No. 2.] **BILL.** [1871.

An Act to amend the Act entitled an Act respecting Banks and Banking, and also the Act entittled an Act respecting Banks.

WHEREAS, it is expedient to make further provision for securing the negotiable character of Bills of Lading, Warehouse receipts, and of Cove and other receipts, and for assuring the right of property in the goods thereby represented, in any Bank acquiring the same; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enact as follows:—

1. The words "goods, wares and merchandize" when used in the six next following sections of this Act, shall be held to comprise in addition to the things usnally understood thereby, timber, boards, deals, staves and other lumber, and also coal and agricultural produce.

2. The Bank may acquire and hold any cove receipt or any receipt by a cove keeper, or by the keeper of any wharf, yard, harbor or other place, any bill of lading, any specification of timber, or any receipt given by a warehouseman, miller, wharfinger, master of vessel or carrier, for cereal grains, goods, wares or merchandize stored or deposited, or to be stored or deposited in any cove, wharf, yard, harbor, warehouse, mill, or other place in Canada, or shipped in any vessel or delivered to any carrier for carriage from any place whatever to any part of this Dominion, or through the same or on the waters bordering thereon, or from the same to any other place whatsoever, and whether such cereal grains are to be delivered upon such receipt in species or converted into flour, as collateral security for the due payment of any bill of exchange or note discounted by such Bank in the regular course of its banking business, or for any other debt due or to become due to the Bank, and such receipt, bill of lading, or specification, being so acquired shall vest in such Bank from the date of the acquisition thereof, all the right and title of the last previous holder thereof, to or in such cereal grains, goods, wares or merchandize, subject to his right to have the same re-transferred to him, if such bill, note or debt be paid when due; and in the event of the non-payment of such bill or note or debt when due, such Bank may sell the said cereal grains, goods, wares or merchandize and retain the proceeds, or so much thereof as will be equal to the amount due to the Bank upon such bill or debt or note, with interest or costs, returning the overplus, if any, to the person from whom such instrument was acquired by the Bank.

3. No transfer of any such bill of lading, specification of timber or receipt shall be made under this Act to secure the payment of any bill, note or debt, unless such bill, note or debt, be negotiated or contracted at the time of the acquisition thereof by the Bank, or upon the understanding that such bill of lading, specification of timber or receipt would be transferred to the Bank.

4. Where any persons engaged in the calling of cove keeper, keeper of a wharf, yard, harbor or other place, warehouseman, miller, wharfinger, master of a vessel or carrier, by whom a receipt or bill of lading may be given in such capacity, as heretofore mentioned, for cereal grains, goods, wares or merchandize, is at the same time the owner of or entitled himself (otherwise than in his capacity of warehouseman, miller, wharfinger, master of vessel or carrier, cove keeper, keeper of a wharf, yard, harbor or other place,) to receive such cereal grains, goods, wares, or merchandize, any such receipt or bill of lading or any acknowledgment or certificate intended to answer the purpose of such receipt or bill of lading, made by such person, shall be as valid and effectual for the purposes of this Act as if the person making such receipt, acknowledgment or certificate or bill of lading, and the owner or person entitled to receive such cereal grains, goods, wares or merchandize were not one and the same person.

5. All advances made on the security of any bill of lading, specification, receipt, acknowledgment or certificate, shall give and be held to give to the Bank making such advances a claim for the repayment of such advances on the grain, goods, wares or merchandize therein mentioned, prior to and by preference over the claim of any unpaid vendor, any law usage or custom to the contrary notwithstanding.

6. But no timber, boards, deals, staves or other lumber shall be held in pledge by the Bank for any period exceeding twelve calendar months, except by the consent in writing of the person pledging the same, and no sale of any timber, boards, deals, staves or other lumber, shall be made under this Act until, nor unless, notice of the time and place of such sale shall have been given by letter mailed in the post office to the last known address of the pledger thereof, at least thirty days prior to the sale thereof, and every such sale shall be made by public auction after notice thereof by advertisement, stating the time and place thereof, in at least two newspapers published in or nearest to the place where such sale is to be made, and in every issue of such newspapers during eight days, which newspapers shall be those whose issue is most frequent at or nearest the place where the sale is to be made, and if such place be in the Province of Quebec then at least one of such newspapers shall be a newspaper published in the English language, and at least one other of such newspapers shall be a newspaper published in the French language; and no cereal grains or goods, wares or merchandize, other than timber, boards deals, staves and other lumber shall be held in pledge by the Bank for a period exceeding six months, (except by consent of the person pledging the same), and no sales thereof shall be made by the Bank under this Act until or unless notice has been given by letter mailed in the post office to the last known address of the pledger thereof at least ten days prior to such sale.

7. The Bank shall not make loans or grant discounts on the security of its own stock, but shall have a privileged lien for any overdue debt on the shares and unpaid dividends of the debtors thereof, and may decline to allow any transfer of the shares of such debtor until such debt is paid, and if such debt is not paid within thirty days after such debt is due the Bank may sell such shares, after notice has been given to the holder thereof, of the intention of the Bank to sell the same, by mailing such notice in the post office to the last known address of such holder, at least ten days

prior to such sale; and upon such sale being made, the President, Vice-President or Cashier shall execute a transfer of such shares to the purchaser thereof in the usual transfer book of the Bank, which transfer shall vest in such purchaser all the rights in or to such stock as were possessed by the holder thereof, with the same obligation of warranty on his part as if he were the vendor thereof, but without any warranty from the Bank or by the officer of the Bank exeecuting such transfer.

No. 2.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend the Act 31 Victoria, chapter 11, entitled "An Act respecting Banks;" and also to amend the Act, 33 Victoria, chapter 11, entitled "An Act respecting Banks and Banking."

Received and Read, First time, Monday, 20th February, 1871.

Second Reading, Tuesday, 21st February, 1871

Hon. Mr. ABBOTT.

OTTAWA:

Printed by I. B. Taylor, Nos. 29, 31 and 33 Rideau Street.

1871.

No. 3] **BILL.** [1871.

An Act to facilitate the formation of Institutions of Landed Credit. (*Crédit Foncier.*)

WHEREAS it is of the highest importance that those engaged in agriculture, should be in a position to procure such capital as they may require at a reasonable rate of interest, upon easy terms, and upon conditions of repayment suitable to their resources: Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. This Act may be cited as "The *Crédit Foncier* Act, 1871." Short title.

2. The following expressions in this Act, and in all Letters Patent, issued under it, shall have the meaning assigned to them hereby, unless there is something in the subject or context repugnant to such constructions. Interpretation.

1. The expression the *Crédit Foncier* shall mean any Institution of Landed Credit, (*Crédit Foncier*) contemplated by this Act.

2. The expression "The Letters Patent," shall mean the Letters Patent, incorporating any such *Crédit Foncier*.

3. The Governor in Council may, by Letters Patent, under the Great Seal, grant a Charter to any number of persons, not less than twenty, who shall petition therefor, constituting such persons, and others, who may become Shareholders in the *Crédit Foncier* thereby created, a body corporate and politic, for the purpose of lending and advancing money by way of loan or otherwise, on real estate in Canada, to be secured by such real estate, and for such term, and at such rate of interest as the *Crédit Foncier* shall agree upon and direct, the principal money so advanced, being repaid by means of a sinking fund within such time as the *Crédit Foncier* shall appoint. Governor may grant Charters by Letters Patent.

4. The applicants for such Letters Patent, must give at least one month's previous notice in the *Canada Gazette*, of their intention to apply for the same, stating therein, Notice of application for.

1. The proposed corporate name of the *Crédit Foncier*.

2. The place or places within Canada, where its operations are to be carried on, with special mention if there be two or more such places, of some one of them, as its chief place of business.

3. The amount of its Capital Stock.

4. The number of shares and the amount of each share.

5. The names in full, and the address and calling of each of the applicants, with special mention of the names of not less than three, nor more than nine of their number, who are to be the first Directors, and all of whom must be resident in Canada and subjects of Her Majesty.

5. At any time not more than one month after the last publication of such notice, the applicants may petition the Governor Petition for

General, through the Secretary of State, of Canada, for the issue of such Letters Patent.

Its contents.

2. Such petition must recite the facts set forth in the notice and must further state the amount of stock taken by each applicant, and also the amount paid in, upon the stock of each applicant, and the manner in which the same has been paid in and is held by the *Crédit Foncier*.

3. The aggregate of the stock so taken, must be at least twenty-five per cent. of the total amount of stock of the *Crédit Foncier*.

4. The aggregate so paid must be at least ten per cent. of the stock so taken, and must have been paid in to the credit of the *Crédit Foncier*, or of the trustees therefor, and must be standing at such credit in some chartered bank or banks in Canada.

Proof of facts alleged.

6. Before the Letters Patent are issued, the applicants must establish to the satisfaction of the Secretary of State, or of such other person as may be charged by order of the Governor in Council to report thereon, the sufficiency of the facts therein set forth, and further that the applicants and more especially the Provisional Directors therein named, are persons of sufficient respective means to warrant the application.

2. And to that end the Secretary of State or such other Officer may take and keep of record any requisite evidence in writing under oath or affirmation, and may administer every requisite oath or affirmation.

Contents of Letters Patent.

7. The Letters Patent shall recite all the material averments of the notice and petition as so established.

Notice of granting.

8. Notice of the granting of the Letters Patent shall be forthwith given in the form of the schedule (A) to this Act, and thereupon from the date of the Letters Patent the persons thereon named shall be a body corporate and politic by the name mentioned therein.

Corporate rights of Crédit Foncier.

9. The Crédit Foncier so incorporated, may acquire, hold, and convey any real estate requisite for its own use, and shall forthwith be invested with all rights, real and personal, heretofore held by, or for it, under any trust created with a view to its incorporation, and with all the powers and privileges requisite to the carrying on its undertaking, as though incorporated by a special Act of Parliament.

10. The Corporate name of the Crédit Foncier shall be "The Crédit Foncier of (here insert the name of the town, village, parish or township)," and under such name the Institution may sue and be sued, in any court of law or equity in the Dominion of Canada.

To be subject to this Act.

11. All powers given to the Crédit Foncier by the Letters Patent, shall be exercised subject to the provisions and restrictions contained in this Act.

First general meeting.

12. So soon as the Letters Patent shall have been granted the said Provisional Directors shall call a General Meeting of the Stockholders, by circular letter to each subscriber, and by notice in at least two newspapers.

First Directors.

13. At the said meeting, nine Directors shall be chosen, who shall elect their President; they shall form the Board of Directors

of the Crédit Foncier; the list of subscriptions shall be transferred to the Board, who shall give notice of the times and places at which they will be opened and deposited for receiving further subscriptions.

Assistant Directors.

14. At the said meeting, or at any subsequent general meeting, three Assistant Directors may also be chosen.

Qualification.

15. No person shall be elected a Director, or an Assistant Director, who is not a proprietor of at least ten shares, on which all calls have been paid in full, a British subject and resident in the Dominion of Canada.

Quorum.

16. The majority of the Directors shall constitute a quorum at meetings of the Board; the President or Vice-President, chosen *pro tempore*, to preside in the absence of the President, shall vote as a Director only.

To hold office till replaced.

17. The Directors shall remain in office until replaced by election.

Retirement by rotation.

18. The Directors shall be elected for three years, but one third in number of them, shall go out of office annually, to be replaced by election; it shall be decided by lot, which of the Directors elected at the first meeting shall retire at the end of the first and second years; they may be re-elected.

Amount of first instalment.

19. At the first general meeting of the Stockholders, a decision shall be come to, as to what shall be the amount of the first instalment payable on each share, but it shall not be more than one tenth the amount of such share then subscribed, unless it is otherwise decided by the unanimous consent of all the Shareholders.

Payment of instalment.

20. The first instalment of the said shares of the capital stock subscribed for, shall be paid at such times and places as the Directors shall appoint, and if it is not paid at the place and time so appointed, the said Directors may, without other formality, erase the names of the Shareholders so neglecting to pay, and thereupon such subscriptions to such shares whereof the instalments shall not have been paid, shall be as void as if they had never been given; the executors, administrators and curators paying instalments upon the shares of deceased Shareholders, shall be, and they are hereby indemnified for paying the same; as regards subsequent instalments, their amounts shall be determined by the Directors, provided that they shall not exceed ten per cent. on each share, and two months' notice shall be given before payment is demanded of any such instalment.

