



Canada. Laws, Statutes, etc.

KE

72

C38

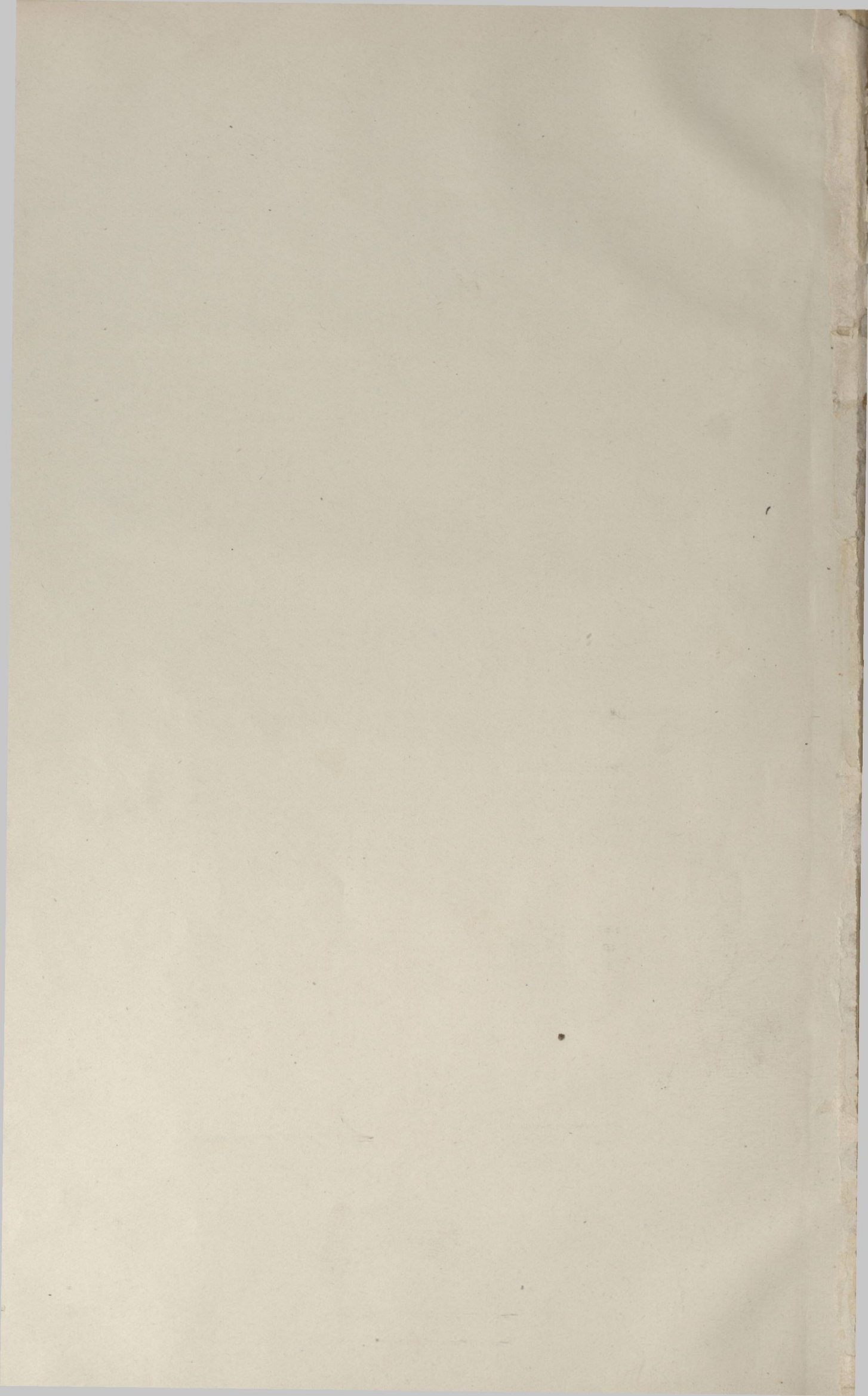
4-4

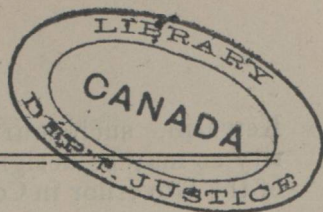
Bill A -

150

THE UNIVERSITY OF CHICAGO







## BILL.

An Act respecting Insolvent Banks, Insurance Companies, and Trading Corporations.

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

### APPLICATION OF ACT.

1. This Act applies to incorporated Banks (including Savings Banks), incorporated Insurance Companies, and incorporated trading companies. Application of Act.

(a). This Act does not apply to railway or telegraph companies.

### INTERPRETATION.

2. An insurance company within the meaning of this Act is a company carrying on the business of insurance whether life, fire, marine, (ocean or inland waters) accident, guarantee or otherwise. Definition of "Insurance Co."

(a) A trading company within the meaning of this Act is a company (except railway and telegraph companies,) carrying on business similar to that carried on by apothecaries, auctioneers, bankers, brokers, brickmakers, builders, carpenters, carriers, cattle or sheep salesmen, coach proprietors, dyers, fullers, keepers of inns, taverns, hotels, saloons or coffee houses, lime burners, livery stable keepers, market gardeners, millers, miners, packers, printers, quarrymen, sharebrokers, shipowners, shipwrights, stockbrokers, stock-jobbers, victuallers, warehousemen, wharfingers, persons using the trade of merchandise by way of bargaining, exchange, bartering, commission, consignment or otherwise, in gross or by retail, or by persons who, either for themselves, or as agents or factors for others, seek their living by buying and selling or buying and letting for hire goods or commodities, or by the workmanship or the conversion of goods or commodities, or trees. "Trading Co."

3. Unless otherwise expressed or indicated by the context the word "court" means in the Province of Ontario, the High Court of Justice; in the Province of Quebec, the Superior Court; in the Province of Nova Scotia, the Supreme Court; in the Province of New Brunswick, the Supreme Court; in the Province of Prince Edward Island, the Supreme Court; in the Province of British Columbia, the Supreme Court; in the Province of Manitoba, the Court of Queen's Bench; and in the North West Territories and the District of "Court."

Kewatin, such court or magistrate or other judicial authority as may be designated from time to time by proclamation of the Governor in Council, published in the *Canada Gazette*.

"Official Gazette."

4. "Official Gazette" means the *Canada Gazette* and the Gazette published under the authority of the Government of the Province, Territory or District where the proceedings for the winding up of the business of the company are being carried on, or used as the official means of communication between the Lieutenant-Governor and the people, and if no such Gazette is published, then it means any newspaper published in the Province, Territory or District, which may be designated by the Court for publishing the notices required by this Act. 5 10

"Company."

5. "Company" includes a Bank and Savings Bank.

"Province."

6. "Province" includes Territory and District. 15

"Contributory."

7. "Contributory" means a person liable to contribute to the assets of a company under this Act; it also includes in all proceedings prior to the final determination of the contributories, a person alleged to be a contributory.

Contributory dead or insolvent.

8. If a contributory dies or becomes bankrupt or insolvent under any statute in force in Canada respecting bankruptcy or insolvency before or after he has been placed on the list of contributories, his personal representatives, heirs, devisees or assignees, as the case may be, are the contributories in his stead and are liable to contribute to the assets of the company according to their respective legal liabilities in that behalf. 20 25

Powers of a Judge.

9. Any judge of the court may either in term time or vacation exercise in chambers all the powers conferred by this Act upon the court, and in the Province of Ontario such powers may also subject to an appeal to a judge be exercised by the Master Referee or other officer who under the practice or procedure of the court presides in chambers. 30

#### WHEN COMPANY DEEMED INSOLVENT.

When Company deemed insolvent.

10. A company is deemed insolvent—

- (a.) If it is unable to pay its debts as they become due;
- (b.) If it calls a meeting of its creditors for the purpose of compounding with them;
- (c.) If it exhibits a statement shewing its inability to meet its liabilities;
- (d.) If it has otherwise acknowledged its insolvency;
- (e.) If it assigns, removes or disposes of, or is about or attempts to assign, remove or dispose of, any of its property with intent to defraud, defeat, or delay its creditors, or any of them;



(f.) If, with such intent, it has procured its money, goods, chattels, lands or property to be seized, levied on or taken under or by any process or execution.

(g.) If it has made any general conveyance or assignment of its property for the benefit of its creditors, or if, being unable to meet its liabilities in full, it makes any sale or conveyance of the whole or the main part of its stock in trade or assets, without the consent of its creditors, or without satisfying their claims;

10 (h.) If it permits any execution issued against it under which any of its chattels, land or property are seized, levied upon or taken in execution, to remain unsatisfied till within four days of the time fixed by the Sheriff or officer for the sale thereof, or for fifteen days after such seizure.

15 11. A company is deemed to be unable to pay its debts as they become due—

(a.) Whenever a creditor by assignment or otherwise, to whom the Company is indebted in a sum exceeding *two hundred* dollars then due has served on the company, in the

When Company deemed unable to pay debts.

20 manner in which process may legally be served on it in the place where the service is made a demand in writing requiring the company to pay the sum so due, and the company has for the space of time hereinafter mentioned neglected to pay such sum, or to secure or compound for the same to the satisfaction of the creditor.

12. The space of time above referred to is as follows :— In the case of a Bank, ninety days ; in the case of an insurance company, sixty days ; in the case of a trading company, thirty days next succeeding the service of the demand.

Time to elapse after demand.

13. The winding up of the business of a company is deemed to commence at the time of the service of the notice of presentation of the petition for winding up.

When winding up commences.

#### PROCEEDINGS FOR WINDING UP ORDER.

35 14. When a company becomes insolvent a creditor for the sum of *two hundred* dollars may, after four days notice of the application to the company, apply by petition to the court in the Province where the head office of the company is situated, or if there be no head office in Canada then in the Province where its chief place or one of its chief places of business is situated, for an order that the business of the company be wound up. Such order is hereinafter called a "winding up order."

Application to court for winding up order.

45 15. The court may make the order applied for, may dismiss the petition with or without costs, may adjourn the hearing conditionally or unconditionally, or make any interim or other order that it deems just.

Power of court on the application.

If company  
opposes appli-  
cation.

Court may  
adjourn the  
proceedings  
and order  
enquiry.

Duty of com-  
pany and its  
officers if  
enquiry  
ordered.

Duty of the  
court after  
report on  
inquiry.

Actions  
against Co.  
may be  
restrained.

Company to  
cease busi-  
ness.

Transfers of  
shares void.

Corporate  
state conti-  
nues.

**16.** If the company opposes the application on the ground that it has not become insolvent within the meaning of this Act, or that its suspension or default was only temporary, and was not caused by any deficiency in its assets, and shows reasonable cause for believing that such opposition is well founded, the court, in its discretion, may from time to time adjourn the proceedings upon such application for a time not exceeding six months from the time at which the company is alleged to have become insolvent; and may order an accountant, or other person, to enquire into the affairs of the company, and to report thereon within a period not exceeding thirty days from the date of such order. 5

**17.** Upon the service of such order it is the duty of the company, and of the president, directors, managers and employees thereof, and of every other person having possession or knowledge of any asset book or record thereof, to exhibit to the accountant or other person so named as aforesaid, the books of account of the company, together with all inventories, papers and vouchers referring to the business of the company, or of any person therewith; and generally to give all such information as may be required by such accountant or other person as aforesaid, in order to form a just estimate of the affairs of the company; and any refusal on the part of the president, directors, managers, or employees of the company to give such information, is a contempt of the court, and is punishable by fine or imprisonment, or by both, at the discretion of the court. 15 20 25

**18.** Upon receiving the report of the person ordered to enquire into the affairs of the company, and after hearing such persons, being shareholders or creditors of the company as may desire to be heard thereon, the court must either refuse the application or make the winding up order without unnecessary delay. 30

**19.** The court may at any time after the presentation of a petition for a winding up order and before making the order, upon the application of the company, or of any creditor or contributory restrain further proceedings in any action, suit or proceeding against the company, upon such terms as the court thinks fit. 35

#### PROCEEDINGS AFTER WINDING UP ORDER.

**20.** The company, from the making of the winding up order must cease to carry on its business, except in so far as may in the opinion of the liquidator be required for the beneficial winding up thereof. Any transfers of shares, except transfers made to or with the sanction of the liquidators, or any alteration in the status of the members of the company, after the commencement of such winding up, are void, but the corporate state and all the corporate powers of the company, notwithstanding it may be otherwise provided by the Act, charter, or instrument of incorporation, continue until the affairs of the company are wound up. 40 45 50

- 21.** When the winding up order is made, no suit, action or other proceeding shall be proceeded with or commenced against the company except with leave of the court and subject to such terms, as the court may impose. After winding up order, actions against Co. stayed.
- 22.** Any attachment, sequestration, distress, or execution put in force against the estate or effects of the company after the making of the winding up order is void. Executions, etc., against Co. void.
- 23.** The court may, at any time after the winding up order is made, upon the application of any creditor or contributory, and upon proof to the satisfaction of the court, that all proceedings in relation to the winding up ought to be stayed, make an order staying the same either altogether or for a limited time on such terms and subject to such conditions as it deems fit. Court may stay winding up proceedings.
- 24.** The court may, as to all matters relating to the winding up, have regard to the wishes of the creditors or contributories, as proved to it by any sufficient evidence, and may, if it thinks it expedient, direct meetings of the creditors or contributories to be summoned, held, and conducted in such manner as the court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the court; in the case of creditors, regard is to be had to the value of the debts due to each creditor, and in the case of contributories to the number of votes conferred on each contributory by the regulations of the company. Wishes of creditors, &c., how ascertained.

## LIQUIDATORS.

- 25.** The winding up order must appoint a liquidator or more than one liquidator of the estate and effects of the company. Liquidator to be appointed.
- 26.** An incorporated company may be appointed liquidator to the goods and effects of a company under this Act, and in case an incorporated company is so appointed, it may act through one or more of its principal officers to be appointed by the court. An incorporated company may be appointed liquidator.
- 27.** The court may, if it thinks fit after the appointment of one or more liquidators, appoint additional liquidators. Additional liquidators.
- 28.** If more than one liquidator be appointed, the court may declare whether any act to be done by a liquidator, is done by all or any one or more of the liquidators. Quorum.
- 29.** The court may also determine whether any and what security is to be given by a liquidator on his appointment. Security.
- 30.** If at any time there be no liquidator, all the property of the company shall be deemed to be in the custody of the court. If no liquidator.

- Provisional liquidator.** **31.** The court may, at any time after the presentation of the petition, and before the first appointment of a liquidator appoint provisionally a liquidator of the estate and effects of the company.
- Resignation or removal of liquidator.** **32.** A liquidator may resign or be removed by the court on due cause shewn. A vacancy in the office of liquidator is filled by order of the court. 5
- Remuneration of liquidator.** **33.** A liquidator is to be paid such salary or remuneration by way of percentage or otherwise as the court directs. If there be more than one liquidator the remuneration is to be distributed amongst them in such proportions as the court directs. 10
- Description of liquidator.** **34.** In all proceedings connected with the company a liquidator is to be described as the "liquidator of the (name of company)," and not by his individual name only. 15
- Duties of liquidator after appointment.** **35.** The liquidator upon appointment must take into his custody or under his control, all the property, effects and things in action to which the company is entitled—he must perform such duties in reference to winding up the business of the company as are imposed by the court or by this Act. 20
- Powers of liquidators.** **36.** The liquidator has power with the sanction of the court :—
- do (a). To bring or defend any action, suit or prosecution or other legal proceeding civil or criminal, in the name or on behalf of the company ; 25
- do (b). To carry on the business of the company as far as may be necessary to the beneficial winding up of the same ;
- do (c). To sell the real and personal and heritable and moveable property, effects and things in action of the company, by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels ; 30
- do (d). To do all acts and to execute in the name and on behalf of the company all deeds, receipts and other documents, and for that purpose to use, when necessary, the company's seal ; 35
- do (e). To prove, rank, claim, and draw dividends in the matter of the bankruptcy, insolvency or sequestration of any contributory, for any balance against the estate of such contributory, and to take and receive dividends in respect of such balance in the matter of bankruptcy or sequestration as a separate debt due from such bankrupt or insolvent and rateably with the other separate creditors. 40
- do (f). To draw, accept, make and endorse any bill of exchange or promissory note in the name and on the behalf 45

of the company ; also to raise upon the security of the assets of the company, from time to time, any requisite sum or sums of money ; and the drawing, accepting, making or endorsing of every such bill of exchange or promissory note as aforesaid on behalf of the company has the same effect with respect to the liability of such company as if such bill or note had been drawn, accepted, made or endorsed by or on behalf of such company in the course of carrying on the business ;

- 10 (g). To take out if necessary in his official name letters of administration to any deceased contributory, and to do in his official name any other act that may be necessary for obtaining payment of any money due from a contributory or from his estate, and which act cannot be conveniently done in the name of the company. and in all cases where he takes out letters of administration or otherwise uses his official name for obtaining payment of any moneys due from a contributory, such money for the purpose of enabling him to take out such letters or recover such money is deemed to be due to the liquidator himself ;

Powers of liquidators.

(h). To do and execute all such other things as may be necessary for winding up the affairs of the company and distributing its assets.

do

- 25 37. The Court may provide by any order that the liquidator may exercise any of the above powers without the sanction or intervention of the court, and when a liquidator is provisionally appointed may limit and restrict his powers by the order appointing him.

When powers may be exercised without sanction of Court.

( 38. The liquidator may, with the sanction of the court, appoint a solicitor or law agent to assist him in the performance of his duties.

When solicitor may be appointed.

39. The liquidator may, with the sanction of the court, compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, whether present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the company and any contributory or other debtor or person apprehending liability to the company, and all questions in any way relating to or affecting the assets of the company or the winding up of the company, upon the receipt of such sums, payable at such times, and generally upon such terms, as may be agreed upon ; with power for the liquidator to take any security for the discharge of such debts or liabilities, and to give a complete discharge in respect of all or any such calls, debts or liabilities.

Debts, &c. due to the Company may be compromised.

40. Upon the appointment of the liquidator, all the powers of the directors cease, except in so far as the court or the liquidators, may sanction the continuance of such powers.

Powers of directors cease.

- 50 41 The liquidator must deposit at interest in some chartered bank to be indicated by the court, all sums of

Monies to be deposited in bank.

money which he may have in his hands belonging to the company, whenever such sums amount to one hundred dollars ;

A separate account.

42. Such deposit must not be made in the name of the liquidator generally, on pain of dismissal ; but a separate account must be kept for the company of the moneys belonging to the Company in the name of the liquidator as such. 5

Bank book to be produced at meetings.

43. At every meeting of the contributories the liquidator must produce a bank pass book, showing the amount of the deposits made for the company, the dates at which such deposits were made, the amount withdrawn and dates of such withdrawal ; of which production mention must be made in the minutes of such meeting, the absence of such mention is *prima facie* evidence that such pass book was not produced at the meeting. 10 15

And on order of court.

44. The liquidator must also produce such pass book whenever so ordered by the Court, and on his refusal to do so, he may be treated as being in contempt of court.

Liquidator subject to summary jurisdiction of court.

45. The liquidator is subject to the summary jurisdiction of the Court in the same manner and to the same extent as the ordinary officers of the Court are subject to its jurisdiction ; and the performance of his duties may be compelled, and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, lien or right of property upon, in, or to any effects or property in the hands, possession or custody of a liquidator, may be obtained by an order of the Court on summary petition, and not by any suit, attachment, seizure, or other proceeding of any kind whatever ; and obedience by the liquidator to such order may be enforced by such Court under the penalty of imprisonment, as for contempt of court or disobedience thereto ; and he may be removed in the discretion of the Court. 20 25 30

Remedies against estate obtained by summary order and not by suit, &c.

Balance on hand by liquidator after final winding up to be deposited.

46. The liquidator must, within thirty days after the date of the final winding up of the business of the company, deposit in the bank appointed or named as hereinbefore provided for, any other money belonging to the estate then in his hands not required for any other purpose authorized by this Act, with a sworn statement and account of such money, and that the same is all he has in his hands ; he is subject to a penalty not exceeding ten dollars for every day on which he neglects or delays such payment ; he is a debtor to Her Majesty for such money, and may be compelled as such to account for and pay over the same. 35 40

Penalty for neglect.

If not claimed to be paid to Receiver General.

47. The money so deposited must be left for three years in the bank, and must be then paid over with the interest to the Receiver General of Canada, and if afterwards claimed is to be paid over to the person entitled thereto. 45

## CONTRIBUTORIES.

**48.** As soon as may be after the commencement of the winding up of a company, the court must settle a list of contributories.

List of contributories.

**49.** The list of contributories is to distinguish between persons who are contributories in their own right, and persons who are contributories as being representatives of or being liable for the debts of others ; it is not necessary, where the personal representative of any deceased contributory is placed on the list, to add the heirs or devisees of such contributory, nevertheless such heirs or devisees may be added as and when the court thinks fit.

List of contributories distinguishes between those in their own right and those in a representative capacity.

**50.** Every shareholder or member of the company or his representative is liable to contribute the amount unpaid on his shares of the capital, or on his liability to the company or to its members or creditors, as the case may be, under the Act, charter or instrument of incorporation of the company ; and the amount which he is liable to contribute is deemed assets of the company, and is a debt due to the company payable as may be directed or appointed under this Act.

Liability of shareholders.

**51.** Where a shareholder has transferred his shares under circumstances which do not by law free him from liability in respect thereof, or where he is by law liable to the company or its members or creditors, as the case may be, to an amount beyond the amount unpaid on his shares, he is deemed a member of the company for the purposes of this Act, and is liable to contribute as aforesaid to the extent of his liabilities to the company or its members or creditors independently of this Act, and the amount which he is so liable to contribute is deemed assets and a debt as aforesaid.

Liability after transfer of shares.

**52** The liability of any person to contribute to the assets of a company under this Act, in the event of the business of same being wound up, creates a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls are made as hereinafter mentioned for enforcing such liability ; in the case of bankruptcy or insolvency of any contributory, the estimated value of his liability to future calls, as well as calls already made, may be proved against his estate. Provided, however, that no call is to compel payment of a debt before the maturity thereof.

Nature of the liability of a contributory.

**53.** The court may, at any time after making a winding up order, require any contributory for the time being settled on the list of contributories as trustee, receiver, banker or agent or officer of the company, to pay, deliver, convey, surrender, or transfer forthwith, or within such time as the court directs, to or into the hands of the liquidator, any sum or balance, books, papers, estate or effects which happen to be in his hands for the time being, and to which the company is *primâ facie* entitled.

Trustee &c. of Company may be ordered to pay over balance and deliver up books, &c.

Court may order debtors of Company to pay.

And may allow set off.

**54.** The court may, at any time after making a winding-up order, make an order on any contributory for the time being settled on the list of contributories, directing payment to be made, in manner in the said order mentioned, of any moneys due from him, or from the estate of the person whom he represents to the company exclusive of any moneys which he or the estate of the person whom he represents may be liable to contribute by virtue of any call made or to be made in pursuance of this Act ; and it may, in making such order, when the company is not limited, allow to such contributory by way of set-off any moneys due to him or the estate which he represents from the company on any independent dealing or contract with the company, but not any moneys due to him as a member of the company in respect of any dividend or profit :

Provided that when all the creditors of a company are paid in full, any moneys due on any account whatever to any contributory from the company may be allowed to him by way of set-off against any subsequent call or calls.

When calls may be made on contributories.

Contributory may be ordered to pay into Court.

Distribution of surplus.

Proceedings to administer estate of deceased contributories.

Order on contributory conclusive evidence of his liability.

**55.** The court may, at any time after making a winding-up order, and either before or after it has ascertained the sufficiency of the assets of the company, make calls on and order payment thereof by all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability, for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the company, and the costs, charges, and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves, and it may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same. Provided, however, that no call is to compel payment of a debt before the maturity thereof.

**56.** The court may order any contributory, purchaser, or other person from whom money is due to the company to pay the same into some chartered Bank, to the account of the court instead of to the liquidator, and such order may be enforced in the same manner as if it had directed payment to the liquidator.

**57.** The court is to adjust the rights of the contributories among themselves, and distribute any surplus that may remain among the parties entitled thereto.

**58.** If any person made a contributory as personal representative of a deceased contributory makes default in paying any sum ordered to be paid him, proceedings may be taken for administering the personal and real estates of such deceased contributory, or either of such estates, and of compelling payment thereout of the moneys due.

**59.** Any order made by the court in pursuance of this Act upon any contributory is, subject to the provisions herein contained for appealing against such order, conclusive



- evidence that the moneys, if any, thereby appearing to be due or ordered to be paid are due, and all other pertinent matters stated in such order, are to be taken to be truly stated as against all persons, and in all proceedings whatsoever, with the exception of proceedings taken against the real estate of any deceased contributory, in which case such order is only *prima facie* evidence for the purpose of charging his real estate, unless his heirs or devisees were on the list of contributories at the time of the order being made.
- 10 **60.** The court may, at any time before or after it has made a winding up order, upon proof being given that there is probable cause for believing that any contributory is about to quit Canada, or otherwise abscond, or to remove or conceal any of his goods or chattels, for the purpose of evading  
15 payment of calls, or for avoiding examination in respect of the affairs of the company, cause such contributory to be arrested, and his books, papers, moneys, securities for moneys, goods and chattels, to be seized, and him and them to be safely kept until such time as the court may order.
- 20 **61.** Where the business of a company is being wound up, under this Act, all books, accounts, and documents of the company and of the liquidators shall, as between the contributories of the company, be *prima facie* evidence of the truth of all matters purporting to be therein recorded.
- 25 **62.** Where a winding up order has been made, the court may make such order for the inspection by the creditors and contributories of the company of its books and papers as the court thinks just, and any books and papers in the possession of the company may be inspected by creditors or contributories,  
30 in conformity with the order of the court but not further or otherwise
- 63.** No contributory can vote at any meeting unless present personally or represented by some person having a written authority (to be filed with the liquidator) to act on  
35 his behalf at the meeting or generally.

Contributory about to abscond, etc., may be arrested.

Books, &c., of the Co. are *prima facie* evidence as between contributories.

Court may allow inspection by creditor &c. of Company's books, &c.

Contributory to vote personally or by written proxy.

#### CREDITORS' CLAIMS.

- 64.** When the business of a company is being wound up under this Act, all debts payable on a contingency, and all claims against the company, present or future, certain or contingent, ascertained or sounding only in damages, are  
40 admissible to proof against the company, a just estimate being made, as far as is possible, of the value of all such debts or claims as may be subject to any contingency or sound only in damages, or for some other reason do not bear a certain value.
- 45 **65.** The property of the company must be applied in satisfaction of its liabilities; and the charges incurred in winding up its affairs, and unless it is otherwise provided by the Act, charter, or instrument of incorporation, any

What debts may be proved against the Company.

Distribution of property of Company.

balance remaining must be distributed amongst the members according to their rights and interests in the company.

Creditors to send in claims.

**66.** The court may fix a certain day or certain days on or within which creditors of the company and others having claims thereon are to send in their claims. 5

After expiration of time for sending in claims assets may be distributed.

**67.** Where the liquidator has given such notices of the said day as may be ordered by the court the liquidator shall, at the expiration of the time named in the said notices, or the last of the said notices, for sending in such claims, be at liberty to distribute the assets of the company, or any part 10 thereof, amongst the parties entitled thereto, having regard to the claims of which the liquidator has then notice; and the liquidator is not liable for the assets or any part thereof so distributed to any person of whose claim the liquidator had not notice at the time of distributing the 15 said assets or a part thereof, as the case may be.

Creditors may be compromised with.

**68.** The liquidators may, with the sanction of the court, make such compromise or other arrangement as the liquidators may deem expedient with creditors or persons claiming to be creditors, or persons having or alleging themselves to 20 have any claim, present or future, certain or contingent, ascertained or sounding only in damages against the company, or whereby the company may be rendered liable.

Duty of creditor holding security.

**69.** If a creditor holds security upon the estate of the Company, he must specify the nature and amount of such 25 security in his claim, and must therein on his oath put a specified value thereon; and the liquidator, under the authority of the court, may either consent to the retention of the property or effects constituting such security or on which it attaches by the creditor, at such specified value, or he may 30 require from such creditor an assignment and delivery of such security, property or effects, at such specified value, to be paid by him out of the estate so soon as he has realized such security, together with interest on such value from the date of filing the claim till payment; and in such case 35 difference between the value at which the security is retained and the amount of the claim of such creditor, is to be the amount for which he may rank as aforesaid; and if a creditor holds a claim based upon negotiable instruments upon which the company is only indirectly or secondarily 40 liable; and which is not mature or exigible, such creditor is considered to hold security within the meaning of this section, and must put a value on the liability of the party primarily liable thereon as being his security for the payment thereof; but after the maturity of such liability and its non- 45 payment he is entitled to amend and revalue his claim.

If security a mortgage on real estate or ship.

**70.** But if the security consists of a mortgage upon real estate, or upon ships or shipping, the property mortgaged can only be assigned and delivered to the creditor, subject to all previous mortgages, hypothecs and liens thereon, 50 holding rank and priority before his claim, and upon his assuming and binding himself to pay all such previous

mortgages, hypothecs and liens, and upon his securing such previous charges upon the property mortgaged, in the same manner and to the same extent as the same were previously secured thereon; and thereafter the holders of such previous  
 5 mortgages, hypothecs and liens, have no further recourse or claim upon the estate of the company; and if there be mortgages, hypothecs or liens thereon, subsequent to those of such creditor, he can only obtain the property by consent of the subsequently secured creditors; or upon their filing  
 10 their claims specifying their security thereon as of no value, or upon his paying them the value by them placed thereon; or upon his giving security to the liquidator that the estate of the company shall not be troubled by reason thereof.

**71.** Upon a secured claim being filed, with a valuation  
 15 of the security, it is the duty of the liquidator to procure the authority of the court to consent to the retention of the security by the creditor, or to require from him an assignment and delivery thereof.

In the case of a secured claim.

**72.** In the preparation of the dividend sheet due regard  
 20 must be had to the rank and privilege of every creditor, but no dividend can be allotted or paid to any creditor holding security upon the estate of the company for his claim, until the amount for which he can rank as a creditor upon the estate as to dividends therefrom, be established as herein  
 25 provided.

Rank, &c., on dividend sheet.

**73.** No lien or privilege upon either the personal or real estate of the company is created for the amount of any judgment debt, or of the interest thereon, by the issue or delivery to the sheriff of any writ of execution, or by levying upon  
 30 or seizing under such writ the effects or estate of the company, if before the payment over to the plaintiff of the moneys actually levied under such writ, winding up of the business of the company has commenced. But this provision does not affect any lien or privilege for costs which the  
 35 plaintiff possesses under the law of the Province in which such writ may have been issued.

No lien by judgment and execution.

**74.** Any creditor or contributory may object to any claim filed with the liquidator or to any dividend declared. If a claim or a dividend be objected to, the objections must be  
 40 filed in writing with the liquidator, together with evidence of the previous service of a copy thereof on the claimant. The claimant has six days to answer the objections or such further time as the court may allow. The contestant has three days to reply or such further time as the court may  
 45 allow. Upon the completion of the issues upon the objections the liquidator must transmit to the court all necessary papers relating to the contestation. The court must then on the application of either party fix a day for taking evidence upon the contestation and hearing and determining  
 50 the same. The court may make such order as may seem proper as to the payment of the costs of the contestation by either party or out of the estate of the Company. If, after a claim or dividend has been duly objected to, the claimant

Claim or dividend may be objected to.

Proceedings upon objection.

does not answer the objections, the court may on the application of the contestant make an order barring the claim or correcting the dividend, or may make such other order in reference thereto as may appear right.

## FRAUDULENT PREFERENCES.

- 75.** All gratuitous contracts or conveyances or contracts 5  
without consideration or with a merely nominal consideration respecting either real or personal estate made by a company with respect to whose business a winding up order under this Act is afterwards made, with or to any person whatsoever, whether such person be its creditor or not, within 10  
three months next preceding the commencement of the winding up or at any time afterwards; and all contracts by which creditors are injured, obstructed or delayed made by a company unable to meet its engagements and with respect to whose business a winding up order under this 15  
Act is afterwards made, with a person knowing such inability or having probable cause for believing such inability to exist or after such inability is public and notorious whether such person be its creditors or not,—are presumed to be made within intent to defraud its creditors. 20
- 76.** A contract or conveyance for consideration, respecting either real or personal estate, by which creditors are injured or obstructed, made by a company unable to meet its engagements with a person ignorant of such inability, whether such person be its creditor or not, and before such inability 25  
has become public and notorious, but within thirty days next before the commencement of the winding up of such company, under this Act, or at any time afterwards, is voidable, and may be set aside by any court of competent jurisdiction, upon such terms as to the protection of such 30  
person from actual loss or liability by reason of such contract, as the court may order.
- 77.** All contracts, or conveyances made and acts done by a company respecting either real or personal estate, with intent fraudulently to impede, obstruct or delay its creditors 35  
in their remedies against it, or with intent to defraud its creditors, or any of them, and so made, done and intended with the knowledge of the person contracting or acting with the company, whether such person be its creditor or not, and which have the effect of impeding, obstructing, or 40  
delaying the creditors of their remedies, or of injuring them or any of them, are prohibited and are null and void.
- 78.** If any sale, deposit, pledge or transfer be made of any property real or personal by a company in contemplation of insolvency under this Act, by way of security for 45  
payment to any creditor; or if any property real or personal, movable or immovable, goods, effects, or valuable security, be given by way of payment by such company to any creditor whereby such creditor obtains or will obtain an unjust preference over the other creditors, such sale, deposit, pledge, 50  
transfer or payment is null and void, and the subject thereof
- Gratuitous contracts, &c., when void.
- Contracts obstructing creditors.
- The same.
- The same.
- Securities for payment when void.

may be recovered back for the benefit of the estate by the liquidator, in any court of competent jurisdiction; and if the same be made within thirty days next before the commencement of the winding up under this Act, or at any time afterwards, it is presumed to have been so made in contemplation of insolvency.

79. Every payment made within thirty days next before the commencement of the winding up under this Act by a company unable to meet its engagements in full, to a person knowing such inability, or having probable cause for believing the same to exist, is void, and the amount paid may be recovered back by the liquidator by suit in any court of competent jurisdiction; Provided always, that if any valuable security be given up in consideration of such payment, such security or the value thereof, must be restored to the creditor upon the return of such payment. Payment when void.

80. When a debt due or owing by the company, has been transferred within the time and under the circumstances in the next preceding section mentioned, or at any time afterwards to a contributory who knows or has probable cause for believing the company to be unable to meet its engagements or in contemplation of its insolvency under this Act, for the purpose of enabling such contributory to set up by way of compensation or set off the debt so transferred, such debt cannot be set up by way of compensation or set off against the claim upon such contributory. do

#### APPEAL.

81. Whereas until the practical working of this act has been developed by experience it is inexpedient to make permanent provision as to the cases in which an appeal should be allowed; and whereas the Judges of the court to be appealed to, should in the meantime be allowed to exercise their discretion in granting or refusing leave to appeal, reliance being placed upon the exercise by such Judges of a wise discretion so as to prevent needless expense and to prevent an appeal:—*unless* in the question to be decided on the appeal future rights are involved or the decision is likely to affect other cases of a similar nature in the winding up proceedings or:—*unless* when the appeal is to be had in Ontario, to the Court of Appeal—in Quebec, to the Court of Queen's Bench—in the other provinces to the Supreme Court of Canada the amount involved in the appeal exceeds dollars or:—*unless* when the appeal is to be had to the Supreme Court of Canada from the Court of Appeal in Ontario or the Court of Queen's Bench in Quebec the amount involved in the appeal exceeds dollars. Therefore a person dissatisfied with an order or decision of the court in any proceeding under this Act may by leave of a Judge of the court to be appealed to, appeal therefrom as follows:— Appeal.

In Ontario, to the Court of Appeal;  
 50 In Quebec, to the Court of Queen's Bench;  
 In the other provinces, to the Supreme Court of Canada.

In Ontario and Quebec, a further appeal with like leave may be had from the Court of Appeal or Court of Queen's Bench, as the case may be, to the Supreme Court of Canada.

Practice. **82.** All appeals are to be regulated according to the practice in other cases of the Court appealed to. 5

Security on appeal. Provided always, that no such appeal can be entertained unless the appellant has, within days from the rendering of the order or decision, or such further time as the court appealed from may allow, taken proceedings on the appeal, nor unless within the said time he has made a deposit or given 10 sufficient security according to the practice of the Court appealed to, that he will duly prosecute the said appeal and pay such damages and costs as may be awarded to the respondent.

If not proceeded with appeal may be dismissed. **83.** If the party appellant does not proceed with his appeal, according to the law or the rules of practice, as the 15 case may be, the Court, on the application of the respondent, may dismiss the appeal, and condemn the appellant to pay the respondent the costs by him incurred.

#### MISCELLANEOUS.

Witnesses attendance, how secured. **84.** In any proceeding or contestation under this Act, the court may order a writ of *subpœna ad testificandum* or of *sub- 20 pœna duces tecum* to issue, commanding the attendance as a witness of any person within the limits of Canada.

Persons having information, &c., may be examined. **85.** The court may, after it has made a winding up order, summon before it or before any person to be named by it any officer of the company or person known or suspected to have 25 in his possession any of the estate or effects of the company, or supposed to be indebted to the company, or any person whom the court may deem capable of giving information concerning the trade, dealings, estate, or effects of the company; and the court may require any such officer or person 30 to produce any books, papers, deeds, writings, or other documents in his custody or power relating to the company; and if any person so summoned, after being tendered a reasonable sum for his expenses, refuses without lawful excuse to attend at the time appointed, the court may cause such 35 person to be apprehended, and brought up for examination; nevertheless, in cases where any person claims any lien on papers, deeds, or writings, or documents produced by him, such production shall be without prejudice to such lien. The court has jurisdiction in the winding up to determine 40 all questions relating to such lien.

