, after deduction of all charges thereon; Provided always, that nothing herein contained shall prevent the said Corporation from collecting or realising such debt, or any balance which may be due thereon, or such collateral securities, in any other way that the Directors may deem for the interest thereof. Corporation may sell securities for unpaid loans. Notice of sale. Corporation to account to debtors for net proceeds only. Proviso.

Reserve Fund
how to be con-
stituted, &c.

23. It shall be lawful for the Directors to create a reserve fund to serve as security for the depositors in the said Corporation against loss by the investments made in their behalf, which reserve fund shall consist of the profits of the said Corporation arising out of such investments, after payment to the depositors of such rate of interest as shall be fixed by the said Directors, and after due provision for the liquidation of all expenses of management, debts and deposits, and after making suitable provisions for the liquidation and payment of such debts, deposits and interest, any other or further sum of money may be appropriated out of the net revenue of the year in which such appropriation shall be made, and paid over to any charitable institution in this Province by law established or incorporated; provided always that such appropriation be concurred in by at least five Directors of the said Corporation, present at a meeting called for the purpose of discussing such appropriation.

Proviso.

Transmission
of interest in
deposit to be
signified to
the Corpora-
tion in writ-
ing.

24. If the interest in any deposit in the said Corporation becomes transmitted in consequence of the death or bankruptcy of any depositor, or in consequence of the marriage of a female depositor, or by any other lawful means than by a transfer upon the books of the said Corporation, or by deed signified upon the said Corporation, 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 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 said Corporation, who shall thereupon enter the name of the party entitled to such deposit under such transmission, in the books of the said Corporation, as proprietor of such deposit; and until such transmission shall have been so authenticated, no party or person claiming, by virtue of any such transmission, shall be entitled to receive any deposit or any part thereof or of the interest 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 in the said Corporation, 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 said Corporation from requiring corroborative evidence of any fact or facts alleged in any such declaration; provided always, that if payment be made to any depositor of any deposit or of any interest thereon, after transmission thereof, by any of the means mentioned in this or the last preceding section, but before such declaration is made and authenticated as aforesaid, such payment shall be valid and shall discharge the said Corporation.

Such declara-
tion to be ac-
knowledged
before a judge
or magistrate.

Proviso, as to
declarations
made out of
Canada.

Further proof
may be re-
quired,

Proviso,

In case of
transmission
by marriage,
will, &c.

25. If the transmission of any deposit 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, 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, 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 Corporation, who shall thereupon enter the name of the party entitled under such transmission in the books of the Corporation.

26. The said Corporation shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any of the depositors therein may be subject; and the receipt of the party in whose name any such deposit shall stand in the books of the said Corporation, 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 said Corporation for such deposit, interest thereon, or for other sum of money payable in respect of such deposit, unless 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 Corporation have had notice of such trust; and the said Corporation shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

Corporation not to be bound to see to the execution of any trust to which any of the depositors may be subject, and receipt of the party in whose name deposit stands to discharge the Corporation.

27. Any payment of interest 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 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 said Corporation from all or any further claim by any person whomsoever for such interest or deposit.

Payments *bond fide* to persons *prima facie* entitled shall be valid.

28. If any director, manager, clerk or servant of the said Corporation shall change, deface, alter, erase or in any other manner or way, change the effect of the books of account of the said Corporation, or any entry in the said books of account, for the purpose of defrauding the said Corporation or any of the depositors therein; or if any such director, manager, clerk or servant, shall secrete, appropriate, embezzle, exchange or steal any bond, obligation, bill obligatory or of credit, or other bill or note, or any security for money, or any moneys or effects belonging to the said Corporation or to any depositor therein, or entrusted to bring to him, or in his custody, as such director, manager, clerk or servant, whether the same belong to the said Corporation or belong to any person or persons, body or bodies, politic or corporate, or institution or institutions, lodged and deposited with the said Corporation, the Director, Manager, clerk or servant so offending and being thereof convicted in [due form of law, shall be deemed guilty of felony, and shall be punished by imprisonment at hard labor in the Provincial Penitentiary for any term not less than two years, or by imprisonment in any other gaol or place of confinement for any term less than two years, in the discretion of of the Court before which he shall be convicted.

Penalty in case of malfeasance of Directors or officers, &c.

29. Any person who shall pretend to be owner of any deposit in the Savings Bank, or of the interest on such deposit, or of any part or portion of such deposit or interest, and not being such owner, shall fraudulently demand or claim, from the said Corporation, the payment of such deposit or interest, or of such portion thereof, as the case may be, shall be guilty of a misdemeanor.

Penalty on fraudulent demand on Corporation:

All assets, liabilities, &c., transferred to the Corporation.

30. All the investments, moneys, debts and other assets of the said Savings Bank "La Caisse d'Economie de Notre Dame de Québec," which now belong or are due to them, of every nature and kind whatsoever, are hereby transferred to and vested in the Corporation hereby created; which Corporation is hereby declared to be subrogated by virtue of this Act, in and to all and every the actions, rights, privileges and *hypothèques* of the said Savings Bank "La Caisse d'Economie de Notre Dame de Québec," the whole subject to all rights, obligations and claims due by or lawfully chargeable against the said Savings Bank "La Caisse d'Economie de Notre Dame de Québec," the Corporation being hereby made directly liable to any creditor or claimant upon the said Savings Bank "La Caisse d'Economie de Notre Dame de Québec," for such rights and claims in the place and stead of the said Savings Bank "La Caisse d'Economie de Notre Dame de Québec."

Annual statement of Directors,

31. The Directors of the said Corporation shall make an annual statement to the Governor, wherein shall be given a detailed account of the number of depositors, and total amount of deposits; the amount invested in Banks, specifying the names of such Banks; the amount deposited with Banks at interest, specifying the names of such Banks; the amount vested in public securities, specifying the nature of such public securities; the amount loaned on the collateral security of Bank or Building Societies' Stocks and public securities, and the amount, if any, secured by mortgages on real estate; also the amount of debts over due and in process of collection, the total accrued interest for the year, and the annual amount of the expenses of the Institution; all of which shall be sworn to by the Manager or by the Secretary and Treasurer, and by the Directors or a majority of them, who shall make oath that the said return is correct, according to the best of their knowledge and belief; and it shall be lawful for the Governor in Council, at any time, to appoint an inspector whose duty it shall be to investigate and report upon the affairs of the said Corporation, to whom the Directors thereof shall afford all needful facilities for such inspection and investigation; and in case of any mis-statement of the financial position of such Bank, the Directors thereof, for the time being, concurring in such report or statement, shall be personally liable to the depositors in such Bank, for the amount of their deposits therein; and provided always that nothing contained in this Act shall exempt the said Savings Bank "La Caisse d'Economie de Notre Dame de Québec" from the operation of any general law which may hereafter be enacted for the better regulation and management of Savings Banks in this Province.

To be attested on oath,

Inspector may be appointed.

Public Act.

32. This Act shall be deemed a Public Act.