Stockholders may pay up stock in full.

21. If any person subscribing for shares in the capital stock of the said Crédit Foncier, is desirous of paying up, either at the time of subscribing, or at any other time, the full amount of his shares, the Directors may at any time admit and receive such subscriptions, and the full payment or payments of any number of instalments upon such conditions as they may deem expedient, provided that it be open to all Shareholders to avail themselves of similar conditions.

Failure to pay instalments.

22. If any Shareholder or Shareholders, shall refuse or neglect to pay any instalment upon his, her, or their shares of the said capital stock, at the time or times required by the Directors as

aforesaid, such Shareholder or Shareholders shall incur a forfeiture to the use of the Crédit Foncier, of a sum of money equal to ten per centum. on the amount of such shares; and moreover it shall be lawful for the Directors of the Crédit Foncier without any previous formality, other than thirty days public notice of the intention to sell at Public Auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalment due on the remainder of the said shares, and the amount of forfeitures incurred on the whole; provided that the said fine or sale shall have been specially authorized by a Resolution of the Directors; and the President or the Vice-President, or the Cashier, of the Crédit Foncier, shall execute the transfer to the purchaser of the shares of stock so sold, and each transfer being accepted by the purchaser, shall be as valid and effectual in law, as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; provided always, that nothing in this section contained, shall be held to debar the Directors or Shareholders at a General Meeting, from remitting, either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of any instalment as aforesaid.

Proviso.

Proviso.

Vacancies among Directors.

23. Any vacancy occurring among the Directors, by death, illness, prolonged absence, resignation, or otherwise, shall be filled by one or more of the Assistant Directors to be chosen by the Board: and in case there shall not be a sufficient number of Assistant Directors to form a quorum with the Directors, then by an election at a special meeting of the Shareholders called for the purpose.

Scale of votes.

24. Every Shareholder shall be entitled to vote at meetings, either in person or by proxy, according to the following scale, but no one shall be entitled to one vote for one and not exceeding two shares:—

Above	2	shares to	1	vote for every	2	additional shares.
„	10	„	1	„	4	„
„	18	„	1	„	6	„
„	30	„	1	„	10	„

but not to more than fifteen votes, and no person shall be entitled to vote unless the instalments due on his shares shall have been paid; Provided also, that if all the Shareholders present, or represented at a meeting specially convened for the purpose by special notice, sent by mail, to each Shareholder, at least three months beforehand, should unanimously be of opinion that the number of votes which each Shareholder should have in proportion to the number of his shares, ought to be changed, such change may be made, and such by-laws adopted as may be deemed necessary for the purpose.

Proviso.

Officers, &c., not to vote for Directors.

25. No Cashier, Assistant-Cashier, Clerk, or other subordinate officer of the Crédit Foncier, shall vote at any meeting for the election of Directors or Assistant Directors.

Special general meetings. How and when they may be called.

26. Any number, not less than twenty-five, of the Shareholders of the Crédit Foncier, who together shall be proprietors of at least one hundred shares of the paid-up capital stock, by themselves or their proxies, or the Directors, or any four of them, shall respectively have power at any time to call a special general meeting of the Shareholders, to be held at their usual place of meeting,

upon giving six weeks' previous public notice thereof, and specifying in such notice the object or objects of such meeting; and if the object or objects of such special meeting be to consider the proposed removal of the President, or of a Director or Directors of the Crédit Foncier for mal-administration or other specified and apparently just cause, then, and in any such case, the person or persons whom it shall be so proposed to remove, shall, from the day on which the notice shall be first published, be suspended from the duties of his office, or their office or offices, and if it be the President or Vice-President, whose removal shall be proposed as aforesaid, his office shall be filled up by the remaining Directors, who shall choose or elect a Director to serve as such President or Vice-President during the time such suspension shall continue to be undecided upon.

Shares and their transfer.

27. The shares of the capital stock of the Crédit Foncier, shall be held and adjudged to be personal property, and shall be transmissible accordingly, and shall be assignable and transferable at the chief place of business of the Crédit Foncier, or at any of its branches which the Directors shall appoint for that purpose, and according to such form as the Directors shall from time to time prescribe; but no assignment or transfer shall be valid and effectual, unless it be made and registered in a book or books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge, to the satisfaction of the Directors, all debts actually due or contracted and not then due by him, her or them, to the institution, which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional part or parts of a share, or other than a whole share shall be assignable or transferable; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed, shall, within thirty days after the sale, leave with the Cashier of the Crédit Foncier an attested copy of the writ, with the certificate of such Sheriff endorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all the debts due, or contracted but not then due, by the original holder or holders of the said shares to the Crédit Foncier shall have been discharged as aforesaid) the President or Vice-President or Cashier shall execute the transfer of the share or shares so sold to the purchaser, and such transfer being duly executed, shall be to all intents and purposes valid and effectual in law, as if it had been executed by the original holder or holders of the said share or shares, any law or usage to the contrary notwithstanding.

Shares transferable in United Kingdom and elsewhere.

28. Shares in the capital stock of the Crédit Foncier may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom or elsewhere, in like manner as such shares and dividends are respectively transferable and payable at the chief office of the Crédit Foncier, and to that end the Directors may from time to time make such rules and regulations and prescribe such forms, and appoint such agent or agents as they may deem necessary.

Case of death or insolvency of a Shareholder.

29. If the interest in any share in the Crédit Foncier become transmitted, in consequence of the death or bankruptcy or insolvency of any Shareholder, or in consequence of the marriage of a female Shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmissions

shall be authenticated by a declaration in writting, as hereinafter mentioned, or in such other manner as the Directors shall require; and every such declaration shall be by the party making and signing the same, acknowledged before a Judge of a Court of Record, or before the Mayor, Provost, or Chief Magistrate of any city, town, borough, or other place, or before a public Notary, when the same shall be made and signed; and every such declaration so signed and acknowledged, shall be left with the Cashier, or other officer or agent of the Crédit Foncier, duly authorized to that effect, who shall thereupon enter the name of the party entitled under such transmission in the register of Shareholders; and until such transmission shall have been so authenticated, no party or persons claiming by virtue of any such transmission, shall be entitled to receive any share of the profits, nor to vote in respect of any such share, as to the holder thereof: Provided always, that every such declaration and instrument, as by this and the following section of this Act is required to perfect the transmission of a share, which shall be made in any other country than this, or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited representative of the British Government, in the country where the declaration shall be made or shall be made directly before such British Consul or Vice Consul or other accredited representative; and provided also, that nothing in this Act contained, shall be held to debar the Directors, Cashier, or other officer or agent of the Crédit Foncier, from reqniring corroborative evidence of any fact or facts alleged in such declaration.

Proviso.

Proviso.

In case transmission of stock be by marriage.

30. If the transmission of any share of the Crédit Foncier, be by virtue of the marriage of a female Shareholder, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall establish the identity of the wife with the holder of such share; and if the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or the letters of administration, or the act of curatorship, or an official extract therefrom, shall, together with such declaration, be produced to and left with the Cashier or other authorized officer, or agent of the Crédit Foncier, who shall thereupon enter the name of the party entitled under such transmission in the register of shareholders.

If by decease of a Shareholder.

31. If the transmission of any share or shares in the capital stock of the said Crédit Foncier, be by decease of any Shareholder, the production to the Directors and deposit with them of any probate of the will of the deceased Shareholder, or of letters of administration of his estate granted by any Court in Canada, having power to grant such probate or letters of administration, or by any prerogative, diocesan, or peculiar Court or Authority in England, Wales, Ireland, India, or any other British Colony, or of any testament testamentary, or testament dative expede in Scotland, or, if the deceased Shareholder shall have died out of Her Majesty's Dominions the production to, and deposit with the Directors of any probate of his will, or letters of administration of his property, or other document of like import granted by any Court or Authority having the requisite power in such matters, shall be sufficient justification and authority to the Directors for paying any dividend, or transferring, or authorizing the transfer of any share in pursuance of, and in conformity to such probate, letters of administration, or other such documents as aforesaid.

Crédit Foncier not bound to see to the execution of any trust.

32. The Crédit Foncier shall not be bound to see to the execution of any trust, whether expressed, implied, or constructed, to which any of the shares of its stock shall be subject; and the receipt of the party in whose name any such share shall stand in the books of the Crédit Foncier, or if it stand in the name of more parties than one, the receipt of one of the parties, shall from time to time be a sufficient discharge to the Crédit Foncier for any dividend or other sum of money, payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Crédit Foncier have had notice of such trust, and the Crédit Foncier shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

Annual general meeting and Report.

33. On a certain day, in each year, to be fixed by law of the Crédit Foncier, there shall be a general meeting of the Shareholders to receive the Report of the Board of Directors.

Directors to make by-laws

34. The Directors shall make by-laws, for the transaction of the business of the Crédit Foncier, which shall be submitted for the adoption of the Shareholders, at a general meeting.

And appoint officers, &c.

35. The Directors shall appoint the General Manager, the Cashier, and all the subordinate officers and servants of the Crédit Foncier, and shall fix their salaries and remunerations, and they shall exact security for at least two thousand dollars from the Cashier, and one thousand dollars from the Assistant Cashier, or any other officer having control over the funds of the institution.

Corporate Seal.

36. The Crédit Foncier may have a seal which they may change at pleasure, and which shall be kept by the President and the Cashier.

Certified extracts from books, &c.

37. All documents, extracts from the books, and certificates relating to the affairs of the Crédit Foncier, signed by the President or by one of the Directors of the Crédit Foncier, shall be *primâ facie* evidence of the truth of their contents.

Crédit Foncier may only lend on first mortgage.

38. The Crédit Foncier shall only lend on first mortgage or hypothec of real estate, the value of which shall be at least double the amount of the loan, in sums of one hundred dollars, or in multiples of one hundred dollars, repayable by annual instalments in advance; and any loan made on hypothec, subsidiary only to the hypothec of the *rentes constituées* under the Seigniorial Act, or to any privilege or hypothec specially exempted from registration, shall be considered as made on first hypothec; Provided always that no such hypothec in favor of the Crédit Foncier shall in any case rank before the privileges and hypothecs above mentioned, or any other hypothec having propriety of registration.

Proviso.

How annuity is to be computed.

39. The annuity shall include the interest on the capital, sinking fund and costs of management; the annuity shall be stipulated in the instrument of loan, or the deed executed by the debtor in favor of the Crédit Foncier.

Rate of interest.

40. The Crédit Foncier shall not charge on its loan, or to its debtor, a higher rate of interest than eight per cent. per annum, exclusive of costs incurred in the negotiation of the loan.

Time for payment of Sinking Fund not to exceed 50 years.

41. The rate of payment of the sinking fund shall be calculated so as not to last more than fifty years, with power nevertheless to the borrower to acquit himself of the whole, or any part thereof, at any time, upon giving three months' notice of his intention; Provided always that the Crédit Foncier shall credit every debtor making a payment on account of the sinking fund, with compound interest, at the rate of interest payable on the loan to such debtor from the date of such payment to that of the final payment of whole debt; but the Crédit Foncier shall not be bound to credit any of its debtors with interest accrued during any time when such debtor is in arrears in respect of any payment due to the sinking fund, or during the pendency of any suit or other judicial proceeding for obtaining payment of any amount due to the sinking fund.

Proviso.

Partial repayments.

42. Partial repayment shall not consist of less than one annuity; and the annuity or annuities so prepaid shall be affected to the discharge of the annuities which are payable the last.

Indemnity in case of anticipatory payment.

43. In case of anticipatory payment the Crédit Foncier may require an indemnity which shall be calculated on the difference between the rate of interest stipulated in the deed or in the obligation, and that of the mortgage bond in circulation at the date of the anticipatory payment, and on the length of time the obligation has still to run, but such indemnity shall not exceed two per centum per annum on the amount of the anticipatory payment for such time as the obligation or deed might have to run, and shall not, in any case, exceed the losses which the Crédit Foncier might incur in consequence of the said anticipatory payment.