Upon oath. **86.** The court or the person so named may examine upon oath, either by word of mouth or upon written interrogatories, any person appearing or brought up in manner aforesaid concerning the affairs, dealings, estate, or effects of the 45 company, and may reduce into writing the answers of any such person, and require him to subscribe the same. If such person without lawful excuse refuses to answer the questions

put to him, he is liable to be punished as for contempt of court.

87. Where, in the course of the winding up of the business of a company under this Act, it appears that any past or present director, manager, liquidator, or any officer of such company, has misapplied or retained in his own hands or become liable or accountable for any moneys of the company, or been guilty of any misfeasance or breach of trust in relation to the company, the court may, on the application of any liquidator, or of any creditor or contributory of the company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such director, manager, or other officer, and compel him to repay any moneys so misapplied or retained, or for which he has become liable or accountable, together with interest after such rate as the court thinks just, or to contribute such sums of money to the assets of the company by way of compensation in respect of such misapplication, retainer, misfeasance, or breach of trust, as the court thinks fit.

Officer of Company misapplying money may be directed to repay &c.

88. If any director, officer or contributory of any company, the business of which is wound up under this Act, destroys, mutilates, alters or falsifies any books, papers, writings or securities, or makes or is privy to the making of any false or fraudulent entry in any register book of account or other document belonging to the company, with intent to defraud or deceive any person, every person so offending shall be deemed to be guilty of a misdemeanor, and upon being convicted shall be liable to imprisonment for any term not exceeding two years, with or without hard labour.

Officer of Company, destroying &c. books &c. of Company guilty of misdemeanour.

89. The various Courts of the Provinces, and the Judges of the said Courts respectively, shall be auxiliary to one another for the purposes of this Act: the winding up of the business of the company or any matter or proceeding relating thereto may be transferred from one Court to another with the concurrence, or by the order or orders, of the two Courts, or by an order of the Supreme Court of Canada.

Various provincial courts to be auxiliary to one another.

90. Where any order made by one Court is required to be enforced by another Court, an office copy of the order so made certified by the clerk or other proper officer of the Court which made the same, and under the seal of such Court, must be produced to the proper officer of the Court required to enforce the same, the production of such copy is sufficient evidence of such order having been made; and thereupon such last mentioned Court is to take such steps in the matter as may be requisite for enforcing such order in the same manner as if it were the order of the Court enforcing the same.

Order of one court may be enforced by another.

91. The rules of procedure for the time being as to amendments of pleadings and proceedings in the Court, apply as far as practicable to all pleadings and proceedings under this Act; and any Court before whom such proceedings are being carried on has full power and authority to apply the

Rules of procedure as to amendments to apply.

appropriate rules as to amendments of the proceedings. No pleading or proceeding is void by reason of any irregularity or default which can or may be amended or disregarded under the rules and practice of the Court.

- 92.** Any affidavit, affirmation, or declaration required to be sworn or made under the provisions or for the purposes of this Act, may be sworn or made in Canada before a liquidator, judge, notary public, commissioner, for taking affidavits, or justice of the peace; and out of Canada, before any judge of a Court of Record, any commissioner for taking affidavits to be used in any court in Canada, any notary public, the chief municipal officer for any town or city, any British consul or vice-consul, or any person authorized by or under any statute of the Dominion or of any Province to take affidavits. 5 10 15
- 93.** All courts, judges, justices, commissioners and persons acting judicially, are to take judicial notice of the seal, or stamp or signature (as the case may be) of any such court, judge, notary public, commissioner, justice, chief municipal officer, consul, vice-consul, liquidator or other person, attached, appended or subscribed to any such affidavit, affirmation or declaration, or to any other document to be used for the purposes of this Act. 20
- 94.** All dividends deposited in a bank and remaining unclaimed at the time of the final winding up of the business of the company, are to be left for three years in the bank where they are deposited, and if still unclaimed, are then to be paid over by such bank, with interest accrued thereon, to the Receiver General of Canada, and, if afterwards duly claimed, are to be paid over to the persons entitled thereto. 25 30
- 95.** Any powers by this Act conferred on the court are in addition to, and not in restriction of, any other powers subsisting either at law or in equity, of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the company for the recovery of any call or other sums due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly. 35
- 96.** All costs, charges and expenses properly incurred in the winding up of a company, including the remuneration of the liquidator, are payable out of the assets of the company in priority to all other claims. 40
- 97.** The court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the estate of the company of the costs, charges and expenses incurred in winding up any company in such order of priority as the court thinks just. 45
- 98.** Where a winding up order is made, if it appear in the course of such winding up that any past or present director, manager, officer or member of such company has been guilty of 50

Before whom affidavits may be made.

Judicial notice of seal, &c.

Unclaimed dividends to be paid over to Receiver General.

Powers conferred on Court by this Act are in addition to any other powers of the Court.

Costs payable out of estate.

Payment of cost in cases of deficiency of assets.

Court may direct criminal proceed-



any offence in relation to the company for which he is criminally responsible, the court may, on the application of any person interested in such winding up, or of its own motion, direct the liquidator to institute and conduct a prosecution or prosecutions for such offence, and may order the costs and expenses to be paid out of the assets of the company.

ings against  
certain offi-  
cers of the  
Company.

**99.** If any person, upon any examination upon oath or affirmation authorised under this Act, or in any affidavit, deposition or solemn affirmation in or about the winding up of the business of a company under this Act, or otherwise in or about any matter arising under this Act, wilfully and corruptly gives false evidence, he is, upon conviction, liable to the penalties of wilful perjury.

Persons  
giving false  
evidence  
liable as for  
perjury.

**100.** In Ontario, the Judges of the Court of Appeal, in Quebec, the Judges of the Court of Queen's Bench and in the other provinces the Judges of the Court from time to time may make, and frame, and settle the forms, rules and regulations to be followed and observed in proceedings under this Act, and may make rules as to the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to attorneys, solicitors or counsel, and by or to officers of courts, whether for the officers or for the Crown, and by or to sheriffs, or other persons whom it may be necessary to provide for, or for any service performed or work done under this Act.

Judges may  
make rules.

**101.** Until such forms, rules and regulations are made the various procedures in cases under this Act, unless otherwise specially provided, is, as nearly as may be, to be the same as the procedure of the Court in other cases.

Till rules  
made present  
procedure to  
apply.

THE PROVISIONS OF SECTIONS 101 TO 102 INCLUSIVE APPLY  
TO BANKS ONLY

**102.** It is the duty of the liquidator to ascertain as nearly as may be the amount of notes of the bank intended for circulation and actually outstanding, and to reserve until the expiration of at least two years after the date of the winding up order, or until the last dividend, in case that is not made till after the expiration of the said time, dividends on such part of the said amount in respect of which claims may not be filed; and if claims have not been filed and dividends applied for in respect of any part of the said amount before the period herein limited the dividends so reserved are to form the last or part of the last dividend.

Reservation  
of dividends  
on outstand-  
ing notes.

**103.** Publication in the *Canada Gazette* and in one newspaper issued at or nearest the place where the head office of a bank is situate, of notice of any proceeding of which under this Act creditors should be notified, is sufficient notice to holders of notes of the bank intended for circulation.

What is  
sufficient  
notice to hold-  
ers of notes.

THE PROVISIONS OF SECTIONS 102 TO 108 INCLUSIVE, APPLY  
TO INSURANCE COMPANY ONLY.

What is  
sufficient  
notice to cer-  
tain policy-  
holders.

**104.** Publication in the *Canada Gazette* and in two newspapers issued at or nearest the place where the head office of an insurance company is situate of notice of any proceeding of which under this Act creditors should be notified, is sufficient notice to holders of policies or contracts of insurance in respect of which no notice of loss has been received. 5

Rights of  
holders of  
which no loss  
has accrued.

**105.** Holders of policies or contracts of insurance on which no loss has accrued at the time the winding up order is made, are entitled to claim as creditors for a part of the premium paid, proportionate to the period of their policies or contracts respectively unexpired at the date of the winding up order. 10

Proviso.

Provided always that whenever the Company or the holder of the policy or contract of insurance exercises any right which it or he may have to cancel the policy or contract, the holder is entitled to claim as a creditor for the sum which under the terms of the policy or contract is due to him upon such cancellation. 15

As to deposits  
in hands of  
Receiver  
General.

**106.** Notwithstanding the provisions of the statutes in that behalf respecting insurance, any deposit held by the Receiver General for policy holders must be applied and distributed under this Act, among the persons entitled to claim thereon under the said statutes respecting insurance. 20

Statement of  
creditors to  
be prepared  
by the liquid-  
ator and cer-  
tain claims  
collocated  
without proof.

**107.** The liquidator must, without the filing of any claim, notice or evidence, or the taking of any action by any such person as is in the or section hereof referred to, make a statement of all the persons appearing by the books and records of the officers of the company, to be creditors or claimants under either or both of the said sections, and of the amounts due to each such person thereunder; every such person must be collocated and ranked as and be entitled to the rights of a creditor or claimant for such amount, without filing any claim, notice or evidence, or taking any action: Provided always, that any such collocation may be contested by any person interested, and that any person not collocated or dissatisfied with the amount for which he is collocated, may file his own claim. 25 30 35

Proviso: for  
contestation.

Re-insurance  
may be  
arranged for,  
under resolu-  
tion of  
creditors.

**108.** The liquidator may, with the sanction of the court, arrange with any incorporated insurance company certified by the Superintendent of Insurance to be in good standing, for the re-insurance by such company of the outstanding risks of the insolvent company, and for the assumption of the whole or any part of the other liabilities of the insolvent company; and in case of such arrangement the liquidator may pay or transfer to such company such of the assets of the insolvent company as may be agreed on as the consideration for such assumption, and in such case the arrangement for reinsurance shall be in lieu of the claim for unearned premium: 40 45

**109.** If the Company be licensed under the Acts respecting Insurance, it is to be the duty of the liquidator to report to the Superintendent of Insurance once in every six months, or oftener as the Superintendent may require, on the condition of the affairs of the Company, with such further particulars as the Superintendent may require.

Report to  
Superin-  
tendent of  
Insurance.

---

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

---

A

BILL.

An Act respecting Insolvent Banks,  
Insurance Companies and Trading  
Corporations.

---

Received and read first time, Friday, 10th  
February, 1882.

Second reading, Monday, 20th February,  
1882.

---

Honourable  
Sir ALEXANDER CAMPBELL.

---

OTTAWA:  
Printed by MACLEAN, ROGER & Co.

1882

---

---

## BILL.

An Act respecting Insolvent Banks, Insurance Companies, and Trading Corporations.

*(Reprinted as amended by the Select Committee.)*

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

### APPLICATION OF ACT.

1. This Act applies to incorporated Banks (including 5 Savings Banks), incorporated Insurance Companies, and incorporated trading companies.

(a). This Act does not apply to railway or telegraph companies.

(b) The provisions of sections to inclusive 10 of this Act are in the case of a bank (not including a savings bank) subject to the provisions, changes and modifications contained in sections to inclusive.

(c) The provisions of sections to inclusive 15 of this Act are in the case of an Insurance Company subject to the provisions, changes and modifications contained in sections to inclusive.

### INTERPRETATION.

3. An insurance company within the meaning of this Act is a company carrying on the business of insurance whether life, fire, marine, (ocean or inland waters) accident, 20 guarantee or otherwise.

(a) A trading company within the meaning of this Act is a company (except railway and telegraph companies,) carrying on business similar to that carried on by apothecaries, auctioneers, bankers, brokers, brickmakers, builders, carpenters, carriers, cattle or sheep salesmen, coach proprietors, 25 dyers, fullers, keepers of inns, taverns, hotels, saloons or coffee houses, lime burners, livery stable keepers, market gardeners, millers, miners, packers, printers, quarrymen, sharebrokers, shipowners, shipwrights, stockbrokers, stock-jobbers, victuallers, warehousemen, wharfingers, persons using the trade 30 of merchandise by way of bargaining, exchange, bartering,

commission, consignment or otherwise, in gross or by retail, or by persons who, either for themselves, or as agents or factors for others, seek their living by buying and selling or buying and letting for hire goods or commodities, or by the workmanship or the conversion of goods or commodities, or trees. 5

4. Unless otherwise expressed or indicated by the context the word "court" means in the Province of Ontario, the High Court of Justice; in the Province of Quebec, the Superior Court; in the Province of Nova Scotia, the Supreme Court; in the Province of New Brunswick, the Supreme Court; in the Province of Prince Edward Island, the Supreme Court; in the Province of British Columbia, the Supreme Court; in the Province of Manitoba, the Court of Queen's Bench; and in the North West Territories and the District of Kewatin, such court or magistrate or other judicial authority as may be designated from time to time by proclamation of the Governor in Council, published in the *Canada Gazette*. 10 15

The powers conferred by this Act upon the Court are in the first instance to be exercised by a single judge thereof and such powers may be exercised in chambers either during term or in vacation. 20

In the Province of Ontario such powers may—subject to an appeal to a judge, according to the ordinary practice, be exercised in the first instance by the Master, Referee, or other officer, who, under the practice or procedure of the Court, presides in Chambers. Such Master, Referee, or other officer may refer to a Judge any application or matter pending before him. 25

5. "Official Gazette" means both the *Canada Gazette* and the Gazette published under the authority of the Government of the Province, Territory or District where the proceedings for the winding up of the business of the company are being carried on, or used as the official means of communication between the Lieutenant-Governor and the people, and if no such Gazette is published, then it means any newspaper published in the Province, Territory or District, which may be designated by the Court for publishing the notices required by this Act. 30 35

6. "Company" includes a Bank and Savings Bank.

7. "Province" includes Territory and District. 40

8. "Contributory" means a person liable to contribute to the assets of a company under this Act; it also includes in all proceedings prior to the final determination of the contributories, a person alleged to be a contributory.

9. If a contributory dies or becomes bankrupt or insolvent under any statute in force in Canada respecting bankruptcy or insolvency before or after he has been placed on the list of contributories, his personal representatives, heirs, devisees or assignees, as the case may be, are the contributories in his 45

stead and are liable to contribute to the assets of the company according to their respective legal liabilities in that behalf.

WHEN COMPANY DEEMED INSOLVENT.

10. A company is deemed insolvent—

- (a.) If it is unable to pay its debts as they become due ;
- 5 (b.) If it calls a meeting of its creditors for the purpose of compounding with them ;
- (c.) If it exhibits a statement shewing its inability to meet its liabilities ;
- (d.) If it has otherwise acknowledged its insolvency ;
- 10 (e.) If it assigns, removes or disposes of, or is about or attempts to assign, remove or dispose of, any of its property with intent to defraud, defeat, or delay its creditors, or any of them ;
- (f.) If, with such intent, it has procured its money, goods, 15 chattels, lands or property to be seized, levied on or taken under or by any process or execution.
- (g.) If it has made any general conveyance or assignment of its property for the benefit of its creditors, or if, being unable to meet its liabilities in full, it makes any sale or 20 conveyance of the whole or the main part of its stock in trade or assets, without the consent of its creditors, or without satisfying their claims ;
- (h.) If it permits any execution issued against it under which any of its chattels, land or property are seized, levied 25 upon or taken in execution, to remain unsatisfied till within four days of the time fixed by the Sheriff or officer for the sale thereof, or for fifteen days after such seizure.

11. A company is deemed to be unable to pay its debts as they become due—

- 30 (a.) Whenever a creditor by assignment or otherwise, to whom the Company is indebted in a sum exceeding *two hundred* dollars then due has served on the company, in the manner in which process may legally be served on it in the place where the service is made a demand in writing 35 requiring the company to pay the sum so due, and the company has for the space of time hereinafter mentioned neglected to pay such sum, or to secure or compound for the same to the satisfaction of the creditor.

12. The space of time above referred to is as follows :—  
40 In the case of a Bank, ninety days ; in the case of an insurance company, sixty days ; in the case of a trading company, thirty days next succeeding the service of the demand.

**13.** The winding up of the business of a company is deemed to commence at the time of the service of the notice of presentation of the petition for winding up.

PROCEEDINGS FOR WINDING UP ORDER.

**14.** When a company becomes insolvent a creditor for the sum of *two hundred* dollars may, after four days notice of the application to the company, apply by petition to the court in the Province where the head office of the company is situated, or if there be no head office in Canada then in the Province where its chief place or one of its chief places of business is situated, for an order that the business of the company be wound up. Such order is hereinafter called a "winding up order."

**15.** The court may make the order applied for, may dismiss the petition with or without costs, may adjourn the hearing conditionally or unconditionally, or make any interim or other order that it deems just.

**16.** If the company opposes the application on the ground that it has not become insolvent within the meaning of this Act, or that its suspension or default was only temporary, and was not caused by any deficiency in its assets, and shows reasonable cause for believing that such opposition is well founded, the court, in its discretion, may from time to time adjourn the proceedings upon such application for a time not exceeding six months from the time at which the company is alleged to have become insolvent; and may order an accountant, or other person, to enquire into the affairs of the company, and to report thereon within a period not exceeding thirty days from the date of such order.

**17.** Upon the service of such order it is the duty of the company, and of the president, directors, managers, officers and employees thereof, and of every other person having possession or knowledge of any asset book or record thereof, to exhibit to the accountant or other person so named as aforesaid, the books of account of the company, together with all inventories, papers and vouchers referring to the business of the company, or of any person therewith; and generally to give all such information as may be required by such accountant or other person as aforesaid, in order to form a just estimate of the affairs of the company; and any refusal on the part of the president, directors, managers, or employees of the company to give such information, is a contempt of the court, and is punishable by fine or imprisonment, or by both, at the discretion of the court.

**18.** Upon receiving the report of the person ordered to enquire into the affairs of the company, and after hearing such persons, being shareholders or creditors of the company as may desire to be heard thereon, the court must either refuse the application or make the winding up order without unnecessary delay.



**19.** The court may at any time after the presentation of a petition for a winding up order and before making the order, upon the application of the company, or of any creditor or contributory restrain further proceedings in any action, suit or proceeding against the company, upon such terms as the court thinks fit.

PROCEEDINGS AFTER WINDING UP ORDER.

**20.** The company, from the making of the winding up order must cease to carry on its business, except in so far as may in the opinion of the liquidator be required for the beneficial winding up thereof. Any transfers of shares, except transfers made to or with the sanction of the liquidators, or any alteration in the status of the members of the company, after the commencement of such winding up, are void, but the corporate state and all the corporate powers of the company, notwithstanding it may be otherwise provided by the Act, charter, or instrument of incorporation, continue until the affairs of the company are wound up.

**21.** When the winding up order is made, no suit, action or other proceeding shall be proceeded with or commenced against the company except with leave of the court and subject to such terms, as the court may impose.

**22.** Any attachment, sequestration, distress, or execution put in force against the estate or effects of the company after the making of the winding up order is void.

**23.** The court may, at any time after the winding up order is made, upon the application of any creditor or contributory, and upon proof to the satisfaction of the court, that all proceedings in relation to the winding up ought to be stayed, make an order staying the same either altogether or for a limited time on such terms and subject to such conditions as it deems fit.

**24.** The court may, as to it may seem just, as to all matters relating to the winding up, have regard to the wishes of the creditors, contributories, shareholders or members, as proved to it by any sufficient evidence, and may, if it thinks it expedient, direct meetings of the creditors, contributories, shareholders or members to be summoned, held, and conducted in such manner as the court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the court; in the case of creditors, regard is to be had to the amount of the debt due to each creditor, and in the case of shareholders or members or to the number of votes conferred on each shareholder or member by the law or regulations of the company. The court may prescribe the mode of preliminary proof of creditors claims for the purpose of the meeting.

## LIQUIDATORS.

**25.** The winding up order must appoint a liquidator or more than one liquidator of the estate and effects of the company.

**26.** An incorporated company may be appointed liquidator to the goods and effects of a company under this Act, and in case an incorporated company is so appointed, it may act through one or more of its principal officers to be appointed by the court. 5

**27.** The court may, if it thinks fit after the appointment of one or more liquidators, appoint additional liquidators. 10

**28.** If more than one liquidator be appointed, the court may declare whether any act to be done by a liquidator, is to be done by all or any one or more of the liquidators.

**29.** The court may also determine what security is to be given by a liquidator on his appointment. 15

**30.** If at any time there be no liquidator, all the property of the company shall be deemed to be in the custody of the court.

**31.** The court may, at any time after the presentation of the petition, and before the first appointment of a liquidator appoint provisionally a liquidator of the estate and effects of the company. 20

**32.** A liquidator may resign or be removed by the court on due cause shewn. A vacancy in the office of liquidator is filled by order of the court. 25

**33.** The liquidator is to be paid such salary or remuneration by way of percentage or otherwise as the court directs. If there be more than one liquidator the remuneration is to be distributed amongst them in such proportions as the court directs. 30

**34.** In all proceedings connected with the company a liquidator is to be described as the "liquidator of the (name of company)," and not by his individual name only.

**35.** The liquidator upon appointment must take into his custody or under his control, all the property, effects and things in action to which the company is entitled—he must perform such duties in reference to winding up the business of the company as are imposed by the court or by this Act. 45

**36.** The liquidator has power with the sanction of the court :—

(a). To bring or defend any action, suit or prosecution or other legal proceeding civil or criminal, in his own name as

liquidator or in the name or on behalf of the company as the case may be ;

(b). To carry on the business of the company as far as may  
5 be necessary to the beneficial winding up of the same ;

(c). To sell the real and personal and heritable and  
moveable property, effects and things in action of the com-  
pany, by public auction or private contract, with power to  
transfer the whole thereof to any person or company, or to  
10 sell the same in parcels ;

(d). To do all acts and to execute in the name and on  
behalf of the company all deeds, receipts and other docu-  
ments, and for that purpose to use, when necessary, the  
company's seal ;

15 (e). To prove, rank, claim, and draw dividends in the  
matter of the bankruptcy, insolvency or sequestration of any  
contributory, for any balance against the estate of such con-  
tributory, and to take and receive dividends in respect of  
such balance in the matter of bankruptcy or sequestration as  
20 a separate debt due from such bankrupt or insolvent and  
rateably with the other separate creditors.

(f). To draw, accept, make and endorse any bill of  
exchange or promissory note in the name and on the behalf  
of the company ; also to raise upon the security of the assets  
25 of the company, from time to time, any requisite sum or  
sums of money ; and the drawing, accepting, making or  
endorsing of every such bill of exchange or promissory note  
as aforesaid on behalf of the company has the same  
effect with respect to the liability of such company as if such  
30 bill or note had been drawn, accepted, made or endorsed by  
or on behalf of such company in the course of carrying on  
the business ;

(g). To take out if necessary in his official name letters of  
administration to any deceased contributory, and to do in his  
35 official name any other act that may be necessary for obtaining  
payment of any money due from a contributory or from his  
estate, and which act cannot be conveniently done in the  
name of the company, and in all cases where he takes out  
letters of administration or otherwise uses his official name  
40 for obtaining payment of any moneys due from a contribu-  
tory, such money for the purpose of enabling him to  
take out such letters or recover such money is deemed to be  
due to the liquidator himself ;

(h). To do and execute all such other things as may be  
45 necessary for winding up the affairs of the company and  
distributing its assets.

**37.** The Court may provide by any order that the liqui-  
dator may exercise any of the above powers without the  
sanction or intervention of the court, and when a liquidator

is provisionally appointed may limit and restrict his powers by the order appointing him.

**38.** The liquidator may, with the sanction of the court, appoint a solicitor or law agent to assist him in the performance of his duties. 5

**39.** The liquidator may, with the sanction of the court, compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, whether present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist 10 between the company and any contributory or other debtor or person apprehending liability to the company, and all questions in any way relating to or affecting the assets of the company or the winding up of the company, upon the receipt of such sums, payable at such times, and generally 15 upon such terms, as may be agreed upon; with power for the liquidator to take any security for the discharge of such debts or liabilities, and to give a complete discharge in respect of all or any such calls, debts or liabilities.

**40.** Upon the appointment of the liquidator, all the powers 20 of the directors cease, except in so far as the court or the liquidator, may sanction the continuance of such powers.

**41.** The liquidator must deposit at interest in some chartered bank or Post Office Savings Bank or other Government savings bank to be indicated by the court, all sums 25 of money which he may have in his hands belonging to the company, whenever and so often as such sums amount to one hundred dollars;

**42.** Such deposit must not be made in the name of the liquidator generally, on pain of dismissal; but a separate 30 account must be kept for the company of the moneys belonging to the Company in the name of the liquidator as such.

**43.** At every meeting of the contributories or creditors or shareholders or members the liquidator must produce a bank pass book, showing the amount of the deposits made 35 for the company, the dates at which such deposits were made, the amount withdrawn and dates of such withdrawal; of which production mention must be made in the minutes of such meeting, the absence of such mention is *prima facie* evidence that such pass book was not produced 40 at the meeting.

**44.** The liquidator must also produce such pass book whenever so ordered by the Court, and on his refusal to do so, he may be treated as being in contempt of court.

**45.** The liquidator is subject to the summary jurisdic- 45 tion of the Court in the same manner and to the same extent as the ordinary officers of the Court are subject to its jurisdiction; and the performance of his duties may be compelled, and all remedies sought or demanded for enforcing any claim

for a debt, privilege, mortgage, lien or right of property upon, in, or to any effects or property in the hands, possession or custody of a liquidator, may be obtained by an order of the Court on summary petition, and not by any suit, attachment, 5 seizure, or other proceeding of any kind whatever; and obedience by the liquidator to such order may be enforced by such Court under the penalty of imprisonment, as for contempt of court or disobedience thereto; and he may be removed in the discretion of the Court.

10 **46.** The liquidator must, within thirty days after the date of the final winding up of the business of the company, deposit in the bank appointed or named as hereinbefore provided for, any other money belonging to the estate then in his hands not required for any other purpose authorized by 15 this Act, with a sworn statement and account of such money, and that the same is all he has in his hands; he is subject to a penalty not exceeding ten dollars for every day on which he neglects or delays such payment; he is a debtor to Her Majesty for such money, and may be compelled as 20 such to account for and pay over the same.

**47.** The money so deposited must be left for three years in the bank, and must be then paid over with the interest to the Receiver General of Canada, and if afterwards claimed is to be paid over to the person entitled thereto.

#### CONTRIBUTORIES.

25 **48.** As soon as may be after the commencement of the winding up of a company, the court must settle a list of contributories.

**49.** The list of contributories is to distinguish between persons who are contributories in their own right, and per- 30 sons who are contributories as being representatives of or being liable for the debts of others; it is not necessary, where the personal representative of any deceased contributory is placed on the list, to add the heirs or devisees of such contributory, nevertheless such heirs or devisees may be added 35 as and when the court thinks fit.

**50.** Every shareholder or member of the company or his representative is liable to contribute the amount unpaid on his shares of the capital, or on his liability to the com- 40 pany or to its members or creditors, as the case may be, under the Act, charter or instrument of incorporation of the company or otherwise; and the amount which he is liable to contribute is deemed assets of the company, and is a debt due to the company payable as may be directed or appointed 45 under this Act.

**51.** Where a shareholder has transferred his shares under circumstances which do not by law free him from liability in respect thereof, or where he is by law liable to the company or its members or creditors, as the case may be, 50 to an amount beyond the amount unpaid on his shares, he is

deemed a member of the company for the purposes of this Act, and is liable to contribute as aforesaid to the extent of his liabilities to the company or its members or creditors independently of this Act, and the amount which he is so liable to contribute is deemed assets and a debt as aforesaid 5

**52** The liability of any person to contribute to the assets of a company under this Act, in the event of the business of same being wound up, creates a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls are made as hereinafter mentioned for enforcing such liability; in the case of bankruptcy or insolvency of any contributory, the estimated value of his liability to future calls, as well as calls already made, may be proved against his estate. Provided, however, that no call is to compel payment of a debt before the maturity thereof. 10 15

**53.** The court may, at any time after making a winding up order, require any contributory for the time being settled on the list of contributories as trustee, receiver, banker or agent or officer of the company, to pay, deliver, convey, surrender, or transfer forthwith, or within such time as the court directs, to or into the hands of the liquidator, any sum or balance, books, papers, estate or effects which happen to be in his hands for the time being, and to which the company is *prima facie* entitled. 20 25

**54.** The court may, at any time after making a winding-up order, make an order on any contributory for the time being settled on the list of contributories, directing payment to be made, in manner in the said order mentioned, of any moneys due from him, or from the estate of the person whom he represents to the company exclusive of any moneys which he or the estate of the person whom he represents may be liable to contribute by virtue of any call made or to be made in pursuance of this Act. 30 35

**55.** Subject to the provisions of this Act, the law of set-off as administered by the Courts, whether of law or equity, applies to all claims upon the estate of the Company, and to all proceedings for the recovery of debts due or accruing due to the Company at the commencement of the winding-up, in the same manner and to the same extent as if the business of the Company were not being wound up under this Act; Provided that no right of set-off is conferred by this Act with respect to calls made upon shareholders or members of the Company with respect to their liability as such shareholders or members; Provided also that no right of set-off is conferred by this Act in respect of any moneys due by the Company to a shareholder or member in respect of any dividend or profit; Provided, however, that when all creditors of the Company are paid in full any moneys due on any account whatever to any contributory from the Company, may be allowed to him by way of set-off against any subsequent call or calls. 40 45 50

**56.** The court may, at any time after making a winding up order, and either before or after it has ascertained the sufficiency of the assets of the company, make calls on and order payment thereof by all or any of the 5 contributories for the time being settled on the list of contributories, to the extent of their liability, for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the company, and the costs, charges, and expenses of winding up, and for the adjustment of the 10 rights of the contributories amongst themselves, and it may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same. Provided, however, that no call is to compel 15 payment of a debt before the maturity thereof; Provided also that the extent of the liability of any contributory is not to be increased by anything in this section contained.

**57.** The court may order any contributory, purchaser, or other person from whom money is due to the company to 20 pay the same into some chartered Bank or Post Office Savings Bank or other Government Savings Bank, to the account of the court instead of to the liquidator, and such order may be enforced in the same manner as if it had directed payment to the liquidator.

**58.** The court is to adjust the rights of the contributories among themselves, and distribute any surplus that may remain among the parties entitled thereto.

**59.** If any person made a contributory as personal representative of a deceased contributory makes default in paying 30 any sum ordered to be paid by him, proceedings may be taken for administering the personal and real estates of such deceased contributory, or either of such estates, and of compelling payment thereout of the moneys due.

**60.** Any order made by the court in pursuance of this 35 Act upon any contributory is, subject to the provisions herein contained for appealing against such order, conclusive evidence that the moneys, if any, thereby appearing to be due or ordered to be paid, are due, and all other pertinent matters stated in such order are to be taken to be truly 40 stated as against all persons, and in all proceedings whatsoever, with the exception of proceedings taken against the real estate of any deceased contributory, in which case such order is only *prima facie* evidence for the purpose of charging his real estate, unless his heirs or devisees were on 45 the list of contributories at the time of the order being made.

**61.** The court may, at any time before or after it has made a winding up order, upon proof being given that there is reasonable cause for believing that any contributory or any 50 past or present director, manager, officer or employé of the company is about to quit Canada, or otherwise abscond, or to remove or conceal any of his goods or chattels, for the purpose of evading payment of calls, or for avoiding examina-

tion in respect of the affairs of the company, cause such person to be arrested, and his books, papers, moneys, securities for moneys, goods and chattels, to be seized, and him and them to be safely kept until such time as the court may order. 5

**62.** Where the business of a company is being wound up, under this Act, all books, accounts, and documents of the company and of the liquidators shall, as between the contributories of the company, be *prima facie* evidence of the truth of all matters purporting to be therein recorded. 10

**63.** Where a winding up order has been made, the court may make such order for the inspection by the creditors, shareholders, members and contributories of the company of its books and papers as the court thinks just, and any books and papers in the possession of the company may be inspected 15 in conformity with the order of the court but not further or otherwise.

**64.** No contributory or creditor or shareholder or member can vote at any meeting unless present personally or represented by some person having a written authority (to be 20 filed with the chairman or liquidator) to act on his behalf at the meeting or generally.

#### CREDITORS' CLAIMS.

**65.** When the business of a company is being wound up under this Act, all debts payable on a contingency, and all claims against the company, present or future, certain or 25 contingent, ascertained or sounding only in damages, are admissible to proof against the company, a just estimate being made, as far as is possible, of the value of all such debts or claims as may be subject to any contingency or sound only in damages, or for some other reason do not bear a 30 certain value.

**66.** The property of the company must be applied in satisfaction of its liabilities and the charges incurred in winding up its affairs; and unless it is otherwise provided by law or by the Act, charter, or instrument of incorpora- 35 tion, any balance remaining must be distributed amongst the members according to their rights and interests in the company.

**67.** The court may fix a certain day or certain days on or within which creditors of the company and others 40 having claims thereon are to send in their claims.

**68.** Where the liquidator has given such notices of the said day as may be ordered by the court the liquidator shall, at the expiration of the time named in the said notices, or the last of the said notices, for sending in such claims, be at 45 liberty to distribute the assets of the company, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which the liquidator has then notice;



and the liquidator is not liable for the assets or any part thereof so distributed to any person of whose claim the liquidator had not notice at the time of distributing the said assets or a part thereof, as the case may be.

5 **69.** The liquidator may, with the sanction of the court, make such compromise or other arrangement as the liquidator may deem expedient with creditors or persons claiming to be creditors, or persons having or alleging themselves to have any claim, present or future, certain or contingent,  
10 ascertained or sounding only in damages against the company, or whereby the company may be rendered liable.

**70.** If a creditor holds security upon the estate of the Company, he must specify the nature and amount of such security in his claim, and must therein on his oath put a  
15 specified value thereon; and the liquidator, under the authority of the court, may either consent to the retention of the property and effects constituting such security or on which it attaches, by the creditor, at such specified value, or he may require from such creditor an assignment and delivery of  
20 such security, property and effects, at such specified value, to be paid by him out of the estate so soon as he has realized such security, together with interest on such value from the date of filing the claim till payment; and in such case the difference between the value at which the security is retained  
25 and the amount of the claim of such creditor, is to be the amount for which he may rank as aforesaid; and if a creditor holds a claim based upon negotiable instruments upon which the company is only indirectly or secondarily liable; and which is not mature or exigible, such creditor is  
30 considered to hold security within the meaning of this section, and must put a value on the liability of the party primarily liable thereon as being his security for the payment thereof; but after the maturity of such liability and its non-payment he is entitled to amend and revalue his claim.

35 **71.** The security consists of a mortgage upon real estate, or upon ships or shipping, the property mortgaged can only be assigned and delivered to the creditor, subject to all previous mortgages, hypothecs and liens thereon, holding rank and priority before his claim, and upon his  
40 assuming and binding himself to pay all such previous mortgages, hypothecs and liens, and upon his securing the estate of the company to the satisfaction of the liquidator against any claim by reason of such previous mortgages, hypothecs and liens; and if there be mortgages, hypothecs  
45 or liens thereon, subsequent to those of such creditor, he can only obtain the property by consent of the subsequently secured creditors: or upon their filing their claims specifying their security thereon as of no value, or upon his paying them the value by them placed thereon; or upon his giving  
50 securing the estate of the company to the satisfaction of the liquidator against any claim by reason of such subsequent mortgages, hypothecs and liens of the company shall not be troubled by reason thereof.

72. Upon a secured claim being filed, with a valuation of the security, it is the duty of the liquidator to procure the authority of the court to consent to the retention of the security by the creditor, or to require from him an assignment and delivery thereof.

5

73. In the preparation of the dividend sheet due regard must be had to the rank and privilege of every creditor, but no dividend can be allotted or paid to any creditor holding security upon the estate of the company for his claim, until the amount for which he can rank as a creditor upon the estate as to dividends therefrom, be established as herein provided.

74. No lien or privilege upon either the personal or real estate of the company is created for the amount of any judgment debt, or of the interest thereon, by the issue or delivery to the sheriff of any writ of execution, or by levying upon or seizing under such writ the effects or estate of the company, if before the payment over to the plaintiff of the moneys actually levied under such writ, the winding up of the business of the company has commenced. But this provision does not affect any lien or privilege for costs which the plaintiff possesses under the law of the Province in which such writ may have been issued.

75. Any creditor or contributory or shareholder or member may object to any claim filed with the liquidator or to any dividend declared. If a claim or a dividend be objected to, the objections must be filed in writing with the liquidator, together with evidence of the previous service of a copy thereof on the claimant. The claimant has six days to answer the objections or such further time as the court may allow. The contestant has three days to reply or such further time as the court may allow. Upon the completion of the issues upon the objections the liquidator must transmit to the court all necessary papers relating to the contestation. The court must then on the application of either party fix a day for taking evidence upon the contestation and hearing and determining the same. The court may make such order as may seem proper as to the payment of the costs of the contestation by either party or out of the estate of the Company. If, after a claim or dividend has been duly objected to, the claimant does not answer the objections, the court may on the application of the contestant make an order barring the claim or correcting the dividend, or may make such other order in reference thereto as may appear right.

45

The court may, should the interests of justice seem to require it, order the person objecting to a claim or dividend to give security, for the costs of the contestation within a limited time and may in default dismiss the contestation or stay proceedings thereon upon such terms as the court may think just.

## FRAUDULENT PREFERENCES.

76. All gratuitous contracts or conveyances or contracts without consideration or with a merely nominal consideration respecting either real or personal estate made by a company with respect to whose business a winding up order  
5 under this Act is afterwards made, with or to any person whatsoever, whether such person be its creditor or not, within three months next preceding the commencement of the winding up or at any time afterwards; and all contracts by which creditors are injured, obstructed or delayed made  
10 by a company unable to meet its engagements and with respect to whose business a winding up order under this Act is afterwards made, with a person knowing such inability or having probable cause for believing such inability to exist or after such inability is public and notorious whether  
15 such person be its creditors or not,—are presumed to be made within intent to defraud its creditors.

77. A contract or conveyance for consideration, respecting either real or personal estate, by which creditors are injured or obstructed, made by a company unable to meet its engage-  
20 ments with a person ignorant of such inability, whether such person be its creditor or not, and before such inability has become public and notorious, but within thirty days next before the commencement of the winding up of the business of such company, under this Act, or at any time  
25 afterwards, is voidable, and may be set aside by any court of competent jurisdiction, upon such terms as to the protection of such person from actual loss or liability by reason of such contract, as the court may order.