Costs of management.

44. The Crédit Foncier shall be empowered to charge not more than one per cent. per annum on its loans for costs of management.

Power to issue mortgage bonds.

45. The Crédit Foncier, for the purpose of procuring capital, may issue mortgage bonds (*lettres de gage*), with or without interest which, or any of which mortgage bonds (*lettres de gage*) at the option of the Directors, may be guaranteed by a special mortgage on the immovable mortgaged to the Crédit Foncier by the deed or obligation, the value, or a portion of the value of which shall be represented by the said mortgage bonds; in that case the deed or obligation shall specially designate the said mortgage bonds by their numbers, series and dates; and the said mortgage bonds shall also mention the number of said deed, its date, and the name of the notary; which mention, under the attestation of the officers of the Crédit Foncier empowered to sign the said mortgage bonds, shall be sufficient without any registration to identify them with the said deed or obligation, and to preserve to the said mortgage bonds the right of mortgage stipulated in the said deeds or obligations in behalf of the said mortgage bondholders.

Amount of bonds.

46. The Crédit Foncier shall not issue mortgage bonds to a larger amount than that of its hypothecary claims of which they shall be deemed to represent the value.

Coupons may be attached.

47. The Directors may attach interest coupons to the mortgage bonds.

48. The mortgage bonds shall be payable either to order or to bearer; they shall be for one hundred dollars each, and may be delivered in subdivisions (*coupures*) at the option of the Directors, and as they may think best for their negotiation; Provided always, that no subdivision shall be issued for a sum less than fifty dollars. How payable.

49. Whenever the interest in any share or shares of the Crédit Foncier, or in the dividend accrued thereon, or the right of property in any deposit therein, or in any mortgage bond or interest accrued thereon, shall be transmitted by the death of any Shareholder, or otherwise, or whenever the ownership of or legal right of possession in any such share or shares, dividend or deposit, or in any mortgage bond, or interest accrued thereon, shall change by any lawful means, other than by transfer according to the provisions of this Act, or shall be disputed, and the Directors of the Crédit Foncier shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock, dividend, or deposit, or in any mortgage bond or interest accrued thereon, then, and in such case, it shall be lawful for the Crédit Foncier to make and file, in any Superior Court of the Province sitting at or nearest the chief seat or place of business of the Crédit Foncier, a declaration or petition in writing, addressed to the Judge of the said Court, setting forth the facts, and the number of shares previously belonging to the party, in whose name such shares stand in the books of the Crédit Foncier, or the amount of deposits standing in the name of the depositor thereof, or the amount and number, by numbers of the mortgage bonds and the interest accrued thereon, and praying for an order or judgment adjudicating and awarding the said shares, dividends, or deposits, and the mortgage bonds, and interest thereon, to the party or parties legally entitled to the same, by which order or judgment the Crédit Foncier shall be guided and held fully harmless and indemnified, and released from all and every other claim for the said shares or deposits or mortgage bonds, interests, or dividend thereon, or arising therefrom: Provided always, that notice of such petition shall be given to the party claiming such shares, dividends or deposits, mortgage bonds, or interest, who shall upon the filing of such petition, establish his right to the shares, dividends or deposits, mortgage bonds or interest, referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said Superior Court: Provided also, that the cost and expenses of procuring such order and adjudication, shall be paid by the party or parties to whom the said shares, dividends, or deposits, mortgage bonds, or interest, shall be declared lawfully to belong, and such shares, dividends, or deposits, mortgage bonds, or interest, shall not be transferred or paid over, as the case may be, until such costs and expenses be paid, saving the recourse of such party against any party contesting his right. Removal of doubts as to ownership of stock or bonds. Proviso. Proviso.

50. The mortgage bonds bearing a different rate of interest or payable at different periods, may be divided into series. Bonds divided into series.

51. In case the Crédit Foncier should at any time issue a larger amount of mortgage bonds, calculated at par, than they are authorized to do by this Act, the Directors under whose administration the excess shall happen, shall be jointly and severally liable for the same, in their private capacity, as well to the Share- Liability of Directors in case of mortgage bonds be issued in excess of amount authorized.

holders as to the holders of the mortgage bonds of the Crédit Foncier, and an action or actions in that behalf, may be brought against them or any of them, and the heirs, executors, administrators, or curators of them, or any of them, and be prosecuted to judgment and execution according to law; but such action shall not exempt the Crédit Foncier, nor its lands, tenements, goods or chattels, from being also liable to such excess; Provided always, that if any Director present at the time of contracting any such excess of debt, do, within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of the Crédit Foncier, his protest against the same, and do within eight days thereafter, publish such protest in at least one newspaper, he may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators, or curators, from the liability aforesaid, anything herein contained, or any law to the contrary notwithstanding; Provided always, that such publication shall not exonerate any Director as a Shareholder.

Proviso.

Proviso.

Liability for interest.

52. The Crédit Foncier shall not be liable for interest on the mortgage bonds accruing after they become due, unless they shall have been previously presented for payment, or unless special provision to the contrary be made in the said mortgage bonds.

Inspection of books, &c., by bondholders.

53. The mortgage bondholders shall be empowered to elect three censors, who shall have the right every three months, on days to be specified, to see and examine the books, verify, criticise and approve all the operations of the Crédit Foncier, in the interest and for the satisfaction of the mortgage bondholders; the mortgage bondholders shall apply to the Crédit Foncier for the payment of their mortgage bonds and dues; the mortgage bondholders can only apply for payment to the occupant (*détenteur*) of the immovables mortgaged to the Crédit Foncier, or for the guarantee of the mortgage bonds, after discussion of the property of the Crédit Foncier.

54. The Crédit Foncier may become security for public officers in Canada required to give security for the faithful discharge of their duties, or of obligations contracted towards the Crown, and for such purpose the mortgage bonds of the Crédit Foncier may be tendered and accepted, in place of, or in addition to, the obligation or bond of any such public officer as aforesaid.

Bonds presented elsewhere than at place specified for payment.

55. Whenever mortgage bonds payable *bonâ fide* in any place in Canada, other than that in which they shall be presented for payment, or to be exchanged for specie, or to be paid includiug capital and interest, shall be presented for payment, or to be exchanged for specie, the Crédit Foncier or its branches may charge one-fourth of one per centum thereon, before receiving them, or paying them, or taking them in exchange for specie.

Reserve fund. Its composition.

56. There shall be a reserve fund, and the said reserve fund shall be composed of: firstly, the penalties; secondly, the surplus of the cost of management, after deducting the expenses of management; the Directors shall not change, add to, or diminish the revenues of which the reserve fund is composed, without the unanimous consent of all the Shareholders:

Its application.

The Directors may use the reserve fund in loans on mortgage; the Shareholders, although alone entitled to the reserve fund, shall nevertheless receive nothing therefrom, until it has reached an amount equal to one-fourth of all instalments

paid in upon the shares of the first capital stock, and the reserve fund having attained that amount, shall always be maintained at the same; the Shareholder being entitled only to the surplus or the profits accruing therefrom.

Payment of expenses.

57. To the payment of the expenses of the Crédit Foncier shall be applied in the following order: 1st—The amount received for preliminary expenses; 2nd—The costs of management.

Payment of debts, &c.

58. To the payment of the debts and losses shall be applied in the following order: 1st—The revenues and profits; 2nd—The reserve fund; 3rd—The shares; 4th—The property moveable and immoveable of the responsible Shareholders.

Applications for loans.

59. Every person who shall be desirous of borrowing from the Crédit Foncier, shall be bound to present his application in which he shall state the sum and the time for which he desires a delay: this application shall be accompanied with the necessary title and certificates of registration and other documents in support thereof.

What shall be stated.

60. Every person shall, in his application for a loan, declare, whether he is married or a widower, whether he is, or has been, a tutor or curator, whether he has burthened the property he proposes to hypothecate with any charge, privilege or hypothec, or whether he has personal knowledge that any such charge, privilege or hypothec really and actually exists on the said property.

Costs.

61. The costs of examination, inspection, valuation, and other preliminary expenses, shall be paid by the borrower.

Renunciation by married women.

62. Any married woman, being authorized to that effect by her husband, may renounce in favor of the Crédit Foncier to the priority of any right, privelege, claim, or hypothec whatsoever, which she might or would have, in virtue of any stipulated or customary power, matrimonial resumption *(reprises matrimonials)* or for any other course whatsoever, or any property sold or hypothecated, or proposed to be sold or hypothecated in favor of the Crédit Foncier.

Power to receive deposits.

63. The Crédit Foncier may receive deposits bearing, or not bearing interest; the Crédit Foncier shall have the right of retaining from the deposits the amounts which might be due by the depositor.

Certificates of deposits.

64. The depositors may, when they wish, require of the Crédit Foncier certificates in detail of all or parts of their deposits, mentioning the dates, the nature, and the conditions of such deposits; the Crédit Foncier shall be entitled to demand five cents for each certificate in detail entered in the deposit book of a depositor; but it will not be entitled to any fee when the certificate consists of a simple entry in the deposit book of the depositor, not vouched for in detail with the signature of an officer of the Crédit Foncier.

Powers to enforce payment of loans.

65. The Crédit Foncier may at any time, exact payment of the balance not paid up, from any debtor who shall not have paid his annuity, three months after it shall have become due, or who shall have reduced the value of the land he has hypothecated, to such an extent as to endanger the claims of the Crédit Foncier;

any debtor who shall neglect to pay his annuity at the time it shall become due, shall incur a penalty in favor of the Crédit Foncier of two per cent. of the amount due, and of one per cent. on the same amount for each and every month he continues in arrear, besides all costs of notice, protest, collection and legal proceedings.

In case of dispute respecting value of real estate.

66. Any contestation respecting reductions in the value of real estate, may, on the application of the Crédit Foncier be submitted to the decision of arbitrators, to be appointed one by the Crédit Foncier and the other by the debtor, and in case of difference of opinion between the arbitrators, or of refusal on the part of the arbitrators, to proceed, or of neglect of any of the parties to appoint his arbitrator, then the arbitrator appointed, or who is willing to proceed, may apply to the Clerk or Prothonotary of the Superior Court, within whose jurisdiction the real estate is situated, who shall appoint a judicial arbitrator, who shall proceed with the arbitrator or arbitrators already appointed to investigate the cause of complaint, and give their decision, which shall be as binding as if the three arbitrators had pronounced the same.

Interest on annuities.

67. In case of non-payment of annuities, the interest thereon in favor of the Crédit Foncier, shall accrue *pleno jure*, from the day the payment becomes due.

Declaration and payment of dividends.

68. Whenever the Directors shall be of opinion that the profits are sufficient, they may declare dividends, which shall be payable at places to be fixed by the Directors, notice of which shall be given thirty days in advance ; but the said dividends shall in no case be such as to effect or diminish the capacity of the institution to pay at any time, in specie, and at par, the mortgage bonds that may have become due, or the interest thereon.

Forfeiture of charter after suspension of payment for a certain period.

69. A suspension by the Crédit Foncier or any of the branches, at which its mortgage bonds are payable, of the payment in specie of its said mortgage bonds when they fall due, of the interest thereon when it falls due, shall be sufficient to operate a forfeiture of its Charter, and all the privileges granted by this Act, if the period of suspension extend to six consecutive months ; and any person is authorized to present a petition to the Superior Court, sitting at the chief place or seat of business of the Crédit Foncier, and the said Court, upon proof thereof and unless the Crédit Foncier shall have obtained an extension of time for the suspension of payment by an order of the Governor in Council, for good and sufficient reasons, may declare the Crédit Foncier to have forfeited its charter and privileges.

Proceedings to prevent counterfeiting of bonds, &c.

70. It shall and may be lawful to and for any Justice of the Peace, on complaint made before him, upon the oath of one credible person, that there is just cause to suspect that any one or more persons or persons is, or are, or hath, or have been concerned in making or counterfeiting any false orders of the said Crédit Foncier, or hath in his possession any plates, presses, or other instruments, tools or materials for making or counterfeiting the same, or any part thereof, by warrant, under the hand of such Justice, to cause the dwelling-house, room, workshop, or out-house, or other building, yard, garden, or other place, belonging to such suspected person or persons, or where any such person or persons shall be suspected of carrying on such making or counterfeiting to be searched ; and if any such false mortgage bonds, false

interest coupons, false undertakings, or false orders, or any plates, presses, or other tools, instruments, or materials shall be found in the custody or possession of any person or persons whomsoever, not having the same by some lawful authority, it shall, and may be lawful to, and for any person or persons whomsoever, discovering the same, to seize, and he or they, are hereby required to seize such false or counterfeit mortgage bonds, interest coupons, undertakings, or orders, and such plates, presses, or other tools, instruments or materials, and to carry the same forthwith, before a Justice of Peace of the County or District (or if more convenient, of the adjoining County or District), in which the same shall be seized, who shall cause the same to be secured, and produced in evidence, against any person or persons who shall, or may be prosecuted for any of the offences aforesaid, in some Court of Justice, having competent jurisdiction for the determination thereof, and the same, after being so produced in evidence, shall, by order of the Court, be defaced or destroyed, or otherwise disposed of, as such Court shall direct.

Semi-Annual statements to Minister of Finance.

71. The Crédit Foncier shall, on the first day of January and July in each year, transmit to the Minister of Finance a full and clear statement of its assets and liabilities on the day of the date thereof, and such statement shall contain, in addition to such other particulars as the Minister of Finance may require.

1st. The amount of stock subscribed ;
2nd. The amount paid in upon such stock ;
3rd. The amount borrowed for the purposes of investment, and the securities given therefor ;
4th. The amount invested and secured by hppothecary deeds ;
5th. The value of the immovables under hypothec.

Attestation thereof.

72. And such statement shall be attested by the oath, before some Justice of the Peace, of two persous, one being the President, Vice-President, or other functionary for the time being, at the head of the Crédit Foncier, and the other, the Cashier or Auditor of the Crédit Foncier, each of whom shall swear distinctly that he has such quality or office as aforesaid ; that he has had the means of verifying, and has verified the statement aforesaid, and found it to be exact and true in every particular ; that the property under hypothec has been set down at its true value, to the best of his knowledge and belief ; and that the amount of the shares and mortgage bonds issued and outstanding, as he verily believes, is correct ; and such statement shall be published by the Minister of Finance in such manner as he shall think most conducive to the public good ; and for any neglect to transmit such statement in due course of post, within five days after the day to which it is to be made up, the Crédit Foncier shall incur a penalty of *one hundred dollars* per diem, and if the same be not transmitted within one month after the said day, or if it shall appear, by the statement that the Crédit Foncier is insolvent, the Minister of Finance may, by notice in the *Gazette*, declare the business of the Crédit Foncier to have ceased ; and if the Minister of Finance shall in any case suspect any such statement to be wilfully false, he may depute some competent person to examine the books, and inquire into the affairs of the Crédit Foncier, and to report to him on oath ; and if by such report it shall appear that such statement was wilfully false, or that the Crédit Foncier is insolvent, or if the person so deputed shall report on oath that he has been refused such access to the books, or such information as would enable him

Statement to be published.

Penalty on neglect to transmit it.

In what cases Minister of Finance may suspend its business.

to make a sufficient report, the Minister of Finance may, by notice in the *Gazette*, declare the business of the Crédit Foncier to have ceased; but in any of the cases in which discretionary power is given to the Minister of Finance to declare the business of the Crédit Foncier to have ceased, he may, before so doing, give notice to the Crédit Foncier, and afford the same an opportunity of making any explanation it may be advisable to make; and all expenses attending such periodical statement and publication thereof shall be borne by the said Crédit Foncier.

SCHEDULE A.

Public notice is hereby given, that under The Crédit Foncier Act 1871, Letters Patent have been issued under the Great Seal of the Dominion of Canada, bearing date the day of , incorporating *(Here state names, address, and calling of each corporator named in the Letters Patent)* as a *Crédit Foncier* by the name of *(Here state name of Crédit Foncier set forth in the Letters Patent)* with a total capital stock of dollars divided into shares of dollars each.

Dated at the office of the Secretary of State of Canada, this day of 18 .

A. B.
Secretary.

No. 3.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to facilitate the establishment of Institutions of Landed Credit *(Crédit Foncier.)*

Received and read, First time, Monday, 20th February, 1871.

Second reading, Tuesday, 21st February, 1871.

MR. DUFRESNE.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1871.

No. 4.] **BILL.** [1871.

An Act for the better protection of Navigable Streams and Rivers.

Preamble.

WHEREAS, it is expedient to provide for the better protection of Navigable Streams and Rivers; therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

No saw-dust, &c., to be thrown in navigable streams.

1. From and after the first day of July next, no owner, nor tenant, of any saw-mill, nor any workman therein, nor other person or persons whomsoever shall throw, or cause to be thrown, or suffer or permit to be thrown, any sawdust, edgings, or rubbish of any description whatsoever into any navigable stream or river, either above or below the point at which such stream or river ceases to navigable.

Penalty for contravening this Act.

2. Any person or persons violating the preceding section shall be liable, for the first offence, to a fine of not less than *twenty dollars*, and for the second, and each subsequent offence, to a fine of not less than *fifty dollars* for each offence, which fine shall be recoverable summarily in the same manner as provided for the recovery of penalties by the Fisheries Act.

Fishery officers to act under this Act.

3. It shall be the duty of the several fishery officers to examine and report on the condition of the navigable streams and rivers under this Act from time to time, and to prosecute all parties contravening the terms of this Act; and such officers shall, for enforcing the provisions of this Act, have and exercise all the powers conferred upon them for like purposes by the Fisheries Act.

Exemptions in certain cases.

4. Provided always, that in case it can be clearly shown to the satisfaction of the Minister of Marine and Fisheries that no injury is accruing, or likely to accrue, to the navigation of any stream or river, he may, in the official *Gazette*, exempt from the operation of this Act the whole or any part of such stream or river lying above the point at which it ceases to be navigable.

No. 4.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act for the better protection of Navigable Streams and Rivers.

Received and read First time, Monday, 20th February, 1871.

Second reading, Tuesday, 21st February, 1871.

Mr Cartwright.

OTTAWA:

Printed by I. B. Taylor, 29, 31 & 33 Rideau Street.

1871.

No. 5.] **BILL.** [1871.

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

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

A Member of a Provincial Legislature not eligible as a Member of the House of Commons. His election to be void.

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

A Member of the House of Commons elected to or appointed to a seat in a Provincial Legislature and accepting it, to vacate his seat in the Commons. Proviso, as to Members so elected or appointed without their knowledge.

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

Penalty on persons hereby declared ineligible, sitting and voting in the House of Commons.

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

No. 5.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

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

Received and read, First time, Monday, 20th February, 1871.

Second reading, Tuesday, 21st February. 1871.

Mr. Mills.

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street.

1871.

No. 6.] **BILL.** [1871.

An Act to authorize the extradition of persons from the Dominion of Canada, charged with having committed Crimes in the United States, and other foreign countries.

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

Governor in Council may surrender to U. S. any person charged with a crime which is felony by the law of Canada, except treason or being accesssory to treason.

1. It shall be lawful for the Governor in Council, by warrant under his hand and seal, to surrender to the United States of America, upon the requisition of the proper authorities, any person charged with having committed a crime within the jurisdiction of the said United States, or any state thereof, which crime is felony by the laws of Canada, and being other than treason, or being accessory before or after the fact to treason.

And so of piracy *jure gentium.*

2. In case any one be found within the Dominion of Canada, charged with an act of piracy against the United States, which act is at the same time piracy *jure gentium*, and the evidence by which the crime of piracy may be proven is more available within the jurisdiction of the United States than within that of Canada, or for other reasons of convenience or justice, the Governor in Council may, by warrant under his hand and seal, surrender to the United States of America, upon the requisition of the proper authorities, the person or persons so charged.

And may surrender persons charged with murder to any foreign Government in like manner as to U. S.

3. It shall be lawful for the Governor in Council, by warrant under his hand and seal, to surrender to the Government of any foreign country, upon the requisition of the proper authorities, any person charged with the crime of murder, upon the same conditions now observed in the surrender of criminals to the United States.

Procedure in such cases.

4. The procedure in the apprehension, commitment, preliminary trial and detention of the persons so charged, shall be the same as that now provided, or which may from time to time be provided by the Parliament of Canada, for giving effect to the treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain offenders.

No. 6.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to authorize the Extradition of Persons from the Dominion of Canada charged with having committed crimes in the United States and foreign countries.

Received and read, First time, Monday, 20th February, 1871.

Second reading, Tuesday, 21st February, 1871.

Mr. Mills.

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street.

1871.

No. 7.] **BILL.** [1871.

An Act to amend the Census Act.

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

1. Subject to the provisions of this Act, the Census Act is hereby extended and made applicable to all territory beyond the four Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, presently forming part of the Dominion of Canada; and may, by Proclamation of the Governor in Council, be further extended and made applicable to any other territory, which during the current year may become part of the Dominion of Canada. Census Act, 33 V., c. 21, extended to certain territory.

2. Each Province in such territory, and each such other portion thereof as the Governor in Council may by Proclamation declare so to be, shall be deemed a separate Province, within the meaning of the Census Act, and for all purposes thereof. Certain territorial divisions to be deemed separate Provinces.

3. The details of the information to be obtained, the forms to be used and procedure to be followed for the obtaining thereof, the period at which, and date or dates with reference to which the Census shall be taken in each such Province,—whether generally, or for any specified localities requiring to be exceptionally dealt with in any of these respects,—shall be such as the Governor in Council by Proclamation shall direct. Details of information to be such as Governor in Council may direct.

4. The Census Districts and Census Sub-Districts in each such Province shall be so many, and such, as the Governor in Council by Proclamation shall direct. Census Districts, &c.

5. Notwithstanding anything in the second section of the Census Act, the period for taking the Census in the several Census Districts of or in any thereof, may by Proclamation of the Governor in Council be extended to any date not later than the first of September next. Extension of time for completing Census.

6. All inquiries requisite in any wise for the due completion of the Census may be carried on after the period fixed for the taking of the Census. The same.

7. The requirement in the eleventh section of the Census Act set forth, that every Enumerator shall make domiciliary visit to every house within his Sub-district or other assigned division of territory, may by Proclamation of the Governor in Council be relaxed, so far as may be deemed necessary, in respect of any specified localities having a population too scattered or too migratory for such domiciliary visitation. Domiciliary visits in certain places may be dispensed with.

Proclamation amending a proclamation.

8. Any Proclamation by the Governor in Council, for amendment of a previous Proclamation issued under this Act, shall avail to render valid and regular all that in the meantime may have been done under authority of the Minister of Agriculture, in anticipation of and conformably with such amendment.

Short title.

9. The Act hereby amended and this Act shall be held and construed as one Act; and the expression "The Census Act" shall be a sufficient citation of the said Act as hereby amended.

No. 7.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend the Census Act.

Received and read First time, Tuesday, 21st February, 1871.

Second reading, Friday, 24th February, 1871.

Hon. Mr. DUNKIN.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1871.

No. 8.] **BILL.** [1871.

An Act to amend "The Railway Act, 1868," and extend the same.

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

1. Sub-section four of section twenty of "The Railway Act of 1868," is hereby amended, by adding thereto, after the word "Company" therein, the words following:— Sub-Section 4 of Section 10 amended.