78. All contracts, or conveyances made and acts done by  
30 a company respecting either real or personal estate, with intent fraudulently to impede, obstruct or delay its creditors in their remedies against it, or with intent to defraud its creditors, or any of them, and so made, done and intended with the knowledge of the person contracting or acting  
35 with the company, whether such person be its creditor or not, and which have the effect of impeding, obstructing, or delaying the creditors of their remedies, or of injuring them or any of them, are prohibited and are null and void.

79. If any sale, deposit, pledge or transfer be made of  
40 any property real or personal by a company in contemplation of insolvency under this Act, by way of security for payment to any creditor; or if any property real or personal, movable or immovable, goods, effects, or valuable security, be given by way of payment by such company to any creditor  
45 whereby such creditor obtains or will obtain an unjust preference over the other creditors, such sale, deposit, pledge, transfer or payment is null and void, and the subject thereof may be recovered back for the benefit of the estate by the liquidator, in any court of competent jurisdiction; and if  
50 the same be made within thirty days next before the commencement of the winding up under this Act, or at any

time afterwards, it is presumed to have been so made in contemplation of insolvency.

**80.** Every payment made within thirty days next before the commencement of the winding up under this Act by a company unable to meet its engagements in full, to a person 5 knowing such inability, or having probable cause for believing the same to exist, is void, and the amount paid may be recovered back by the liquidator by suit in any court of competent jurisdiction; Provided always, that if any valuable security be given up in consideration of such 10 payment, such security or the value thereof, must be restored to the creditor upon the return of such payment.

**81.** When a debt due or owing by the company, has been transferred within the time and under the circumstances in the next preceding section mentioned, or at any time after- 15 wards to a contributory who knows or has probable cause for believing the company to be unable to meet its engagements or in contemplation of its insolvency under this Act, for the purpose of enabling such contributory to set up by way of compensation or set off the debt so transferred, such debt 20 cannot be set up by way of compensation or set off against the claim upon such contributory.

#### APPEAL.

**82.** Whereas until the practical working of this act has been developed by experience it is inexpedient to make permanent provision as to the cases in which an appeal 25 should be allowed; and whereas the Judges of the court should in the meantime be allowed to exercise their discretion in granting or refusing leave to appeal, reliance being placed upon the exercise by such Judges of a wise discretion so as to prevent needless expense and to 30 prevent an appeal:—

*Unless* in the question to be decided on the appeal, future rights are involved or the decision is likely to affect other cases of a similar nature in the winding up proceedings or:—

*Unless* when the appeal is to a Court other than the 35 Supreme Court of Canada the amount involved in the appeal exceeds five hundred dollars or:—

*Unless* when the appeal is to the Supreme Court of Canada the amount involved in the appeal exceeds two thousand dollars:—Therefore a person dissatisfied with an order or 40 decision of the court in any proceeding under this Act may by leave of a judge of the Court appeal therefrom as follows:—

In Ontario, to the Court of Appeal ;  
In Quebec, to the Court of Queen's Bench ;  
In the other provinces, to the full court.

45

A further appeal to the Supreme Court of Canada by leave of a judge of said Supreme Court may be had from the judg-

ment of the said Court of Appeal, Queen's Bench or full court, as the case may be.

In the North-West Territories a person dissatisfied with an order or decision of the court in any proceeding under  
5 this Act may by leave of a judge of the Supreme Court of Canada appeal therefrom to the Supreme Court of Canada.

83. All appeals are to be regulated as far as possible according to the practice in other cases of the Court appealed to.

Provided always, that no such appeal can be entertained  
10 unless the appellant has, within fourteen days from the rendering of the order or decision, or within such further time as the court appealed from may allow, taken proceedings on the appeal, nor unless within the said time he has made a deposit or given sufficient security according to the practice  
15 of the Court appealed to, that he will duly prosecute the said appeal and pay such damages and costs as may be awarded to the respondent.

84. If the party appellant does not proceed with his appeal, according to the law or the rules of practice, as the  
20 case may be, the Court appealed to, on the application of the respondent, may dismiss the appeal, with or without costs.

#### MISCELLANEOUS.

85. In any proceeding or contestation under this Act, the court may order a writ of *subpœna ad testificandum* or of *subpœna duces tecum* to issue, commanding the attendance as a  
25 witness of any person within the limits of Canada.

86. The court may, after it has made a winding up order, summon before it or before any person to be named by it any officer of the company or person known or suspected to have in his possession any of the estate or effects of the company,  
30 or supposed to be indebted to the company, or any person whom the court may deem capable of giving information concerning the trade, dealings, estate, or effects of the company; and the court may require any such officer or person to produce any books, papers, deeds, writings, or other  
35 documents in his custody or power relating to the company; and if any person so summoned, after being tendered a reasonable sum for his expenses, refuses without lawful excuse to attend at the time appointed, the court may cause such person to be apprehended, and brought up for examination;  
40 nevertheless, in cases where any person claims any lien on papers, deeds, or writings, or documents produced by him, such production shall be without prejudice to such lien. The court has jurisdiction in the winding up to determine all questions relating to such lien.

45 87. The court or the person so named may examine upon oath, either by word of mouth or upon written interrogatories, any person appearing or brought up in manner aforesaid concerning the affairs, dealings, estate, or effects of the

company, and may reduce into writing the answers of any such person, and require him to subscribe the same. If such person without lawful excuse refuses to answer the questions put to him, he is liable to be punished as for contempt of court.

5

**88.** Where, in the course of the winding up of the business of a company under this Act, it appears that any past or present director, manager, liquidator, employé, or officer of such company, has misapplied or retained in his own hands or become liable or accountable for any moneys of the company, or been guilty of any misfeasance or breach of trust in relation to the company, the court may, on the application of any liquidator, or of any creditor or contributory of the company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such director, manager, liquidator, officer, or employé, and compel him to repay any moneys so misapplied or retained, or for which he has become liable or accountable, together with interest after such rate as the court thinks just, or to contribute such sums of money to the assets of the company by way of compensation in respect of such misapplication, retainer, misfeasance, or breach of trust, as the court thinks fit.

10

15

20

**89.** If any person destroys, mutilates, alters or falsifies any books, papers, writings or securities, or makes or is privy to the making of any false or fraudulent entry in any register book of account or other document belonging to the company, the business of which is being wound up under this Act with intent to defraud or deceive any person, every person so offending shall be deemed to be guilty of a misdemeanor, and upon being convicted shall be liable to imprisonment in the penitentiary for any term not less than two years, or to be imprisoned in any gaol or place of confinement for any term less than two years, with or without hard labour.

25

30

35

**90.** The various Courts of the Provinces, and the Judges of the said Courts respectively, shall be auxiliary to one another for the purposes of this Act ; the winding up of the business of the company or any matter or proceeding relating thereto may be transferred from one Court to another with the concurrence, or by the order or orders, of the two Courts, or by an order of the Supreme Court of Canada.

40

**91.** Where any order made by one Court is required to be enforced by another Court, an office copy of the order so made certified by the clerk or other proper officer of the Court which made the same, and under the seal of such Court, must be produced to the proper officer of the Court required to enforce the same, the production of such copy is sufficient evidence of such order having been made ; and thereupon such last mentioned Court is to take such steps in the matter as may be requisite for enforcing such order in the same manner as if it were the order of the Court enforcing the same.

45

50

**92.** The rules of procedure for the time being as to amendments of pleadings and proceedings in the Court, apply as far as practicable to all pleadings and proceedings under this Act; and any Court before whom such proceedings are  
5 being carried on has full power and authority to apply the appropriate rules as to amendments of the proceedings. No pleading or proceeding is void by reason of any irregularity or default which can or may be amended or disregarded under the rules and practice of the Court.

10 **93.** Any affidavit, affirmation, or declaration required to be sworn or made under the provisions or for the purposes of this Act, may be sworn or made in Canada before a liquidator, judge, notary public, commissioner, for taking affidavits, or justice of the peace; and out of Canada, before any  
15 judge of a Court of Record, any commissioner for taking affidavits to be used in any court in Canada, any notary public, the chief municipal officer for any town or city, any British consul or vice-consul, or any person authorized by or under any statute of the Dominion or of any Province to  
20 take affidavits.

**94.** All courts, judges, justices, commissioners and persons acting judicially, are to take judicial notice of the seal, or stamp or signature (as the case may be) of any such court, judge, notary public, commissioner, justice, chief  
25 municipal officer, consul, vice-consul, liquidator or other person, attached, appended or subscribed to any such affidavit, affirmation or declaration, or to any other document to be used for the purposes of this Act.

**95.** All dividends deposited in a bank and remaining  
30 unclaimed at the time of the final winding up of the business of the company, are to be left for three years in the bank where they are deposited, and if still unclaimed, are then to be paid over by such bank, with interest accrued thereon, to the Receiver General of Canada, and, if afterwards duly  
35 claimed, are to be paid over to the persons entitled thereto.

**96.** Any powers by this Act conferred on the court are in addition to, and not in restriction of, any other powers subsisting either at law or in equity, of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the company for the  
40 recovery of any call or other sums due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly.

**97.** All costs, charges and expenses properly incurred in  
45 the winding up of a company, including the remuneration of the liquidator, are payable out of the assets of the company in priority to all other claims.

**98.** The court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the  
50 payment out of the estate of the company of the costs,

charges and expenses incurred in winding up any company in such order of priority as the court thinks just.

**99.** Where a winding up order is made, if it appear in the course of such winding up that any past or present director, manager, officer or member of such company has been guilty of any offence in relation to the company for which he is criminally responsible, the court may, on the application of any person interested in such winding up, or of its own motion, direct the liquidator to institute and conduct a prosecution or prosecutions for such offence, and may order the costs and expenses to be paid out of the assets of the company. 5 10

**100.** If any person, upon any examination upon oath or affirmation authorised under this Act, or in any affidavit, deposition or solemn affirmation in or about the winding up of the business of a company under this Act, or otherwise in or about any matter arising under this Act, wilfully and corruptly gives false evidence, he is, upon conviction, liable to the penalties of wilful perjury. 15

**101.** In Ontario, the Judges of the Court of Appeal, in Quebec, the Judges of the Court of Queen's Bench and in the other provinces the Judges of the Court from time to time may make, and frame, and settle the forms, rules and regulations to be followed and observed in proceedings under this Act, and may make rules as to the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to attorneys, solicitors or counsel, and by or to officers of courts, whether for the officers or for the Crown, and by or to sheriffs, or other persons whom it may be necessary to provide for, or for any service performed or work done under this Act. 25 30

**102.** Until such forms, rules and regulations are made the various forms and procedures, including the tariff of costs, fees, and charges in cases under this Act, unless otherwise specially provided, are, as nearly as may be, to be the same as those of the Court in other cases. 35

THE PROVISIONS OF SECTIONS TO INCLUSIVE APPLY  
TO BANKS ONLY NOT INCLUDING SAVINGS BANKS

**103.** In the case of a bank the application for a winding-up order must be made by a creditor for the sum of *one thousand dollars*, and the Court must, before making the order, direct a meeting of the shareholders of the bank to be summoned, held, and conducted as the Court directs for the purpose of ascertaining their wishes as to the appointment of liquidators. 40

**104.** The Court may appoint a person to act as chairman of the meeting, and in default of such appointment the president of the bank or other person who usually presides at a meeting of the shareholders shall preside. 45



- 105.** In taking a vote at such a meeting, regard is to be had to the number of votes conferred by law or by the regulations of the bank on each shareholder present or represented at such meeting.
- 5 **106.** The chairman of the meeting must report the result thereof to the court, and if a winding up order be made the three liquidators must be appointed and they must be chosen from among those nominated by the shareholders.
- 107.** If no one has been so nominated, the three  
10 liquidators must be chosen by the court, if less than three have been nominated the requisite additional liquidator or liquidators must be chosen by the court.
- 108.** It is the duty of the liquidator to ascertain as nearly  
15 as may be the amount of notes of the bank intended for circulation and actually outstanding, and to reserve until the expiration of at least two years after the date of the winding up order, or until the last dividend, in case that is not made till after the expiration of the said time, dividends on such  
20 part of the said amount in respect of which claims may not be filed; and if claims have not been filed and dividends applied for in respect of any part of the said amount before the period herein limited the dividends so reserved are to form the last or part of the last dividend.
- 109.** Publication in the *Canada Gazette* and in the  
25 *Official Gazette* of each Province of Canada and in one newspaper issued at or nearest the place where the head office of a bank is situate, of notice of any proceeding of which under this Act creditors should be notified, is sufficient notice to holders of bank notes in circulation.

THE PROVISIONS OF SECTIONS TO INCLUSIVE  
APPLY ONLY TO LIFE INSURANCE COMPANIES, AND ALSO  
APPLY TO INSURANCE COMPANIES DOING LIFE AND  
OTHER INSURANCE, IN SO FAR AS RELATES TO THE LIFE  
INSURANCE BUSINESS OF SUCH COMPANIES.

- 30 **110.** Publication in the *Canada Gazette* and in the *Official Gazette* of each Province of Canada, and in two newspapers issued at or nearest the place where the head office in  
Canada of an insurance company is situate, of notice of any  
35 proceeding of which under this Act creditors should be notified, is sufficient notice to holders of policies or contracts of insurance in respect of which no notice of claim has been received.
- 111.** Notwithstanding the provisions of the statutes in that behalf respecting insurance, any deposit held by the  
40 Receiver General for policy holders and any assets vested in trustees pursuant to said statutes must be applied and distributed under this Act, among the persons entitled to claim thereon under the said statutes respecting insurance.

**112.** The holders of a policy or contract of life insurance on which no claim has accrued at the time the winding up order is made, is entitled to claim as a creditor for the full net value, at the date of the winding up order, of the policies or contract calculated on the basis mentioned 5 in section sixteen of *The Consolidated Insurance Act, 1877*, less any amount previously advanced by the company on the security of the policy or contract: Provided always that whenever the company or the liquidator or the holder of the policy or contract of insurance exercises 10 any right which it or he may have to cancel the policy or contract, the holder is entitled to claim as a creditor for the sum which under the terms of the policy or contract is due to him upon such cancellation.

**113.** The liquidator must, without the filing of any claim, 15 notice or evidence, or the taking of any action by any person, make a statement of all the persons appearing by the books and records of the officers of the company, to be creditors or claimants under the section hereof, and of the amounts due to each such person thereunder; every such 20 person must be collocated and ranked as and be entitled to the rights of a creditor or claimant for such amount, without filing any claim, notice or evidence, or taking any action: Provided always, that any such collocation may be con- 25 tested by any person interested, and that any person not collocated or dissatisfied with the amount for which he is collocated, may file his own claim. A copy of such statement certified by the liquidator must forthwith, after the making of such statement, be filed in the office of the Super- 30 intendent of Insurance at Ottawa, and notice of such filing must forthwith be given by the liquidator by notice in the *Canada Gazette* and in the *Official Gazette* of each Province of Canada and in two newspapers issued at or nearest the place where the head office in Canada of the company is 35 situate, and the liquidator must also forthwith send by mail, prepaid, a notice of such filing to each creditor named in the statement addressed to the address in Canada of such creditor as far as known, and in the case of foreign creditors addressed to the address of their representatives or agents in 40 Canada as far as known.

**114.** The holder of a policy or contract of life insurance upon which a claim accrues after the date of the winding up order and before the expiration of thirty days after the filing in the office of the Superintendent of Insurance of the statement referred to in the section hereof, is entitled 45 to claim as a creditor for the full net amount of such claim—less any amount previously advanced by the Company on the security of the policy or contract—and the said statement and the dividend sheet must, if necessary, be amended accordingly; no claim which accrues after the expiration of 50 the thirty days above mentioned can rank upon the estate unless and until there be sufficient to pay all creditors in full.

**115.** If before the expiration of the thirty days above-mentioned the holder of a policy or contract of life insurance on which a claim has not accrued, signifies in writing to the liquidator his willingness to accept an insurance in  
 5 some other company for the amount which can be secured by the dividend on his claim to which such holder may be or become entitled, then the liquidator is empowered, with the sanction of the Court, to effect for such holder an insurance to the amount aforesaid in another company or com-  
 10 panies approved of by the Superintendent of Insurance, and to devote to that purpose the dividend on his claim to which such holder may be or become entitled: Provided, however, that such insurance is to be effected only as part of a general scheme for the assumption by some other com-  
 15 pany or companies of the whole or part of the outstanding risks and liabilities of the insolvent company.

THE PROVISIONS OF SECTIONS INCLUSIVE, APPLY ONLY TO INSURANCE COMPANIES OTHER THAN LIFE INSURANCE COMPANIES, AND ALSO APPLY TO INSURANCE COMPANIES DOING LIFE AND OTHER INSURANCE, IN SO FAR AS RELATES TO THE INSURANCE BUSINESS OF SUCH COMPANIES WHICH IS NOT LIFE INSURANCE BUSINESS.

**116.** Publication in the *Canada Gazette*, and in the Official *Gazette* of each Province of Canada, and in two newspapers issued at or nearest the place where the head office  
 20 of an insurance company is situate, of notice of any proceeding of which under this Act creditors should be notified, is sufficient notice to holders of policies or contracts of insurance in respect of which no notice of claim has been received.

**117.** Notwithstanding the provisions of the statutes in that behalf respecting insurance, any deposit held by the Receiver General for policy holders, and any assets vested in trustees pursuant to said statutes must be applied and distributed under this Act, among the persons entitled to claim thereon  
 30 under the said statutes respecting insurance.

**118.** Holders of policies or contracts of insurance on which no claim has accrued at the time the winding up order is made, are entitled to claim as creditors for a part of the premium paid, proportionate to the period of their policies or  
 35 contracts respectively unexpired at the date of the winding up order. No claim which accrues after the winding up order is made can rank upon the estate.

Provided always that whenever the company or the liquidator or the holder of the policy or contract of insurance exercises any right which it or he may have to cancel  
 40 the policy or contract, the holder is entitled to claim as a creditor for the sum which under the terms of the policy or contract is due to him upon such cancellation.

**119.** The liquidator must, without the filing of any claim,  
 45 notice or evidence, or the taking of any action by any

person, make a statement of all the persons appearing by the books and records of the officers of the company, to be creditors or claimants under the section hereof, and of the amounts due to each such person thereunder; every such person must be collocated and ranked as and be entitled to the rights of a creditor or claimant for such amount, without filing any claim, notice or evidence, or taking any action: Provided always, that any such collocation may be contested by any person interested, and that any person not collocated or dissatisfied with the amount for which he is collocated, may file his own claim. A copy of such statement certified by the liquidator must forthwith, after the making of such statement, be filed in the office of the Superintendent of Insurance at Ottawa, and notice of such filing must be forthwith given by the liquidator by notice in the *Canada Gazette*, and in the *Official Gazette* of each Province of Canada, and in two newspapers issued at or nearest the place where the head office in Canada of the company is situate. And the liquidator must also forthwith send by mail prepaid, a notice of such filing to each creditor named in the statement, addressed to the address in Canada of such creditor as far as known, and in the case of foreign creditors addressed to the address of their representatives or agents in Canada as far as known.

**120.** The holder of a policy or contract of insurance other than life insurance, upon which a claim accrues after the date of the winding up order, and before the expiration of thirty days after the filing in the office of the Superintendent of Insurance of the statement referred to in the section hereof, is entitled to claim as a creditor for the full net amount of such claim, and the said statement and the dividend sheet must, if necessary, be amended accordingly. No claim which accrues after the expiration of the thirty days above-mentioned, can rank upon the estate unless and until there be sufficient to pay all creditors in full.

**121.** If before the expiration of the thirty days above-mentioned, the holder of a policy or contract of insurance other than life insurance, signifies in writing to the liquidator his willingness to accept an insurance in some other company or companies in lieu of the insurance policy or contract of the insolvent company, then the liquidator is empowered, with the sanction of the Court, to effect for such holder an insurance in another company or companies approved of by the Superintendent of Insurance, and to devote to that purpose the dividend on his claim to which such holder may be or become entitled, or such of the assets of the insolvent company as the Court may sanction. Provided, however, that such insurance is to be effected only as part of a general scheme for the assumption by some other company or companies, of the whole or part of the outstanding risks and liabilities of the insolvent company.

**122.** If the company be licensed under the Acts respecting insurance, it is to be the duty of the liquidator to

report to the Superintendent of Insurance once in every six months, or oftener as the Superintendent may require, on the condition of the affairs of the company, with such further particulars as the Superintendent may require.

A-7

---

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

---

A

BILL.

An Act respecting Insolvent Banks, Insurance Companies and Trading Corporations.

---

*(Reprinted as amended by the Select Committee.)*

---

The Honourable  
SIR ALEXANDER CAMPBELL,

---

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.,  
1882.

O F

**B I L L .**

An Act respecting County Court Judges

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

1. The word "County" includes "District." County includes District.
- 5 2. Each Judge of a County Court in any of the Provinces of Canada where County Courts have been established, whether already appointed or hereafter to be appointed by the Governor General, shall, subject to the provisions of this Act, hold office during good behaviour and his residence  
10 within the County or Union of Counties for which the Court is established. Conditions under which County Court Judges are to hold office.
3. A Judge of a County Court may be removed from office by order of the Governor General in Council for inability from old age, ill health, or any other cause or  
15 incapacity or misbehaviour. Causes for removal.
- Provided: (1.) That the circumstances respecting the inability, incapacity or misbehaviour have first been  
enquired into by virtue of and under an Order of the Governor General in Council Preliminary inquiry
- 20 (2.) That the Judge has been given reasonable notice of the time and place appointed for the enquiry, and has been afforded an opportunity by himself or his counsel of being heard thereat, and of cross-examining the witnesses and adducing evidence on his own behalf. Reasonable notice given to the Judge.
- 25 4. For the purpose of making enquiry into the circumstances respecting the inability, incapacity or misbehaviour of such Judge, the Governor General in Council may issue a Commission to one or more Judges of the Supreme Court of  
Canada, or to one or more Judges of any Superior Court of  
30 Law or Equity or Court of Appeal in any Province of Canada, or to such other person or persons as the Governor in Council may think proper, empowering him or them to make such inquiry and to report thereon, and may by the Commission confer upon the person or persons appointed  
35 full power to summon before him or them any party or witnesses, and to require them to give evidence on oath, orally or in writing (or on solemn affirmation if they be parties entitled to affirm in civil matters), and to produce such documents and things as the Commissioner or Commissioners may Commission of inquiry to be appointed. How constituted. Procedure thereat.

- Power of Commissioners. deem requisite to the full investigation of the matters into which they are appointed to inquire; the Commissioner or Commissioners shall then have the same power to enforce the attendance of such party or witnesses, and to compel them to give evidence as is in civil cases vested in any Superior Court of the Province where the inquiry is being conducted, but no such party or witnesses shall be compelled to answer any question by his answer to which he might render himself liable to a criminal prosecution. 5
- Application of Act. **5** This Act shall apply to Judges now holding office as well as to those hereafter appointed, and a Judge now holding office may be removed under this Act for inability, incapacity or misbehaviour, occurring or existing before or at the passing of this Act. 10
- Pensions granted to disabled Judges who resign their offices. **6.** In case a Judge of a County Court, after having continued in office as such Judge for a period of at least ten years, becomes afflicted with some permanent infirmity, disabling him from the due execution of his office and resigns his office, Her Majesty may, by letters patent, under the Great Seal of Canada, grant to him a pension 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. 15 20
- Pensions to dissabled Judges who are removed from office. **7.** If a Judge of a County Court be removed by the Governor in Council for inability or incapacity, and the inability or incapacity has arisen from the old age or ill health of the Judge, Her Majesty may grant to him the same pension which might have been granted to him had he resigned his office at the time of his removal. 25
- Fund out of which Pensions shall be paid. **8.** Pensions granted under this Act shall be payable out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada. 30
- When such pension may be reduced in amount. **9.** If any person receiving a pension under this Act 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 pension. 35
- When a Junior Judge may be appointed. **10.** A Junior Judge of a County Court shall not hereafter be appointed unless the population of the County or Union of Counties for which the Court is constituted, as shewn by the then last general census taken by authority of the Government of Canada, exceeds seventy thousand. 40
- County Court Judges to hold no other office of emolument. **11.** After the passing of this Act a Judge of a County Court shall not accept or hold any office or regular employment under the Government of a Province, or under any Superior Court of Law or Equity to which any salary or fee in lieu of salary is attached, upon pain of dismissal by the Governor General in Council: Provided that this section does not apply to offices or employments held at the time of the passing of this Act. 45 50





B

BILL.

An Act respecting County Court Judges.

---

Received and read, first time, Friday, 10th  
February, 1882.

Second reading, Monday, 20th February, 1882.

---

Honourable  
Sir ALEXANDER CAMPBELL.

---

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1882

---

## BILL.

An Act declaratory of the meaning of the word Telegraph in certain cases.

WHEREAS doubts have arisen as to whether the word telegraph "includes the word "telephone," and whereas it is desirable that such doubts should be set at rest as regards all acts and proceedings prior to the introduction of the telephone as a means of communication: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The word "telegraph" and its derivatives wherever they occur in any statute of the Dominion of Canada, or of any Province now forming a portion of such Dominion, or in any letters patent issued, or contract or agreement made or entered into in such Dominion or in any such Province as aforesaid, are not to be held or construed to include the word "telephone" and its derivatives.
2. This Act shall apply only to any Statute, letters patent, contract or agreement, passed, issued, made or entered into before the first day of January in the year of our Lord, one thousand eight hundred and seventy-eight.

---

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

---

B B

BILL.

An Act declaratory of the meaning of the  
word Telegraph in certain cases.

---

Introduced and read first time, Monday, 8th  
May, 1882.

Second reading, Tuesday, 9th May, 1882.

---

Honourable  
Mr. CARVELL.

---

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,  
1882.

---

---

## BILL.

An Act declaratory of the meaning of the word Telegraph in certain cases.

WHEREAS doubts have arisen as to whether the word telegraph "includes the word "telephone," and whereas it is desirable that such doubts should be set at rest as regards all acts and proceedings prior to the introduction of the telephone as a means of communication: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The word "telegraph" and its derivatives wherever they occur in any Statute of the Dominion of Canada, or of any Province now forming a portion of such Dominion, or in any letters patent issued, or contract or agreement made or entered into in such Dominion or in any such Province as aforesaid, are not to be held or construed to include the word "telephone" and its derivatives.

2. This Act shall apply only to any Statute, letters patent, contract or agreement, passed, issued, made or entered into before the first day of January in the year of our Lord, one thousand eight hundred and seventy-eight.

---

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

---

**B B**

**BILL.**

**An Act declaratory of the meaning of the  
word Telegraph in certain cases.**

---

Introduced and read first time, Monday, 8th  
May, 1882.

Second reading: Tuesday, 9th May, 1882.

---

Honourable  
Mr. CARVELL.

---

OTTAWA:

PRINTED BY MAULEAN, ROGEE & Co.,  
1882.

---

---

## B I L L .

An Act respecting fugitive offenders in Canada from  
other parts of Her Majesty's Dominions.

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

1. This Act may be cited as the Fugitive Offenders Act, Short title.  
5 (Canada) 1882.

### RETURN OF FUGITIVES

2. Where a person accused of having committed an offence (to which this Act applies) in any part of Her Majesty's dominions except Canada, has left that part, such person (in this Act referred to as a fugitive from that part) if found  
10 in Canada, shall be liable to be apprehended and returned in manner provided by this Act to the part from which he is a fugitive.

Apprehension and return of fugitive offenders from Her Majesty's Dominions.

A fugitive may be so apprehended under an endorsed  
warrant or a provisional warrant. Warrant.

3. Where a warrant has been issued in a part of Her Majesty's dominions for the apprehension of a fugitive from that part who is or is suspected to be in or on the way to Canada, any of the following authorities in Canada; that is to say,—

Proceedings in Canada on warrant issued elsewhere.

(1.) The Governor General or a judge of a superior court, if satisfied that the warrant was issued by some person having lawful authority to issue the same, may endorse such warrant in manner provided by this Act, and the warrant so endorsed shall be a sufficient authority to apprehend the fugitive in  
25 Canada and bring him before a magistrate.

Endorsement of warrant and its effect.

4. A magistrate in Canada may issue a provisional warrant for the apprehension of a fugitive who is or is suspected of being in or on his way to Canada on such information, and under such circumstances, as would in his opinion justify  
30 the issue of a warrant if the offence of which the fugitive is accused had been committed within his jurisdiction, and such warrant may be backed and executed accordingly.

Issue of provisional warrant by Canadian Magistrate.

A magistrate issuing a provisional warrant shall forthwith send a report of the issue, together with the information or  
35 a certified copy thereof, to the Governor General, and the Governor General may, if he think fit, discharge the person apprehended under such warrant.

Report to Gov. General. Power of Gov. General to discharge.

5. A fugitive when apprehended shall be brought before a magistrate, who (subject to the provisions of this Act) shall

Fugitive to be brought before a

- Magistrate. Powers of Magistrate.** hear the case in the same manner and have the same jurisdiction and powers, as near as may be (including the power to remand and admit to bail), as if the fugitive were charged with an offence committed within his jurisdiction.
- Committal of fugitive and report to Gov. General.** If the endorsed warrant for the apprehension of the fugitive is duly authenticated, and such evidence is produced as (subject to the provisions of this Act) according to the law ordinarily administered by the magistrate, raises a strong or probable presumption that the fugitive committed the offence mentioned in the warrant, and that the offence is one to which this Act applies, the magistrate shall commit the fugitive to prison to await his return, and shall forthwith send a certificate of the committal and such report of the case as he may think fit, to the Governor General. 5 10
- Magistrate to inform fugitive that he has certain rights.** Where the magistrate commits the fugitive to prison he shall inform the fugitive that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of habeas corpus, or other like process. 15
- Remand of fugitive from time to time.** A fugitive apprehended on a provisional warrant may be from time to time remanded for such reasonable time not exceeding seven days at any one time, as under the circumstances seems requisite for the production of an endorsed warrant. 20
- Order of Gov. General for return of fugitive.** 6. Upon the expiration of fifteen days after a fugitive has been committed to prison to await his return, or if a writ of habeas corpus or other like process is issued with reference to such fugitive by a superior court, after the final decision of the court in the case, the Governor General may, if he thinks it just, by warrant under his hand, order that fugitive to be returned to the part of Her Majesty's dominions from which he is a fugitive, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or some one or more of them, and to be held in custody, and conveyed by sea or otherwise to the said part of Her Majesty's dominions, to be dealt with there in due course of law as if he had been there apprehended, and such warrant shall be forthwith executed according to the tenor thereof. 25 30 35
- Warrant for delivery of fugitive for return.**
- Court may discharge fugitive if not returned within a certain time.** 7. If a fugitive who, in pursuance of this part of this Act, has been committed to prison in Canada to await his return, is not conveyed out of Canada within two months after such committal, the court, upon application by or on behalf of the fugitive, and upon proof that reasonable notice of the intention to make such application has been given, to the Governor General, may, unless sufficient cause is shown to the contrary, order the fugitive to be discharged out of custody. 40 45
- To what offences this Act shall apply.** 8. This Act shall apply to the following offences, namely, to treason and piracy, and to every offence, whether called felony, misdemeanor, crime, or by any other name, which is 50



for the time being punishable in the part of Her Majesty's dominions in which it was committed, either on indictment or information, by imprisonment with hard labour for a term of twelve months or more, or by any greater punishment; and for the purposes of this section, rigorous imprisonment, and any confinement in a prison combined with labour, by whatever name it is called, shall be deemed to be imprisonment with hard labour.

10 This Act shall apply to an offence notwithstanding that by the law of Canada it is not an offence, or not an offence to which this Act applies; and all the provisions of this Act, including those relating to a provisional warrant and to a committal to prison, shall be construed as if the offence were in Canada an offence to which this Act applies.

Application to acts not offences by Canadian law.

15 9 Where it is made to appear to the court that by reason of the trivial nature of the case, or by reason of the application for the return of a fugitive not being made in good faith in the interests of justice or otherwise, it would, having regard to the distance, to the facilities for communication, and to all the circumstances of the case, be unjust or oppressive, or too severe a punishment to return the fugitive either at all or until the expiration of a certain period, such court may discharge the fugitive either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises as to the court seems just.

Powers of the court to discharge or grant other relief to fugitive in trivial cases, &c.

10 Where a warrant for the apprehension of a person accused of an offence has been endorsed in pursuance of this Act in Canada, any magistrate in Canada shall have the same power of issuing a warrant to search for any property alleged to be stolen or to be otherwise unlawfully taken or obtained by such person, or otherwise to be the subject of such offence, as that magistrate would have if the property had been stolen or otherwise unlawfully taken or obtained, or the offence had been committed wholly within the jurisdiction of such magistrate.

Power of Canadian Magistrates to grant search warrants in such cases.

#### WARRANTS AND ESCAPE.

11. An endorsement of a warrant in pursuance of this Act shall be signed by the authority endorsing the same, and shall authorize all or any of the persons named in the endorsement, and of the persons to whom the warrant was originally directed, and also every constable, to execute the warrant within Canada by apprehending the person named in it, and bringing him before some magistrate in Canada, whether the magistrate named in the endorsement or some other.

Effect of endorsement of a warrant under this Act.

For the purposes of this Act every warrant, summons, subpoena, and process, and every endorsement made in pursuance of this Act thereon, shall remain in force, notwithstanding that the person signing the warrant or such endorsement dies or ceases to hold office.

Notwithstanding death of signer or endorser.

- How the fugitive may be returned. **12.** Where a fugitive or prisoner is authorized to be returned to any part of Her Majesty's Dominions in pursuance of this Act, such fugitive or prisoner may be sent thither in any ship registered in Canada belonging to the Government of Canada. 5
- Order to master of Canadian ship to receive and convey fugitive. Proviso. For the purpose aforesaid, the authority signing the warrant for the return may order the master of any ship registered in Canada, bound to the said part of Her Majesty's dominions to receive and afford a passage and subsistence during the voyage to such fugitive or prisoner, and to the person having him in custody, and to the witnesses, so that such master be not required to receive more than one fugitive or prisoner for every hundred tons of his ship's registered tonnage, or more than one witness for every fifty tons of such tonnage. 10 15
- Endersement on agreement of the ship. The said authority shall endorse or cause to be endorsed upon the agreement of the ship such particulars with respect to any fugitive prisoner or witness sent in her as the Minister of Marine and Fisheries may from time to time require. 20
- Duty of master on arrival in port of destination. Every such master shall, on his ship's arrival in the said part of Her Majesty's dominions, cause such fugitive or prisoner, if he is not in the custody of any person, to be given into the custody of some constable, there to be dealt with according to law. 25
- Penalty on master refusing compliance with this section. Every master who fails on payment or tender of a reasonable amount for expenses to comply with an order made in pursuance of this section, or to cause a fugitive or prisoner committed to his charge to be given into custody as required by this section, shall be liable on summary conviction to a fine not exceeding *two hundred dollars*. 30
- EVIDENCE.
- Taking depositions. **13.** A magistrate may take depositions for the purposes of this Act in the absence of a person accused of an offence in like manner as he might take the same if such person were present and accused of the offence before him.
- Their use in evidence. Depositions (whether taken in the absence of the fugitive or otherwise) and copies thereof, and official certificates of or judicial documents stating facts, may, if duly authenticated, be received in evidence in proceedings under this Act. 35
- Authentication of warrants and other documents; what shall be sufficient. Warrants and depositions, and copies thereof, and official certificates of or judicial documents stating facts, shall be deemed duly authenticated for the purposes of this Act if they are authenticated in manner provided for the time being by law, or if they purport to be signed by or authenticated by the signature of a judge, magistrate, or officer of the part of Her Majesty's dominions in which the same are issued, taken, or made, and are authenticated either by the 40 45

oath of some witness, or by being sealed with the official seal of a Secretary of State, or with the public seal of a British possession, or with the official seal of a governor of a British possession, or of a colonial secretary, or of some secretary or minister administering a department of the government of a British possession.

And all courts and magistrates shall take judicial notice of every such seal as is in this section mentioned, and shall admit in evidence without further proof the documents authenticated by it.

Judicial notice of authentication.

14. Where a person convicted by a court in any part of Her Majesty's dominions of an offence committed either in Her Majesty's dominions or elsewhere, is unlawfully at large before the expiration of his sentence, this Act shall apply to such person, so far as is consistent with the tenor thereof, in like manner as it applies to a person accused of the like offence committed in the part of Her Majesty's dominions in which such person was convicted.

Application of Act to persons at large in H. M. dominions before expiration of sentence.

15. This Act shall apply where an offence is committed before the commencement of this Act, in like manner as if such offence had been committed after such commencement.

And to offences committed before commencement of this Act.

#### DEFINITIONS

16. In this Act, unless the context otherwise requires,—

Interpretation of terms:

The expression "magistrate" means, any justice of the peace or any person having authority to issue a warrant for the apprehension of persons accused of offences and to commit such persons for trial:

"Magistrate,"

The expression "oath" includes affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing, and the expression "swear" and other words relating to an oath or swearing shall be construed accordingly:

"Oath,"

"Swear,"

The expression "deposition" includes any affidavit, affirmation, or statement made upon oath as above defined:

"Deposition"

The expression "court" means: in the Province of Ontario, the High Court of Judicature; in the Province of Quebec, the Superior Court; in the Province of Nova Scotia, the Supreme Court; in the Province of New Brunswick, the Supreme Court; in the Province of Prince Edward Island, the Supreme Court; in the Province of British Columbia, the Supreme Court; in the Province of Manitoba, the Court of Queen's Bench; and in the North West Territories and the District of Kewatin, a Stipendiary Magistrate and such court or magistrate or other judicial authority as may be designated from time to time by proclamation of the Governor in Council, published in the *Canada Gazette*.

"Court"—with reference to the several provinces of Canada or N. W. Territories.