"And every such Company as aforesaid, shall be liable for the loss of or for any injury done to any horses, cattle or other animals, or to any articles, goods or things, in the receiving, forwarding, or delivering thereof, occasioned by the neglect or default of such Company or its servants, notwithstanding any notice, condition, or declaration made and given by such Company contrary thereto, or in any wise limiting such liability, every such notice, condition or declaration being hereby declared to be null and void; provided always, that nothing herein contained shall be construed to prevent the said Companies from making such conditions with respect to the receiving, forwarding and delivering of any of the said animals, articles, goods or things, as shall be adjudged by the Court or Judge before whom any question relating thereto shall be tried, to be just and reasonable; provided also, that no greater damages shall be recovered for the loss of or for any injury done to any such animals, beyond the sums hereinafter mentioned, (that is to say) for any horse, fifty pounds; for any neat cattle, per head, fifteen pounds; for sheep or pigs, per head, whether live or dressed when dead, two pounds, unless the person sending or delivering the same to such Company shall, at the time of such delivery, have declared them to be respectively of higher value than as above mentioned, in which case it shall be lawful for such Company to demand and receive, by way of compensation for the increased risk and care thereby occasioned, a reasonable percentage upon the excess of the value so declared above the respective sums so limited as aforesaid, and which shall be paid in addition to the ordinary rate of charge, and such percentage or increased rate of charge shall be notified in the manner prescribed in the Statute of the Parliament of the United Kingdom of Great Britain and Ireland, Eleventh George Fourth, and First William Fourth, chapter fifty-eighth, and shall be binding on such Company in the manner therein mentioned; provided also, that the proof of the value of such animals, articles, goods and things, and the amount of the injury done thereto, shall in all cases lie upon the person claiming compensation for such loss or injury; provided also, that no special contract between such Company and any other parties respecting the receiving, forwarding or delivering of any animals, articles, goods or things as aforesaid, shall be binding upon or affect any such party, unless the same be signed by him or by the person delivering such animals, articles, goods or things respectively for carriage; provided also, that nothing herein contained shall alter or affect the rights, privileges or liabilities of

Company to be liable for injury or loss resulting from neglect.

Proviso: Company may make reasonable conditions as to receiving, forwarding, &c.

Proviso: Damages for loss of animals limited.

Unless declared of greater value at time of delivery.

Proof of value in case of loss.

such Company under the said Act of the Eleventh George Fourth, and First William Fourth, chapter fifty-eighth, with respect to articles of the descriptions mentioned in the said Act.

To what railways this Act applies.

2. The provisions of this Act shall apply to every Railway Company heretofore, or which may be hereafter incorporated, and to every Railway heretofore constructed, or now in course of construction or hereafter to be constructed, as well as to those Railways and Railway Companies to which the said "The Railway Act of 1868" is by its provisions declared to be applicable.

No. 8.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend "The Railway Act, 1868," and extend the same.

Received and read First time, Thursday, 23rd February, 1871.

Second reading, Monday, 27th February, 1871.

MR. MACFARLANE.

OTTAWA:

Printed by I. B. Taylor, 29, 31 & 33, Rideau Street.

1871.

No. 9.] **BILL.** [1871.

An Act to extend the Right of Appeal in Criminal Cases.

Preamble.

WHEREAS it is desirable to provide for the granting of New Trials in Criminal Cases for mistake of law or error in fact, in the same manner as New Trials are granted in Civil Cases: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons, enacts as follows :— [RECEIVED]

Party convicted may apply for new trial as in civil cases.

1. When a person has been convicted of any treason, felony, or misdemeanor, before a Court of Oyer and Terminer, Gaol Delivery, Quarter Sessions, or General Sessions of the Peace, or before the Court of Queen's Bench in the Province of Quebec, such person may apply for a New Trial upon any point of law or question of fact, including the discovery of new evidence, by affidavit or otherwise, in as ample a manner to all intents and purposes as any person may now apply for a New Trial in a civil action to a Superior Court of civil jurisdiction, according to the laws in force in the several Provinces of the Dominion of Canada.

Within what time the application must be made.

2. When the conviction takes place at a Court of Oyer and Terminer or Gaol Delivery, the application shall, in the Province of Ontario, be made to one of the Superior Courts of Common Law, and in the remaining Provinces to the Court of Superior Civil Judicature in such Province, but shall not be entertained by such Court unless made within four days of the first week of the term or sittings of such Court next succeeding the Court of Oyer and Terminer or Gaol Delivery at which the conviction takes place, unless the Court to which the application is made see fit, for sufficient cause, afterwards to entertain it during the same term.

Further appeal if the conviction is affirmed.

Time limited.

3. In such case, if the conviction be affirmed by the Court to which the application is made, the person convicted may in the Province of Ontario appeal to the Court of Error and Appeal, and in the remaining Provinces of the Dominion to the Supreme Court of Appeal in such Province, provided the appeal be allowed by the Court affirming the conviction, or by two judges thereof in term or vacation; But such allowance shall not be granted nor the appeal be heard except within six months after the conviction has been affirmed, unless otherwise ordered by the Court to which the appeal is made.

Rule or order of court appealed to, final.

4. Any rule or order of the Court to which the appeal is made under the foregoing sections shall be final.

Delay of sentence in capital cases.

Delay in other cases.

5. In case of a Capital felony, no sentence of death shall be passed to take effect until after the expiration of the term or sittings of the Court to which an application for a new trial is allowed under this Act, next succeeding the sitting of the Court at which the sentence of death is passed :—In other cases of felony and in all cases of misdemeanor, it shall be in the discretion of the Judge before whom the person is convicted, on application of

counsel for the person convicted, to postpone the passing of sentence for a like period, taking bail or making such other order as to the attendance of the person convicted, as such Judge shall see fit.

As to convictions at quarter sessions.

6. When the conviction takes place at a Court of General or Quarter Sessions, the application for a new trial shall be made to such Court.

Further appeal in such cases if conviction is affirmed.

7. In such case as last mentioned, if the conviction be affirmed, an appeal shall lie in the Province of Ontario to either of the Superior Courts of Common Law, and in the remaining Provinces of the Dominion to such Court as may, under the provisions of this Act, entertain an application for a new trial of a person convicted of treason, felony or misdemeanour before a Court of Oyer and Terminer or Gaol Delivery.

Case to be stated for the court appealed to.

8. In the event of such an appeal as provided for in the next preceding section, the Court of General or Quarter Sessions shall state in a case the question or questions of law or fact upon which the new trial was applied for, together with the circumstances upon which the same arose and the decision of the Court with the reasons therefor: Such case shall be prepared by the appellant, and approved by the said Court, and signed by the chairman or presiding judge thereof.

When the case must be transmitted.

9. The case so prepared, approved and signed, shall be transmitted, by the Court of General or Quarter Sessions, to the Court to which the appeal is desired to be made, on or before the first day of the term or sittings of such last mentioned Court, next after the time when the rule or order appealed from was made.

Decision on appeal from Q. S. to be final.

10. The decision of the Court to which the appeal is so made, on the appeal from the Court of General or Quarter Sessions of the peace, shall be final.

Powers of court applied to for new trial.

11. The Court to which an application for a new trial is made under this Act, either in the first instance or by way of appeal, shall have power to hear and determine all questions of law and fact involved in the application, and shall affirm the conviction or order a new trial, as justice requires.

Proceedings on new trial.

12. In case a new trial be ordered, the same proceedings shall take place as to any future trial or the commitment or bailing of the person convicted, as if no conviction had taken place.

If a new trial be refused.

13. In case a new trial be refused, the Court shall make such order for carrying out the sentence already passed, or for passing sentence if none has been passed, or for the discharge of the person convicted on bail or otherwise, as justice requires.

Courts may make necessary rules.

14. The Courts aforesaid may in every case make such other rules or orders as are necessary to carry into effect any decision pronounced under this Act.

Judges of certain courts may make general rules for giving effect to this Act.

15. The judges of the courts to which applications for new trials may, in the first instance, be made under this Act, on which appeals may be had under this Act, may from time to time make such general rules and orders as they consider necessary more effectually to carry out the provisions of this Act.

16. Nothing in this Act contained shall be construed to affect the power of the Judge before whom a person is convicted of any of the offences aforesaid in his discretion to reserve a question of law for the opinion of a superior court of law.

Act not to affect power to reserve questions of law.

No. 9.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to extend the right of Appeal in Criminal Cases.

Received and read, First time, Thursday, 23rd February, 1871.

Second reading, Friday, 24th February, 1871.

Mr. Harrison.

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street.

1871.

No. 10.] **BILL.** [1871.

An Act for securing the Independence of the Senate.

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

No Senator to hold an office of emolument under the Government of Canada.

1. Except as hereinafter specially provided :

(1.) No person being a Member of the Senate of Canada, shall while he is such Member, be eligible for or capable of accepting or holding any commission or employment in the service of the Government of Canada, at the nomination of the Crown, to which a salary or any fee, allowance or emolument, in lieu of a salary from the Crown, is attached.

Exception as to certain officers.

(2.) Nothing in this section shall render any person being a Member of the Senate, ineligible for or incapable of accepting or holding any of the following offices, that is to say : President of the Privy Council, Receiver General, Minister of Finance. Minister of Justice, Minister of Militia and Defence, Secretary of State of Canada, Secretary of State for the Provinces, Minister of Public Works, Postmaster General, Minister of Agriculture and Emigration, Minister of Inland Revenue, Minister of Customs, or Minister of Marine or Fisheries.

Further exception as to officers of Army, Navy, or Militia.

(3.) Nothing in this section shall render any person being a Member of the Senate, ineligible for or incapable of accepting or holding any post in Her Majesty's Army or Navy, or in the Militia, not being a post on the Staff of the Militia to which a permanent salary is attached.

Exception as to Senators now holding offices.

(4.) Nothing in this section shall render any person being at the time of the passing of this Act, a Member of the Senate, incapable of holding any office, commission, or employment, which such Member may be holding at the time of the passing of this Act.

Senators not to be Contractors with the Government of Canda.

2. No person being a Member of the Senate shall, while he is such Member, be capable of holding, enjoying, undertaking, or executing, directly or indirectly, alone or with any other, by himself or by the interposition of any trustee or third party, any contract or agreement with Her Majesty, or with any Public Officer or Department, with respect to the public service of Canada, or under which any public money of Canada is to be paid for any service or work.

Penalty on Senators contravening this Act.

3. If any person by the first or second Section declared ineligible for or incapable of occupying, holding, enjoying, undertaking, or executing, any office, commission, employment, contract or agreement, shall accept, hold, enjoy, undertake, or execute the same, he shall thereby forfeit the sum of *two thousand dollars* for each and every day in which he so accepts, holds, enjoys, undertakes, or executes the same ; and such sum may be recovered from him by person who will sue for the same, by action of debt, bill, plaint or information, in any Court of competent civil jurisdiction in Canada.

No. 10.

4th Session 1st Parliament, 34 Victoria, 1871.

BILL.

An Act securing the Independence of the Senate.

Received and read 1st time, Thursday, 23rd February, 1871.

Second reading, Friday, 24th February, 1871.

Mr. Blake.

OTTAWA :

Printed by I. B. Taylor, 29, 31, & 33, Ridau Street.

1871.

No. 11]. **BILL.** [1871.

An Act to annex the Village of Seaforth to the South Riding of the County of Huron for electoral purposes.

Preamble.

WHEREAS, the County of Huron, by the "British North America Act, 1867," has been divided into two Ridings,—called respectively the North and South Riding of the County of Huron, for electoral and Parliamentary purposes; and whereas the North Riding by virtue of the said Act, is composed of the Townships of Ashfield, Wawanosh, Tunberry, Howick, Morris, Grey, Colborne, Hullett, including the Village of Clinton, and McKillop; and whereas the South Riding aforesaid, by virtue of the said Act is composed of the Townships of Stephen, Usborne, Tuckersmith, Hay, Stanley and Goderich, and the Town of Goderich; and whereas the Village of Seaforth has become incorporated since the said "British North America Act, 1867," came into force, and whereas the said Village of Seaforth is composed of part of the Township of McKillop in the said North Riding, and of part of the said Township of Tuckersmith in the said South Riding; and whereas the corporation of the said Village of Seaforth have petitioned to be annexed to the South Riding of the said County of Huron and it is desirable 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:—

Village of Seaforth, annexed to S.R. of Huron.

1. The Village of Seaforth in the County of Huron, shall be and the same is hereby annexed to the South Riding of the County of Huron, and shall form part of the Electoral Division of the said South Riding in so far as relates to the election of Members to the House of Commons of the Dominion of Canada.