Exercise of  
judicial  
powers in  
vacation.

Any judge of the court may either in term time or vacation exercise in chambers all the powers conferred by this, Act upon the court.

Commence-  
ment of Act.

17. This Act shall come into operation on the first one thousand eight hundred and which date is in this Act referred to as the commencement of this Act.

5

4th Session, 4th Parliament 45 Victoria, 1882.

G

BILL.

An Act respecting fugitive offenders in Canada, from other parts of Her Majesty's Dominions.

Received and read, first time, Friday, 10th February, 1882.

Second reading, Friday, 17th February 1882.

OTTAWA:

Printed by MacLEAN, ROGER & Co.

1882

---

---

## B I L L .

An Act respecting fugitive offenders in Canada from  
other parts of Her Majesty's Dominions.

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

**1.** This Act may be cited as the Fugitive Offenders Act, Short title.  
5 (Canada) 1882.

### RETURN OF FUGITIVES

**2.** Where a person accused of having committed an offence (to which this Act applies) in any part of Her Majesty's dominions except Canada, has left that part, such person (in this Act referred to as a fugitive from that part) if found Apprehension and return of fugitive offenders from Her Majesty's Dominions.  
10 in Canada, shall be liable to be apprehended and returned in manner provided by this Act to the part from which he is a fugitive.

A fugitive may be so apprehended under an endorsed Warrant.  
warrant or a provisional warrant.

**3.** Where a warrant has been issued in a part of Her Proceedings in Canada on warrant issued elsewhere.  
15 Majesty's dominions for the apprehension of a fugitive from that part who is or is suspected to be in or on the way to Canada, any of the following authorities in Canada; that is to say,—

(1.) The Governor General or a judge of a superior court, if Endorsement of warrant and its effect.  
20 satisfied that the warrant was issued by some person having lawful authority to issue the same, may endorse such warrant in manner provided by this Act, and the warrant so endorsed shall be a sufficient authority to apprehend the fugitive in  
25 Canada and bring him before a magistrate.

**4.** A magistrate in Canada may issue a provisional warrant Issue of provisional warrant by Canadian Magistrate.  
for the apprehension of a fugitive who is or is suspected of being in or on his way to Canada on such information, and under such circumstances, as would in his opinion justify  
30 the issue of a warrant if the offence of which the fugitive is accused had been committed within his jurisdiction, and such warrant may be backed and executed accordingly.

A magistrate issuing a provisional warrant shall forthwith Report to Gov. General. Power of Gov. General to discharge.  
35 send a report of the issue, together with the information or a certified copy thereof, to the Governor General, and the Governor General may, if he think fit, discharge the person apprehended under such warrant.

**5.** A fugitive when apprehended shall be brought before Fugitive to be brought before a  
a magistrate, who (subject to the provisions of this Act) shall

Magistrate.  
Powers of  
Magistrate.

hear the case in the same manner and have the same jurisdiction and powers, as near as may be (including the power to remand and admit to bail), as if the fugitive were charged with an offence committed within his jurisdiction.

Committal of  
fugitive and  
report to  
Gov. General.

If the endorsed warrant for the apprehension of the fugitive is duly authenticated, and such evidence is produced as (subject to the provisions of this Act) according to the law ordinarily administered by the magistrate, raises a strong or probable presumption that the fugitive committed the offence mentioned in the warrant, and that the offence is one to which this Act applies, the magistrate shall commit the fugitive to prison to await his return, and shall forthwith send a certificate of the committal and such report of the case as he may think fit, to the Governor General. 5 10

Magistrate to  
inform fugi-  
tive that he  
has certain  
rights.

Where the magistrate commits the fugitive to prison he shall inform the fugitive that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of habeas corpus, or other like process. 15

Remand of  
fugitive from  
time to time.

A fugitive apprehended on a provisional warrant may be from time to time remanded for such reasonable time not exceeding seven days at any one time, as under the circumstances seems requisite for the production of an endorsed warrant. 20

Order of Gov.  
General for  
return of  
fugitive.

6. Upon the expiration of fifteen days after a fugitive has been committed to prison to await his return, or if a writ of habeas corpus or other like process is issued with reference to such fugitive by a superior court, after the final decision of the court in the case, the Governor General may, if he thinks it just, by warrant under his hand, order that fugitive to be returned to the part of Her Majesty's dominions from which he is a fugitive, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or some one or more of them, and to be held in custody, and conveyed by sea or otherwise to the said part of Her Majesty's dominions, to be dealt with there in due course of law as if he had been there apprehended, and such warrant shall be forthwith executed according to the tenor thereof. 25 30 35

Warrant for  
delivery of  
fugitive for  
return.

Court may  
discharge  
fugitive if not  
returned  
within a cer-  
tain time.

7. If a fugitive who, in pursuance of this part of this Act, has been committed to prison in Canada to await his return, is not conveyed out of Canada within two months after such committal, the court, upon application by or on behalf of the fugitive, and upon proof that reasonable notice of the intention to make such application has been given, to the Governor General, may, unless sufficient cause is shown to the contrary, order the fugitive to be discharged out of custody. 40 45

To what  
offences this  
Act shall  
apply.

8. This Act shall apply to the following offences, namely, to treason and piracy, and to every offence, whether called felony, misdemeanor, crime, or by any other name, which is 50

for the time being punishable in the part of Her Majesty's dominions in which it was committed, either on indictment or information, by imprisonment with hard labour for a term of twelve months or more, or by any greater punishment; and for the purposes of this section, rigorous imprisonment, and any confinement in a prison combined with labour, by whatever name it is called, shall be deemed to be imprisonment with hard labour.

10 This Act shall apply to an offence notwithstanding that by the law of Canada it is not an offence, or not an offence to which this Act applies; and all the provisions of this Act, including those relating to a provisional warrant and to a committal to prison, shall be construed as if the offence were in Canada an offence to which this Act applies.

Application to acts not offences by Canadian law.

15 9 Where it is made to appear to the court that by reason of the trivial nature of the case, or by reason of the application for the return of a fugitive not being made in good faith in the interests of justice or otherwise, it would, having regard to the distance, to the facilities for communication, and to all the circumstances of the case, be unjust or oppressive, or too severe a punishment to return the fugitive either at all or until the expiration of a certain period, such court may discharge the fugitive either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises as to the court seems just.

Powers of the court to discharge or grant other relief to fugitive in trivial cases, &c.

10 Where a warrant for the apprehension of a person accused of an offence has been endorsed in pursuance of this Act in Canada, any magistrate in Canada shall have the same power of issuing a warrant to search for any property alleged to be stolen or to be otherwise unlawfully taken or obtained by such person, or otherwise to be the subject of such offence, as that magistrate would have if the property had been stolen or otherwise unlawfully taken or obtained, or the offence had been committed wholly within the jurisdiction of such magistrate.

Power of Canadian Magistrates to grant search warrants in such cases.

#### WARRANTS AND ESCAPE.

11. An endorsement of a warrant in pursuance of this Act shall be signed by the authority endorsing the same, and shall authorize all or any of the persons named in the endorsement, and of the persons to whom the warrant was originally directed, and also every constable, to execute the warrant within Canada by apprehending the person named in it, and bringing him before some magistrate in Canada, whether the magistrate named in the endorsement or some other.

Effect of endorsement of a warrant under this Act.

For the purposes of this Act every warrant, summons, subpoena, and process, and every endorsement made in pursuance of this Act thereon, shall remain in force, notwithstanding that the person signing the warrant or such endorsement dies or ceases to hold office.

Notwithstanding death of signer or endorser.

- How the fugitive may be returned. **12.** Where a fugitive or prisoner is authorized to be returned to any part of Her Majesty's Dominions in pursuance of this Act, such fugitive or prisoner may be sent thither in any ship registered in Canada belonging to the Government of Canada. 5
- Order to master of Canadian ship to receive and convey fugitive. Proviso. For the purpose aforesaid, the authority signing the warrant for the return may order the master of any ship registered in Canada, bound to the said part of Her Majesty's dominions to receive and afford a passage and subsistence during the voyage to such fugitive or prisoner, and to the person having him in custody, and to the witnesses, so that such master be not required to receive more than one fugitive or prisoner for every hundred tons of his ship's registered tonnage, or more than one witness for every fifty tons of such tonnage. 10 15
- Endersement on agreement of the ship. The said authority shall endorse or cause to be endorsed upon the agreement of the ship such particulars with respect to any fugitive prisoner or witness sent in her as the Minister of Marine and Fisheries may from time to time require. 20
- Duty of master on arrival in port of destination. Every such master shall, on his ship's arrival in the said part of Her Majesty's dominions, cause such fugitive or prisoner, if he is not in the custody of any person, to be given into the custody of some constable, there to be dealt with according to law. 25
- Penalty on master refusing compliance with this section. Every master who fails on payment or tender of a reasonable amount for expenses to comply with an order made in pursuance of this section, or to cause a fugitive or prisoner committed to his charge to be given into custody as required by this section, shall be liable on summary conviction to a fine not exceeding *two hundred dollars*. 30
- EVIDENCE.
- Taking depositions. **13.** A magistrate may take depositions for the purposes of this Act in the absence of a person accused of an offence in like manner as he might take the same if such person were present and accused of the offence before him.
- Their use in evidence. Depositions (whether taken in the absence of the fugitive or otherwise) and copies thereof, and official certificates of or judicial documents stating facts, may, if duly authenticated, be received in evidence in proceedings under this Act. 35
- Authentication of warrants and other documents; what shall be sufficient. Warrants and depositions, and copies thereof, and official certificates of or judicial documents stating facts, shall be deemed duly authenticated for the purposes of this Act if they are authenticated in manner provided for the time being by law, or if they purport to be signed by or authenticated by the signature of a judge, magistrate, or officer of the part of Her Majesty's dominions in which the same are issued, taken, or made, and are authenticated either by the 40 45



oath of some witness, or by being sealed with the official seal of a Secretary of State, or with the public seal of a British possession, or with the official seal of a governor of a British possession, or of a colonial secretary, or of some secretary or minister administering a department of the government of a British possession.

And all courts and magistrates shall take judicial notice of every such seal as is in this section mentioned, and shall admit in evidence without further proof the documents authenticated by it.

14. Where a person convicted by a court in any part of Her Majesty's dominions of an offence committed either in Her Majesty's dominions or elsewhere, is unlawfully at large before the expiration of his sentence, this Act shall apply to such person, so far as is consistent with the tenor thereof, in like manner as it applies to a person accused of the like offence committed in the part of Her Majesty's dominions in which such person was convicted.

15. This Act shall apply where an offence is committed before the commencement of this Act, in like manner as if such offence had been committed after such commencement.

DEFINITIONS

16. In this Act, unless the context otherwise requires,—

The expression "magistrate" means, any justice of the peace or any person having authority to issue a warrant for the apprehension of persons accused of offences and to commit such persons for trial :

The expression "oath" includes affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing, and the expression "swear" and other words relating to an oath or swearing shall be construed accordingly :

The expression "deposition" includes any affidavit, affirmation, or statement made upon oath as above defined :

The expression "court" means : in the Province of Ontario, the High Court of Judicature ; in the Province of Quebec, the Superior Court ; in the Province of Nova Scotia, the Supreme Court ; in the Province of New Brunswick, the Supreme Court ; in the Province of Prince Edward Island, the Supreme Court ; in the Province of British Columbia, the Supreme Court ; in the Province of Manitoba, the Court of Queen's Bench ; and in the North West Territories and the District of Kewatin, a Stipendiary Magistrate and such court or magistrate or other judicial authority as may be designated from time to time by proclamation of the Governor in Council, published in the *Canada Gazette*.

Exercise of  
judicial  
powers in  
vacation.

Any judge of the court may either in term time or vacation exercise in chambers all the powers conferred by this Act upon the court.

Commence-  
ment of Act.

17. This Act shall come into operation on the first one thousand eight hundred and which date is in this Act referred to as the commencement of this Act.

5

4th Session, 4th Parliament 45 Victoria, 1882.

Q

BILL.

An Act respecting fugitive offenders in Canada, from other parts of Her Majesty's Dominions.

Received and read, first time, Friday, 10th February, 1882.

Second reading, Friday, 17th February 1882.

OTTAWA:

Printed by MacLEAN, ROGER & Co.

1882

---

---

## B I L L .

An Act respecting fugitive offenders in Canada from other parts of Her Majesty's Dominions.

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

1. This Act may be cited as the Fugitive Offenders Act, Short title.  
5 (Canada) 1882.

### RETURN OF FUGITIVES

2. Where a person accused of having committed an offence (to which this Act applies) in any part of Her Majesty's dominions except Canada, has left that part, such person (in this Act referred to as a fugitive from that part) if found  
10 in Canada, shall be liable to be apprehended and returned in manner provided by this Act to the part from which he is a fugitive.
- Apprehension and return of fugitive offenders from Her Majesty's Dominions.

A fugitive may be so apprehended under an endorsed  
warrant or a provisional warrant.

Warrant.

3. Where a warrant has been issued in a part of Her Majesty's dominions for the apprehension of a fugitive from that part who is or is suspected to be in or on the way to Canada, any of the following authorities in Canada; that is to say,—
- Proceedings in Canada on warrant issued elsewhere.

- (1.) The Governor General or a judge of a superior court, if satisfied that the warrant was issued by some person having lawful authority to issue the same, may endorse such warrant in manner provided by this Act, and the warrant so endorsed shall be a sufficient authority to apprehend the fugitive in  
25 Canada and bring him before a magistrate.
- Endorsement of warrant and its effect.

4. A magistrate in Canada may issue a provisional warrant for the apprehension of a fugitive who is or is suspected of being in or on his way to Canada on such information, and under such circumstances, as would in his opinion justify  
30 the issue of a warrant if the offence of which the fugitive is accused had been committed within his jurisdiction, and such warrant may be backed and executed accordingly.
- Issue of provisional warrant by Canadian Magistrate.

- A magistrate issuing a provisional warrant shall forthwith send a report of the issue, together with the information or  
35 a certified copy thereof, to the Governor General, and the Governor General may, if he think fit, discharge the person apprehended under such warrant.
- Report to Gov. General. Power of Gov. General to discharge.

5. A fugitive when apprehended shall be brought before a magistrate, who (subject to the provisions of this Act) shall  
Fugitive to be brought before a

- Magistrate. Powers of Magistrate. hear the case in the same manner and have the same jurisdiction and powers, as near as may be (including the power to remand and admit to bail), as if the fugitive were charged with an offence committed within his jurisdiction.
- Committal of fugitive and report to Gov. General. If the endorsed warrant for the apprehension of the fugitive is duly authenticated, and such evidence is produced as (subject to the provisions of this Act) according to the law ordinarily administered by the magistrate, raises a strong or probable presumption that the fugitive committed the offence mentioned in the warrant, and that the offence is one to which this Act applies, the magistrate shall commit the fugitive to prison to await his return, and shall forthwith send a certificate of the committal and such report of the case as he may think fit, to the Governor General. 5 10
- Magistrate to inform fugitive that he has certain rights. Where the magistrate commits the fugitive to prison he shall inform the fugitive that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of habeas corpus, or other like process. 15
- Remand of fugitive from time to time. A fugitive apprehended on a provisional warrant may be from time to time remanded for such reasonable time not exceeding seven days at any one time, as under the circumstances seems requisite for the production of an endorsed warrant. 20
- Order of Gov. General for return of fugitive. 6. Upon the expiration of fifteen days after a fugitive has been committed to prison to await his return, or if a writ of habeas corpus or other like process is issued with reference to such fugitive by a superior court, after the final decision of the court in the case, the Governor General may, if he thinks it just, by warrant under his hand, order that fugitive to be returned to the part of Her Majesty's dominions from which he is a fugitive, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or some one or more of them, and to be held in custody, and conveyed by sea or otherwise to the said part of Her Majesty's dominions, to be dealt with there in due course of law as if he had been there apprehended, and such warrant shall be forthwith executed according to the tenor thereof. 25 30 35
- Warrant for delivery of fugitive for return.
- Court may discharge fugitive if not returned within a certain time. 7. If a fugitive who, in pursuance of this part of this Act, has been committed to prison in Canada to await his return, is not conveyed out of Canada within two months after such committal, the court, upon application by or on behalf of the fugitive, and upon proof that reasonable notice of the intention to make such application has been given, to the Governor General, may, unless sufficient cause is shown to the contrary, order the fugitive to be discharged out of custody. 40 45
- To what offences this Act shall apply. 8. This Act shall apply to the following offences, namely, to treason and piracy, and to every offence, whether called felony, misdemeanor, crime, or by any other name, which is 50

for the time being punishable in the part of Her Majesty's dominions in which it was committed, either on indictment or information, by imprisonment with hard labour for a term of twelve months or more, or by any greater punishment; and for the purposes of this section, rigorous imprisonment, and any confinement in a prison combined with labour, by whatever name it is called, shall be deemed to be imprisonment with hard labour.

10 This Act shall apply to an offence notwithstanding that by the law of Canada it is not an offence, or not an offence to which this Act applies; and all the provisions of this Act, including those relating to a provisional warrant and to a committal to prison, shall be construed as if the offence were in Canada an offence to which this Act applies.

Application to acts not offences by Canadian law.

15 9 Where it is made to appear to the court that by reason of the trivial nature of the case, or by reason of the application for the return of a fugitive not being made in good faith in the interests of justice or otherwise, it would, having regard to the distance, to the facilities for communication, and to all the circumstances of the case, be unjust or oppressive, or too severe a punishment to return the fugitive either at all or until the expiration of a certain period, such court may discharge the fugitive either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises as to the court seems just.

Powers of the court to discharge or grant other relief to fugitive in trivial cases, &c.

10 Where a warrant for the apprehension of a person accused of an offence has been endorsed in pursuance of this Act in Canada, any magistrate in Canada shall have the same power of issuing a warrant to search for any property alleged to be stolen or to be otherwise unlawfully taken or obtained by such person, or otherwise to be the subject of such offence, as that magistrate would have if the property had been stolen or otherwise unlawfully taken or obtained, or the offence had been committed wholly within the jurisdiction of such magistrate.

Power of Canadian Magistrates to grant search warrants in such cases.

#### WARRANTS AND ESCAPE.

11. An endorsement of a warrant in pursuance of this Act shall be signed by the authority endorsing the same, and shall authorize all or any of the persons named in the endorsement, and of the persons to whom the warrant was originally directed, and also every constable, to execute the warrant within Canada by apprehending the person named in it, and bringing him before some magistrate in Canada, whether the magistrate named in the endorsement or some other.

Effect of endorsement of a warrant under this Act.

For the purposes of this Act every warrant, summons, subpœna, and process, and every endorsement made in pursuance of this Act thereon, shall remain in force, notwithstanding that the person signing the warrant or such endorsement dies or ceases to hold office.

Notwithstanding death of signer or endorser.

How the fugitive may be returned. **12.** Where a fugitive or prisoner is authorized to be returned to any part of Her Majesty's Dominions in pursuance of this Act, such fugitive or prisoner may be sent thither in any ship registered in Canada belonging to the Government of Canada. 5

Order to master of Canadian ship to receive and convey fugitive. Proviso. For the purpose aforesaid, the authority signing the warrant for the return may order the master of any ship registered in Canada, bound to the said part of Her Majesty's dominions to receive and afford a passage and subsistence during the voyage to such fugitive or prisoner, and to the person having him in custody, and to the witnesses, so that such master be not required to receive more than one fugitive or prisoner for every hundred tons of his ship's registered tonnage, or more than one witness for every fifty tons of such tonnage. 10 15

Endorsement on agreement of the ship. The said authority shall endorse or cause to be endorsed upon the agreement of the ship such particulars with respect to any fugitive prisoner or witness sent in her as the Minister of Marine and Fisheries may from time to time require. 20

Duty of master on arrival in port of destination. Every such master shall, on his ship's arrival in the said part of Her Majesty's dominions, cause such fugitive or prisoner, if he is not in the custody of any person, to be given into the custody of some constable, there to be dealt with according to law. 25

Penalty on master refusing compliance with this section. Every master who fails on payment or tender of a reasonable amount for expenses to comply with an order made in pursuance of this section, or to cause a fugitive or prisoner committed to his charge to be given into custody as required by this section, shall be liable on summary conviction to a fine not exceeding *two hundred dollars*. 30

#### EVIDENCE.

Taking depositions. **13.** A magistrate may take depositions for the purposes of this Act in the absence of a person accused of an offence in like manner as he might take the same if such person were present and accused of the offence before him.

Their use in evidence. Depositions (whether taken in the absence of the fugitive or otherwise) and copies thereof, and official certificates of or judicial documents stating facts, may, if duly authenticated, be received in evidence in proceedings under this Act. 35

Authentication of warrants and other documents; what shall be sufficient. Warrants and depositions, and copies thereof, and official certificates of or judicial documents stating facts, shall be deemed duly authenticated for the purposes of this Act if they are authenticated in manner provided for the time being by law, or if they purport to be signed by or authenticated by the signature of a judge, magistrate, or officer of the part of Her Majesty's dominions in which the same are issued, taken, or made, and are authenticated either by the 40 45

oath of some witness, or by being sealed with the official seal of a Secretary of State, or with the public seal of a British possession, or with the official seal of a governor of a British possession, or of a colonial secretary, or of some secretary or minister administering a department of the government of a British possession.

And all courts and magistrates shall take judicial notice of every such seal as is in this section mentioned, and shall admit in evidence without further proof the documents authenticated by it.

14. Where a person convicted by a court in any part of Her Majesty's dominions of an offence committed either in Her Majesty's dominions or elsewhere, is unlawfully at large before the expiration of his sentence, this Act shall apply to such person, so far as is consistent with the tenor thereof, in like manner as it applies to a person accused of the like offence committed in the part of Her Majesty's dominions in which such person was convicted.

15. This Act shall apply where an offence is committed before the commencement of this Act, in like manner as if such offence had been committed after such commencement.

#### DEFINITIONS

16. In this Act, unless the context otherwise requires,—

The expression "magistrate" means, any justice of the peace or any person having authority to issue a warrant for the apprehension of persons accused of offences and to commit such persons for trial :

The expression "oath" includes affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing, and the expression "swear" and other words relating to an oath or swearing shall be construed accordingly :

The expression "deposition" includes any affidavit, affirmation, or statement made upon oath as above defined :

The expression "court" means : in the Province of Ontario, the High Court of Judicature ; in the Province of Quebec, the Superior Court ; in the Province of Nova Scotia, the Supreme Court ; in the Province of New Brunswick, the Supreme Court ; in the Province of Prince Edward Island, the Supreme Court ; in the Province of British Columbia, the Supreme Court ; in the Province of Manitoba, the Court of Queen's Bench ; and in the North West Territories and the District of Kewatin, a Stipendiary Magistrate and such court or magistrate or other judicial authority as may be designated from time to time by proclamation of the Governor in Council, published in the *Canada Gazette*.

Exercise of  
judicial  
powers in  
vacation.

Any judge of the court may either in term time or vacation exercise in chambers all the powers conferred by this Act upon the court.

Commence-  
ment of Act.

17. This Act shall come into operation on the first one thousand eight hundred and 5  
which date is in this Act referred to as the commencement of this Act.

4th Session, 4th Parliament, 45 Victoria, 1882.

C

BILL.

An Act respecting fugitive offenders in Canada, from other parts of Her Majesty's Dominions.

Received and read, first time, Friday, 6th  
February, 1882.

Second reading, Friday, 17th February 1882.

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1882



---

---

## B I L L .

An Act respecting fugitive offenders in Canada from  
other parts of Her Majesty's Dominions.

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

1. This Act may be cited as the Fugitive Offenders Act, Short title.  
5 (Canada) 1882.

### RETURN OF FUGITIVES

2. Where a person accused of having committed an offence (to which this Act applies) in any part of Her Majesty's dominions except Canada, has left that part, such person (in this Act referred to as a fugitive from that part) if found  
10 in Canada, shall be liable to be apprehended and returned in manner provided by this Act to the part from which he is a fugitive.

Apprehension and return of fugitive offenders from Her Majesty's Dominions.

A fugitive may be so apprehended under an endorsed  
warrant or a provisional warrant.

Warrant.

3. Where a warrant has been issued in a part of Her Majesty's dominions for the apprehension of a fugitive from that part who is or is suspected to be in or on the way to  
15 Canada, any of the following authorities in Canada; that is to say,—

Proceedings in Canada on warrant issued elsewhere.

(1.) The Governor General or a judge of a superior court, if  
20 satisfied that the warrant was issued by some person having lawful authority to issue the same, may endorse such warrant in manner provided by this Act, and the warrant so endorsed shall be a sufficient authority to apprehend the fugitive in  
25 Canada and bring him before a magistrate.

Endorsement of warrant and its effect.

4. A magistrate in Canada may issue a provisional warrant for the apprehension of a fugitive who is or is suspected of being in or on his way to Canada on such information, and under such circumstances, as would in his opinion justify  
30 the issue of a warrant if the offence of which the fugitive is accused had been committed within his jurisdiction, and such warrant may be backed and executed accordingly.

Issue of provisional warrant by Canadian Magistrate.

A magistrate issuing a provisional warrant shall forthwith  
send a report of the issue, together with the information or  
35 a certified copy thereof, to the Governor General, and the Governor General may, if he think fit, discharge the person apprehended under such warrant.

Report to Gov. General. Power of Gov. General to discharge.

5. A fugitive when apprehended shall be brought before  
a magistrate, who (subject to the provisions of this Act) shall  
be brought before a

Fugitive to be brought before a

- Magistrate. Powers of Magistrate.** hear the case in the same manner and have the same jurisdiction and powers, as near as may be (including the power to remand and admit to bail), as if the fugitive were charged with an offence committed within his jurisdiction.
- Committal of fugitive and report to Gov. General.** If the endorsed warrant for the apprehension of the fugitive is duly authenticated, and such evidence is produced as (subject to the provisions of this Act) according to the law ordinarily administered by the magistrate, raises a strong or probable presumption that the fugitive committed the offence ~~mentioned in the warrant, and that the offence is one to~~ which this Act applies, the magistrate shall commit the fugitive to prison to await his return, and shall forthwith send a certificate of the committal and such report of the case as he may think fit, to the Governor General.
- Magistrate to inform fugitive that he has certain rights.** Where the magistrate commits the fugitive to prison he shall inform the fugitive that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of habeas corpus, or other like process.
- Remand of fugitive from time to time.** A fugitive apprehended on a provisional warrant may be from time to time remanded for such reasonable time not exceeding seven days at any one time, as under the circumstances seems requisite for the production of an endorsed warrant.
- Order of Gov. General for return of fugitive.** **6.** Upon the expiration of fifteen days after a fugitive has been committed to prison to await his return, or if a writ of habeas corpus or other like process is issued with reference to such fugitive by a superior court, after the final decision of the court in the case, the Governor General may, if he thinks it just, by warrant under his hand, order that fugitive to be returned to the part of Her Majesty's dominions from which he is a fugitive, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or some one or more of them, and to be held in custody, and conveyed by sea or otherwise to the said part of Her Majesty's dominions, to be dealt with there in due course of law as if he had been there apprehended, and such warrant shall be forthwith executed according to the tenor thereof.
- Warrant for delivery of fugitive for return.**
- Court may discharge fugitive if not returned within a certain time.** **7.** If a fugitive who, in pursuance of this part of this Act, has been committed to prison in Canada to await his return, is not conveyed out of Canada within two months after such committal, the court, upon application by or on behalf of the fugitive, and upon proof that reasonable notice of the intention to make such application has been given, to the Governor General, may, unless sufficient cause is shown to the contrary, order the fugitive to be discharged out of custody.
- To what offences this Act shall apply.** **8.** This Act shall apply to the following offences, namely, to treason and piracy, and to every offence, whether called felony, misdemeanor, crime, or by any other name, which is

for the time being punishable in the part of Her Majesty's dominions in which it was committed, either on indictment or information, by imprisonment with hard labour for a term of twelve months or more, or by any greater punishment; and for the purposes of this section, rigorous imprisonment, and any confinement in a prison combined with labour, by whatever name it is called, shall be deemed to be imprisonment with hard labour.

10 This Act shall apply to an offence notwithstanding that by the law of Canada it is not an offence, or not an offence to which this Act applies, and all the provisions of this Act, including those relating to a provisional warrant and to a committal to prison, shall be construed as if the offence were in Canada an offence to which this Act applies.

Application to acts not offences by Canadian law.

15 9. Where it is made to appear to the court that by reason of the trivial nature of the case, or by reason of the application for the return of a fugitive not being made in good faith in the interests of justice or otherwise, it would, having regard to the distance, to the facilities for communication, and to all the circumstances of the case, be unjust or oppressive, or too severe a punishment to return the fugitive either at all or until the expiration of a certain period, such court may discharge the fugitive either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises as to the court seems just.

Powers of the court to discharge or grant other relief to fugitive in trivial cases, &c.

20 10. Where a warrant for the apprehension of a person accused of an offence has been endorsed in pursuance of this Act in Canada, any magistrate in Canada shall have the same power of issuing a warrant to search for any property alleged to be stolen or to be otherwise unlawfully taken or obtained by such person, or otherwise to be the subject of such offence, as that magistrate would have if the property had been stolen or otherwise unlawfully taken or obtained, or the offence had been committed wholly within the jurisdiction of such magistrate.

Power of Canadian Magistrates to grant search warrants in such cases.

#### WARRANTS AND ESCAPE.

40 11. An endorsement of a warrant in pursuance of this Act shall be signed by the authority endorsing the same, and shall authorize all or any of the persons named in the endorsement, and of the persons to whom the warrant was originally directed, and also every constable, to execute the warrant within Canada by apprehending the person named in it, and bringing him before some magistrate in Canada, whether the magistrate named in the endorsement or some other.

Effect of endorsement of a warrant under this Act.

50 For the purposes of this Act every warrant, summons, subpœna, and process, and every endorsement made in pursuance of this Act thereon, shall remain in force, notwithstanding that the person signing the warrant or such endorsement dies or ceases to hold office.

Notwithstanding death of signer or endorser.

- How the fugitive may be returned. **12.** Where a fugitive or prisoner is authorized to be returned to any part of Her Majesty's Dominions in pursuance of this Act, such fugitive or prisoner may be sent thither in any ship registered in Canada belonging to the Government of Canada. 5
- Order to master of Canadian ship to receive and convey fugitive. For the purpose aforesaid, the authority signing the warrant for the return may order the master of any ship registered in Canada, bound to the said part of Her Majesty's dominions to receive and afford a passage and subsistence ~~during the voyage to such fugitive~~ to the person having him in custody, and to the witnesses, so that such master be not required to receive more than one fugitive or prisoner for every hundred tons of his ship's registered tonnage, or more than one witness for every fifty tons of such tonnage. 15
- Proviso.
- Endersement on agreement of the ship. The said authority shall endorse or cause to be endorsed upon the agreement of the ship such particulars with respect to any fugitive prisoner or witness sent in her as the Minister of Marine and Fisheries may from time to time require. 20
- Duty of master on arrival in port of destination. Every such master shall, on his ship's arrival in the said part of Her Majesty's dominions, cause such fugitive or prisoner, if he is not in the custody of any person, to be given into the custody of some constable, there to be dealt with according to law. 25
- Penalty on master refusing compliance with this section. Every master who fails on payment or tender of a reasonable amount for expenses to comply with an order made in pursuance of this section, or to cause a fugitive or prisoner committed to his charge to be given into custody as required by this section, shall be liable on summary conviction to a fine not exceeding *two hundred dollars*. 30
- EVIDENCE.
- Taking depositions. **13.** A magistrate may take depositions for the purposes of this Act in the absence of a person accused of an offence in like manner as he might take the same if such person were present and accused of the offence before him.
- Their use in evidence. Depositions (whether taken in the absence of the fugitive or otherwise) and copies thereof, and official certificates of or judicial documents stating facts, may, if duly authenticated, be received in evidence in proceedings under this Act. 35
- Authentication of warrants and other documents; what shall be sufficient. Warrants and depositions, and copies thereof, and official certificates of or judicial documents stating facts, shall be deemed duly authenticated for the purposes of this Act if they are authenticated in manner provided for the time being by law, or if they purport to be signed by or authenticated by the signature of a judge, magistrate, or officer of the part of Her Majesty's dominions in which the same are issued, taken, or made, and are authenticated either by the 40 45

oath of some witness, or by being sealed with the official seal of a Secretary of State, or with the public seal of a British possession, or with the official seal of a governor of a British possession, or of a colonial secretary, or of some secretary or minister administering a department of the government of a British possession.

And all courts and magistrates shall take judicial notice of every such seal as is in this section mentioned, and shall admit in evidence without further proof the documents Judicial notice of authentication.

14. Where a person convicted by a court in any part of Her Majesty's dominions of an offence committed either in Her Majesty's dominions or elsewhere, is unlawfully at large before the expiration of his sentence, this Act shall apply to such person, so far as is consistent with the tenor thereof, in like manner as it applies to a person accused of the like offence committed in the part of Her Majesty's dominions in which such person was convicted. Application of Act to persons at large in H. M. dominions before expiration of sentence.

15. This Act shall apply where an offence is committed before the commencement of this Act, in like manner as if such offence had been committed after such commencement. And to offences committed before commencement of this Act.

#### DEFINITIONS

16. In this Act, unless the context otherwise requires,— Interpretation of terms:

The expression "magistrate" means, any justice of the peace or any person having authority to issue a warrant for the apprehension of persons accused of offences and to commit such persons for trial : "Magistrate,"

The expression "oath" includes affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing, and the expression "swear" and other words relating to an oath or swearing shall be construed accordingly : "Oath," "Swear,"

The expression "deposition" includes any affidavit, affirmation, or statement made upon oath as above defined : "Deposition"

The expression "court" means : in the Province of Ontario, the High Court of Judicature ; in the Province of Quebec, the Superior Court ; in the Province of Nova Scotia, the Supreme Court ; in the Province of New Brunswick, the Supreme Court ; in the Province of Prince Edward Island, the Supreme Court ; in the Province of British Columbia, the Supreme Court ; in the Province of Manitoba, the Court of Queen's Bench ; and in the North West Territories and the District of Kewatin, a Stipendiary Magistrate and such court or magistrate or other judicial authority as may be designated from time to time by proclamation of the Governor in Council, published in the *Canada Gazette*. "Court"—with reference to the several provinces of Canada or N. W. Territories.

Exercise of  
judicial  
powers in  
vacation.

Any judge of the court may either in term time or vacation exercise in chambers all the powers conferred by this Act upon the court.

Commence-  
ment of Act.

17. This Act shall come into operation on the first one thousand eight hundred and 5  
which date is in this Act referred to as the commencement of this Act.

---

4th Session, 4th Parliament 45 Victoria, 1882.

---

Q

BILL.

An Act respecting fugitive offenders in  
Canada, from other parts of Her Ma-  
jesty's Dominions.

---

Received and read, first time, Friday, 10th  
February, 1882.

Second reading, Friday, 17th February 1882.

---

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1882

---

---

## BILL.

An Act further to continue in force for a limited time  
“The better Prevention of Crime Act, 1878.”

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

1. The Act passed in the forty-first year of Her Majesty's Act 41 V., c. 17, continued to end of next Session.  
5 reign, chapter seventeen, and entitled: “*An Act for the better prevention of crimes of violence in certain parts of Canada until the end of the next Session of Parliament,*”  
which was continued by the Act passed in the forty-fourth  
10 year of Her Majesty's reign, chapter twenty-nine, shall  
further continue in force until the end of the now next  
ensuing Session of Parliament; and any proclamation As to any proclamation under it.  
heretofore issued thereunder shall continue in force until  
such proclamation is revoked by proclamation in the manner  
provided by the said Act, or until the expiration of the said  
15 Act, whichever shall first happen.

---

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

---

00

BILL

An Act further to continue in force for a limited time "The better Prevention of Crime Act, 1878."

---

Received and read first time, Tuesday, 9th  
May, 1882.

Second reading, Wednesday, 10th May, 1882.

---

Honorable Sir ALEX. CAMPBELL.

---

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1882



---

## BILL.

An Act further to continue in force for a limited time  
“The better Prevention of Crime Act, 1878.”

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

1. The Act passed in the forty-first year of Her Majesty's  
5 reign, chapter seventeen, and entitled: “*An Act for the* Act 41 V., c.  
*better prevention of crimes of violence in certain parts of* 17, continued  
*Canada until the end of the next Session of Parliament,*” to end of next  
which was continued by the Act passed in the forty-fourth Session.  
10 year of Her Majesty's reign, chapter twenty-nine, shall  
further continue in force until the end of the now next  
ensuing Session of Parliament; and any proclamation  
heretofore issued thereunder shall continue in force until  
15 such proclamation is revoked by proclamation in the manner  
provided by the said Act, or until the expiration of the said  
Act, whichever shall first happen. As to any  
proclamation  
under it.

---

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

---

CC

BILL

An Act further to continue in force for a limited time "The better Prevention of Crime Act, 1878."

---

Received and read first time, Tuesday, 9th  
May, 1882.

Second reading, Wednesday, 10th May, 1882.

---

Honorable Sir ALEX. CAMPBELL.

---

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1882

---

---

## B I L L .

An Act respecting Harbour and River Police of Canada.