Inconsistent enactments repealed.

2. Any Law or any part of any Law inconsistent with this Act, is hereby repealed.

No. 11.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to annex the Village of Seaforth to the South Riding of the County of Huron.

Received and read, First time, Friday, 24th February, 1871.

Second reading, Monday, 27th February, 1871.

Mr. CAMERON, (Huron).

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1871.

No. 12.] **BILL.** [1871.

An Act to amend an Act passed in the 31st year of Her Majesty's reign, chaptered sixty-six, intituled an Act respecting Aliens and Naturalization.

WHEREAS great inconvenience has been experienced in the practical operation of the law, granting to Aliens the rights and capacities of natural born British subjects, and it is expedient to amend the same. Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. All Aliens who had their settled place of abode in either of the late Provinces of Upper Canada, Lower Canada, Nova Scotia, or New Brunswick, on or before the first day of July, A.D. 1867, and who are still residents in either of the said Provinces, or in any other portion of Her Majesty's Dominions, shall be and are hereby admitted to and confirmed in all the privileges of British birth, and shall be deemed, adjudged and taken to be and to have been natural born subjects of Her Majesty, to all intents and purposes whatsoever, as if they and every of them had been born in either of said Provinces or in any other portion of Her Majesty's Dominion ; and the children or more remote descendants of every such person who may be dead, shall be and are hereby admitted to the same privileges which such parents or ancestors, if living, could claim under this Act: Provided always, nevertheless, that none of such persons (except females,) who have not taken the oath or affirmation of allegiance, before the passing of the Act hereby amended, before some of Her Majesty's Justices of the Peace or other person duly authorized by law to administer the same, shall be entitled to the benefit of this Act, unless they shall take such oath or affirmation together with the oath of residence hereinafter prescribed, before same Justice of the Peace, or other person authorized to take the same under the said Act, hereby amended.

2. Every Alien who had not, before the passing of the Act hereby amended, taken the oath of allegiance prescribed by the laws then in force relating to the naturalization of aliens, before the proper authority, shall take and subscribe the following oath of residence, or being one of those persons who are allowed by the laws of this Dominion or by the laws of any of the said Provinces to affirm in judicial cases, shall make affirmation to the same effect, that is to say :—

"I, A. B., do swear (*or* affirm) that I had a settled place of 'abode in the Dominion of Canada on the 1st day of July, 1867, "and resided therein, with intent to settle therein, and have "continuously since resided therein : So help me God."

And every such Alien, being a male, who has not taken the said oath of allegiance before the passing of the Act hereby amended, shall also take and subscribe the oath of allegiance prescribed by the Act "Respecting Aliens and Naturalization," now in force, in the manner and before the authority directed by said Act.

3. The person before whom such oath shall have been taken and subscribed, as aforesaid, shall grant to the person subscribing and taking the same, a certificate to the following effect, that is to say—"I do hereby certify that A. B., of &c., has subscribed and "taken, before me, the oath of allegiance prescribed by the Act to "amend the Act passed in the 31st year of Her Majesty's reign, "chap. 66, respecting Aliens and Naturalization."

(Signature), C. D.

J. P. (*or as the case may be.*)

And the production of such certificate shall be *prima facie* evidence of his naturalization under this Act, and that he is entitled to and enjoys all the rights and privileges of a British subject.

No. 12.

4th Session, 1st Parliament, 34 Victoria, 1870.

BILL.

An Act to amend an Act passed in the 31st year of Her Majesty's reign, chaptered sixty-six, intituled an Act respecting Aliens and Naturalization.

Received and read, First time, Friday, 24th February, 1871.

Second reading, Monday, 27th February, 1871.

Mr. CAMERON, (Huron.)

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, and 33, Rideau Street.

1871.

Nos. 12 & 23 **BILL.** 1871.

An Act to amend the Act 31st Vict., cap. 66, respecting Aliens and Naturalization.

Reported from the Select Committee to whom Bills Nos. 12 and 23 were referred.

IN amendment of the Act passed in the thirty-first year of Her Majesty's Reign, chaptered sixty-six, and intituled: "An Act "respecting Aliens and Naturalization," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Every person who, being by birth an Alien, did, prior to the 1st day of January, 1868, take the oaths of residence and allegiance required by the Naturalization Laws then in force in that one of the Provinces now forming the Dominion of Canada, in which he then resided, shall be admitted to all the rights and privileges of a natural-born British subject conferred upon naturalized persons by the Act of Parliament of Canada respecting Aliens and Naturalization, passed in the thirty-first year of Her Majesty's reign, and the certificate of the Judge, Magistrate, or other person before whom such oaths were taken and subscribed, shall be evidence of his having taken them; or he may take and subscribe the following oath before some judge, justice, or person authorized to administer the oaths of residence and allegiance under the Act hereby amended, in the County or District in which he resides:

"I, A. B., do (swear *or* affirm) that, on or about the day of , at in the (County) of , in the Province of (*or* in the late Province of Canada), I did take and subscribe before (*a Judge, Magistrate, or other proper person, naming him,*) the (oaths) of residence and allegiance required by the Laws respecting the Naturalization of Aliens then in force in the said Province; so help me God."

2. All Aliens who had their settled place of abode in either of the late Provinces of Upper Canada or Lower Canada, or in Nova Scotia, or New Brunswick, on or before the first day of July, A.D. 1867, and who are still residents in the Province of Ontario or of Quebec, or in either of the Provinces of Nova Scotia or New Brunswick, shall be deemed, adjudged, and taken to be, and to have been entitled to all the privileges of British birth, as if they had been natural born subjects of Her Majesty, subject to the following provision, that is to say:—That no such person (being a male), shall be entitled to the benefit of this Act, unless nor until he shall take the oath or affirmation of allegiance in the form prescribed by the Act hereby amended, together with the oath of residence hereinafter prescribed, before some Justice of the Peace, or other person authorized to administer oaths under the said Act.

2. Such Alien shall take and subscribe the following oath of residence, that is to say :—

"I, A. B., do swear (*or* affirm) that I had a settled place of "abode in the Dominion of Canada on the 1st day of July, 1867, "and resided therein, with intent to settle therein, and have "continuously since resided therein : So help me God."

3. Every affidavit or affirmation taken under this Act shall be filed, if the person making it resides in the Province of Ontario, with the Clerk of the Peace of the County in which he resides,—if he resides in the Province of Quebec, with the Clerk of the Circuit Court of the Circuit within which he resides,—if he resides in Nova Scotia, with the Clerk of the Supreme Court,—and if he resides in New Brunswick with the Clerk of the Superior Court of Judicature; and such clerk shall file the same of record in his Court, and upon its being so filed, the person making it shall be entitled to the benefit of this Act and the privileges of British birth, and shall also, upon payment of a fee of *twenty-five cents* to such clerk, be entitled to a certificate from him, in the form or to the effect prescribed in section six of the Act hereby amended, and the production of such certificate shall be *prima facie* evidence of his naturalization under this Act, and that he is entitled to and enjoys all the rights and privileges of a British subject.

4. In this Act the word "oath" includes an "affirmation" in every case where the person taking it is one of those who are allowed by the Laws of the Province in which he resides to affirm in judicial cases, and the forms herein given shall, in such cases, be owned accordingly.

Nos. 12 & 13.

4th Session, 1st Parliament, 34 Victor

BILL.

An Act to amend the Act 31st Vict., respecting Aliens and Naturaliza

Reported by the Select Committee t
Bills Nos. 12 *and* 13 *were refer*

Mr. YOUNG,
Mr. CAMERON, (H

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau

1871.

No. 13.] **BILL.** [1871.

An Act to Extend the law as to the carrying of Dangerous Weapons.

WHEREAS, it is expedient to prevent the carrying about the the person of Loaded Pistols, except as hereinafter provided: Preamble.

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

1. Whosoever carries about his person any loaded pistol, shall be guilty of an offence under this Act, and upon conviction thereof before any Justice of the Peace, shall be liable to a fine of not less than *ten* nor more than *forty dollars*, and in default of payment to be imprisoned in any goal or place of confinement for a term not exceeding thirty days. Carrying loaded Pistols forbidden. How punishable.

2. A prosecution for an offence under this Act shall be commenced within one month from the commission of the offence, and not afterwards. Limitation of time for prosecution.

3. Nothing in this Act contained shall be taken or held to affect the right of Soldiers, Sailors, Volunteers, Constables or Policemen to carry loaded pistols in the discharge of their duty. Exception as to Soldiers, etc.

4. This Act shall take effect on the day of next. Commencement of Act.

No. 13.

4th Session, 1st Parliament, 34 Victoria, 1871

BILL.

An Act to extend the law as to the carrying of Dangerous Weapons.

Received and read, First time, Monday, 27th February 1871.

Second reading, Thursday, 2nd March, 1871.

Mr. Harrison.

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street.

1871.

No. 14.] **BILL.** [1871.

An Act respecting County Court Judges in the Province of Ontario, declaring their remuneration for the discharge of Judicial duties.

Preamble.

WHEREAS the Judges of the County Courts in the Province of Ontario, or some of them, have been and are in the habit of charging fees for adjudicating on cases referred to them from the Superior Courts of Law of the said Provinces under the provisions of the Common Law Procedure Act:—and whereas the taking of such fees was and is illegal:—Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Salary of County Judges as fixed by 31 Vict. c. 33, and 32, 33 Vict. chap. 8, is in full compensation for all Judicial duties performed by them.

1. The Salary allowed to such Judges under the Act of the Dominion of Canada, 31st Victoria, Chapter 33, intituled *An Act respecting the Governor General, the Civil List and Salaries of Public Functionaries*, as the same is amended by the 5th Section of the Act 32 and 33 Victoria, chapter 8, Statutes of Canada, is in full compensation to such Judges for all duties imposed on them by reference to them from the said Superior Courts under the provisions of the said Common Law Procedure Act, and of all other Judicial duties.

No. 14.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act respecting County Court Judges in the Province of Ontario, declaring their remuneration for the discharge of Judicial duties.

Received and read, First time, Monday 27th February, 1871.
Second reading, Thursday, 2nd March, 1871.

Mr. Drew.

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street, 1871.

BILL.

No. 15.] [1871.

An Act to amend the Patent Act of 1869.

Preamble.

WHEREAS it is expedient to amend the Patent Act of 1869, as regards persons by whom Patents of Invention may be obtained and the duration of Patents issued under its authority; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Sect. 6 repealed.

1. Section six of the Patent Act of 1869 is repealed and the following substituted therefor:—

New Section substituted. Who may obtain a Patent for an invention.

"6. Any person having invented or discovered any new and "useful art, machine, manufacture, or composition of matter, not "known or used by others before his invention or discovery "thereof, and not being at the time of his application for a patent "in public use or on sale in any of the Provinces of the Dominion "with the consent or allowance of the inventor or discoverer "thereof, may, on a petition to that effect, presented to the Com- "missioner, and on compliance with the other requirements of this "Act, obtain a Patent granting to such person an exclusive pro- "perty therein, and the said Patent shall be under the seal of the "Patent Office and the signature of the Commissioner, or the "signature of another member of the Privy Council, and shall be "good and avail to the grantee, his heirs, assigns or other legal "representatives for the period mentioned in such Patent, but no "Patent shall issue for an invention or discovery having an illicit "object in view, nor for any mere scientific principle or abstract "theorem."

Sect. 17 repealed.

2. Section 17 of the Patent Act of 1869 is repealed, and the following section substituted therefor:

New Section substituted. Duration of Patents, and periodical extension in certain cases.

"17. Patents of invention or discovery issued by the Patent "Office shall be valid for the period of five, ten, or fifteen years, at "the option of the Patentee; but the holder of a Patent granted "for ten years, may, at or before the expiration of the said ten "years obtain an extension of such patent for a further period of "five years; and the holder of a patent granted for five years, may "at or before the expiration of the said period, obtain an extension "thereof, either for five or ten years; and in case such extension "be for five years, may at or before the expiration of such extension "of five years, obtain a further extension, for another period of five "years; and the instrument delivered by the Patent Office for any "such extension of time, shall be in the form which may be from "time to time adopted, and shall be made in duplicate, one dupli- "cate to remain of record and to be duly registered, and the other "to be attached, with a reference, to the patent, under the seal of the "Patent Office and signature of the Commissioner or of any other "Privy Councillor, in case of the absence of the Commissioner."

No. 15.]

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend the Patent Act of 1869.

Received and read, First time, Monday, 27th February, 1871.

Second reading, Thursday, 2nd March, 1871.

MR. OLIVER.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1871.

No. 16.] **BILL.** [1871.

An Act to make temporary provision for the Election of Members to serve in the House of Commons of Canada.

Preamble.

WHEREAS, it is expedient to make temporary provision for the election of members to serve in the House of Commons of Canada:—Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title and duration.

1. This Act shall be in force during two years from the time of the passing thereof and no longer; And may be cited as "*The Interim Parliamentary Elections Act*, 1871.

Election laws in force at the Union to apply, subject to certain exceptions.

2. The laws in force in the several Provinces of Canada, Nova Scotia, and New Brunswick at the time of the Union, on the first day of July, 1867, relative to the following matters, that is to say:—The qualifications and disqualifications of persons to be elected or to sit or vote as Members of the Legislative Assembly or House of Assembly in the said several Provinces respectively, the voters at Elections of such Members, the oaths to be taken by voters, the powers and duties of Returning Officers, and generally the proceedings at and incident to such elections shall, as provided by the British North America Act, 1867, continue to apply respectively to Elections of Members to serve in the House of Commons for the Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick, subject to the following exceptions and provisions, that is to say:—

Polling to continue only one day.

1. The polling at any election of a Member to serve in the House of Commons, for any Electoral District, in either of the Provinces of Quebec or Ontario, shall continue for one day only, and the Poll shall be opened at nine o'clock in the morning and closed at five o'clock in the afternoon of such day.

Qualification of Voters in Ontario.

2. In the Province of Ontario, the qualification of voters at Elections for Members of the House of Commons, shall be that established by the laws in force in that Province on the twenty-third day of January, 1869, as the qualification of voters at Elections for Members of the Legislative Assembly, and the voters' lists to be used at elections of Members of the House of Commons shall be the same as if such elections were of members of the Legislative Assembly on the basis of the qualification aforesaid.

Sub-division of Polling districts in Quebec, where Voters are too numerous.

3. If in the Province of Quebec, the Returning Officer for any Electoral District finds by the Voters' list for any polling District, or Sub-division thereof, that the number of voters therein exceeds two hundred, he shall proceed to divide the same in the most convenient manner, and so that there shall not be more than two hundred voters in each Sub-division, and shall provide a polling place for such Sub-division, and shall furnish for each polling place a copy of the Voters' list or so much thereof as is required for the Sub-division, and any provisions of the law in the said

Province with respect to the voting or the right to vote at the polling place in any polling district or Sub-division thereof, shall apply to any polling Sub-division to be established under this section; and the Returning Officer shall not be bound to observe any limitation of distance between the polling places, if he cannot conveniently observe such limitation in dividing such polling district as hereby required.

Polling places in Ontario.

4. The polling places in the Province of Ontario shall be the same as those used at the election of members of the Legislative Assembly.

Elections in Manitoba or British Columbia.

3. In the Province of Manitoba, and in the Province of British Columbia when it becomes part of the Dominion of Canada, the laws in force at the time of any election of a Member or Members to serve in the House of Commons for any Electoral District in either of the said Provinces, relative to the following matters or any of them, namely, the qualifications or disqualifications of persons to be elected or to sit or vote as Members of the Legislative Assembly of Manitoba or of the Legislative Council of British Columbia, (as the case may be), the voters at elections of such Members, the oaths to be taken by voters, the powers and duties of Returning Officers, the proceedings at elections, the trial of controverted elections and proceedings incident thereto, the vacating the seats of members, and the issue and execution of new writs in case of seats vacated otherwise than by dissolution, shall apply respectively to elections of Members to serve in the House of Commons for the same Province.

Polling to continue only one day. Sub-division of polling districts if necessary.

4. In the Provinces of Manitoba and British Columbia respectively, the polls at any election of a Member to serve in the House of Commons, shall be held only on one day, and shall open at nine o'clock in the morning and close at five o'clock in the afternoon of the same day; and the Returning Officer at any election, in either of the said Provinces, of a Member to serve in the House of Commons, shall have the like powers for dividing any polling district as are vested in Returning Officers in Quebec by sub-section three, of section two which shall apply to Manitoba and British Columbia.

Writs of Election, and powers of Officers issuing them, and of Returning Officers.

5. For the purposes of Elections of Members to serve in the House of Commons, the Governor General shall cause writs to be issued by such person, in such form, and addressed to such Returning Officer as he thinks fit: the persons issuing writs under this section shall have the like powers as were possessed at the Union by the officers charged with the issuing of writs for the Election of Members to serve in the respective Legislative Assembly or House of Assembly of the Province of Canada, Nova Scotia, or New Brunswick, or as may be possessed by any such officer in Manitoba or British Columbia respectively, immediately before such election; and the Returning Officer to whom writs are directed under this section shall have the like powers as were possessed at the time of the Union in the Provinces of Quebec, Ontario, Nova Scotia, or New Brunswick, or in the Province of Manitoba or British Columbia, immediately before such Election, by the officers charged with the returning of writs for the Election of Members to serve in the same respective Legislative Assembly, House of Assembly or Legislative Council, subject to the provisions of this Act.

No. 16.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to make temporary provision for the Election of Members to serve in the House of Commons of Canada.

Received and read, First time, Tuesday, 28th February, 1871.

Second reading, Friday, 3rd March, 1871.

Hon. Sir GEORGE E. CARTIER.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 & 33 Rideau Stree

1871.

No. 17.] **BILL.** [1871.

An Act to Incorporate the Ontario and Quebec Railway Company.

WHEREAS, the persons hereinafter named and others, have petitioned for incorporation as a Company to construct a Railway from Toronto to Ottawa, passing through or near Peterboro', Madoc, and Carleton Place, with power to cross the Ottawa River, at or near Ottawa City, and to unite, amalgamate, or make running arrangements with Railway lines in the Provinces of Ontario and Quebec, and whereas, the construction of such a Railway would be of great public advantage, by affording facilities for the settlement of the back country, bringing to market the productions thereof, and forming, through the Capital of the Dominion, a most valuable line of communication for National Defence, and is a work for the general advantage of Canada, and it is for the reasons aforesaid, expedient to grant the prayer of the petitioners; therefore Her Majesty, by and with the advice of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Henry John Hubertus, and Harry Abbott, Esquires; the Honorable James Skead; the Honorable Malcolm Cameron; and the Honorable Billa Flint; Joseph Merrill Currier, M.P.; Alonzo Wright, M.P.; Peregrine Maitland Grover, M.P.; George Kempt, M.P.; James Noxon Lapum, M.P.; and Edmund D—— O'Flynn, Esquires, with all such other persons and corporations as shall become shareholders in the Company, hereby incorporated, shall be, and are hereby constituted a body corporate and politic by the name of the "Ontario and Quebec Railway Company," and shall have all the powers incident to railway corporations in general, and the powers and privileges conferred on such corporations by *The Railway Act*, 1868, subject, however, to the provisions hereinafter contained. Persons incorporated. Corporate name.

2. The said Company and their agents and servants may lay out, construct, and finish a double or single iron Railway, of such width or guage as the Company see fit, from the City of Toronto, in the Province of Ontario, through or near Peterboro', Madoc, and Carleton Place, to the City of Ottawa, and across the Ottawa River at or near Ottawa City, into the Province of Quebec, to effect a junction with Railways in that Province, and to unite, amalgamate and make running arrangements with Railway lines in the Province of Ontario, situated upon the line hereby authorized to be constructed, or crossing the same. Powers to construct a line of railway.

3. The Railway Bridge, to be built under the authority of this Act, across the Ottawa River, shall or may be used by any other Railway Company on such terms as may be mutually agreed on, and in the event of dispute the terms shall be settled by arbitration, each disputing party to select an arbitrator, and the two so chosen to select a third, a majority of whom shall decide. Should either disputing party, after ten days' demand in writing, neglect or refuse to appoint an arbitrator, then upon application to the Railway bridge to be used by any Railway Co. by arrangement.

Judge of the County Court of the County of Carleton, accompanied by an affidavit of an officer of the Company, that the opposite party so refuses to appoint an arbitrator the Judge shall appoint an arbitrator for the party so refusing.

Capital Stock and Shares; and how to be applied.

4. The Capital Stock of the said Company shall not exceed, in the whole, the sum of one million two hundred and fifty thousand dollars, to be divided in twelve thousand five hundred 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 shareholders in the said Stock; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursemonts for the procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the Railway; and all the rest and remainder of such money shall be applied towards making, completing, and maintaining the said Railway, and other purposes of this Act.

Company may take grants.

5. It shall be lawful for the said Company to receive, either by grant from Government, or from any private individuals or corporations, as aid in the construction of the said Railway, any vacant lands in the vicinity thereof, or any other real or personal property, or any sums of money, either as gifts, or in payment of stock, and legally to dispose of the same and alieneate the lands or other real or personal property for the purposes of the said Company, in carrying out the provisions of this Act.

Provisional Directors.

6. Henry John Hubertus, and Harry Abbott, Esquires; the Honorble James Skead; the Honorable Malcolm Cameron; and the Honorable Billa Flint; Joseph Merrill Currier, M.P.; Alonzo Wright M.P.; Peregrine Maitland Grover, M.P.; George Kempt, MP.; James Noxon Lapum, M.P., and Edmund D—— O'Flynn, Esquires, shall be, and are hereby constituted, a Board of Directors of the said Company, and shall hold office as such until other Directors shall be appointed, under the provisions of this Act, by the shareholders, and shall have power and authority to fill vacancies occurring therein, to associate with themselves therein not more than three other persons, who shall thereupon become and be Directors of the Company equally with themselves, to open Stock Books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of Shareholders for the election of other Directors as hereinafter provided, and generally to do all such other acts as such Board under the Railway Act may lawfully do.

Their powers.

The said Directors are hereby empowered to take all necessary steps for opening the Stock Books for the subscription of parties desirous of becoming Shareholders in the said Company, and all parties subscribing to the capital stock of the said Company, shall be considered proprietors and partners in the same.

Subscriptions for Stock.

7. When and so soon as one-tenth part of the said capital stock shall have been subscribed, as aforesaid, and one-tenth of the amount so subscribed paid in, the said Directors, or a majority of them, may call a meeting of Shareholders at such time and place as they shall think proper, giving at least two weeks' notice in one or more newspapers published at Ottawa, Peterboro, and Toronto, at which said general meeting, and at the annual general meetings in the following sections mentioned, the Shareholders

present, either in person or by proxy, shall elect seven Directors in the manner and qualified as hereinafter provided, which said Directors shall constitute a Board of Directors, and shall hold office till the first Tuesday in September, in the year following their election.

General Meetings.

8. On the said first Tuesday in September in each year thereafter, at the principal office of the said Company, there shall be held a general meeting of the Shareholders of the Company, at which meeting the said Shareholders shall elect a like number of not less than five nor more than seven Directors for the then ensuing year, in the manner and qualified as hereinafter provided : and public notice of such annual meeting and election shall be published one month before the day of the election, in one or more newspapers in Ottawa, Peterboro', and Toronto, and the election for Directors shall be by ballot, and the persons so elected, shall from the Board of Directors.

Quorum of Directors.

9. A majority of the Directors shall form a quorum for the transaction of business, and the said Board of Directors may employ one or more of their number as paid Director or Directors, provided however that no person shall be elected a Director unless he shall be the holder and owner of at least ten shares of the said Company and shall have paid up all calls upon the stock.

Calls on Shares.

10. The Directors may at any time call upon the Shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said Company, in such proportion 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.

Company may become parties to notes, &c.