**H**ER 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, establish at the ports of Montreal and Quebec respectively a harbour and river police force, and may, from time to time, appoint one or more fit and proper persons to be and act as a superintendent or superintendents of such force, with jurisdiction over the whole or such part or parts of Canada as may be defined by the Governor in Council. Governor may establish force.
2. The Minister of Marine and Fisheries may, from time to time, appoint, fit and proper persons to serve as harbour and river police constables under and within the jurisdiction of such superintendents of Harbour and River Police. Such constables shall hold office during the pleasure of the said Minister, and shall obey all lawful directions of and be subject to the government of the superintendents, and shall have and be charged with all the powers, rights and responsibilities which belong by law to police constables. Constables may be appointed.
3. The Governor in Council may, from time to time, make rules and regulations for the government of the superintendents and constables of harbour and river police, and for the general management of the force. Rules and regulations.
4. Every superintendent of harbour and river police appointed under this Act shall, for the purpose of carrying out the criminal laws and other laws of Canada only, have and exercise within his local jurisdiction all the powers, authorities, rights and privileges by law appertaining to a Police Magistrate of a city in Canada and to Justices of the Peace generally. Powers of superintendent of force.
5. If any constable appointed under the authority of this Act is guilty of any disobedience of orders, neglect of duty or any misconduct as such constable, and is convicted thereof in a summary way before any Police Magistrate, a Judge of the Sessions of the Peace or two Justices of the Peace, he shall be liable to a fine not exceeding *dollars* and costs, and in default of immediate payment thereof shall be liable to imprisonment for any time not exceeding three months, unless the fine and costs be sooner paid. Penalty for disobedience of orders.

Power to  
board vessels.

6. Any superintendent of harbour and river police, and any constable appointed under the authority of this Act, may at any time board any vessel for the purpose of arresting or searching for any person for whose arrest a warrant has been issued, or for the purpose of assisting or protecting any officer of Customs or other officer of the Government of Canada in the performance of his duties. 5

Application  
of fines.

7. All moneys arising from fines, penalties and forfeitures imposed under the authority of this Act, shall be paid to the Receiver General to form part of the Consolidated Revenue Fund. 10

Duty to be  
levied on  
vessels at  
Quebec and  
Montreal.

8. There shall be levied upon every vessel whether entering at the Port of Quebec or at the Port of Montreal, a tonnage duty of *per ton* register of such vessel, for the purposes of this Act, and the said duty shall be a lien upon the vessel, and shall be payable by the master of such vessel to the Collector of Her Majesty's Customs at the port: Provided, that any vessel of one hundred tons register, or less, shall be subject to the payment of such tonnage duty on her first entry in either of the said ports in any calendar year, but not on any subsequent entry at the same port in the same year; and that any vessel of more than one hundred tons register shall be subject to the said duty on her first and third entry at either of the said ports in any one calendar year, but not on any subsequent entry in the same year, and that no vessel bound to or from the Port of Montreal shall be liable to pay such duty at the Port of Quebec for the same voyage. 15 20 25

Collector of  
Customs not  
to grant entry  
or clearance  
till duty paid.

9. The Collector of Her Majesty's Customs at either of the said ports shall not grant any entry inwards or clearance outwards to any vessel which may require to make such entry or clearance until the tonnage duty payable on such vessel under this Act has been paid; and the master of any vessel liable to such duty, and not requiring any entry or clearance, who shall leave the port at which it ought to be paid without having paid it, shall thereby incur a penalty of *dollars*. 30 35

Application  
of moneys  
levied.

10. The moneys levied in either of the said ports under the authority of this Act shall be paid over by the collector receiving the same to the Receiver General, to form part of the Consolidated Revenue Fund. 40

"Vessel."

11. The word "vessel" in this Act includes every description of vessel used in navigation not propelled by oars.

When Act  
comes into  
force.

12. This Act shall not come into force until a day to be appointed in that behalf by proclamation of the Governor, to be published in the *Canada Gazette*, and from and after such day the Act passed in the thirty-first year of Her Majesty's reign, chaptered sixty-two and intituled: "*An Act respecting Harbour Police*," shall be repealed, but no Act or provision of any Act repealed thereby shall be revived. 45 50

Repeal.



---

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

---

D

BILL

An Act respecting Harbour and River  
Police of Canada.

---

Received and read first time, Tuesday, 10th  
February, 1882.

Second reading, Friday, 17th February, 1882.

---

Honourable  
Sir ALEXANDER CAMPBELL.

---

OTTAWA:

PRINTED BY MAOLMAN, ROGER & Co.,  
1882.

---

---

## B I L L .

### An Act respecting Harbour and River Police of Canada.

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, establish at the ports of Montreal and Quebec respectively a harbour and river police force, and may, from time to time, appoint one or more fit and proper persons to be and act as a superintendent or superintendents of such force, with jurisdiction over the whole or such part or parts of Canada as may be defined by the Governor in Council.

Governor may establish force.

2. The Minister of Marine and Fisheries may, from time to time, appoint, fit and proper persons to serve as harbour and river police constables under and within the jurisdiction of such superintendents of Harbour and River Police. Such constables shall hold office during the pleasure of the said Minister, and shall obey all lawful directions of and be subject to the government of the superintendents, and shall have and be charged with all the powers, rights and responsibilities which belong by law to police constables.

Constables may be appointed.

3. The Governor in Council may, from time to time, make rules and regulations for the government of the superintendents and constables of harbour and river police, and for the general management of the force.

Rules and regulations.

4. Every superintendent of harbour and river police appointed under this Act shall, for the purpose of carrying out the criminal laws and other laws of Canada only, have and exercise within his local jurisdiction all the powers, authorities, rights and privileges by law appertaining to a Police Magistrate of a city in Canada and to Justices of the Peace generally.

Powers of superintendent of force.

5. If any constable appointed under the authority of this Act is guilty of any disobedience of orders, neglect of duty or any misconduct as such constable, and is convicted thereof in a summary way before any Police Magistrate, a Judge of the Sessions of the Peace or two Justices of the Peace, he shall be liable to a fine not exceeding *dollars* and costs, and in default of immediate payment thereof shall be liable to imprisonment for any time not exceeding three months, unless the fine and costs be sooner paid.

Penalty for disobedience of orders.

- Power to board vessels.** **6.** Any superintendent of harbour and river police, and any constable appointed under the authority of this Act, may at any time board any vessel for the purpose of arresting or searching for any person for whose arrest a warrant has been issued, or for the purpose of assisting or protecting any officer of Customs or other officer of the Government of Canada in the performance of his duties. 5
- Application of fines.** **7.** All moneys arising from fines, penalties and forfeitures imposed under the authority of this Act, shall be paid to the Receiver General to form part of the Consolidated Revenue Fund. 10
- Duty to be levied on vessels at Quebec and Montreal.** **8.** There shall be levied upon every vessel whether entering at the Port of Quebec or at the Port of Montreal, a tonnage duty of *per ton* register of such vessel, for the purposes of this Act, and the said duty shall be a lien upon the vessel, and shall be payable by the master of such vessel to the Collector of Her Majesty's Customs at the port: Provided, that any vessel of one hundred tons register, or less, shall be subject to the payment of such tonnage duty on her first entry in either of the said ports in any calendar year, but not on any subsequent entry at the same port in the same year; and that any vessel of more than one hundred tons register shall be subject to the said duty on her first and third entry at either of the said ports in any one calendar year, but not on any subsequent entry in the same year, and that no vessel bound to or from the Port of Montreal shall be liable to pay such duty at the Port of Quebec for the same voyage. 15 20 25
- Collector of Customs not to grant entry or clearance till duty paid.** **9.** The Collector of Her Majesty's Customs at either of the said ports shall not grant any entry inwards or clearance outwards to any vessel which may require to make such entry or clearance until the tonnage duty payable on such vessel under this Act has been paid: and the master of any vessel liable to such duty, and not requiring any entry or clearance, who shall leave the port at which it ought to be paid without having paid it, shall thereby incur a penalty of *dollars.* 30 35
- Application of moneys levied.** **10.** The moneys levied in either of the said ports under the authority of this Act shall be paid over by the collector receiving the same to the Receiver General, to form part of the Consolidated Revenue Fund. 40
- "Vessel."** **11.** The word "vessel" in this Act includes every description of vessel used in navigation not propelled by oars.
- When Act comes into force.** **12.** This Act shall not come into force until a day to be appointed in that behalf by proclamation of the Governor, to be published in the *Canada Gazette*, and from and after such day the Act passed in the thirty-first year of Her Majesty's reign, chaptered sixty-two and intituled: "*An Act respecting Harbour Police*," shall be repealed, but no Act or provision of any Act repealed thereby shall be revived. 45 50
- Repeal.**



1883

Printed by MacLellan, Bossert & Co.

OTTAWA.

Honourable  
SIR ALEXANDER CAMPBELL

Second reading, March 11th 1883.

February, 1883.  
Received and read for John A. Macdonald.

Police of Canada  
in Act respecting Harbours and Rivers.

BILL

H  
D

Printed by MacLellan, Bossert & Co.

---

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

---

**D**

**BILL**

**An Act respecting Harbour and River  
Police of Canada.**

---

Received and read first time, Tuesday, 10th  
February, 1882.

Second reading, Friday, 17th February, 1882.

---

Honourable  
Sir ALEXANDER CAMPBELL.

---

OTTAWA:

PRINTED BY MAULEAN, ROGER & Co.,  
1882.

---

---

## BILL.

An Act further to amend "The Petroleum Inspection Act, 1880."

IN amendment to the Act passed in the forty-third year of Her Majesty's reign, chaptered twenty-one, intituled : *An Act to amend the Act respecting the Inspection of Petroleum* : Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The section substituted for the second section of the said Act by the first section of the Act passed in the forty-fourth year of Her Majesty's reign, chaptered twenty-three, is hereby amended by adding thereto the following as subsection 4 :—

"4. Petroleum designated and known as 'High Test Petroleum,' may be sold for use in Canada, for illuminating purposes, when it weighs not more than eight pounds and thirty-two hundredths of a pound, and not less than eight pounds and twenty-three hundredths of a pound per gallon, provided that when heated in an open cup to a temperature of two hundred and fifty degrees by Fahrenheit's thermomater, it does not emit a vapour that will flash.

"Packages containing 'High Test Petroleum,' shall be branded as such and shall have marked on them the actual weight per gallon and the fire test of the Petroleum contained therein."

2. This Act shall come into effect upon such day as may be named by proclamation of the Governor in Council, and from and after the day so proclaimed, shall be read and construed as one Act with the Act hereby amended.

---

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

---

DD

BILL.

An Act further to amend the Petroleum  
Inspection Act, 1880.

---

Received and read first time, Wednesday, 10th  
May, 1882.

Second reading, Thursday, 11th May, 1882.

---

Honourable Mr. AIKINS.

---

OTTAWA:

PRINTED BY MACLEAN, ROGERS & Co.,  
1882.

---

---

## BILL.

### An Act further to amend "The Petroleum Inspection Act, 1880."

IN amendment to the Act passed in the forty-third year of Her Majesty's reign, chaptered twenty-one, intituled : Preamble. 43 V., c. 21.  
"An Act to amend the Act respecting the Inspection of Petroleum : Her Majesty, by and with the advice and consent of  
5 the Senate and House of Commons of Canada, enacts as follows :—

1. The section substituted for the second section of the said Act by the first section of the Act passed in the forty-fourth year of Her Majesty's reign, chaptered twenty-three, Sec. 2 of 43 V., c. 21, and sec. 1 of 44 V., c. 23, amended.  
10 is hereby amended by adding thereto the following as subsection 4 :—

"4. Petroleum designated and known as 'High Test Petroleum,' may be sold for use in Canada, for illuminating purposes, when it weighs not more than eight pounds High Test Petroleum may be sold.  
15 "and thirty-two hundredths of a pound, and not less than eight pounds and twenty-three hundredths of a pound per gallon, provided that when heated in an open cup to a temperature of two hundred and fifty degrees by Fahrenheit's thermomater, it does not emit a vapour that will On what conditions.  
20 "flash.  
" Packages containing 'High Test Petroleum,' shall be Packages to be branded.  
"branded as such and shall have marked on them the  
"actual weight per gallon and the fire test of the Petroleum  
"contained therein."

25 2. This Act shall come into effect upon such day as may be named by proclamation of the Governor in Council, and from and after the day so proclaimed, shall be read and construed as one Act with the Act hereby amended. When and how Act takes effect.

4th Session, 4th Parliament, 45 Victoria, 1882.

---

DD

BILL.

An Act further to amend the Petroleum  
Inspection Act, 1880.

---

Received and read first time, Wednesday, 10th  
May, 1882.

Second reading, Thursday, 11th May, 1882.

---

Honourable Mr. AIKINS.

---

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,  
1882.

---

## BILL.

An Act to amend the Act fortieth Victoria, chapter thirty, intituled: "An Act to make provision against the improper use of Fire-arms."

**W**HEREAS it is now the duty of the Court or Justice, Preamble.  
before whom any person is convicted of an offence  
against the Act above referred to, to impound the weapon  
for carrying which such person is convicted and to cause the  
5 same to be destroyed; and whereas it is expedient that the  
weapon, if a pistol, should not be destroyed, but should be  
handed over to the municipality in which the conviction  
takes place for use by constables and other peace officers in  
the municipality; Therefore, Her Majesty, by and with the  
10 advice and consent of the Senate and House of Commons of  
Canada, enacts as follows:—

**1.** When a person has been convicted of an offence under  
the Act above referred to, and the weapon in respect of  
which he has been convicted is a pistol, it shall be the duty  
15 of the Court or Justice, instead of causing the pistol to be  
destroyed, to cause the same to be handed over to the  
corporation of the municipality in which the conviction  
takes place for the public uses of such corporation.

**2.** If the conviction takes place where there is no  
20 municipality the pistol shall be handed over to the  
Lieutenant-Governor of the Province, District or Territory  
in which the conviction takes place, for the public uses  
thereof in connection with the administration of justice  
therein.

When weapon is a pistol it shall become the property of the Municipality.

What shall be done with the pistol where there is no Municipality.

**F**

**BILL.**

An Act to amend the Act fortieth Victoria, chapter thirty, intituled: "An Act to make provision against the improper use of Fire-arms."

---

Received and read, first time, Friday, 10th February, 1882.

Second reading, Monday, [20th February, 1882.

---

Honourable  
Sir ALEXANDER CAMPBELL.

---

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1882



---

## BILL.

An Act to amend the Act fortieth Victoria, chapter thirty, intituled: "An Act to make provision against the improper use of Fire-arms."

**W**HEREAS it is now the duty of the Court or Justice, Preamble.  
before whom any person is convicted of an offence  
against the Act above referred to, to impound the weapon  
for carrying which such person is convicted and to cause the  
5 same to be destroyed; and whereas it is expedient that the  
weapon, if a pistol, should not be destroyed, but should be  
handed over to the municipality in which the conviction  
takes place for use by constables and other peace officers in  
the municipality; Therefore, Her Majesty, by and with the  
10 advice and consent of the Senate and House of Commons of  
Canada, enacts as follows:—

1. When a person has been convicted of an offence under  
the Act above referred to, and the weapon in respect of  
which he has been convicted is a pistol, it shall be the duty  
15 of the Court or Justice, instead of causing the pistol to be  
destroyed, to cause the same to be handed over to the  
corporation of the municipality in which the conviction  
takes place for the public uses of such corporation.

2. If the conviction takes place where there is no  
20 municipality the pistol shall be handed over to the  
Lieutenant-Governor of the Province, District or Territory  
in which the conviction takes place, for the public uses  
thereof in connection with the administration of justice  
therein.

When weapon is a pistol it shall become the property of the Municipality.

What shall be done with the pistol where there is no Municipality.

4th Session, 4th Parliament, 45 Victoria, 1882.

---

**E**

**BILL.**

An Act to amend the Act fortieth Victoria, chapter thirty, intituled: "An Act to make provision against the improper use of Fire-arms."

---

Received and read, first time, Friday, 10th February, 1882.

Second reading, Monday, [20th February, 1882.

---

Honourable  
Sir ALEXANDER CAMPBELL.

---

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1882

---

## BILL.

An Act to amend the Act fortieth Victoria, chapter thirty, intituled: "An Act to make provision against the improper use of Fire-arms."

**W**HEREAS it is now the duty of the Court or Justice, Preamble.  
before whom any person is convicted of an offence  
against the Act above referred to, to impound the weapon  
for carrying which such person is convicted and to cause the  
5 same to be destroyed; and whereas it is expedient that the  
weapon, if a pistol, should not be destroyed, but should be  
handed over to the municipality in which the conviction  
takes place for use by constables and other peace officers in  
the municipality; Therefore, Her Majesty, by and with the  
10 advice and consent of the Senate and House of Commons of  
Canada, enacts as follows:—

1. When a person has been convicted of an offence under  
the Act above referred to, and the weapon in respect of  
which he has been convicted is a pistol, it shall be the duty  
15 of the Court or Justice, instead of causing the pistol to be  
destroyed, to cause the same to be handed over to the  
corporation of the municipality in which the conviction  
takes place for the public uses of such corporation. When wea-  
pon is a pistol  
it shall be-  
come the pro-  
perty of the  
Municipality.

2. If the conviction takes place where there is no  
20 municipality the pistol shall be handed over to the  
Lieutenant-Governor of the Province, District or Territory  
in which the conviction takes place, for the public uses  
thereof in connection with the administration of justice  
therein. What shall be  
done with the  
pistol where  
there is no  
Municipality.

**E**

**BILL.**

An Act to amend the Act fortieth Victoria, chapter thirty, intitled: "An Act to make provision against the improper use of Fire-arms."

---

Received and read, first time, Friday, 10th February, 1882.

Second reading, Monday, 12th February, 1882.

---

Honourable  
Sir ALEXANDER CAMPBELL.

---

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1882

---

---

## B I L L .

An Act to provide for building certain Branch Lines of Railway from points on the Intercolonial Railway and Prince Edward Island Railway respectively,

**H**ER 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 the Minister of Railways and Canals to make, build, construct and work a branch line of Railway in the Province of Quebec from a point on the Intercolonial Railway at or near the Saint Charles Station to a point at or near the Point Levis Station of the Grand Trunk Railway, the line to run by way of Indian Cove. The branch line of railway when built shall be part of the Intercolonial Railway. Branch of Intercolonial Railway from St. Charles via Indian Cove to Point Levis.
2. It shall be lawful for the Minister of Railways and Canals to make, build, construct and work a branch line of Railway in the Province of Prince Edward Island from a point on the Prince Edward Island Railway to be selected by him to a point between Cape Traverse and Carleton Cove. The branch line of railway when built shall be part of the Prince Edward Island Railway. Branch of P.E.-I. Railway to Cape Traverse.
3. For the purposes hereof the Minister of Railways and Canals shall have all the powers and authorities vested in him by "*The Government Railways Act, 1881*," and the said branch lines of railway shall be made, built, constructed and worked in all respects as though the same had been made, built, constructed and worked under the said Act. 44 Vic, chap. 25 to apply to these branches.

---

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

---

**EE**

**BILL.**

An Act to provide for building certain  
Branch Lines of Railway from points  
on the Intercolonial Railway and  
Prince Edward Island Railway respect-  
ively.

---

Read first time, Thursday, 11th May, 1882.

Second reading, Friday, 12th May, 1882.

---

The Honourable  
SIR ALEXANDER CAMPBELL.

---

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.,  
1882.

---

---

## B I L L .

An Act to provide for building certain Branch Lines of  
Railway from points on the Intercolonial Railway  
and Prince Edward Island Railway respectively.

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

1. It shall be lawful for the Minister of Railways and  
5 Canals to make, build, construct and work a branch line of  
Railway in the Province of Quebec from a point on the  
Intercolonial Railway at or near the Saint Charles Station  
to a point at or near the Point Levis Station of the Grand  
Trunk Railway, the line to run by way of Indian Cove.  
10 The branch line of railway when built shall be part of the  
Intercolonial Railway. Branch of  
Intercolonial  
Railway from  
St. Charles  
via Indian  
Cove to Point  
Levis.
2. It shall be lawful for the Minister of Railways and  
15 Canals to make, build, construct and work a branch line of  
Railway in the Province of Prince Edward Island from a  
point on the Prince Edward Island Railway to be selected  
by him to a point between Cape Traverse and Carleton  
Cove. The branch line of railway when built shall be part  
of the Prince Edward Island Railway. Branch of  
P.E.-I. Rail-  
way to Cape  
Traverse.
- 20 3. For the purposes hereof the Minister of Railways and  
Canals shall have all the powers and authorities vested in  
him by "*The Government Railways Act, 1881*," and the said  
branch lines of railway shall be made, built, constructed and  
worked in all respects as though the same had been made,  
built, constructed and worked under the said Act. 44 Vic, chap.  
25 to apply  
to these Bran-  
ches.

**EE**

**BILL.**

An Act to provide for building certain Branch Lines of Railway from points on the Intercolonial Railway and Prince Edward Island Railway respectively.

---

Read first time, Thursday, 11th May, 1882.

Second reading, Friday, 12th May, 1882.

---

The Honourable  
SIR ALEXANDER CAMPBELL.

---

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.,  
1882.



---

---

## BILL.

An Act to further continue in force, for a limited time,  
the Act Forty-third Victoria, Chapter Thirty-six.

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

1. The Act passed in the forty-third year of Her Majesty's  
5 reign, chapter thirty-six, and intituled: "An Act respecting  
the Administration of Criminal Justice in the Territory in  
dispute between the Governments of the Province of  
Ontario and of the Dominion of Canada," shall continue in  
force until the end of the now next ensuing session of  
13 Parliament.
- Act 43 Vict.,  
c. 36 further  
continued.

---

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

---

F

BILL.

An Act to further continue in force, for a limited time, the Act Forty-third Victoria, Chapter Thirty-six.

---

Received and read first time, Friday, 10th  
February, 1882.

Second reading, Friday, 17th February,  
1882.

---

The Honourable  
SIR ALEXANDER CAMPBELL.

---

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,  
1882.

---

---

## BILL.

An Act to further continue in force, for a limited time,  
the Act Forty-third Victoria, Chapter Thirty-six.

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

1. The Act passed in the forty-third year of Her Majesty's  
5 reign, chapter thirty-six, and intituled: "An Act respecting  
the Administration of Criminal Justice in the Territory in  
dispute between the Governments of the Province of  
Ontario and of the Dominion of Canada," shall continue in  
force until the end of the now next ensuing session of  
13 Parliament.

Act 43 Vict.,  
c. 36 further  
continued.

---

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

---

F

BILL.

An Act to further continue in force, for a limited time, the Act Forty-third Victoria, Chapter Thirty-six.

---

Received and read first time, Friday, 10th  
February, 1882.

Second reading, Friday, 17th February,  
1882.

---

The Honourable  
SIR ALEXANDER CAMPBELL.

---

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,  
1882.

---

---

## BILL.

An Act to further continue in force, for a limited time,  
the Act Forty-third Victoria, Chapter Thirty-six.

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

1. The Act passed in the forty-third year of Her Majesty's  
5 reign, chapter thirty-six, and intituled: "An Act respecting  
the Administration of Criminal Justice in the Territory in  
dispute between the Governments of the Province of  
Ontario and of the Dominion of Canada," shall continue in  
force until the end of the now next ensuing session of  
13 Parliament.

Act 43 Vict.,  
c. 36 further  
continued.

---

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

---

F

BILL.

An Act to further continue in force, for a limited time, the Act Forty-third Victoria, Chapter Thirty-six.

---

Received and read first time, Friday, 10th  
February, 1882.

Second reading, Friday, 17th February,  
1882.

---

The Honourable  
SIR ALEXANDER CAMPBELL.

---

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,  
1882.

## BILL.

An Act to further amend "The Indian Act, 1880."

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

Preamble.

1. The sixth sub-section of the second section of "*The Indian Act, 1880*" is hereby amended by striking out of the fourth line thereof the words "but which is unsurrendered" and inserting in lieu thereof the words "and which remains a portion of the said Reserve."

Sect. 6 of s. 2, 43 V., c. 28 amended.

2. The twenty-seventh section of "*The Indian Act, 1880*" is hereby amended by striking out of the twelfth line thereof the word "Justice" and inserting in lieu thereof the words "any two Justices," and by striking out of the twenty-ninth line thereof the word "Justice" and inserting in lieu thereof the word "Justices."

Sect. 27 *ibid*, amended.

3. Wherever, in "*The Indian Act, 1880*," or in the Act passed in the forty-fourth year of Her Majesty's reign, chaptered seventeen, amending the said Act,—or in this Act, power is given to any Stipendiary Magistrate or Police Magistrate to dispose of cases of infraction of the provisions of the said Acts brought before him, any Indian Agent shall have the same power as a Stipendiary Magistrate or a Police Magistrate has in respect to such cases.

Indian Agent to have in certain cases powers of magistrate.

4. The seventy-eighth section of "*The Indian Act, 1880*" is hereby amended by adding thereto the following words: "But in any suit between Indians no appeal shall lie from an order made by any District Magistrate, Police Magistrate, Stipendiary Magistrate or two Justices of the Peace when the sum adjudged does not exceed ten dollars."

Sect. 78 of 43 V., c. 28, amended.

5. The eighty-third section of "*The Indian Act, 1880*" is hereby amended by striking out all the words following the word "woman" in the eighth line thereof, and substituting for them the following: "who lives immorally with another man not being her lawful husband; and to stop the payment of the annuity and interest money of any man who lives immorally with a woman not being his lawful wife."

Sect. 83 *ibid*, amended.

6. The ninety-fourth section of "*The Indian Act, 1880*" is hereby amended by adding after the word "month" in the eleventh line thereof the words "or to a fine of not less than five nor more than thirty dollars, or to both fine and

Sect. 94 *ibid*, amended.

Penalties  
increased.

imprisonment in the discretion of the convicting Judge, Stipendiary Magistrate or Justice of the Peace," and by adding after the word "days" in the nineteenth line the following words: "or to an additional fine of not less than three nor more than fifteen dollars, or to both fine and imprisonment at the discretion of the convicting Judge, Stipendiary Magistrate or Justice of the Peace." 5

Sect. 2 of 44  
V., c. 17,  
amended.

7. The second section of the Act passed in the forty-fourth year of Her Majesty's reign, chaptered seven<sup>teen</sup>, intituled: "*An Act to amend the Indian Act, 1880*" is hereby amended 10 by adding after the word "conviction" in the fifth line thereof the words "before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace."

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

F F

BILL.

An Act to further amend "*The Indian Act, 1880.*"

---

Received and read first time, Friday, 12th  
May, 1882.

Second reading, Monday, 15th May, 1882.

---

Honourable Mr. AIKINS.

---

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.,  
1882.



**BILL.**

An Act to further amend "The Indian Act, 1880."

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

1. The sixth sub-section of the second section of "*The Indian Act, 1880*" is hereby amended by striking out of the fourth line thereof the words "but which is unsurrendered" and inserting in lieu thereof the words "and which remains a portion of the said Reserve." Sect. 6 of s. 2, 43 V., c. 28 amended.
2. The twenty-seventh section of "*The Indian Act, 1880*" is hereby amended by striking out of the twelfth line thereof the word "Justice" and inserting in lieu thereof the words "any two Justices," and by striking out of the twenty-ninth line thereof the word "Justice" and inserting in lieu thereof the word "Justices." Sect. 27 *ibid*, amended.
3. Wherever, in "*The Indian Act, 1880*," or in the Act passed in the forty-fourth year of Her Majesty's reign, chaptered seventeen, amending the said Act,—or in this Act, power is given to any Stipendiary Magistrate or Police Magistrate to dispose of cases of infraction of the provisions of the said Acts brought before him, any Indian Agent shall have the same power as a Stipendiary Magistrate or a Police Magistrate has in respect to such cases. Indian Agent to have in certain cases powers of magistrate.
4. The seventy-eighth section of "*The Indian Act, 1880*" is hereby amended by adding thereto the following words: "But in any suit between Indians no appeal shall lie from an order made by any District Magistrate, Police Magistrate, Stipendiary Magistrate or two Justices of the Peace when the sum adjudged does not exceed ten dollars." Sect. 78 of 43 V., c. 28, amended.
5. The eighty-third section of "*The Indian Act, 1880*" is hereby amended by striking out all the words following the word "woman" in the eighth line thereof, and substituting for them the following: "who lives immorally with another man not being her lawful husband; and to stop the payment of the annuity and interest money of any man who lives immorally with a woman not being his lawful wife." Sect. 83 *ibid*, amended.
6. The ninety-fourth section of "*The Indian Act, 1880*" is hereby amended by adding after the word "month" in the eleventh line thereof the words "or to a fine of not less than five nor more than thirty dollars, or to both fine and" Sect. 94 *ibid*, amended.

Penalties  
increased.

imprisonment in the discretion of the convicting Judge, Stipendiary Magistrate or Justice of the Peace," and by adding after the word "days" in the nineteenth line the following words: "or to an additional fine of not less than three nor more than fifteen dollars, or to both fine and imprisonment at the discretion of the convicting Judge, Stipendiary Magistrate or Justice of the Peace." 5

Sect. 2 of 44  
V., c. 17,  
amended.

7. The second section of the Act passed in the forty-fourth year of Her Majesty's reign, chaptered seven<sup>t</sup>een, intituled: "*An Act to amend the Indian Act, 1880*" is hereby amended 10 by adding after the word "conviction" in the fifth line thereof the words "before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace."

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

FF

BILL.

An Act to further amend "*The Indian Act, 1880.*"

---

Received and read first time, Friday, 12th  
May, 1882.

Second reading, Monday, 15th May, 1882.

---

Honourable Mr. AIRKINS.

---

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.,

1882.

**BILL.**

An Act to further amend "The Seamen's Act, 1873."

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

Preamble.

1. Section eighty-six of the "Seamen's Act, 1873," is hereby repealed, and the following is substituted in lieu thereof :—

Section 86 of "The Seamen's Act, 1873" repealed.

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, if he be unarmed at the time of committing the offence, for every such offence be subject to imprisonment in the penitentiary for any period not more than three years, or in any common gaol or other place of confinement for any period less than two years but not less than six months; and 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 then he shall, for every such offence, be subject to imprisonment in the penitentiary for any period not less than five years, 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.

Who may go on board a merchant ship on her arrival from sea.

And under what conditions.

Penalty when unarmed.

When armed.

2. In addition to any other jurisdiction conferred upon him by "The Seamen's Act, 1873," a Judge of the Sessions of the Peace, a Police Magistrate, a Stipendiary Magistrate or a Judge of a County Court shall have authority and jurisdic-

How such offender shall be dealt with.

*against the order*

tion to try and determine in a summary way all offences punishable under the said Act, whether by fine, penalty or imprisonment, or by both fine and imprisonment, or penalty and imprisonment.

What Acts shall apply.

3. The provisions of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, chaptered thirty-one and intituled: "*An Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders,*" shall apply to and govern proceedings against any person for any offence against "*The Seamen's Act, 1873;*" and a Judge of the Sessions of the Peace, Police Magistrate, Stipendiary Magistrate or Judge of a County Court, before whom any proceedings under the said last mentioned Act are taken, shall, for the purposes of the said proceedings, have all the powers of a Justice of the Peace.

5

10

15

Clerical error in French version corrected.

4. In correction of a clerical error in the French version of the eightieth section of the Act hereby amended, the word "*ne*" shall be inserted before the word "*pourront,*" the third line of the said section, and the word "*aucune*" shall be substituted for the word "*toute*" in the said line.

20

---

4th Session, 4th Parliament, 45 Victoria, 1882

---

G

BILL

An Act further to amend "*The Seamen's Act, 1873.*"

Received and read first time, Friday, 10th February, 1882.

Second reading. Monday, 20th February, 1882.

Honourable  
Sir ALEXANDER CAMPBELL.

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1882

## BILL.

An Act to further amend "The Seamen's Act, 1873."

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

Preamble.

1. Section eighty-six of the "Seamen's Act, 1873," is hereby repealed, and the following is substituted in lieu thereof:—

Section 86 of "The Seamen's Act, 1873" repealed.

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, if he be unarmed at the time of committing the offence, for every such offence be subject to imprisonment in the penitentiary for any period not more than three years, or in any common gaol or other place of confinement for any period less than two years but not less than six months; and 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 then he shall, for every such offence, be subject to imprisonment in the penitentiary for any period not less than five years, 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.

Who may go on board a merchant ship on her arrival from sea.

And under what conditions.

Penalty when unarmed.

When armed.

2. In addition to any other jurisdiction conferred upon him by "The Seamen's Act, 1873," a Judge of the Sessions of the Peace, a Police Magistrate, a Stipendiary Magistrate or a Judge of a County Court shall have authority and jurisdiction

How such offender shall be dealt with.

tion to try and determine in a summary way all offences punishable under the said Act, whether by fine, penalty or imprisonment, or by both fine and imprisonment, or penalty and imprisonment.

What Acts shall apply.

3. The provisions of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, chaptered thirty-one and intituled: "*An Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders*," shall apply to and govern proceedings against any person for any offence against "*The Seamen's Act, 1873*;" and a Judge of the Sessions of the Peace, Police Magistrate, Stipendiary Magistrate or Judge of a County Court, before whom any proceedings under the said last mentioned Act are taken, shall, for the purposes of the said proceedings, have all the powers of a Justice of the Peace.

Clerical error in French version corrected.

4. In correction of a clerical error in the French version of the eightieth section of the Act hereby amended, the word "*ne*" shall be inserted before the word "*pourront*," the third line of the said section, and the word "*aucune*" shall be substituted for the word "*toute*" in the said line.

4th Session, 4th Parliament, 45 Victoria, 1882

G

BILL

An Act further to amend "*The Seamen's Act, 1873*."

Received and read first time, Friday, 10th February, 1882.

Second reading, Monday, 20th February, 1882.

Honourable  
Sir ALEXANDER CAMPBELL.

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1882

---

---

## BILL.

An Act to amend "*The Consolidated Insurance Act, 1877.*"

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

Preamble.

1. Every Insurance Company heretofore licensed (under 5 "*The Consolidated Insurance Act, 1877,*" or any other Act or law) to transact any business of life insurance in Canada, which has ceased to carry on its business there, according to the conditions and in the manner required by the said Acts, but which nevertheless has continued and continues 10 to receive premiums on the policies issued before such cessation, ought to have filed and shall file the power of attorney prescribed by the ninth section of the above cited Act, and a duplicate thereof shall be filed, if it has not 15 already been filed, within one month after the commencement of this Act, in the office and in the manner pointed out in the said section.

Powers of Attorney to be filed by Life Insurance Companies that have ceased to carry on business in Canada but continue to receive premiums.

2. The tenth section of the above cited Act is amended by adding after the words "at its chief agency," the following words: "as well as any deed, writing, notice, protest, 20 writ, plea or document whatsoever, extra-judicial or judicial."

Section 10, 40 Vict., c. 42 amended.

3. In case the power of attorney required by the above cited Act and by this Act has not been filed, or in case of the absence of the agent or attorney thereby required, or of there not being any such agent or attorney, the services 25 mentioned in the above cited Act and in this Act shall be held to have been duly effected if a copy of the deed, writing, notice, protest, writ, plea or document whatsoever has been deposited in an envelope having on it the name of the Company and the name of the place, either in Canada or 30 elsewhere, reputed to be that at which the Company was first established or has the principal or original site of its business, such envelope having been registered (the postage on it having been paid in advance) in one of Her Majesty's Post Offices, in one of the towns or cities in Canada.

How writs may be served on such Companies.

35 4. The thirteenth section of the above cited Act is hereby repealed, and is replaced by what follows :—

Section substituted for sec. 13 40 V., c. 42.

40 "13. Every Company or person who shall deliver a "policy of insurance or who shall receive a premium of "insurance (save on policies issued in favour of persons not "domiciled in Canada at the time of the issuing thereof) or who "shall transact any business of insurance for and in the

Penalty for infringement of Act.

“ name of a life insurance company without the license re-  
 “ quired by the said Act, or without having filed a power of  
 “ attorney or a renewal of such power of attorney, in case  
 “ of a change, as required by the said Act and by this Act,  
 “ or which having ceased to carry on its business, neverthe- 5  
 “ less continues to receive premiums on policies issued  
 “ before such cessation, without having filed such power of  
 “ attorney or its renewal, shall incur for each such offence a  
 “ penalty of not less than one hundred dollars currency, and  
 “ not more than one thousand dollars currency; and such 10  
 “ penalty may be sued for and recovered before any Court of  
 “ competent jurisdiction in Canada, by any person of the  
 “ age of twenty-one years or more, as well in his own name  
 “ as in the name of the Attorney-General of Canada; and  
 “ one-half of the penalty, when recovered, shall be paid to 15  
 “ the Crown, and the other half to the prosecutor, with the  
 “ costs.

Imprisonment  
 in default of  
 payment.

2. “ In case of non-payment of the penalty and costs with-  
 “ in the space of one month after the rendering or the judg-  
 “ ment, the person condemned to pay (if a person and not a 20  
 “ Company) shall be liable to be imprisoned for a period not  
 “ exceeding six months, in the discretion of the Court.”

4th Session, 4th Parliament, 45 Victoria, 1882.

H

BILL.

An Act to amend “ *The Consolidated In-  
 surance Act, 1877.* ”

Received and read first time, Monday, 13th  
 February, 1882.

Second reading, Thursday, 16th February,  
 1882.

The Honourable  
 Mr. BELLEROSE.

OTTAWA:

IMPRIMÉ PAR MACLEAN, ROGER ET C<sup>IE</sup>.

1882.



## BILL.

An Act to amend "*The Consolidated Insurance Act, 1877.*"

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

Preamble.

1. Every Insurance Company heretofore licensed (under "The Consolidated Insurance Act, 1877," or any other Act or law) to transact any business of life insurance in Canada, which has ceased to carry on its business there, according to the conditions and in the manner required by the said Acts, but which nevertheless has continued and continues to receive premiums on the policies issued before such cessation, ought to have filed and shall file the power of attorney prescribed by the ninth section of the above cited Act, and a duplicate thereof shall be filed, if it has not already been filed, within one month after the commencement of this Act, in the office and in the manner pointed out in the said section.

Powers of Attorney to be filed by Life Insurance Companies that have ceased to carry on business in Canada but continue to receive premiums.

2. The tenth section of the above cited Act is amended by adding after the words "at its chief agency," the following words: "as well as any deed, writing, notice, protest, writ, plea or document whatsoever, extra-judicial or judicial."

Section 10, 40 Vict., c. 42 amended.

3. In case the power of attorney required by the above cited Act and by this Act has not been filed, or in case of the absence of the agent or attorney thereby required, or of there not being any such agent or attorney, the services mentioned in the above cited Act and in this Act shall be held to have been duly effected if a copy of the deed, writing, notice, protest, writ, plea or document whatsoever has been deposited in an envelope having on it the name of the Company and the name of the place, either in Canada or elsewhere, reputed to be that at which the Company was first established or has the principal or original site of its business, such envelope having been registered (the postage on it having been paid in advance) in one of Her Majesty's Post Offices, in one of the towns or cities in Canada.

How writs may be served on such Companies.

4. The thirteenth section of the above cited Act is hereby repealed, and is replaced by what follows :—

Section substituted for sec. 13 40 V., c. 42.

13. Every Company or person who shall deliver a policy of insurance or who shall receive a premium of insurance (save on policies issued in favour of persons not domiciled in Canada at the time of the issuing thereof) or who shall transact any business of insurance for and in the

Penalty for infringement of Act.

1887  
1887  
1887

“ name of a life insurance company without the license re-  
 “ quired by the said Act, or without having filed a power of  
 “ attorney or a renewal of such power of attorney, in case  
 “ of a change, as required by the said Act and by this Act,  
 “ or which having ceased to carry on its business, neverthe- 5  
 “ less continues to receive premiums on policies issued  
 “ before such cessation, without having filed such power of  
 “ attorney or its renewal, shall incur for each such offence a  
 “ penalty of not less than one hundred dollars currency, and  
 “ not more than one thousand dollars currency; and such 10  
 “ penalty may be sued for and recovered before any Court of  
 “ competent jurisdiction in Canada, by any person of the  
 “ age of twenty-one years or more, as well in his own name  
 “ as in the name of the Attorney-General of Canada; and  
 “ one-half of the penalty, when recovered, shall be paid to 15  
 “ the Crown, and the other half to the prosecutor, with the  
 “ costs.

Imprisonment  
 in default of  
 payment.

2. “ In case of non-payment of the penalty and costs with-  
 “ in the space of one month after the rendering or the judg- 20  
 “ ment, the person condemned to pay (if a person and not a  
 “ Company) shall be liable to be imprisoned for a period not  
 “ exceeding six months, in the discretion of the Court.”

4th Session, 4th Parliament, 45 Victoria, 1882.

H

BILL.

An Act to amend “ *The Consolidated In-*  
*surance Act, 1877.* ”

Received and read first time, Monday, 13th  
 February, 1882.

Second reading, Thursday, 16th February,  
 1882.

The Honourable  
 MR. BELLEROSE.

OTTAWA:

IMPRIMÉ PAR MACLEAN, ROGERS ET C<sup>IE</sup>.  
 1882.

## BILL.

An Act to amend "*The Consolidated Insurance Act, 1877.*"

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

Preamble.

1. Every Insurance Company heretofore licensed (under  
5 "*The Consolidated Insurance Act, 1877,*" or any other Act or  
law) to transact any business of life insurance in Canada,  
which has ceased to carry on its business there, according  
to the conditions and in the manner required by the said  
Acts, but which nevertheless has continued and continues  
10 to receive premiums on the policies issued before such  
cessation, ought to have filed and shall file the power of  
attorney prescribed by the ninth section of the above cited  
Act, and a duplicate thereof shall be filed, if it has not  
15 already been filed, within one month after the commence-  
ment of this Act, in the office and in the manner pointed  
out in the said section.

Powers of  
Attorney to  
be filed by  
Life Insurance  
Companies  
that have  
ceased to  
carry on  
business in  
Canada but  
continue to  
receive pre-  
miums.

2. The tenth section of the above cited Act is amended  
by adding after the words "at its chief agency," the follow-  
ing words: "as well as any deed, writing, notice, protest,  
20 writ, plea or document whatsoever, extra-judicial or judicial."

Section 10,  
40 Vict., c. 42  
amended.

3. In case the power of attorney required by the above  
cited Act and by this Act has not been filed, or in case of  
the absence of the agent or attorney thereby required, or of  
there not being any such agent or attorney, the services  
25 mentioned in the above cited Act and in this Act shall be  
held to have been duly effected if a copy of the deed, writ-  
ing, notice, protest, writ, plea or document whatsoever has  
been deposited in an envelope having on it the name of the  
Company and the name of the place, either in Canada or  
30 elsewhere, reputed to be that at which the Company was  
first established or has the principal or original site of its  
business, such envelope having been registered (the postage  
on it having been paid in advance) in one of Her Majesty's  
Post Offices, in one of the towns or cities in Canada.

How writs  
may be served  
on such Com-  
panies.

4. The thirteenth section of the above cited Act is hereby  
35 repealed, and is replaced by what follows :—

Section sub-  
stituted for  
sec. 13 40 V.,  
c. 42.

"13. Every Company or person who shall deliver a  
"policy of insurance or who shall receive a premium of  
"insurance (save on policies issued in favour of persons not  
40 "domiciled in Canada at the time of the issuing thereof) or  
who "shall transact any business of insurance for and in the

Penalty for  
infringement  
of Act.

“ name of a life insurance company without the license re-  
 “ quired by the said Act, or without having filed a power of  
 “ attorney or a renewal of such power of attorney, in case  
 “ of a change, as required by the said Act and by this Act,  
 “ or which having ceased to carry on its business, neverthe- 5  
 “ less continues to receive premiums on policies issued  
 “ before such cessation, without having filed such power of  
 “ attorney or its renewal, shall incur for each such offence a  
 “ penalty of not less than one hundred dollars currency, and  
 “ not more than one thousand dollars currency; and such 10  
 “ penalty may be sued for and recovered before any Court of  
 “ competent jurisdiction in Canada, by any person of the  
 “ age of twenty-one years or more, as well in his own name  
 “ as in the name of the Attorney-General of Canada; and  
 “ one-half of the penalty, when recovered, shall be paid to 15  
 “ the Crown, and the other half to the prosecutor, with the  
 “ costs.

Imprisonment  
 in default of  
 payment.

2. “ In case of non-payment of the penalty and costs with-  
 “ in the space of one month after the rendering or the judg-  
 “ ment, the person condemned to pay (if a person and not a 20  
 “ Company) shall be liable to be imprisoned for a period not  
 “ exceeding six months, in the discretion of the Court.”

4th Session, 4th Parliament, 45 Victoria, 1882.

H

BILL.

An Act to amend “ *The Consolidated In-  
 surance Act, 1877.* ”

Received and read first time, Monday, 13th  
 February, 1882.

Second reading, Thursday, 16th February,  
 1882.

The Honourable  
 MR. BELLEROSE.

OTTAWA:

IMPRIMÉ PAR MACLEAY, ROGER ET C<sup>IE</sup>.  
 1882.

---

---

## BILL.

An Act to amend the Act incorporating "The Canadian Steam Users Insurance Association" and to change the name of the said company to "The Boiler Inspection and Insurance Company of Canada."

**W**HEREAS the Canadian Steam Users Insurance Association has, by its petition, prayed that the name of the said Company may be changed, and that the present mode of the election of the Directors thereof may be altered: 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 corporate name of the said Company is hereby changed so that hereafter it shall bear and be known by the corporate name of "The Boiler Inspection and Insurance Company of Canada," but such change of name shall in no manner whatsoever change, alter or affect any contracts, liabilities, rights, obligations, powers or attributes pertaining or attaching to the said Company. Name of Company changed, but such change not to affect contracts, liabilities, &c.

2. The following words occurring in the beginning of section eight of the Act intituled: "An Act to incorporate the Canadian Steam Users Insurance Association," thirty-eight Victoria, chapter ninety-five, are hereby repealed, namely: "The stock, property, affairs and concerns of the said association shall be managed and conducted by the said Directors, one of whom shall be chosen President, and one Vice-President. Three of the said Directors shall, in rotation, retire each year, and the three who first retire shall be determined by the Directors, by lot, and so in rotation, but any retiring Director shall be eligible for re-election if otherwise qualified," and the following words shall be substituted in lieu thereof: "The stock, property, affairs and concerns of the said association shall be managed and conducted by the said Directors, one of whom shall be chosen President, and one Vice-President; the said Directors shall be elected annually at the annual general meeting of the shareholders as herein provided, and any retiring Director shall be eligible for re-election if otherwise qualified." Part of Sect. 8 of 38 V. c. 95 repealed and new words substituted.

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

# I

## BILL.

An Act to amend the Act incorporating  
"The Canadian Steam Users Insur-  
ance Association," and to change the  
name of the said company to "The  
Boiler and Inspection Insurance Com-  
pany of Canada."

---

Received and read, first time, Friday 17th  
February, 1882.

Second reading, Friday 21st February, 1882.

---

The Honorable  
Mr. VIDAL.

---

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,  
1882

---

---

## BILL.

An Act to amend the Act incorporating "The Canadian Steam Users Insurance Association" and to change the name of the said company to "The Boiler Inspection and Insurance Company of Canada."

**W**HEREAS the Canadian Steam Users Insurance Association has, by its petition, prayed that the name of the said Company may be changed, and that the present mode of the election of the Directors thereof may be altered: 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 corporate name of the said Company is hereby changed so that hereafter it shall bear and be known by the corporate name of "The Boiler Inspection and Insurance Company of Canada," but such change of name shall in no manner whatsoever change, alter or affect any contracts, liabilities, rights, obligations, powers or attributes pertaining or attaching to the said Company.

Name of Company changed, but such change not to affect contracts, liabilities, &c.

**2.** The following words occurring in the beginning of section eight of the Act intituled: "An Act to incorporate the Canadian Steam Users Insurance Association," thirty-eight Victoria, chapter ninety-five, are hereby repealed, namely: "The stock, property, affairs and concerns of the said association shall be managed and conducted by the said Directors, one of whom shall be chosen President, and one Vice-President. Three of the said Directors shall, in rotation, retire each year, and the three who first retire shall be determined by the Directors, by lot, and so in rotation, but any retiring Director shall be eligible for re-election if otherwise qualified," and the following words shall be substituted in lieu thereof: "The stock, property, affairs and concerns of the said association shall be managed and conducted by the said Directors, one of whom shall be chosen President, and one Vice-President; the said Directors shall be elected annually at the annual general meeting of the shareholders as herein provided, and any retiring Director shall be eligible for re-election if otherwise qualified."

Part of Sect. 8 of 38 V. c. 95 repealed and new words substituted.

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

# I

## BILL.

An Act to amend the Act incorporating  
"The Canadian Steam Users Insur-  
ance Association," and to change the  
name of the said company to "The  
Boiler and Inspection Insurance Com-  
pany of Canada."

---

Received and read, first time, Friday 17th  
February, 1882.

Second reading, Friday 21st February, 1882.

---

The Honorable  
Mr. VIDAL.

---

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,  
1882



---

---

## BILL.

An Act to amend the Act incorporating "The Canadian Steam Users Insurance Association" and to change the name of the said company to "The Boiler Inspection and Insurance Company of Canada."

**W**HEREAS the Canadian Steam Users Insurance Association has, by its petition, prayed that the name of the said Company may be changed, and that the present mode of the election of the Directors thereof may be altered: 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 corporate name of the said Company is hereby changed so that hereafter it shall bear and be known by the corporate name of "The Boiler Inspection and Insurance Company of Canada," but such change of name shall in no manner whatsoever change, alter or affect any contracts, liabilities, rights, obligations, powers or attributes pertaining or attaching to the said Company.

Name of Company changed, but such change not to affect contracts, liabilities, &c.

2. The following words occurring in the beginning of section eight of the Act intituled: "An Act to incorporate the Canadian Steam Users Insurance Association," thirty-eight Victoria, chapter ninety-five, are hereby repealed, namely: "The stock, property, affairs and concerns of the said association shall be managed and conducted by the said Directors, one of whom shall be chosen President, and one Vice-President. Three of the said Directors shall, in rotation, retire each year, and the three who first retire shall be determined by the Directors, by lot, and so in rotation, but any retiring Director shall be eligible for re-election if otherwise qualified," and the following words shall be substituted in lieu thereof: "The stock, property, affairs and concerns of the said association shall be managed and conducted by the said Directors, one of whom shall be chosen President, and one Vice-President; the said Directors shall be elected annually at the annual general meeting of the shareholders as herein provided, and any retiring Director shall be eligible for re-election if otherwise qualified."

Part of Sect. 8 of 38 V. c. 95 repealed and new words substituted.

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

# I

## BILL.

An Act to amend the Act incorporating  
"The Canadian Steam Users Insurance Association," and to change the name of the said company to "The Boiler and Inspection Insurance Company of Canada."

---

Received and read, first time, Friday 17th  
February, 1882.

Second reading, Friday 21st February, 1882.

---

The Honorable  
Mr. VIDAL.

---

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,  
1882

## BILL.

### An Act to incorporate the First National Bank of Canada.

WHEREAS William Frederick Cowan, Reuben Smith Hamlin, William Frederick Allen, Thomas Henry McMillan, John Cowan, Henry Brien, William Brien, Lyman English and James Alexander Gibson, have, by their petition, prayed that they may be incorporated for the purpose of establishing a bank in the town of Oshawa, in the county of Ontario; 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. William Frederick Cowan, Reuben Smith Hamlin, William Frederick Allen, Thomas Henry McMillan, John Cowan, Henry Brien, William Brien, Lyman English and James Alexander Gibson, and such other persons as may become shareholders in the corporation by this Act, created, and their assigns, shall be and they are hereby created, constituted and declared a corporation, body corporate and politic, by the name of "The First National Bank of Canada."

Preamble.

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 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 said William Frederick Cowan, Reuben Smith Hamlin, John Cowan, William Frederick Allen, Henry Brien, James Alexander Gibson and Thomas Henry McMillan shall be the 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 and persons as desire to become shareholders in the said bank; and such stock books shall be open at the town of Oshawa 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 said capital stock shall be 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 may be called of the subscribers thereof by notice to be published at least two weeks in two newspapers in the said town of Oshawa, such meeting to be held at the said town

Provisional Directors and their powers.

Stock books.

First meeting of shareholders.

**Election of Directors.** of Oshawa, at such time and place 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 direct the affairs of the said bank; take charge of the stock books hereinbefore referred to, and continue in office until the second Wednesday in the month of April, which shall be in the year next after the year in which they shall be so elected and until their successors in office shall be duly elected; and immediately after such election shall be had the functions of the said provisional Directors shall cease.

**Chief place of business.** 4. The chief place of business of the said bank shall be at the said town of Oshawa.

**Directors, number of, subject to 34 V., c. 5. s. 28.** 5. The number of Directors of the said bank shall be seven, subject to be diminished or increased by by-law to be passed, as provided in the twenty-eighth section of the Act of the Parliament of Canada, passed in the thirty-fourth year of Her Majesty's reign, intituled: "An Act relating to Banks and Banking."

**43 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 Acts, amending the same, and all the provisions thereof shall apply to the bank hereby incorporated in the same manner as if they were expressly incorporated with this Act excepting so far as such provisions relate only to banks already in existence or to banks *en commandite*.

**Certificate to be obtained from Treasury Board within a year.** 7. The said bank shall obtain from the Treasury Board within twelve months from the passing of this Act the certificate required by section seven of the said "Act respecting Banks and Banking," passed in the thirty-fourth year of Her Majesty's reign, chapter five, in default whereof this Act shall become 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, one thousand eight hundred and ninety-one.

4th Session, 4th Parliament, 45 Victo

J

BILL.

An Act to incorporate the First Bank of Canada.

Received and read, first time, Friday, February, 1882.

Second reading, Tuesday 21st February

The Honorable Mr. Gt

OTTAWA:

PRINTED BY MACLEAN, ROGER & 1882

## BILL.

### An Act to incorporate the First National Bank of Canada.

WHEREAS William Frederick Cowan, Reuben Smith Hamlin, William Frederick Allen, Thomas Henry McMillan, John Cowan, Henry Brien, William Brien, Lyman English and James Alexander Gibson, have, by their petition, prayed that they may be incorporated for the purpose of establishing a bank in the town of Oshawa, in the county of Ontario; 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. William Frederick Cowan, Reuben Smith Hamlin, William Frederick Allen, Thomas Henry McMillan, John Cowan, Henry Brien, William Brien, Lyman English and James Alexander Gibson, and such other persons as may become shareholders in the corporation by this Act, created, and their assigns, shall be and they are hereby created, constituted and declared a corporation, body corporate and politic, by the name of "The First National Bank of Canada."

Preamble.  
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 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 said William Frederick Cowan, Reuben Smith Hamlin, John Cowan, William Frederick Allen, Henry Brien, James Alexander Gibson and Thomas Henry McMillan shall be the 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 and persons as desire to become shareholders in the said bank; and such stock books shall be open at the town of Oshawa 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 said capital stock shall be 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 may be called of the subscribers thereof by notice to be published at least two weeks in two newspapers in the said town of Oshawa, such meeting to be held at the said town

Provisional Directors and their powers.

Stock books.

First meeting of shareholders.

of Oshawa, at such time and place 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 direct the affairs of the said bank; take charge of the stock books hereinbefore referred to, and continue in office until the second Wednesday in the month of April, which shall be in the year next after the year in which they shall be so elected and until their successors in office shall be duly elected; and immediately after such election shall be had the functions of the said provisional Directors shall cease. 5 10

**Election of Directors.**

**Term of office.**

**Chief place of business.** 4. The chief place of business of the said bank shall be at the said town of Oshawa.

**Directors, number of, subject to 34 V., c. 5. s. 28.** 5. The number of Directors of the said bank shall be seven, subject to be diminished or increased by by-law to be passed, as provided in the twenty-eighth section of the Act of the Parliament of Canada, passed in the thirty-fourth year of Her Majesty's reign, intituled: "*An Act relating to Banks and Banking.*" 15

**43 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 Acts, amending the same, and all the provisions thereof shall apply to the bank hereby incorporated in the same manner as if they were expressly incorporated with this Act excepting so far as such provisions relate only to banks already in existence or to banks *en commandite*. 20 25

**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 the passing of this Act the certificate required by section seven of the said "*Act respecting Banks and Banking,*" passed in the thirty-fourth year of Her Majesty's reign, chapter five, in default whereof this Act shall become 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. 30

**Duration of Act.** 8. This Act shall remain in force until the first day of July, one thousand eight hundred and ninety-one. 35

4th Session, 4th Parliament, 45 Victor

J

BILL.

An Act to incorporate the First Bank of Canada.

Received and read, first time, February, 1882.

Second reading, Tuesday 21st Febru

The Honorable Mr. G

OTTAWA:

PRINTED BY MACLEAN, ROGER &

1882

## BILL.

### An Act to incorporate the First National Bank of Canada.

WHEREAS William Frederick Cowan, Reuben Smith Hamlin, William Frederick Allen, Thomas Henry McMillan, John Cowan, Henry Brien, William Brien, Lyman English and James Alexander Gibson, have, by their petition, prayed that they may be incorporated for the purpose of establishing a bank in the town of Oshawa, in the county of Ontario; 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. William Frederick Cowan, Reuben Smith Hamlin, William Frederick Allen, Thomas Henry McMillan, John Cowan, Henry Brien, William Brien, Lyman English and James Alexander Gibson, and such other persons as may become shareholders in the corporation by this Act, created, and their assigns, shall be and they are hereby created, constituted and declared a corporation, body corporate and politic, by the name of "The First National Bank of Canada."

Preamble.  
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 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 said William Frederick Cowan, Reuben Smith Hamlin, John Cowan, William Frederick Allen, Henry Brien, James Alexander Gibson and Thomas Henry McMillan shall be the 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 and persons as desire to become shareholders in the said bank; and such stock books shall be open at the town of Oshawa 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 said capital stock shall be subscribed upon the said stock books, and one hundred thousand dollars thereof actually paid into some

Provisional Directors and their powers.

Stock books.

one of the present chartered banks in Canada, a public meeting may be called of the subscribers thereof by notice to be published at least two weeks in two newspapers in the said town of Oshawa, such meeting to be held at the said town

First meeting of shareholders.

**Election of Directors.** of Oshawa, at such time and place as such notice shall indicate; and at such meeting the subscribers shall proceed to elect seven Directors having the requisite stock qualification  
**Term of office.** who shall from thenceforward direct the affairs of the said bank; take charge of the stock books hereinbefore referred to, and continue in office until the second Wednesday in the month of April, which shall be in the year next after the year in which they shall be so elected and until their successors in office shall be duly elected; and immediately after such election shall be had the functions of the said provisional Directors shall cease.

**Chief place of business.** 4. The chief place of business of the said bank shall be at the said town of Oshawa.

**Directors, number of, subject to 34 V., c. 5. s. 28.** 5. The number of Directors of the said bank shall be seven, subject to be diminished or increased by by-law to be passed, as provided in the twenty-eighth section of the Act of the Parliament of Canada, passed in the thirty-fourth year of Her Majesty's reign, intituled: "*An Act relating to Banks and Banking.*"

**43 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 Acts, amending the same, and all the provisions thereof shall apply to the bank hereby incorporated in the same manner as if they 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.** 7. The said bank shall obtain from the Treasury Board within twelve months from the passing of this Act the certificate required by section seven of the said "*Act respecting Banks and Banking,*" passed in the thirty-fourth year of Her Majesty's reign, chapter five, in default whereof this Act shall become 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.

**Certificate to be obtained from Treasury Board within a year.** 8. This Act shall remain in force until the first day of July, one thousand eight hundred and ninety-one.

**Duration of Act.**

4th Session, 4th Parliament, 45 Victoria

J

BILL.

An Act to incorporate the First Bank of Canada.

Received and read, first time, February, 1882.

Second reading, Tuesday 21st February

The Honorable Mr. GIBSON

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO. 1882



---

---

## B I L L .

### An Act to incorporate the Montreal and Central Canada Railway Company.

**W**HEREAS the construction of an independent line of railway from the city of Montreal, to the village of Smith's Falls, and thence to the town of Perth, with power to the Company incorporated to construct and work the same, to bridge the Rideau River, the Rideau Canal, the Ottawa River and the St. Anne's Canal, would be a great benefit to Central Canada; and whereas a petition has been presented 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. Peter McLaren, of the town of Perth, lumber merchant; Andrew Broder, M.P.P., of West Winchester, in the County of Dundas, merchant; Joseph Kerr, M.P.P., of Farran's Point, in the County of Stormont, merchant; Mahlon F. Beach, J.P., of West Winchester, manufacturer; Donald P. Mackinnon, of South Finch, farmer, member of the Provincial Board of Agriculture; Oscar Fulton, M.P., of Avonmore, in the County of Stormont, merchant; John McKecher, Reeve of the Township of Winchester, farmer; John S. Ross, carriage maker; Neil McIntyre, M.D.; Geo. Henderson, farmer, all of West Winchester; Thomas Hamilton, Deputy Reeve of the Township of Winchester, farmer; Robert D. Fulton, J.P., farmer, John Munroe Miller, Giles W. Bogart, J.P., farmer, all of Chesterville, in the County of Dundas; William Johnson, J.P., of Crysler; Robert Monro, merchant; John M. Campbell, merchant; Findlay D. McNaughton, Reeve of Finch, merchant, all of South Finch in the County of Stormont; William A. Munro, M.D., of Avonmore, in the County of Stormont; James Shaw, J.P., of Hallsville, in the County of Dundas; Charles F. Ferguson, M.D., M.P., Andrew Blackburn, merchant; Harvey Bower, general agent, all of Kemptville, in the County of Grenville; Murdoch Gair, of Oxford Mills, in the County of Grenville, merchant; Francis J. Frost, of Smith's Falls, in the County of Lanark, manufacturer; James Rayside, of Lancaster, in the County of Glengarry, manufacturer; and Patrick Purcell, of Summerstown, railway contractor, together with all 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 Montreal and Central Canada Railway Company" (hereinafter called the Company), and shall have all the powers and privileges conferred

- Corporate name. on such corporations by "The Consolidated Railway Act of 1879," or any Act relating thereto, which may be passed during the present Session of Parliament, subject, however, to the provisions hereinafter contained
- Line of Railway which may be built by the Company. **2.** The Company and their agents and servants shall have full power and authority to lay out, construct, complete and operate a double or single line of railway of four feet eight and one-half inches gauge from a point at or near the city of Montreal, in the Province of Quebec, through the Counties of Hochelaga, Jacques Cartier, Vaudreuil, Soulanges, Glengarry, Stormont, Dundas, Grenville and Lanark, to Smith's Falls, and thence to Perth. 5 10
- Railway bridges may be built. **3.** The Company shall have full power and authority to lay out and construct, complete, maintain, work, manage and use railway bridges over the Ottawa River, the St. Anne's Canal, the Rideau River and the Rideau Canal; and the sections of "The Consolidated Railway Act, 1879," or of any Act relating thereto passed in the present session of Parliament; under the heads of "Powers, Plans and Surveys" and lands and their valuation shall so far as necessary apply to the power hereby given. 15 20
- Plans, &c., to be submitted to the Governor in Council for approval. **4.** The Company shall not commence the said bridges, or any work thereunto appertaining, until the Company shall have submitted to the Governor in Council plans of such bridges and of all the intended works thereunto appertaining, nor until the plans and site of such bridges 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 bridges and works shall have been complied with, nor shall any such plan be altered, nor any deviation therefrom allowed except upon the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always that if the said bridges be placed over the said rivers and canals at places where the same are navigable, they shall be constructed so as to have one draw in the main channel of the said rivers or canals; which draws shall be of such width as the Governor in Council may determine, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said rivers and canals; and the said draws shall at all times during the season of navigation be kept open, except when actually required to be closed for the passage of railway trains, and shall be otherwise tended and moved at the expense of the Company so as not to hinder unnecessarily the passage of any vessel. From sundown until sunrise, during the season of navigation suitable lights shall be maintained upon the said bridges to guide vessels approaching the said draws. 25 30 35 40 45
- Draw in bridges. **5.** The capital stock of the 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 hereinbefore named, and such other persons and corporations as may become 50
- Lights. Capital stock in shares.

shareholders in the 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  
 5 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.

6. It shall be lawful for the Company to receive, either  
 10 by grant from Government, or from any private individuals or corporations, as aid in the construction of the said railway, any lands in the vicinity thereof, or any other real property, either as gifts, or in payment of stock, and legally to dispose of the same, and to alienate the lands or other real property,  
 15 for the purposes of the Company, in carrying out the provisions of this Act.

Company may receive aid.

7. The persons named in the first section of this Act shall be and are hereby constituted provisional Directors of the Company, of whom twelve shall be a quorum, and shall  
 20 hold office as such until the Directors shall be appointed under the provisions of this Act by the shareholders, and shall have power and authority to fill vacancies occurring therein,—and the persons so appointed to fill vacancies shall thereupon become and be Directors of the Company equally  
 25 with themselves—to open stock books and procure subscriptions for the undertaking, to cause surveys and plans to be made and executed, and to call a general meeting of shareholders for the election of Directors, as hereinafter provided.

Provisional Directors and their powers.

8. When and so soon as one-tenth part of the capital  
 30 stock shall have been subscribed as aforesaid, and fifty thousand dollars of the amount so subscribed paid into some chartered bank, the said Directors or a majority of them may call a meeting of the shareholders at such time and place as they shall think proper, giving at least two weeks' notice in one  
 35 or more newspapers published at Ottawa, Perth and Montreal; at which said general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present in person or represented by proxy, shall elect Directors in the manner and qualified as herein-  
 40 after provided to constitute the Board of Directors, and the said Directors so elected shall hold office till the first Tuesday in February in the year following their election.

First meeting of shareholders.

Notice.

9. On the said first Tuesday in February and on the first  
 45 Tuesday in February in each year thereafter, at the principal office of the Company, at some place within the Provinces of Ontario and Quebec to be established by by-law, there shall be held a general meeting of the shareholders of the Company, at which meeting the said shareholders shall elect the Directors for the then ensuing year, in the manner and quali-  
 50 fied as hereinafter provided; and public notice of such annual meeting and election shall be published for four weeks before the day of election, one day in each week, in one newspaper in Ottawa, in one in Perth, and in one in Montreal,

Annual general meeting.

Notice.

- and also in the *Canada Gazette*, and the election for Directors shall be by ballot, and the persons so elected shall form the Board of Directors. The number of the Directors to be so elected shall be settled by the by-laws of the Company and shall be not less than five nor more than nine. 5
- Number of Directors.**
- Quorum.** 10. 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 as Director unless he shall be the holder and owner 10 of at least fifty shares of the stock of the Company and shall have paid up all calls upon the said shares.
- Qualification.**
- Calls on stock.** 11. 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 Company, in 15 such proportion as they may see fit, no such instalment exceeding ten per cent.; and the Directors shall give one month's notice of such call, in such manner as they may appoint.
- Certain payments may be made in paid up stock and mortgage bonds.** 12. The Directors of the Company elected by the share 20 holders may make and issue as paid-up stock shares in the Company, whether subscribed for or not, and may allot and hand over such stock as paid-up stock, and the mortgage bonds of the Company, in payment of right of way, plant, rolling stock, or materials of any kind, and also for the ser- 25 vices of contractors, engineers, and other persons, whether Directors or not, who may have been, are, or may be engaged in promoting the undertaking and interests of the Company; and such issue and allotment of stock or bonds shall be binding on the Company, and the paid-up stock 30 shall be unassessable thereafter to calls.
- Special general meetings.** 13. A special general meeting of the shareholders of the Company may be called at any time by the Directors or by one-fourth part in value of the shareholders of the Company after refusal by the Directors to call the same; but notice 35 thereof, stating the objects for which the meeting is called, signed by the Secretary of the Company or by the shareholders calling the same must be sent by post or otherwise to each shareholder, four weeks before the day on which the said meeting is to be held, and must also be inserted once 40 a week, for four weeks previous to the said meeting, in some newspapers published in Perth, Ottawa and Montreal, and in the *Canada Gazette*.
- Notice.**
- Company may become parties to promissory notes.** 14. The Company shall have power and authority to become parties to promissory notes and bills of exchange, for 45 sums not less than one hundred dollars; and any such promissory note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the Company, and under the authority, general or special, of a majority of a quorum of 50 the Directors, shall be binding on the Company; and every such promissory note or bill of exchange so made, shall be

presumed to have been made with proper authority, and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the said President, or Vice-President, or the Secretary and  
 5 Treasurer be individually responsible for the same, even if the same be made, accepted or endorsed by him or them on behalf of the Company, provided the consideration for the said bill or note was received by the Company, unless the said promissory notes or bills of exchange have been issued  
 10 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 Company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money or as the notes or bills  
 15 of a bank.

Proviso: as to bank notes.

15. The Directors of the 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  
 20 purpose, shall have power to issue bonds made and signed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the seal of the Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall,  
 25 without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking and the tolls and property of the Company real and personal then existing and at any time thereafter acquired: Provided however, that the whole  
 30 amount of such issue of bonds shall not exceed in all the sum of twenty-five thousand dollars per mile; and provided also, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing annual general meeting of the Company and at all  
 35 other general meetings as long as the said default shall continue, all holders of bonds shall have and possess the same rights and privileges and qualifications for Directors and for voting as they would have had if the bonds they held had been shares, provided that the bonds and any transfers  
 40 thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the Secretary of the Company to register the same, on being required to do so by any holder thereof.

Bonds may be issued by Directors duly authorized.

Proviso: amount limited.

Proviso: if bonds are not paid.

16. And the Company may secure such bonds by a deed  
 45 or deeds of mortgage executed by the Company, with the authority of its shareholders expressed by a resolution passed at such special general meeting; and any such deed may contain such description of the property mortgaged by such deed, and such conditions respecting the payment of the  
 50 bonds secured thereby and of the interest thereon, and the remedies which shall be enjoyed by the holders of such bonds or by any trustee or trustees for them in default of such payment, and the enforcement of such remedies, and may provide for such forfeitures and penalties in default of  
 55 such payment, as may be approved by such meeting; and may also contain, with the approval aforesaid, authority to the

Bonds may be secured by mortgage deed which may contain certain conditions.

Voting  
powers of  
bondholders.

Deed to be  
valid.

How such  
Railway shall  
be run in case  
of change of  
ownership.

Further  
powers as to  
bonds.

No registra-  
tion of mort-  
gage deed.

Deposit with  
Secretary of  
State.

trustee or trustees, upon such default, as one of such remedies, to take possession of the railway and property mortgaged, and to hold and run the same for the benefit of the bondholders thereof for a time to be limited by such deed, or to sell the said railway and property, after such delay, 5  
and upon such terms and conditions as may be stated in such deed ; and with like approval any such deed may contain provisions to the effect that upon such default and upon such other conditions as shall be described in such deed, the right of voting possessed by the shareholders of the Com- 10  
pany, shall cease and determine, and shall thereafter appertain to the bondholders ; and such deed may also provide for the conditional or absolute cancellation after such sale of any or all of the shares so deprived of voting power, and may also, either directly by its terms, or indirectly by reference 15  
to the by-laws of the Company, provide for the mode of enforcing and exercising the powers and authority to be conferred and defined by such deed, under the provisions thereof. And such deed, and the provisions thereof, made under the authority hereof, and such other provisions thereof 20  
as shall purport (with like approval) to grant such further and other powers and privileges to such trustee or trustees and to such bondholders, as are not contrary to law or to the provisions of this Act, shall be valid and binding ; but if any change in the ownership or possession 25  
of the said railway and property shall at any time take place under the provisions hereof, or of any such deed, or in any other manner, the said railway and property shall continue to be held and operated under the provisions hereof, and of "*The Consolidated Railway Act, 1879*" as 30  
hereby modified.

17. The bonds authorized by this Act to be issued by the Company, may be so issued in whole or in part in the denomination of dollars, pounds sterling or francs, or in any or all of them, and the coupons may be for payment in denominations similar to those of the bond to which they are attached. 35  
And the whole or any such bonds, may be pledged, negotiated or sold upon such conditions and at such price as the Board of Directors shall from time to time determine. 40

18. It shall not be necessary, in order to preserve the priority, lien, charge, mortgage or privilege, purporting to appertain to or be created by any bond issued or mortgage deed executed under the provisions of this Act, that such bond or deed should be registered in any manner, or in 45  
any place whatever. But every such mortgage deed shall be deposited in the office of the Secretary of State, of which deposit notice shall be given in the *Canada Gazette*. And in like manner any agreement entered into by the Company, under section twenty of this Act, shall also be deposited 50  
in the said office. And a copy of any such mortgage deed, or agreement, certified to be a true copy by the Secretary of State or his Deputy, shall be received as *prima facie* evidence of the original in all courts of justice, without proof of the signatures or seal upon such original. 55

19. The Directors of the Company, in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other railway company, for the purpose of making any branch or branches to facilitate a connection between the Company and such other chartered railway company.

Arrangements with other Companies.

20. The Company is also authorized and empowered to make the necessary arrangements and to contract and agree with the Ontario and Quebec Railway Company, with the Atlantic and North-West Railway Company, with the Canadian Pacific Railway Company, and with any other Railway Company whose road touches or approaches its line or any of them for amalgamation with the said Companies or any of them, and also to make traffic or running arrangements with any of the said Companies; Provided that the terms of amalgamation are approved of by two thirds of the shareholders present in person or represented by proxy at a special general meeting to be held for that purpose in accordance with this Act.

May amalgamate with certain other railways.

Traffic arrangements may be made.

Proviso: approval of shareholders obtained.

21. After the amalgamation with any such railway or part thereof, the Company may, with the consent of a majority of the shareholders, and also with the consent of a majority of the bondholders of the companies entering into such an arrangement, issue bonds to the extent of twenty-five thousand dollars per mile according to the actual mileage of the railways of the companies entering into such arrangement; and such bonds shall, without registration or conveyance, be a first and preferential lien and charge upon the whole joint undertaking of the railways of the companies entering into the said arrangement, and the tolls, revenues and property, real and personal, thereof, and may be secured by a deed or deeds of mortgage containing the same provisions and in the same manner as the bonds mentioned in the fifteenth section of this Act: Provided, however, that all bonds of the several companies entering into the said arrangement, outstanding at the time of the said issue, shall be reckoned as part of the said issue of twenty-five thousand dollars per mile, and the said amalgamating company shall only have power to issue the difference between the amount of bonds of the said companies then outstanding and the amount required to make up twenty-five thousand dollars per mile.

Powers as to issue of bonds after arrangements have been entered into.

Proviso: as to outstanding bonds.

22. Subject to the provisions in this Act contained, the amalgamating company shall be vested with all the rights, franchises, powers, privileges and property that the said companies entering into the arrangement for amalgamation have, at the time of the said arrangement being made, by virtue of the several Acts relating to the said companies; and the amalgamating company shall be liable for all the debts, duties and obligations of the respective companies entering into the said arrangement; and no proceeding of any nature, either by or against the said companies or any of them, shall be abated or discontinued by reason of the said amalgamation, but shall be continued to their natural

Certain rights and liabilities transferred a new Company

and ordinary termination as if this Act had never been passed; and if any judgment be rendered therein, such judgment shall be binding upon and executory against the amalgamating company, or shall enure to the benefit thereof and may be enforced thereby, as the case may be. The name of the companies, when amalgamated, the place for the head office of the Company within the Dominion of Canada, the amount of the capital stock of the amalgamating company after the amalgamation has taken place, not exceeding the aggregate capital stock of the amalgamating companies, the division of such stock among the shareholders of the respective companies, parties to the amalgamation, the number of directors which the amalgamated company shall have, and all other matters affecting either the respective companies forming the amalgamation or affecting the amalgamating company, may be settled by the deed of amalgamation: Provided, however, that the provisions of such deed shall be in accordance with the powers vested in the said company by the several acts affecting the same or by this Act.

What the deed of amalgamation may contain.

Proviso.

Equal rights of shareholders.

Powers as to telegraph lines.

Bonds may be pledged.

Branch offices and business which may be transacted thereat.

**23.** All shareholders in the Company, whether British subjects or aliens, or residents of Canada or elsewhere, shall have equal rights to hold stock in the Company, and to vote on the same and to be eligible to office in the Company.

**24.** The Company shall have full power and authority to construct, work and operate such line or lines of telegraph in connection with and along the line of their railway and branches as may be necessary or useful for the purposes of their undertaking, and for the purpose of constructing, working or protecting the telegraph lines to be constructed by the Company on their line of railway, the powers conferred on telegraph companies by the Act chapter sixty-seven of the Consolidated Statutes of the late Province of Canada, intituled: "*An Act respecting Electric Telegraph Companies*," are hereby conferred on the Company: and the other provisions of the said Act for the working and protection of telegraph lines shall apply to such telegraph lines constructed by the Company.

**25.** The Company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the provisions of this Act, issue for the construction of the railway or otherwise.

**26.** The Directors of the Company may appoint an agent in the City of London, England, and also in the City of New York, in the State of New York, one of the United States of America, with such powers, and to perform such duties as the Board of Directors may think fit to impose upon him; and the said agents may open and keep books of transfer for the shares of the Company and for the issue of share certificates; and thereupon shares that have been transferred from the register of shares in Canada to London or New York, or *vice versa*, may be transferred by the holders at the London



or New York offices, and *vice versa*, in the same manner as shares may be transferred at the Canada office; and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States, or in Canada, may after they have been recorded in the register of shares as aforesaid, be entered upon the books at the London or at the New York or Canada office, irrespective of the place where they were originally subscribed for, and certificates be issued for them; and such agents shall transmit an accurate list of all the transfers made at their offices respectively, together with certificates that may be surrendered to them, to the Secretary or other proper officer of the Company in Canada, who shall thereupon make the requisite entries respecting such transfer and share certificates in the register kept in Canada, and thereupon the same shall be binding on the Company, as to all the rights and privileges of shareholders, as though the share certificates had been issued by the Secretary of the Company in Canada.

Shares may be registered in books of any office.

27. Shares in the capital stock of the Company may be transferred in such manner and by such form of instrument as the by-laws of the Company may provide, but no transfer shall become effectual unless the share certificates issued in respect of shares intended to be transferred are surrendered to the Company, or the surrender thereof dispensed with by the Company.

Transfer of shares.

28. The Directors may, from time to time, make such regulations as they shall think fit respecting the transfer and registration of shares of stock, and the forms in respect thereof, as well in Canada as elsewhere, and as to the closing of the register of transfer for the purpose of dividends, as they may find expedient; and all such regulations not being inconsistent with the provisions of this Act and of the Railway Act, as altered or modified by this Act, shall be valid and binding.

Transfers in Canada and elsewhere.

29. The Company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or any person whatever, lying along the route or line of the railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect to such railway, to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the first day of April next following.

Power to erect snow fences.

Proviso: as to their removal in April.

30. Conveyances of land to the Company for the purposes of and exercise of the powers given by this Act, made in the form set out in the schedule hereunder written, or to the like effect, shall be sufficient conveyance to the Company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in the same

Form of conveyance of land to the Company.

manner and upon such proof of execution as is required under the registry laws of Ontario.

Land for  
warehouses,  
&c.

**31.** The Company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the Company shall have power to acquire and hold as part of the property of the Company, as many steam or other vessels as the Directors of the Company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic, in connection with the railway. 5 10

Reasonable  
facilities to be  
afforded to  
other com-  
panies as to  
traffic.

1. In order to afford reasonable facilities to the Ontario and Quebec Railway Company, the Atlantic and North-West Railway Company, the Canadian Pacific Railway Company, and to all other companies whose lines of railway may at any point or points be connected mediately or immediately with the railway of the Company hereby incorporated, for the receiving, forwarding, delivering, interchange and working of traffic upon and by way of the several railways belonging to or worked by such companies respectively, the Company hereby incorporated shall, for the purposes of all traffic whatsoever, whether passengers and their baggage, including the usual accommodation for express matter, or freight of any description, including live stock and minerals, and whether such traffic shall originate or terminate upon the railway systems of such companies or either of them, or come from or be destined to some other railway or railways or other carriers connecting mediately or immediately with them, at all times receive, ticket, bill, invoice and forward the traffic upon and over its railway from such connecting point to or towards its destination, and deliver any and all such traffic as consigned either in final delivery upon or from its own railway, or to some other carrier for further transmission to its destination according to the ticket, bill or invoice; and in like manner shall receive, ticket, invoice and forward the traffic destined to or by way of such connecting railway and duly deliver the same at such connecting point to such connecting railway; and the Company hereby incorporated shall afford to the Ontario and Quebec Railway Company, the Atlantic and North-West Railway Company, the Canadian Pacific Railway Company, and all such other companies having connecting railways as aforesaid, all needful accommodation, facility and convenience at their stations, and by their trains and otherwise, and by through rating, billing and ticketing for the promotion of their business and the interchange of such traffic. 15 20 25 30 35 40 45

No undue pre-  
ference to be  
given.

2. And the Company hereby incorporated shall not give or allow, directly or indirectly, any preference or advantage to, or to the traffic by, any other railway or portion of a railway or other carriers' line forming part of a continuous route, whether owned or operated by or in interest, directly or indirectly, with the Company hereby incorporated or otherwise, over the Ontario and Quebec Railway, the Atlantic and North-West Railway, the Canadian Pacific 50 55

- Railway, or any such other connecting railway or the traffic thereby; and it shall be unlawful for the Company hereby incorporated to make, and it shall not make any greater or higher charge for the carriage of traffic or any service connected with the traffic passing to or from the Ontario and Quebec Railway, the Atlantic and North-West Railway, the Canadian Pacific Railway, or any such other connecting railway than the lowest charge it shall make for a like or similar service over any part of its own railway, or which shall be made over any part of a railway worked by or in interest with it, nor make or allow any discrimination, preference or advantage as between any such connecting railways.
- 15 3 And the Company hereby incorporated shall carry all such traffic interchanged with the Ontario and Quebec Railway, the Atlantic and North-West Railway, the Canadian Pacific Railway, or any other such connecting railway at the lowest mileage rate for the time being charged or received by it for the carriage of like or similar classes of traffic over the same part of its railway, which lowest mileage rate shall in no case exceed the *pro rata* mileage rate charged or received for the haulage of the like or similar classes of traffic over any part of the whole line of railway worked by or in interest with the said Company hereby incorporated
- 25 4. Provided that nothing herein shall oblige the Company hereby incorporated to accept for the carriage of any such traffic less than its *pro rata* share, according to mileage, of the entire through charge, rate or fare at which the same shall be carried by railway.
5. And provided further, that the Company hereby incorporated shall be obliged to furnish the facilities and to work through traffic with the said Ontario and Quebec Railway, the Atlantic and North-West Railway, the Canadian Pacific Railway, or any such other connecting company, only so long as the said Ontario and Quebec Railway, the Atlantic and North-West Railway, the Canadian Pacific Railway, or such other company, shall afford to the Company hereby incorporated the like facilities in return. In case the said companies shall fail to agree upon the extent or manner of working or carrying into effect of the provisions contained in this section, such matters and difference shall be settled by three arbitrators, appointed from time to time, one to be appointed by each of the said railway companies, parties to such difference, and the third by one of the Judges of the Exchequer Court of Canada; and in the event of either of the said companies refusing or neglecting to appoint such arbitrator for the space of ten days after being requested or notified so to do by the other company, then the said Judge shall appoint such arbitrator for the company so neglecting or refusing; and the decision and award of the said arbitrators, or a majority of them, shall be final and binding on the said companies, and may be enforced in any court of law or equity having jurisdiction in the premises.

Restriction as to rates of charges.

Rate for interchanged traffic.

Proviso: company not bound to accept less than its *pro rata* share.

Proviso: facilities to be mutual.

Appointment of arbitrators in case of disagreement.

Award to be final.

Limitation of time for commencement and completion.

32. The powers given by this Act shall be exercised by the commencement of the said railway within two years, and its completion within five years, from the passing of this Act.

SCHEDULE.

Know all men by these presents, that I (or we) *insert the names of the vendors* in consideration of \_\_\_\_\_ dollars paid to me (or us) by the Montreal and Central Canada Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the names of any other party or parties*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels, as the case may be*) of land situated (*describe the lands*), the same having been selected and laid out by the said Company for the purposes of their railway, to hold with the appurtenances unto the said Montreal and Central Canada Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*) and I (or we) the wife (or wives) of the said \_\_\_\_\_ do hereby bar my (or our) dower in the said lands;

As witness my (or our) hand and seal (*or hands and seals*) this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

Signed, sealed and delivered }  
in the presence of

A.B. [L.S.]

4th Session, 4th Parliament, 45 Vico

K

BILL.

An Act to incorporate the Montreal and Central Canada Railway Company

Received and read first time, Tuesday, February, 1882.

Second reading, Tuesday, 28th 1882.

Mr.

OTTAWA:  
Printed by MacLENNAN, ROGER & Co., Wellington

1882.

---

---

## BILL.

### An Act for the relief of Matthew Gardiner.

WHEREAS Matthew Gardiner, late of the Township of Sydenham in the County of Grey and Province of Ontario, farmer, but now of Rapid City in the Province of Manitoba, farmer, has, by his petition, humbly set forth that on the fifth day of June, one thousand eight hundred and seventy-six, he was married to Elizabeth Ann Gardiner, formerly Elizabeth Ann Robertson, at the village of Meaford in the said County of Grey; that the said Matthew Gardiner and Elizabeth Ann Gardiner are both British subjects, residents of the Dominion; that they lived and cohabited together as man and wife up to the month of October, one thousand eight hundred and seventy-eight, when he discovered that she had, about the first day of July, one thousand eight hundred and seventy-eight, and on several subsequent occasions, committed adultery with one Thomas Quail prior to said month of October, one thousand eight hundred and seventy-eight; and whereas the said Matthew Gardiner has prayed that he may be divorced *à vinculo matrimonii* from his said wife, and whereas the said Matthew Gardiner has made proof of the facts above recited; and it is expedient that the prayer of the said petitioner 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. That the said marriage between the said Matthew Gardiner and Elizabeth Ann Gardiner his wife, shall from henceforth be null and void, and the same is hereby declared, adjudged and enacted to be null and void to all intents and purposes whatsoever.

2. It shall and may be lawful for the said Matthew Gardiner hereafter to contract matrimony with any other woman with whom he might lawfully marry in case the said marriage had not been solemnized, and in the event of the said Matthew Gardiner hereafter marrying, he and the woman with whom he so marries and the issue, if any, of such marriage, shall have and possess the same rights in every respect as if the said first mentioned marriage had never been solemnized.

Preamble.

His marriage annulled.

Matthew Gardiner may marry again.

His rights and his wife's and children in such case.

**L**

**BILL.**

**An Act for the relief of Matthew  
Gardiner.**

---

Received and read first time, Wednesday, 1st  
March, 1882.

Second reading, Thursday, 16th March,  
1882.

---

Honourable Mr. FERRIER.

---

OTTAWA:

Printed by MacLEAN, ROGER & Co., Wellington Street.

1882

---

---

## B I L L .

An Act to amend the Acts relating to The Great Western  
Railway Company.

WHEREAS the loan capital of the Great Western Railway Company, hereinafter styled the Company, is four millions eight hundred and sixty-nine thousand six hundred and sixty-four pounds sterling, whereof three millions seven hundred and forty-nine thousand seven hundred and forty-nine pounds has been created and issued;

Preamble.

Loan capital.

And whereas the yearly interest upon the issued loan capital is one hundred and ninety-nine thousand and thirty-three pounds, which with interest at the rate of six per centum per annum on the unissued one million one hundred and nineteen thousand nine hundred and fourteen pounds would make a total yearly interest charge of two hundred and sixty-six thousand two hundred and twenty-eight pounds sterling;

Interest thereon.

And whereas for the purpose of paying off, getting in, or redeeming the whole or any part of the issued loan capital aforesaid, and for the purposes for which the said unissued loan capital was intended to be created, and also to provide means for the improvement generally of the Company's facilities for business without increasing its annual charges, it is desirable that the Company be authorized to create and issue, subject to the consent of the shareholders as hereinafter provided, perpetual debenture stock, to form part of the loan capital of the Company, for any sum or sums of money, and whether the loan capital shall thereby exceed the said sum of £4,869,664 or otherwise, but so, however, that the total yearly interest payable upon the entire loan capital shall not at any time exceed the aforesaid yearly sum of two hundred and sixty-six thousand two hundred and twenty-eight pounds sterling;

How to be redeemed, and

The business improved.

And whereas the Company has petitioned that an Act may be passed to authorize such creation and issue, and has also petitioned that the Acts relating to the Company may be amended and that its powers may be otherwise extended and declared as herein provided; and it is expedient that the prayer of the said petition be granted:

Act to be passed therefor.

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

Short title. **1.** This Act may be cited as "*The Great Western Railway Act, 1882.*"

Borrowing powers of the company enlarged.

Proviso.

Under what circumstances bonds may be paid off.

How the unissued loan capital may be dealt with.

Certain clauses of the Act 1876 to apply.

Company may purchase bonds of Wellington, Grey and Bruce Railway.

**2.** Notwithstanding any limitation of the borrowing powers of the Company contained in any of the Acts relating thereto it shall be lawful for the Company from time to time to borrow and raise by the creation and issue of perpetual debenture stock any sum or sums of money it may deem expedient, either to pay off, redeem or get in the terminable bonds or perpetual debenture stock at the time being outstanding or any portion or portions thereof, or to provide funds for the various purposes for which the unissued loan capital of the Company now authorized by the Acts relating to the Company was intended to be created, or to provide additional funds for the purposes of the Company generally: Provided, however, that the total interest payable upon the entire loan capital of the Company shall be limited to and shall not exceed at any time the sum of two hundred and sixty-six thousand two hundred and twenty-eight pounds sterling, per annum. 5 10 15

**3.** So that the interest upon the loan capital, raised or created by terminable bonds and perpetual debenture stock, shall not in the whole exceed the aforesaid sum of two hundred and sixty-six thousand two hundred and twenty-eight pounds sterling, annually, the Directors of the Company may, from time to time, pay off or satisfy terminable bonds of the Company by the issue and sale or exchange of other terminable bonds equal in amount of principal money, instead of issuing perpetual debenture stock as in section two provided. 20 25

**4.** So that the interest upon the loan capital raised or created by terminable bonds and perpetual debenture stock shall not in the whole exceed the aforesaid sum of two hundred and sixty-six thousand two hundred and twenty-eight pounds sterling, annually, the Company may borrow and raise the whole or any portion of the unissued loan capital heretofore authorized by the Acts relating to the Company, by the issue and sale of terminable bonds instead of issuing perpetual debenture stock as in section two provided. 30 35

**5.** The eighth, ninth, tenth and eleventh sections of "*The Great Western Railway Act, 1876,*" shall apply to the terminable bonds and perpetual debenture stock in this Act referred to. 40

**6.** It shall be lawful for the Company to purchase as and when the Directors may see fit, the remaining or any portion of the bonds of the Wellington, Grey and Bruce Railway Company, referred to in the sixth section of "*The Great Western Railway Act, 1876,*" although the period for acquiring the same under the provisions of the obligations referred to in the said section may not have arrived, and upon such purchase to hold the same with right of acquisition out of the funds in the agreements or obligations mentioned and 45 50



with all other rights pertaining to said bonds in common with the holders of the other unacquired bonds.

7. The Act passed in the forty-third year of Her Majesty's reign, chapter forty-nine, and intituled: "An Act to authorize the establishment of superannuation, provident and insurance funds by the Great Western Railway Company," is hereby amended by striking out of the fifth section thereof the words "within twelve months after the passing of this Act."

Act 43 Vict.,  
c. 49 respect-  
ing superan-  
nuation,  
amended.

8. The Company shall have power to purchase, build, fit out, charter, sell, mortgage, dispose of, work, control and keep in repair, steam or other vessels and ships in connection with its business, and all such vessels and ships shall be deemed to belong to the undertaking of the Company; and also to make arrangements and agreements with the owners of steam or other vessels and ships by chartering, traffic agreements or otherwise, to run the same in connection with its lines of railway in the business thereof.

Company  
may build  
and own  
vessels and  
ships.

9. The Company shall have power to make use of, for the purposes of its railways, the water of any stream or water-course over or near which its railway or any railway worked by it passes, doing however no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course; and if for the purpose of making such use of the stream or water-course it shall be necessary for the Company to take or acquire any lands adjoining either the railway lands or the stream or water-course, it shall be lawful for the Company to purchase, take and acquire such lands, and the provisions of the Acts relating to the Company as to the taking or acquiring lands and vesting the same in the Company for the purposes of its railway and the determination of the compensation to be made therefor shall apply to lands to be so taken.

Powers with  
respect to the  
use of streams  
and water  
courses.

10. The Company shall have power to become subscribers for and take and hold stock in any station, company or companies and in any company or companies incorporated, to construct elevators, wharves, warehouses or harbours, and either alone or in common with others to become guarantors for any such company or companies and to enter into agreements with the several companies respecting the leasing or use of such stations, elevators, wharves, warehouses or harbours and the approaches thereto.

May hold  
stock in any  
station com-  
panies.

11. No powers shall be exercised under the second, fourth, sixth, eighth and tenth sections, respectively, of this Act, unless consent shall be given to the exercise of such powers, respectively, by the vote of two-thirds of the shareholders in terms of the sixth section of "The Great Western Railway Act, 1875," at any ordinary or special general meeting of the Company.

Under what  
sanction cer-  
tain powers  
may be exer-  
cised.

---

---

4th Session, 4th Parliament 45 Victoria, 1882.

---

---

M

BILL

An Act to amend the Acts relating to  
The Great Western Railway Company.

---

Received and read first time, Friday, 3rd  
March, 1882.

Second reading, Monday, 6th March, 1882.

---

Honourable Mr. VIDAL.

---

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1882

---

---

## B I L L .

### An Act to incorporate the Royal Canadian Academy of Arts.

WHEREAS a society, consisting of professional artists, has been founded in the Dominion of Canada by His Excellency the Right Honourable the Marquis of Lorne, Governor General of Canada, and by Her Royal Highness the Princess Louise, and with the sanction of Her Majesty Queen Victoria, has been entitled the Royal Canadian Academy of Arts; and whereas the said Society hath, by petition, prayed for an Act to incorporate the said Society; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The present members of the said Society, who have complied with all conditions of membership under the present constitution thereof, and such other artists as may hereafter become academicians and associates pursuant to the provisions hereinafter set forth, shall be and are hereby incorporated and constituted a body politic and corporate by the name of the "Royal Canadian Academy of Arts," hereinafter called the Academy; the objects of the said corporation shall be the encouragement of Design, as applied to Painting, Sculpture, Architecture, Engraving and the Industrial Arts, and the promotion and support of Education, leading to the production of beautiful and excellent work in manufactures; such objects to be attained by:

1st.—The institution of a National Gallery at the seat of Government;

2nd.—The holding of exhibitions in the principal cities of the Dominion;

30 3rd.—The establishment of Schools of Art and Design.

2. There shall be two orders of members of the Academy, viz., academicians and associates, all of whom shall be artists by profession, and either painters, sculptors, architects, engravers, or designers, who shall be British subjects or, if aliens, permanent residents in the Dominion.

3. The said Academy shall consist of not more than forty Academicians, of whom not more than ten shall be architects, not more than three engravers, and not more than six designers, and of an unlimited number of associates.

4. An "academician" shall be an artist by profession, and shall have contributed to the national gallery of the Dominion a picture, piece of sculpture, design, or engraving approved and accepted by the council as a satisfactory specimen of his work in his particular branch of art, and shall have signed the obligation in form and manner prescribed by the Governor General, or as may hereafter be prescribed by the laws of the academy, and shall have received a diploma signed by the Governor General. 5

5. An "associate" shall be an artist by profession, whose election shall be approved by the Governor General, and who shall have received a diploma signed by the President of the Academy. 10

6. There shall be annually one general meeting of the Academy at which the associates may be present, but only for the purpose of taking part in the election of academicians as hereafter provided. At such meeting the President shall declare the council; and the Academy shall elect officers and new members and confirm new laws; adjudge premiums to be given to students, donations to art schools and to any student who is sent abroad; hear complaints and redress grievances; and transact any other business relative to the Academy of which such notice shall have been given as may be required by the laws of the Academy; such meeting to be held at such time and place during the holding of an annual exhibition as the President may appoint. 15 20 25

7. At such general annual meeting the academicians and associates shall jointly elect by ballot from amongst the associates such members for academicians as may have been previously ordered by the council to be elected; and the academicians shall also at said meeting ballot for any artist eligible as an associate member of the Academy whose name has been proposed for election as such associate, and if such person shall obtain a majority of votes of academicians present at the meeting, he shall be declared elected: provided that associate architects shall vote only for the election of architects, and all other associates shall vote in all elections except those of architects. 30 35

8. The government of the Academy shall be vested in a council to be composed of the President, Vice-President and twelve academicians to be appointed as next hereinafter provided. 40

9. The present council shall continue in office until the next general annual meeting, when the six senior members of the council shall retire and their places be filled by other academicians who shall serve in rotation in the manner directed by any rule in that behalf, so that the seats in the council may go by succession to all the academicians. The six senior members of the council shall subsequently retire by rotation yearly, and these shall not re-occupy their seats in the council till all the rest of the academicians have served. 45 50

**10.** The President shall have power to assemble the council as often as he shall think it necessary.

**11.** The President shall have power to nominate one of the council to act as his deputy in the absence of the President and Vice-President.

**12.** The President or his deputy, and no other person, shall have power to summon either the council or any general meeting. In the absence of the President, the Vice-President authorized by him shall have the same powers. In the event of the Vice-President being unable to undertake the President's functions, the President may nominate another deputy.

**13.** The constitution, rules and by-laws of the Royal Canadian Academy of Arts, as existing at the time of the passing of this Act, shall be and continue as the constitution, rules and by-laws of the said Academy so far as the same are consistent with this Act and with the laws of Canada and the Provinces thereof, until the same are altered or repealed in the manner prescribed by this Act.

**14.** No such rule or by-law shall be altered or repealed, or new rule or by-law made, except at a meeting of the council to be called for that purpose, of which notice shall be mailed to each member of the council at least fourteen days before such meeting takes place.

**15.** The council for the time being shall have power, at any meeting called for the purpose to amend, repeal or add to the then existing rules and by-laws in such manner as it may be deemed expedient for the interests of the Academy

in respect to the following matters:—

1st.—The election of new members ;

2nd.—The election or appointment of academicians or members of the council ;

3rd.—The vacating of membership owing to the absence or non-attendance of members ;

4th.—The regulation and collection of fees payable by members ;

5th.—The suspension or expulsion of obnoxious members ; but no expulsion to take place except upon a vote of at least two-thirds of the members present at the general annual meeting ;

6th.—The granting of premiums or donations to distressed artists who have been exhibitors at the exhibition of the academy or to their widows or children ;

7th.—The holding of meetings and the conduct of business thereat ;

8th.—The management of the affairs of the Academy where not otherwise provided for by this Act, and all other matters necessary or expedient to carry out its objects: Provided that such new rule or by-law be not inconsistent with this Act, or with the law of the Dominion or of any Province thereof. 5

16. Such new rule or by-law or any amendment or repeal of any rule or by-law shall only have force until the next general meeting of the Academy, when it shall be either confirmed or annulled by the academicians and shall in no case come into force until approved by the Governor-General. All changes in existing rules or by-laws must originate with the Council ; all business relative to the Academy, after it has been settled by the Council shall be laid before the Governor General by the President ; and the President or his Deputy shall make report to the Council of the Governor General's pleasure thereon. 15

17. The Academy may sue or be sued in its corporate name. 20

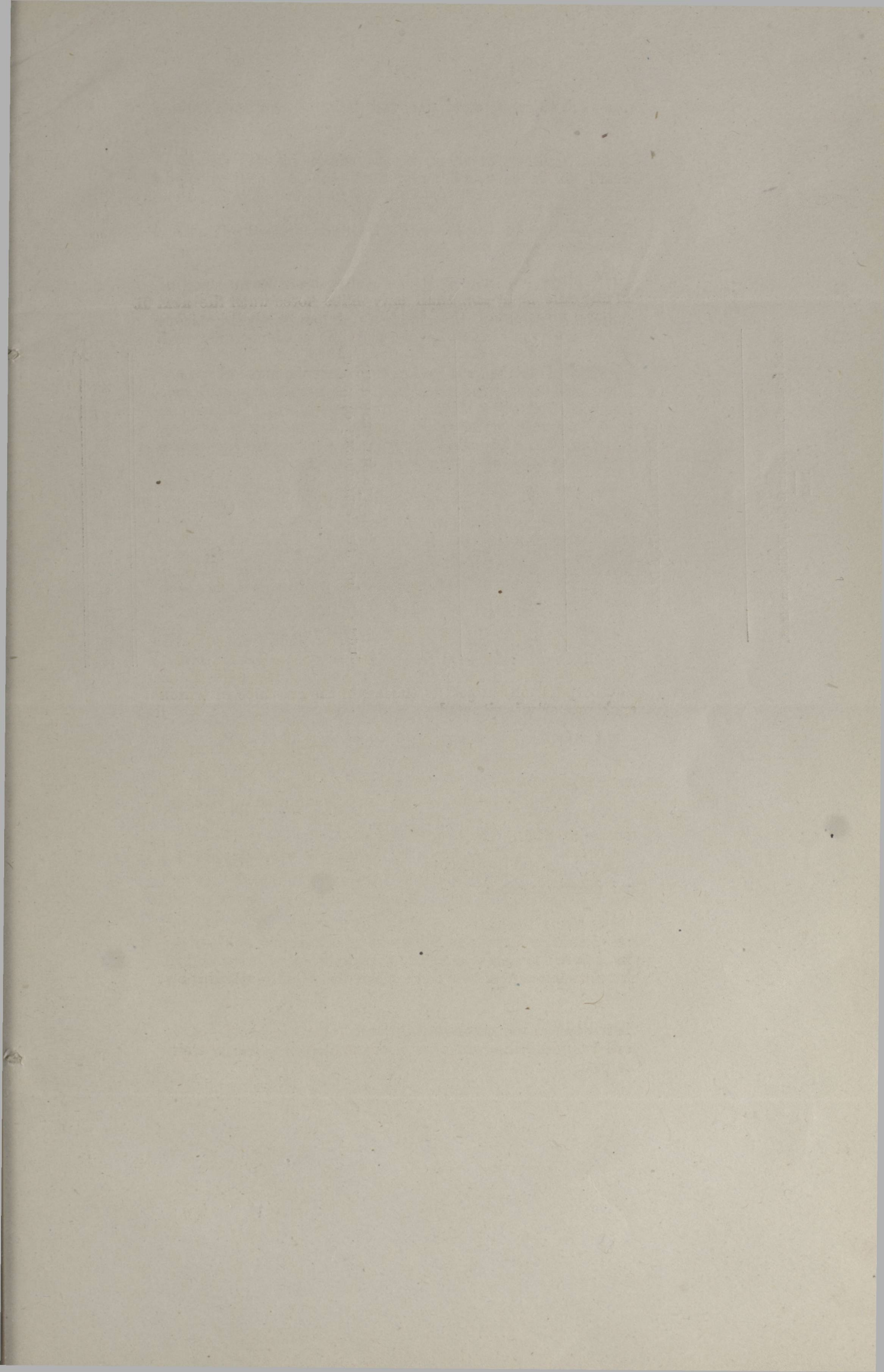
18. It shall be lawful for the said Academy to acquire and hold any such real or personal property as it may require for actual use or occupation or to carry out the objects of its incorporation. 25

19. It shall be lawful for the said Academy to sell, lease or otherwise dispose of the property so acquired under the constitution rules and regulations and by-laws of the said corporation, subject to the law of the Province in which such property is situated. 30

20. The present President and Vice-President having been appointed in the first instance by the Governor General in the year one thousand eight hundred and eighty, for a term of five years terminating at the time of the general meeting of the Academy in the year one thousand eight hundred and eighty-five, shall hold office for that time, and their successors shall subsequently be elected annually at the annual meeting, as shall be also the Secretary, Treasurer and Auditor or Auditors. 35

21. If the Presidency or Vice-Presidency is vacated before five years shall have elapsed from the date of the appointment of the first President and Vice-President, the Governor General shall appoint to either the Presidency or the Vice-Presidency. 40

22. Except as hereinbefore provided, the Council shall have power to fill a vacancy in any office which may occur during the year. 45



---

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

---

O

BILL.

An Act to incorporate the Royal Canadian Academy of Arts.

---

Received and read first time, Wednesday, 6th  
March, 1882.

---

Second reading, Monday, 13th March, 1882.

---

Honourable Mr. ALLAN.

---

OTTAWA:

Printed by MACLEAN, ROGER & Co., Wellington Street.

1882



---

---

## BILL.

An Act to further amend the law respecting Building Societies carrying on business in the Province of Ontario.

WHEREAS it is expedient to make better provision for the increase of the permanent capital of Building Societies and Loan and Savings Companies carrying on business in Ontario, and for the enabling of such companies to obtain capital from beyond the limits of the Province: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Any permanent Building Society or Loan and Savings Company carrying on business in the Province of Ontario may, at any time and from time to time, by resolution to be passed by a vote of not less than two-thirds in value of all the shareholders of the Company present in person or represented by proxy at any general or special meeting of the Company duly called for considering the same, increase the fixed and permanent capital of such Society or Company, by the issue of new stock of such amount and to be divided into shares of such respective amounts and in such currency, and subject to such rules, regulations, privileges and conditions in all respects, and especially with regard to the allotment thereof to then existing shareholders or otherwise, to the amount to be paid on the subscription of any such shares and the time at which the balance shall be called up, and to the dividends to be paid thereon, as by the said resolution may be directed, or, if no directions be given, as the Directors may think expedient.

---

4th Session, 4th Parliament 45 Victoria, 1882.

---

BILL.

P

An Act respecting Loan and Savings  
Companies.

---

Received and read first time, Monday, 13th  
March, 1882.  
Second reading, Wednesday, 15th March,  
1882.

---

Honourable Mr. ALLAN.

---

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1882

---

## BILL.

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

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

1. For the purpose of hearing and determining cases of the class hereinafter described of appeals from the Province of Quebec, the Supreme Court shall call to its assistance two "Judges in aid" who shall be Judges either of the Court of Queen's Bench or of the Superior Court of that Province, and who shall, for all the purposes of such appeals, have the like powers and duties as are possessed and discharged by the ordinary Judges of the Supreme Court, and shall take, *mutatis mutandis*, the like oath regarding the discharge of the duties of office.

2. The Chief Justice and the other Judges of the Court of Queen's Bench for the Province of Quebec, and the Chief Justice and five of the Puisne Judges of the Superior Court for the same Province, to be selected by the Governor in Council, shall be "Judges in aid" to the Supreme Court of Canada, and commissions under the great seal shall issue to them as such.

3. The twelve "Judges in aid" to the Supreme Court shall be placed upon a roster by the Chief Justices of the Queen's Bench and Superior Court, so as to place them in six divisions of two each—the two Chief Justices not being of the same division—and upon a warrant from the Supreme Court, under its seal, the two Chief Justices shall assign for duty, at each succeeding sessions of the said Court, two or four of the said "Judges in aid" who have not heard, in any of the Courts below, the cases coming within the class herein described in which appeals are set down for argument at the then next sessions of the Supreme Court.

4. Two or four of the "Judges in aid" so chosen shall attend the then next sessions of the Supreme Court, if any cases of the class hereinafter described shall be set down for argument at such sessions, and two of them shall sit with the Judges of the Supreme Court and hear and determine, with equal voice, all cases in appeal from the Province of Quebec coming within the class hereafter described; and such "Judges in aid" for each sessions of the Supreme Court so attended by them,

including the determining of the cases then heard with their assistance, shall be paid the sum of *three hundred dollars*.

5. In every case of appeal from the judgment of any Court in the Province of Quebec, a preliminary summary examination of the pleadings and papers in appeal shall be made by the Supreme Court, without argument or the hearing of counsel, and if the Court shall declare, by certificate under its seal, that the appeal is one the decision of which must be governed by, and should be adjudged according to, laws which are peculiar to the Province of Quebec, as distinguished from those of the other Provinces of the Dominion, the case shall be deemed to be one coming within the class which may be heard under the special provisions herein enacted, and shall be heard and determined as herein provided. 5 10 15

6. The Judges of the Supreme Court shall have power to make such rules as may be necessary for giving effect to the provisions of this Act, and from time to time to vary the same, and if necessary to make new and additional rules. 20

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

Q

BILL.

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

---

Received and read first time, Friday, 24th March, 1882.

Second reading, Monday, 27th March, 1882.

---

Honourable  
Sir ALEXANDER CAMPBELL.

---

OTTAWA:

PRINTED BY MAOLLEAN, ROGER & Co.  
1882

**BILL.**

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

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

1. For the purpose of hearing and determining cases of the class hereinafter described of appeals from the Province of Quebec, the Supreme Court shall call to its assistance two "~~Judges in aid~~" who shall be Judges either of the Court of Queen's Bench or of the Superior Court of that Province, and who shall, for all the purposes of such appeals, have the like powers and duties as are possessed and discharged by the ordinary Judges of the Supreme Court, and shall take, *mutatis mutandis*, the like oath regarding the discharge of the duties of office.

"Associate Judges

2. The Chief Justice and the other Judges of the Court of Queen's Bench for the Province of Quebec, and the Chief Justice and five of the Puisne Judges of the Superior Court for the same Province, to be selected by the Governor in Council, shall be "~~Judges in aid~~" to the Supreme Court of Canada, and commissions under the great seal shall issue to them as such.

"Associate Judges

the purposes of this act.

3. The ~~twelve~~ "~~Judges in aid~~" to the Supreme Court shall be placed upon a roster by the Chief Justices of the Queen's Bench and Superior Court, so as to place them in six divisions of two each—the two Chief Justices not being of the same division—and upon a warrant from the Supreme Court, under its seal, the ~~two~~ Chief Justices shall assign for duty, at each succeeding sessions of the said Court, two or four of the said "~~Judges in aid~~" who have not heard, in any of the Courts below, the cases coming within the class herein described in which appeals are set down for argument at the then next sessions of the Supreme Court.

"Associate Judges shall amongst themselves arrange a list

their number

4. Two or four of the "~~Judges in aid~~" so chosen shall attend the then next sessions of the Supreme Court, if any cases of the class hereinafter described shall be set down for argument at such sessions, and two of them shall sit with the Judges of the Supreme Court and hear and determine, with equal voice, all cases in appeal from the Province of Quebec coming within the class hereafter described; and such "~~Judges in aid~~" for each sessions of the Supreme Court so attended by them,

"Associate Judges

"Associate Judges

including the determining of the cases then heard with their assistance, shall be paid the sum of ~~three~~ *three hundred dollars*.

5. In every case of appeal from the judgment of any Court in the Province of Quebec, a preliminary summary examination of the pleadings and papers in appeal shall be made by the Supreme Court, without argument or the hearing of counsel, and if the Court shall declare, by certificate under its seal, that the appeal is one the decision of which must be governed by, and should be adjudged according to, laws which are peculiar to the Province of Quebec, as distinguished from those of the other Provinces of the Dominion, the case shall be deemed to be one coming within the class which may be heard under the special provisions herein enacted, and shall be heard and determined as herein provided. 5 10 15

6. The Judges of the Supreme Court shall have power to make such rules as may be necessary for giving effect to the provisions of this Act, and from time to time to vary the same, and if necessary to make new and additional rules. 20

4th Session, 4th Parliament, 45 Victoria, 1882.

Q

BILL.

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

Received and read first time, Friday, 24th March, 1882.

Second reading, Monday, 27th March, 1882.

Honourable  
Sir ALEXANDER CAMPBELL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.  
1882

---

## BILL.

An Act to regulate the employment of labour in workshops, mills and factories, and for other purposes.

WHEREAS numbers of men, women, young persons and children are employed in workshops, mills and factories, and special provision for their health, morals and safety should be made; and therefore it is expedient to regulate the hours of labour in such places, and to make provision against disease, loss of life and accidents in such places, and for the effective inspection and control thereof: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

### INTERPRETATION.

1. This Act may be cited as "The Factories Act, 1882," and its provisions shall, save when hereinafter specially excepted, apply to all workshops, mills and factories in the Dominion of Canada.
2. In this Act unless the context distinctly expresses or clearly implies the contrary:—
1. "Factory" means and includes all workshops, mills and premises of the description mentioned in the first schedule to this Act, together with such other places as the Governor General in Council may from time to time by proclamation published in the *Canada Gazette*, add to the said schedule; and the Governor in Council may also, from time to time, by proclamation published in the *Canada Gazette*, remove from the said first schedule such description of mills, workshops and premises as he may deem necessary.
2. "Child" means a child under fourteen years of age.
3. "Young person" means a person above the age of fourteen years and under the age of eighteen years.
4. "Inspector" means any officer appointed by the Governor General in Council under the authority of and for enforcing the provisions of this Act.
5. "Employer" means any person who in his own behalf or as the manager, superintendent, overseer or agent for any person, company or corporation, employs operatives, mechanics or labourers in any factory.

Short title and application.

Interpretation clause.

Factory.

Schedule.

Child.

Young person.

Inspector.

Employer.

- Parent.** 6. "Parent" means parent, guardian or person having the legal custody of or control over any child or young person.
- Operative.** 7. "Operative" means any person employed in a factory in working any machine, or in carrying on any process incident to manufacturing the articles therein made, other than as manager, foreman, clerk, servant, common labourer or messenger. 5
- Story.** 8. "Story" includes "attic," "cellar," or "basement."
- Night.** 9. The expression "night" shall mean and include the hours between nine o'clock in the evening and six o'clock in the succeeding morning. 10
- Week.** 10. The expression "week" shall mean the period between midnight on Saturday night and midnight on the succeeding Saturday night.
11. Any child, young person, or woman who is in any factory while the machinery is in operation, or while any process of manufacture is carried on therein, whether receiving pay or hire from the employer or not, shall, for the purposes of this Act, be deemed to be employed in such factory. 15

## HOURS OF LABOUR.

- What is day's labour and week's labour.** 3. Subject to the provisions of this Act as to children and young persons, a day's labour shall be ten hours, and a week's labour shall be sixty hours. 20
- Employment of children.** . No child under the age of ten years shall be employed in any factory; and except as herein otherwise provided, no child over the age of ten years and under the age of fourteen years shall be employed for more than thirty hours in one week, nor for more than eight hours in one day. 25
- Employment of young persons and women.** 5. Except as is herein otherwise provided, no young person or woman shall be employed more than ten hours in any one day: Provided always, that a different apportionment of the hours of labour may be made for the sole purpose of giving a shorter day's work for one day of the week; but in no case shall the hours of labour exceed sixty per week. 30
- Proviso.**
- Hours of work for young persons.** 6. Young persons shall (save in such cases as are hereinafter specially excepted) not be required to begin work before seven o'clock in the forenoon nor to work later than half-past six o'clock in the afternoon, and on Saturdays, they shall not be required to work later than noon. 35
- Hours of work for women.** 7. Women shall not be required to begin work before half-past six o'clock in the forenoon, nor to work later than nine o'clock in the evening, and on Saturdays, they shall not be required to work later than four o'clock in the afternoon. 40



8. When in any factory the process in which a child, young person or woman is employed, is in an incomplete state at the hour at which such child, young person or woman is required by this Act to cease work, they Special provision for extension.  
 5 may be employed for a period not exceeding thirty minutes beyond the said hour.

9. Where it is proved to the satisfaction of the Inspector Ditto.  
 that at the time of and for not less than one month previous to the commencement of this Act, children, young persons and 10  
 women were employed at night in any factory, and that it would require a considerable time to alter the machinery of such factory so as to dispense with such employment, the Inspector may in writing authorize the continuance of such employment for any period not greater than six months after 15  
 the commencement of this Act.

10. In factories wherein children or young persons, or both, are systematically employed in any class of work, women employed in the like class of work, shall be subject to all the provisions of this Act respecting the employment In certain cases women to be subject to provisions for children and young persons.  
 20 of young persons; and in all cases of doubt the Inspector shall determine whether children or young persons are systematically employed as aforesaid.

#### MEALS.

11. In every factory there shall be allowed to each operative therein employed not less than one hour at noon of each An hour for meals. Additional time in certain cases.  
 25 day for meals, but such hour shall not be counted as forming part of the number of hours herein limited for the employment of children, young persons and women.

2. When it is necessary to continue the hours of labour to more than eleven hours in one day, half-an-hour shall be Restrictions as to taking meals in factory.  
 30 allowed in addition to the above for a second meal.

12. No operative shall be allowed to take meals in any room wherein any manufacturing process is carried on; and every employer shall provide a suitable room or rooms wherein such operatives as desire to do so may take 35  
 their meals within the precincts of the factory.

#### HOME LABOUR.

13. When children, young persons and women are employed at home, that is to say in a private house, place, or room, which, though used as a dwelling, is by reason of the work there carried on a factory within the meaning of this Regulations as to persons working at home.  
 40 Act, but in which neither steam, water, nor other mechanical power is used in aid of the manufacturing process carried on there, and in which the only persons employed are members of the same family dwelling therein, the foregoing provisions of this Act with respect to the employment of children, young persons, and women, shall not apply 45

## OVERTIME.

Overtime may be allowed in certain cases.

**14.** The Governor General in Council may make regulations under which;—when any accident, which prevents the working of any factory, shall happen to the motive power or machinery thereof; or when—

2. From any other cause beyond the control of the employer, the machinery, or part or parts of the machinery of any factory cannot be regularly worked; or when— **5**

3. The customs or exigencies of the trades carried on in the factory require that the children, young persons and women working in a factory, or in certain processes in a factory, or that separate sets of such children, young persons or women, shall be employed at different hours, and that the limits of time within which they, may be employed should be extended without increasing the aggregate of their legal hours of work, as provided by this Act;— **10**  
**15**

Inspector may exempt in such cases.

It shall be lawful for the Inspector on due proof to his satisfaction of such accident, custom or exigency of trade, to give permission for such exemption from the observance of the provisions of this Act as will, in his judgment, fairly and equitably to the proprietors of and to the operatives in such factory, make up for any loss of labour from such accident or meet the requirements of such custom or exigency of trade: Provided always in the case of the Inspector permitting such exception, that no child shall be employed before the hour of six o'clock in the morning nor after the hour of nine o'clock in the evening; that the hours of labour for a child shall not be more than nine in one day nor more than forty-five in one week; that the hours of labor for a woman or young person shall not be more than twelve in one day nor more than seventy in one week; that such exemption shall not continue more than two weeks in any one month; and that the time fixed by this Act for their meals shall not be diminished. **20**  
**25**  
**30**

Proviso.

Employer to record overtime.

**15.** When, under the exemptions herein permitted, any child, young person or woman is employed on any day for a longer period than is otherwise allowed by this Act, the day on which and the period during which he or she is employed, shall be recorded by the employer in charge of a factory in a register, which shall be kept by him in such form as the Inspector may direct. **35**  
**40**

Notice of hours of labour to be conspicuously exhibited.

**16.** Notice of the hours between which children, young persons and women, or each set of them, are to be employed, in such form as the Inspector may direct, and signed by the Inspector and by the employer in charge of such factory, shall be hung up during the period affected by such notice, in such conspicuous place in the factory as may be required by the Inspector. **45**

How hours of work to be reckoned.

**17.** The hours of work of any child, young person or woman in any factory shall be reckoned from the time when

such child, young person or woman shall first begin to work in the morning in such factory, and shall be regulated by a public clock or by some other clock open to the public view, and approved of in either case in writing under the hand of the Inspector.

18. From the commencement of this Act, it shall not be lawful for any person to employ in any factory any child without a certificate from the parent of such child that such child is of the age of ten years, nor shall it be lawful to employ any one as a young person without a like certificate that such young person is of the age of fourteen years; and such certificate shall be *prima facie* proof of the age of the child or person named therein.

Parent to furnish certificate of age.

#### SANITARY PROVISIONS.

19. No factory shall be so overcrowded as to be prejudicial to the health of those employed therein; and

No overcrowding to be allowed.

1. Every factory shall be ventilated in such a manner as to render harmless, so far as is practicable, all the gases, vapours, dust or other impurities generated in the course of the manufacturing processes carried on therein that may be injurious to health, and shall be kept in a cleanly state, properly warmed, well lighted, and free from effluvia arising from any drain, privy or other nuisance; and where it appears to any Inspector that there is any act, neglect or default in relation to any ventilation, drain, privy, earth closet, water closet, ashpit, water supply, nuisance or other matter whereby health may be affected in a factory, he shall give notice thereof in writing to the employer, who shall, without delay, take such action thereon as the said Inspector shall deem proper and necessary.

Ventilation, cleanliness &c.

Employer to remedy defects on notice from the Inspector.

2. In every factory there shall be kept provided such number and description of earth or water closets and urinals as the Inspector may from time to time deem sufficient for the operatives employed in such factory; such closets and urinals shall at all times be kept clean and well ventilated, and separate closets or sets of closets shall be provided for the use of male and female operatives, and shall have respectively separate approaches.

Closets to be provided for each sex.

20. After the expiration of six months after the passing of this Act, no child or young person shall be employed in any factory in which the wet spinning of flax, hemp, jute or tow is carried on unless sufficient means are provided for protecting the operatives so employed from being wetted, and, where hot water is used, the escape of steam into the room occupied by the operatives shall be prevented.

Wet-spinning and escape of steam to be prevented.

21. In every factory where any process, is carried on, by which dust is generated and inhaled to an injurious extent by the operatives, if it shall appear to the Inspector that such inhalation could by mechanical means be

Dust to be guarded against by mechanical means.

prevented or partly prevented, he may direct that such means shall be provided within a reasonable time by the employer, who in such case shall be bound so to provide them.

## SAFETY.

- 22.** In every factory, **5**
- Machinery and dangerous places to be guarded.
1. All belting, shafting, gearing, fly-wheels, drums, and other moving parts of the machinery;
  2. All vats, pans, cauldrons, reservoirs, wheelraces, flumes, water channels, hatchways, hoists, doors, openings in the floors or walls, and structures; shall, when of such a nature or when so situated as to be, in the opinion of the Inspector, dangerous to the operatives while engaged in their ordinary work, be guarded as he may deem expedient, **10**
- Cleaning machinery in motion not allowed.
- 23.** No machinery other than steam engines shall be cleaned while in motion, and no child or young person shall be allowed to have charge of a steam engine or to work between the moving parts or between the fixed and the moving parts of any self-acting machine while such machine is in motion. **15**
- Hoists, trap-doors &c. to be guarded.
- 24.** The openings of every hoistway, hatchway, elevator or well-hole shall be at each floor provided with and protected by good and sufficient trap-doors, or by self-closing hatches and safety catches, and by such other safeguards as the Inspector shall direct. and such trap-doors and hoistways shall be kept closed at all times except when in actual use by persons duly authorized by the employer to use the same. Every "hoist" or "elevator" shall be provided with the best and most approved apparatus for insuring safety to the persons using it. **20**
- Fire escapes to be provided and kept in good order.
- 25.** Every factory three or more stories in height shall be provided with a sufficient number of properly constructed fire escapes or ladders on the outside thereof, which fire escapes or ladders shall be connected with the interior of the building by either doors or windows, with suitable landings at every story above the first; and each story of every factory shall be supplied with such means of extinguishing fire as the Inspector may require, regard being had to the circumstances of each case. Such fire escapes and means of extinguishing fire shall be kept in good repair and free from encumbrance of any kind whatever. **25**
- Doors to open outwardly.
- 26.** All the main inside and outside doors, shall be made to open outwardly wherever the Inspector shall deem it necessary and shall so direct in writing. **40**
- Notice of accidents to be given to Inspector.
- 27.** If any accident occurring in a factory causes any serious bodily injury to any person employed therein, whereby such person is prevented from working for more than forty-eight hours, the employer in charge of the factory **45**

shall, at the expiration of such time, send a notice in writing of such accident to the Inspector, in which notice the place of residence of the person injured, or the place to which he may have been removed shall be stated ; and:—

- 5 On receipt of such notice the Inspector shall, with the least possible delay, proceed to the said factory and make a full investigation under oath as to the nature and cause of such bodily injury. Inspectors  
duty thereon.

- 10 **28.** All notices required by this Act to be given or sent to any person, shall be held to be validly so given or sent, if they be received by such person, or if they are left at his usual place of residence or place of business, within the period or delay fixed herein, without any reference to the mode by which such notice was conveyed theretoto. How notices  
served.

#### REGULATIONS AND INSPECTORS.

- 15 **29.** The Governor General in Council may from time to time make such rules, regulations and orders for enforcing the provisions of this Act as he may deem necessary. Governor-  
General in  
Council to  
make regu-  
lations.

- 20 **30.** After the passing of this Act the Governor-General in Council may appoint one or more Inspectors of factories, who shall be paid such salary as may be determined by the Governor-General in Council. The Inspectors so appointed shall carry into effect the provisions of this Act, and are hereby empowered to enter into any factory at all times and seasons, by day or by night, when such factory is at work, and having so entered to examine any person or persons employed therein, and to make enquiry respecting their condition, employment and education. The said Inspectors shall, for the purposes of any investigation or enquiry to be made under the authority of this Act, have power to administer oaths to any persons, and to subpoena witnesses to give evidence touching such enquiry, and they shall have the same powers, authority and jurisdiction as may by law be exercised by constables and peace officers. Inspectors,  
how ap-  
pointed.  
  
Their duties  
and powers.  
  
May admi-  
ter oaths.  
  
And have  
powers of  
peace officers.

#### PENALTIES, &c.

- 35 **31.** If any child, young person or woman is employed in contravention of this Act, or of any regulation made under the authority thereof by the Governor-General in Council, or by any Inspector;— Penalties for  
contraven-  
tion of Act  
as to employ-  
ment.

- 40 1. The employer of such child, young person or woman, shall incur and pay a penalty of not more than \_\_\_\_\_ dollars for each such contravention, with costs of prosecution, and in default of immediate payment of such penalty and costs shall be imprisoned for a period not exceeding \_\_\_\_\_ months. By employer.

- 45 2. The parent of or the person deriving any direct benefit from the labour of or having the control over the child, young person or woman so employed in contravention of this Act, shall, unless it appears to the magistrate By parent or  
other person  
having con-  
trol.

or Justices of the Peace, before whom the complaint is heard that the offence has been committed without the consent, connivance or wilful default of such parent or person, incur and pay a penalty of not more than                   dollars for each such contravention, with costs of prosecution, and in default of immediate payment shall be imprisoned for a period not exceeding                   months. Any person who signs or gives any false certificate as to the age of any child or young person, knowing the same to be false, shall incur and pay for every such offence a penalty of                   dollars.

Penalty for false certificate.

Penalty for contravention of Act in other respects.

**32.** If any of the provisions of this Act or of any regulations made under the authority thereof by the Governor General in Council, or by any Inspector, are contravened in respect of matters other than the employment of children, 15 young persons and women;—

The employer in charge of the factory, wherein such contravention of the law occurs, shall incur and pay a penalty of not more than                   dollars for each such contravention, with costs of prosecution, and in default of immediate payment of such penalty and costs, shall be imprisoned for a period not exceeding                   months.

If employer has not personally consented to contravention his agents may be punished in his stead.

**33.** If any offence is committed against this Act for which an employer is legally responsible, and it shall appear to the satisfaction of the magistrate or Justices of the Peace before whom the same is tried, that the offence has been committed without the personal consent, concurrence or knowledge of such employer, but by some operative, mechanic, servant or workman, it shall be lawful for such magistrate or Justices of the Peace to summon such operative, mechanic, servant or workman, to answer for such offence, and such operative, mechanic, servant or workman, shall be liable to the penalties and punishment herein provided for such offence, and on due proof, shall be convicted in lieu of the employer.

Penalty for contempt of subpoena.

Any person subpoenaed to give evidence in pursuance of this Act by any Inspector, who shall neglect or refuse to appear and give evidence at the time and place named in the subpoena, shall incur and pay a penalty of                   dollars.

Limitation of prosecution.

**34.** No fines or penalties shall be imposed under this Act unless proceedings are commenced against the offenders within                   months after the offence is alleged to have been committed.

Before whom penalty may be recovered.

**35.** The pecuniary penalty or forfeiture incurred for any offence against the provisions of this Act, may be sued for and, on the oath of two credible witnesses, recovered before any two Justices of the Peace, or any magistrate having by law the powers of two Justices of the Peace, having jurisdiction in the place where the offence is committed; and any such penalty may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, under the warrant of such magistrate or justices; or the

And how enforced.

said magistrate or justices may, in his or their discretion, commit the offender to the common gaol, until the penalty, with the costs of the prosecution, shall be paid, but the duration of such imprisonment shall not in any case exceed  
5 months.

36. The Inspector may cause to be prepared such notices of the provisions of this Act and of any regulations made by competent authority as he may deem necessary for enabling the operatives, mechanics and others employed in any factory  
10 to become acquainted with their rights, liabilities and duties under this Act, and the employer in charge of the factory shall cause the notices so prepared to be printed in such form as the Inspector may direct, and cause them to be conspicuously exhibited in his factory in such places and in  
15 such manner as the Inspector may require, and shall maintain the notices so exhibited in a complete and legible state until altered, removed or replaced by others as may be from time to time directed by the Inspector.

Inspector to prepare notices of provisions of Act, and employer to exhibit such notices.

37. The provisions of the Act passed in the Session held  
20 in the thirty-second and thirty-third years of Her Majesty's reign, chaptered thirty-one, and intituled "*An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders,*" shall apply to and govern proceedings against any person for any offences  
25 against this Act.

Provisions of 32 & 33 V., c. 31 to apply to proceedings under this Act.

#### COMING INTO FORCE.

38. This Act shall come into force upon the first day of July in the year of our Lord one thousand eight hundred and eighty-two, which day is herein referred to as the commencement of this Act.

When Act to come into force, 1st July, 1882.

#### FIRST SCHEDULE.

##### PLACES TO BE CONSIDERED AS FACTORIES FOR THE PURPOSES OF THIS ACT.

Any place where more than persons are at any time employed in manufacturing, partly manufacturing, repairing or finishing, or on any process incidental thereto of any manufacture or fabric of:—

(a.) Cotton, wool, hair, silk, fur, flax, hemp, jute, tow, china, glass, manilla or cocoa-nut fibre or other like material, either separately or mixed with any other material, and any manufactured clothing or other fabric made thereof, and :—

(b.) Bleaching and dyeing works, earthen-ware works, lucifer match works, paper stamping works, machine works, foundries, India rubber works, paper mills, manufactories of articles of paper in pulp, glass works, tobacco manufactories, boot and shoe factories, furniture and upholstery works, musical instrument works, rope works, confectionery works and sugar refineries.

---

4th Session, 4th Parliament, 45 Victoria, 1882

---

R

BILL.

An Act to regulate the employment of labour in workshops mills and factories, and for other purposes.

---

Received and read first time, Wednesday, 12th April, 1882.

Second reading, Monday, 17th April, 1882.

---

Honourable Mr. AIKINS.

---

OTTAWA:

PRINTED BY MAULMEAN, ROGERS & Co.,  
1882.



---

---

## BILL.

An Act to define the right in certain cases to assault, wound or kill certain prisoners.

**W**HEREAS doubts exist as to the cases in which prisoners in custody under process of law may be assaulted, wounded or killed when attempting to escape or when resisting or eluding recapture, or when engaged or about to engage in a mutiny; and it is expedient to remove such doubts and to define certain cases in which it is lawful to assault, wound or kill such persons: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

10 **1.** "Officer of the law" includes not only the person having the legal custody of the prisoner, but also the persons employed under or assisting him in connection with the place of imprisonment.

15 **2.** Any officer of the law may, for the purpose of preventing the escape of a prisoner held under process of criminal law, or of effecting his recapture after escape, or of quelling an actual or anticipated mutiny among two or more such prisoners, lawfully assault, wound or kill any such prisoner in any of the following cases:

20 (a) Where there is imminent hazard that such prisoner will escape or successfully resist or elude recapture unless he be assaulted, wounded or killed;

(b) Where there is imminent hazard that a mutiny as aforesaid will take place unless such prisoner be assaulted wounded or killed:

25 (c) Where such mutiny is in progress;

(d) Where the officer has been ordered so to do by his superior officer.

30 Provided always that before firing at the prisoner the officer do order him to be and remain still on pain of being killed, and the order be disobeyed.

**3.** A superior officer may lawfully order his inferior officer to assault, wound or kill any such prisoner in any of the cases mentioned in the second section of this Act.

35 **4.** The provisions of this Act are cumulative to the law as it now is, and do not limit the rights of any person under the present law with respect to the subject matter hereof.

---

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

---

S

BILL

An Act to define the right in certain cases to assault, wound or kill certain prisoners.

---

Read first time, Thursday, 13th April, 1882.

Second reading, Tuesday, 18th April, 1882.

---

Honorable Sir ALEX. CAMPBELL.

---

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.,  
1882.

---

---

## BILL.

An Act to remove certain doubts as to the effect of *The North-West Territories Act, 1880*, and to amend the same.

**W**HEREAS doubts have arisen as to the effect of the repeal by section ninety five of *The North West Territories Act, 1880*, of the Acts thirty-eighth Victoria, chapter forty nine and fortieth Victoria, chapter seven therein mentioned ;

Preamble.  
Acts 43 V., c.  
25, 38 V., c.  
49 and 40 V.,  
c. 7.

And whereas it is expedient to remove said doubts : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

10 **1.** The said *The North-West Territories Act, 1880*, shall not be construed as new law, but as a revision, consolidation and continuation of the said Acts thirty-eighth Victoria, chapter forty-nine and fortieth Victoria, chapter seven, subject to the changes, amendments and new provisions contained

The Act 43  
V., c. 25 to be  
construed as a  
consolidation.

20 therein.

**2.** The foregoing provisions of this Act shall relate back and take effect from and after the day of the passing of the said *The North-West Territories Act, 1880*.

Act to relate  
to 7th May,  
1880.

30 **3.** Sub-section nine of section ninety of the said *The North-West Territories Act, 1880*, is hereby amended by striking out the words " having jurisdiction in the North-West Territories " from the fourth and fifth lines thereof.

49 of section  
90 of 43 V., c.  
25 amended.

---

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

---

T

BILL.

An Act to remove certain doubts as to the effect of of "*The North-West Territories Act, 1880,*" and to amend the same.

---

Read first time, Thursday, 13th April, 1882.

Second reading, Tuesday, 18th April, 1882.

---

Honorable Sir ALEX. CAMPBELL.

---

OTTAWA:

PRINTED BY MAOILEAN, ROGER & Co.  
1882

## BILL.

An Act to amend the Acts respecting the Militia and Defence of the Dominion of Canada.

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

Section sixteen of the Act passed in the thirty-first year of Her Majesty's reign, chaptered forty, and intituled "*An Act respecting the Militia and Defence of the Dominion of Canada*," and section two of the Act passed in the forty-fourth year of Her Majesty's reign, chaptered nineteen, and intituled "*An Act further to amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada*," are hereby repealed and the following is substituted therefor :—

" 16. The enrolment of the Militia shall be made in each Company Division by the Captain thereof, with the assistance of the officers and non-commissioned officers of the Company Division ;—and it shall be the duty of the Captain, and under his orders, of the other officers and non-commissioned officers of the Company Division, by actual enquiry at each house therein, and by every other means in their power, to make and complete from time to time and at such times as may be fixed by order of the Governor in Council, a corrected roll, in duplicate, of the names of all the men in the different classes resident within the Company Division, specifying separately those who are seamen or sailors, or persons engaged in or upon any steam or sailing craft upon the lakes or waters of the Dominion, those who are *bonâ fide* enrolled members of any Company of Volunteer Militia, and those who, after the day on which this Act shall come into force, shall have completed such a term of service in the Militia as will by law exempt them until they are again required in their turn to serve ;

" 2. One copy of such roll is to be retained by the Captain, and the other is to be forwarded, on or before such day as may be fixed by order of the Governor in Council, to the Lieutenant-Colonel of the Regimental Division, which last named officer shall cause a copy of all the rolls of Militiamen in the several Company Divisions within the Regimental Division to be forwarded without delay to the officer for the time being commanding the Militia ; but if from any cause the duties prescribed by this section cannot in any particular case be carried into effect within the time specified, a special report of the facts relating to the delay shall be made to the

Section 16 of 31 Vic., c. 40 and Section two of 44 Vic., c. 19, repealed and new section substituted.

How, by whom and when the enrolment shall be made.

Date of enrolment to be fixed by the Gov. in Council.

To be made in duplicate.

What it must show.

One copy to be retained by Captain.

The other to be sent to officer commanding Militia.

Provision of roll not made in time.

officer for the time being commanding the Militia, who shall without delay fix another period within which the enrolment shall be completed and the rolls be forwarded.

Roll to be embodied.

“ 3. The enrolment shall be held to be an embodiment of all the Militiamen enrolled, and shall render them liable to serve 5 under the provisions of this Act, unless exempt by law.”

4th Session, 4th Parliament, 45 Victoria, 1882.

U

BILL.

An Act to amend the Acts respecting the Militia and Defence of the Dominion of Canada.

Read first time, Thursday, 13th April, 1882.

Second reading, Tuesday, 18th April, 1882.

Honorable Sir ALEX. CAMPBELL.

OTTAWA:

PRINTED BY MAOLLEAN, ROGER & Co.,

1882.

**BILL.**

An Act respecting Bridges over navigable waters, constructed under the authority of Provincial Acts.

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

1. No bridge constructed under the authority of an Act of a Legislature of a Province of Canada, or under the authority of an Ordinance of the North-West Territories or of the District of Keewatin, shall, so far as the same may interfere with navigation, be a lawful bridge, unless the site thereof has been approved by the Governor General in Council, and unless the bridge has been built and is maintained in accordance with plans approved by the Railway Committee of the Privy Council. Bridges authorized by Provincial Acts or Territorial Ordinances not lawful, unless approved by Governor General in Council.

2. Any bridge constructed under the authority of an Act of a Legislature of a Province of Canada or under the authority of an Ordinance of the North-West Territories or of the District of Keewatin, shall, so far as the same may interfere with navigation, be a lawful bridge, if the site thereof has been approved by the Governor General in Council, and if the bridge has been built and be maintained in accordance with plans approved by the Railway Committee of the Privy Council. What bridges so authorized are lawful.

3. The company or person proposing to construct the bridge shall deposit the plans thereof and a description of the proposed site with the Secretary of the Railway Committee of the Privy Council, and shall give public notice for six weeks in two newspapers published nearest the site of the proposed bridge, and in the *Canada Gazette*, and in the *Official Gazette* (if any) of the Province, Territories or District in which the site is situated, that such plans and description have been so deposited, and that it is intended to apply for approval thereof under the provisions of this Act. Notice of deposit of plans to be given; and how.  
Notice to be given of intent to apply for approval.

4. After the expiration of such notice, the company or person proposing to construct the bridge, may apply to the Governor General in Council for approval of the site, and to the Railway Committee of the Privy Council for approval of the plans. When approval may be applied for.

5. The Governor General in Council may, from time to time, make and alter such regulations as may be deemed expedient, respecting the opening of any swing-bridge or draw-bridge. Swing and draw-bridges to be regulated.

ted by Governor General in Council. bridge within the purview of this Act; and the company or person constructing or owning, or in possession of the bridge, as the case may be, shall be subject to such regulations.

Governor General in Council may order removal of bridges built in contravention of this Act. **6.** Any bridge within the purview of this Act which is built upon a site not approved by the Governor General in Council, or which is not built in accordance with plans approved by the Railway Committee of the Privy Council, or which having been so built is not maintained in accordance with such plans may, in so far as the same interferes with navigation, be lawfully removed and destroyed under the authority of an order of the Governor General in Council. 5 10

Such order not to limit jurisdiction of courts. **7.** The preceding section shall not limit the jurisdiction of any court with respect to the removal and destruction of any unlawful bridge.

Order or approval may be annulled or varied by Parliament. **8.** Parliament may, at any time, annul or vary any order or approval of the Governor General in Council, or of the Railway Committee of the Privy Council, made under this Act; and any action of Parliament in that behalf shall not be deemed an infringement of the rights of the company or person concerned. 15 20

Act not to apply to Rivers St. Lawrence and St. John. **9.** No approval shall be given under this Act of the site or plans of a bridge over the River St. Lawrence or the River St. John.

Section 71, of 42 Vict., cap. 9 repealed. **10.** Section seventy-one, including all sub-sections thereof, of "*The Consolidated Railway Act, 1879*," is hereby repealed. 25

4th Session, 4th Parliament, 45 Victoria, 1882.

V

BILL.

An Act respecting Bridges over navigable waters, constructed under the authority of Provincial Acts.

Received and read first time, Friday, 14th April, 1882.

Second reading, Wednesday, 19th April, 1882.

Honourable  
Sir ALEXANDER CAMPBELL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1882



---

## BILL.

An Act to amend "The Extradition Act, 1877."

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

1. Section sixteen of the Act passed in the fortieth year of Her Majesty's reign, chaptered twenty-five, and intituled: "An Act to make provision for the Extradition of Fugitive Criminals," is hereby amended by striking out of the sixth and seventh lines thereof the following: "that for any other reason he ought not to be surrendered, or (4)."

---

---

4<sup>th</sup> Session, 4th Parliament, 45 Victoria, 1882.

---

---

W

BILL.

An Act to amend "The Extradition Act,  
1877."

---

Received and read first time, Monday, 24th  
April, 1882.

Second reading Wednesday, 26th April, 1882.

---

Honourable Sir  
ALEXANDER CAMPBELL.

---

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.,  
1882.

---

---

## BILL.

### An Act relating to Bills of Exchange and Promissory Notes in the Province of Prince Edward Island.

WHEREAS it is desirable to assimilate the laws of the Province of Prince Edward Island concerning bills of exchange and promissory notes to the laws of other provinces of the Dominion, as regards legal holidays and the protesting of bills of exchange and promissory notes: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. From and after the first day of July next after the passing of this Act, the eighth section of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered eight, and intituled: "An Act to amend the Act relating to Banks and Banking," shall extend and apply to and have the same force and effect in and in relation to the Province of Prince Edward Island as the said section has in and in relation to the Provinces of Ontario, Nova Scotia and New Brunswick.

Sect. 8 of 35  
Vic., cap. 8  
extended to  
P. E. Island.

2. The Act passed in the thirty-fifth year of Her Majesty's reign, chaptered ten, and intituled: "An Act relating to Bills of Exchange and Promissory Notes," shall, on and after the passing of this Act, extend and apply to the Province of Prince Edward Island.

35 V., cap. 10  
extended to  
P. E. Island.

3. From and after the first day of July next after the passing of this Act, all bills of exchange and promissory notes drawn or made at any place in the Province of Prince Edward Island for the sum of forty dollars and upwards upon or in favour of any person or persons in the said Province, may, on default of the acceptance or payment thereof, be protested by a Notary public; and such protest shall, in any action on such bill or note, be *prima facie* evidence of presentation and dishonour, and also of service of notice of such presentation and dishonour as stated in such protest; for which protest there shall be charged a notarial fee of fifty cents for protest and twenty-five cents for each notice.

How bills and  
notes may be  
protested in  
P. E. Island.

Effect of protest as evidence.

Fee.

---

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

---

X

BILL.

An Act relating to Bills of Exchange  
and Promissory Notes in the Province  
of Prince Edward Island.

---

Received and read first time, Tuesday, 25th  
April, 1882.

Second reading, Thursday, 27th April, 1882.

---

Honourable Mr. CARVELL.

---

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.  
1882

---

## BILL.

### An Act to make further provision respecting Lighthouses, Buoys and Beacons

WHEREAS, by the ninth section of the Act passed in the thirty-third year of Her Majesty's reign, chaptered eighteen, and intituled: "*An Act to amend the Act relating to Lighthouses, Buoys and Beacons,*" it is in effect enacted that, for all purposes preliminary to and consequent upon the taking of land by the Minister of Marine and Fisheries for the purposes of a work under his control, the said Minister and those under him shall have the same powers and be subject to the same conditions, limitations and restrictions as are conferred and imposed upon the Minister of Public Works and those under him by the Act intituled: "*An Act respecting the Public Works of Canada,*" passed in the thirty-first year of Her Majesty's reign, chaptered twelve; And whereas the last mentioned Act has been amended by the Act passed in the thirty-seventh year of Her Majesty's reign, chaptered thirteen, and intituled: "*An Act to amend an Act respecting the Public Works of Canada,*" and it is expedient to make such amendment applicable to proceedings by the Minister of Marine and Fisheries connected with the taking of lands by him, for the purposes of works under his control: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The provisions of the said Act passed in the thirty-seventh year of Her Majesty's reign, intituled: "*An Act to amend an Act respecting the Public Works of Canada,*" shall apply to all cases in which the lands or properties are acquired or taken by the Minister of Marine and Fisheries for the use, construction and maintenance of any public work or building under his control and management, or for the enlargement or improvement of any such public work or building or for obtaining better access thereto; and with respect to such lands and properties and the compensation therefor, the words "Minister of Public Works" and "Minister" in the said Act shall mean the Minister of Marine and Fisheries.

Y

BILL

An Act to make further provision respecting Lighthouses, Buoys and Beacons.

---

Received and read first time, Monday, 1st  
May, 1882.

Second reading, Wednesday, 3rd May, 1882.

---

Honourable Sir  
ALEXANDER CAMPBELL.

---

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1882.

---

---

## B I L L .

An Act to amend the Act respecting the Harbour of  
North Sydney in Nova Scotia.

**I**N amendment of the Act passed in the forty-second year of Her Majesty's reign, chaptered thirty, and intituled: "*An Act respecting the Harbour of North Sydney in Nova Scotia*:" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The Commissioners of the Harbour of North Sydney, aforesaid, appointed by the Governor in Council under and by virtue of the said Act hereby amended, are hereby made and constituted a body corporate and politic by the name of "The Harbour Commissioners of North Sydney" and by that name may sue and be sued, may have a common seal, and may, by and with the sanction and consent of the Governor in Council, purchase, acquire and hold land and lands covered by water, rights, privileges, easements and appurtenances in connection with lands for them and their successors in office, within the limits of said harbour designated in section thirteen of the Act aforesaid, as they shall deem necessary and requisite, for the sole purpose of the maintenance and improvement of the said harbour, the erection of breakwaters or ballast-wharves and the carrying out of the provisions of said Act.

The Harbour Commissioners appointed under 42 V., c. 30, constituted a corporation.  
Powers.  
Limits within which powers may be exercised.

2. The said Commissioners may take, use, occupy and hold, but not alienate, so much of the beach or beaches of said harbour as may be required for the carrying out of the provisions of said Act, paying therefor as provided in this Act, and subject to the sanction and consent of the Governor in Council.

Beach may be used.

3. In case of disagreement between the said Harbour Commissioners and the owners, proprietors or persons interested in the lands, lands covered with water, or rights, privileges, easements or appurtenances in connection therewith, which shall be taken, used, occupied, held, prejudiced or injured by the said Harbour Commissioners under the provisions of this Act, as to the price or value thereof, or as to the compensation for the injury or damage by them respectively sustained, then such price, value or compensation shall be determined by three arbitrators, one to be chosen by the said Harbour Commissioners and one by the owner or owners or persons interested as aforesaid, which two arbitrators so chosen shall choose a third arbitrator; and in case the arbitrators so chosen

Arbitration as to lands taken.  
Arbitrators, how chosen.

shall not agree in such choice within ten days after their appointment, then and in such case it shall and may be lawful for any one of the judges of the Supreme Court of the Province of Nova Scotia, upon the application of said Harbour Commissioners, or owners or persons interested, to appoint 5  
 a third arbitrator, and the award of the said arbitrators or any two of them shall be final and conclusive in the matter referred to them; and the costs of such arbitration shall be paid by the said Harbour Commissioners; and in case the said Harbour Commissioners, or any person or persons inter- 10  
 ested as aforesaid, shall decline making any such agreement or appointment of arbitrators as aforesaid, then and in every such case the other party may make application to one of the said judges of the said Supreme Court, stating the grounds of such application, and such judge is hereby 15  
 empowered and required, from time to time, upon such application, to issue a writ or warrant to the sheriff of the county of Cape Breton in the said province, or in case of said sheriff being a party interested, then to a coroner of the said county or to some other person who may be disinterested, 20  
 commanding such sheriff, coroner or person disinterested forthwith to summon a jury of five disinterested freeholders within said county, which jury so summoned upon their oaths (all which oaths, as well as the oath to be taken by any person or persons who shall be called upon to give 25  
 evidence, shall be administered by the officer or person summoning such jury) shall enquire of, assess and determine the distinct sum or sums of money or annual rent to be paid for the price or value, or compensation for the use, or damage or injury sustained by the owner or owners or persons interested 30  
 in such property as aforesaid; and such verdict or award of such jury shall be returned and filed in the office of the Prothonotary of the Supreme Court at Sydney in the county of Cape Breton aforesaid, and shall be final and conclusive between the parties, and the costs and expenses of such proceedings, 35  
 to be taxed and allowed by a judge of said Supreme Court, shall be paid by said Commissioners; and when the lands of an infant, feme covert, idiot or lunatic, or land under mortgage is or are required for the purposes of this Act, and the said Act hereby amended, or may sustain any damage 40  
 or injury by reason of anything done by said Harbour Commissioners under the provisions of this Act, and if the said Harbour Commissioners cannot agree as to the price or value or compensation to be paid in respect thereof, with the legal representatives of such parties as aforesaid, or with 45  
 the mortgagor with the consent of the mortgagee or mortgagees, the said Harbour Commissioners, or the legal representatives of the party or parties interested as aforesaid may apply to any one of the judges of the said Supreme Court for a jury, as hereinbefore provided, which jury and the officer 50  
 or person appointed to summon it shall have and exercise the power hereinbefore mentioned for the purposes aforesaid; and in the case of mortgaged premises, the price or value or compensation found by such jury shall be paid to the mortgagee or mortgagees according to priority, and shall be 55  
 by him or them credited on such mortgage, and the lands so taken shall be held to be thereupon released from any such

Award to be final.

Costs to be paid by Commissioners.

In case of failure to agree on arbitrators, Judge to command sheriff, coroner or other person to summon a jury.

Award of Jury final.

Costs to be paid by Commissioners.

Provision in the case of persons under legal disability.

And of mortgaged premises.



mortgage or mortgages; and in case any such infant, idiot or lunatic has no legal representative, then the judge of the said Supreme Court in equity shall, upon application setting forth the facts, appoint a representative for such infant, 5 idiot or lunatic for the purposes of this Act, and the value or price or damage assessed or determined by a jury, as here- inbefore provided, shall be paid to the representative so appointed for the benefit of such infant, idiot or lunatic; and the said Harbour Commissioners shall pay all costs, charges 10 and expenses in connection with such proceedings.

Judge in Equity to appoint representative to such persons when they have none.

Commissioners to pay costs.

4. It shall be lawful for the said Harbour Commissioners to borrow either in the Dominion of Canada or out of it, and in sterling money or currency, and at such legal rate of interest as the said Commissioners may, from time to time, 15 agree upon, on mortgage or other security, such sums of money, from time to time, as shall not exceed in all the sum of four thousand dollars for the sole purposes of carrying out the provisions of this and the Act hereby amended; and for securing the repayment of the money so borrowed with 20 interest, it shall be lawful for said Harbour Commissioners to mortgage, encumber and assign the real estate, works, tolls and revenues of said harbour.

Borrowing powers not to exceed \$4,000.

Harbour property may be mortgaged as security.

5. All property acquired and held by the said Harbour Commissioners shall be held by the said corporation in 25 trust for all the purposes for which the said corporation is created.

All property to be held in trust for corporate uses.

---

4th Session, 4th Parliament, 45 Victoria, 1882.

---

Z

BILL

An Act to amend the Act respecting the  
Harbour of North Sydney in Nova  
Scotia.

---

Received and read first time, Monday, 1st  
May, 1882.

Second reading, Monday, 8th May, 1882:

---

Honorable Sir ALEX. CAMPBELL.

---

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1882