11. The said Company shall have power and authority to become parties to Promissory Notes and Bills of Exchange, for sums not less than one hundred dollars, and any such Promissory Note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a majority of a quorum of the Directors, shall be binding on the said Company; and every such Promissory Note or Bill of Exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to such Promissory Note or Bill of Exchange, nor shall the said President, or Vice-President, or the Secretary and Treasurer, be individually responsible for the same, unless the said Promissory Notes or Bills of Exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorise the said Company to issue Notes or Bills of Exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Power to issue Bonds or Debentures.

12. The Directors of the said Company, are hereby authorized and empowered to issue bonds or debentures, which shall be and form a first charge on the undertaking, lands, buildings, tolls, and income of the company, or any, either, or all of them, as may be expressed by the said bonds or debentures; and such bonds or debentures shall be in such form, and for such amount, and payable at such times and places as the Directors from time to time may appoint and direct. The said bonds or debentures shall be signed

by the President or Vice-President, and shall have the corporate seal of the Company affixed thereto, provided that the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway under contract or to be constructed under and by virtue of this Charter.

Arrangement for branches.

13. The Directors of the said Company, elected by the Shareholders, in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other Chartered Railway Company, for the purpose of making any branch or branches to facilitate a connection between this Company and such other Chartered Railway Company.

Company authorized to purchase.

14. The said Company are also authorized and empowered to contract and agree with any incorporated Railway Company for the purchase or transfer, by deed of assignment, of their line of railway or undertaking, with the appurtenances and privileges thereto, belonging or in any manner appertaining thereto; and the Company, hereby incorporated, may assign, transfer, or lease their railway or any part thereof, or any rights or powers acquired under this Act, and the surveys, plans, work, plant, stock, machinery, or other effects belonging thereto, to any other incorporated Company, person, or persons, or Corporations, upon such terms and conditions, and with such restrictions as the Directors may deem expedient.

Company authorized to transfer.

Exemption from taxation.

15. The stock and debentures of the said Company issued under the authority of this Act shall be free and exempt from taxation.

Aliens may vote, etc.

16. Any shareholder in the said Company, whether a British subject or alien, or a resident of Canada or elsewhere, has and shall have equal rights to hold stock in the said Company, and to vote on the same and to be eligible to office in the said Company.

Form of conveyance to Companies.

17. Any deed of conveyance of land to the said Company may be in the form of Schedule A to this Act annexed, and may be enregistered at full length upon the affidavit of one of the witnesses to the execution thereof, made before the officers usually authorized to receive the same, and a deed in such form, or in words of like import, shall be a legal and valid conveyance of the land and immovables therein mentioned to all intents and purposes, and the registration thereof shall be of the same effect as if such deed were executed before a notary.

Limitation clause.

18. The powers given by this Act shall be exercised by the commencement of the said railway, within three years after the passing of the Act, and its completion, within eight years therefrom.

Title.

19. This Act shall be known and cited as the "Ontario and Quebec Railway Act."

SCHEDULE A.

Form of Deed of Sale.

Know all men by these presents, that I, A. B., in consideration of paid to me by the Ontario and Quebec Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, and convey unto the said Ontario and Quebec Railway Company, their successors and assigns, all that tract or parcel of land

(*describe the land*), to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my hand and seal, this day of one thousand eight hundred and

Signed, Sealed, and Delivered, in presence of } A. B. L. S.

C. D.
E. F.

No. 17.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to incorporate the Ontario and Quebec Railway Company.

PRIVATE BILL.

MR. CRAWFORD, (Leeds.)

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1871.

No. 18.] **BILL.** [1871.

An Act to Incorporate the Toronto Corn Exchange Association.

Preamble.

WHEREAS, William Galbraith, W. H. Howland, Messieurs Gooderham and Worts, J. T. Culverwell, W. R. Wadsworth, P. Howland, R. Bradford, W. D. Mathews and Company, James Nelson, Robert Spratt, Douglas Laidlaw, J. E. Kirkpatrick, D. Davidson, S. F. Holcomb, James Brown, jun., H. S. Howland, James Young, B. R. Clarkson, Thomas Flynn, S. A. Oliver, L. Coffee and Company, Duncan Galloway, Brunskill and Kirby, A. W. Godson, J. O. Heward, N. Barnhart, K. Chisholm and Company, Winaus Butler and Company, Crane and Baird, Thomas C. Chisholm, G. R. Goldie, F. A. Rolph, H. J. Boulton, S. W. Farrell, George Wightman, G. Laidlaw, P. Hanlin, J. Rooney, Thorne Brothers, James Goldie, and J. Harris, have petitioned for the incorporation of themselves and others as The Toronto Corn Exchange Association, and to be invested with certain powers, hereinafter mentioned, and it is expedient to grant their prayer: Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation and general corporate powers.

1. The aforesaid persons and others already associated with them, and all those who may hereafter become associated with them, shall be, and they are hereby constituted a body politic and corporate by the name of The Toronto Corn Exchange Association; and may, by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all Courts of Law and Equity; and by that name, they and their successors shall have perpetual succession, and may have a common seal, change and alter the same at pleasure; may acquire for themselves and their successors, under any legal title whatsoever property real and personal; may alienate, sell, convey, lease or otherwise dispose of same or any part thereof from time to time, as occasion may require, for such price or prices, and on such terms and conditions as they may see fit; and may, should they see fit, acquire other real and personal estate for the purposes of this Act; may borrow money on the hypothecary security of the immovable property of the Corporation for such time and on such terms and at such rates of interest as they may see fit; provided, always, the clear value of the Real and Personal Estate together held by the said Corporation at any one time, shall not exceed one hundred thousand dollars; and provided, also, that the said Corporation shall not have or exercise any corporate powers whatsoever, except such as are expressly conferred by this Act, or which are necessary for carrying the same into effect.

Purposes of such incorporation.

2. The objects of the Association are hereby declared to be, to provide and regulate a suitable Building or Room for a Corn Exchange and Offices in the City of Toronto, and to encourage

the centralization of the Produce and the Provision Trades of the City thereat; to promote the establishment and maintenance of uniformity in business of its members and those dealing with them; to compile, record, and publish statistics respecting the same; to promote the observance of such regulations and requirements as may be by By-law established, not being contrary to law; and to adjust, settle and determine controversies and misunderstandings between persons engaged in the said trades, or which may be submitted to arbitration as hereinafter provided; to which ends the Corporation is hereby empowered by vote of the majority at any annual, quarterly or special meeting at the Association, to make all proper and needful By-laws for its government, for the maintenance and due regulation of the Corn Exchange Offices and property thereof, for the raising of capital, not exceeding in amount the aforesaid sum of one hundred thousand dollars, by the issue of transferable shares or otherwise, for the appointing of the conditions under which shares may be transferred or forfeited, for the employment of a Secretary, and such Clerks and other Officers and Servants as may be necessary, for regulating the mode of voting at any ordinary or general meeting, and to determine whether the Presiding Officer shall or shall not vote or shall or shall not have a double or casting vote in case of a tie, and for all or any other purposes within the powers conferred by this Act and for the administration of their affairs generally; provided, always, such By-laws are not contrary to law; and further to amend and repeal such By-laws from time to time in manner provided by such By-laws; and generally shall have all needful corporate powers for the purposes of this Act.

By-laws.

Committee of management.

3. The affairs, business and concerns of the Corporation hereby created, shall be managed by a President, Vice-President, Secretary, Treasurer, and seven or such other number of Managers as may be provided by the By-laws, all of whom shall be members of the Association, and shall together constitute and be called the Committee of Management, and be elected annually at such time and place as may be provided by the By-laws; all vacancies which may occur in the said Committee by death or otherwise shall be filled by the said Committee, and a majority of the number of the said Committee shall constitute a quorum for the transaction of business.

Quorum.

Interim Committee.

4. The said William Galbraith, W. H. Howland, James Brown, junior, H. S. Howland, William Gooderham, junior, T. C. Chisholm, W. D. Matthews, W. R. Wadsworth, J. E. Kirkpatrick, Douglas Laidlaw, shall be the Committee of Management until others under the provisions of this Act shall be elected in their place; and the Committee hereby appointed shall, until the said election, have all the powers assigned to the Committee of Management of the said Corporation by this Act, and shall have power to open Stock Books, receive Subscriptions of Stock or Shares, and to do all matters and things necessary for the full organization and working of the Association.

Limited liability.

5. No Member, Office Holder, or Shareholder shall in any manner be liable to, or charged with, the payment of any debt or demand due by the Association, beyond the amount of his unpaid subscribed Share or Shares in the Capital Stock of the Corporation.

Annual meeting and election.

6. An annual meeting shall be held for the election of the

Committee of Management (and for such other business as may be brought before such meeting) at such time and place and under such regulations and notices as the By-laws of the Corporation shall determine, and may be adjourned as decided at such meeting; but in case of any accident, failure, or neglect to hold such general election, the Corporation shall not thereby lapse or terminate, but shall continue and exist, and the old Officers shall hold office until the next general election, or until such other period as may be provided for in the By-laws.

Failure not to forfeit charter.

7. The Corporation may admit as members such persons as they see fit, and may expel any member for such reasons and in such manner as may be by By-law appointed.

Admission, &c., of members.

8. It shall be the duty of the Harbor Master at Toronto, the Collectors of Customs at all lake ports on Lake Ontario, the Inspectors of Flour, Grain, Produce, and Provisions in Toronto, and Railway Companies having termini in the City of Toronto, and their Officers and Servants, to furnish to the Association, such statistical and other information relating to Trade and Commerce, and such samples, as may, from time to time, be required by Resolution of the Committee of Management.

Certain parties to furnish information to the Corporation.

9. The Corporation shall have power to provide by By-law for the election, or appointment by nomination, of Arbitrators, members of the Association, to hear and decide controversies, disputes or misunderstandings relating to any commercial matter, which may arise between members of the Association, or any persons whatsoever claiming by through or under them, which may be voluntarily submitted for arbitration by the parties in dispute; but nothing shall prevent the parties in any case from naming members of the Association other than members of the Committee of Management as the Arbitrators to whom the matter shall be submitted.

Power to appoint arbitrators for certain matters.

Proviso.

10. The Corporation shall have the power to provide by By-law for the annual election of a Board of Review, and in case no such provision is made by By-law such Board shall consist of the members of the Committee of Management, and shall include in each case submitted to the Board of Review any member of the Association who may have acted as Arbitrator on such case.

Board of Review.

11. Members and persons assenting to an arbitration by an instrument in writing signed by them according to the form in the Schedule to this Act, shall be understood to have submitted to the decision of the majority of the Arbitrators, who under any By-law, or by nomination by the parties in the submission, may be appointed to hear the case, and to decide upon the same.

Submission to such arbitration.

12. The elected Arbitrators shall after their election and before they act as Arbitrators, take and subscribe an oath before any Justice of the Peace or any Commissioner appointed to receive affidavits in the Superior Courts (who are hereby empowered to administer such oaths), that they will faithfully, diligently, and impartially perform their duties as Arbitrators, and will in all cases to be submitted, give a true and just award according to the best of their judgment and ability, without fear, favor or affection, of or for any party or person whomsoever; and Arbitrators nominated by the parties shall in each case before they act, take and subscribe a similar oath in manner aforesaid, and the members

Arbitrators and Board of Review to be sworn.

of the said Board of Review shall take a like oath to that provided for the said Arbitrators on the assumption of office; and all such oaths shall be deposited with the Secretary of the Association, and such oath may be according to the form in Schedule B of this Act.

By-laws to regulate procedure, &c.

13. The Corporation shall have power to make all By-laws necessary to regulate the forms and modes of procedure to be observed in cases of Arbitration; to regulate the taxation of witnesses' fees, and all fees, costs and expenses; fees to be paid to the Arbitrators, Secretary, or to any of the servants of the Association, and to require payment thereof before delivery of the award; to regulate fines to be paid by any Arbitrator declining to act as Arbitrator when duly appointed (which fines may be collected as a debt before any Civil Court having jurisdiction to the amount) and to amend and repeal such By-laws, from time to time, as well as the other By-laws of the Association, and in the mode thereby provided.

Powers of arbitrators.

14. The Arbitrators shall have power to appoint a time and place for hearing and deciding upon any matter or thing so submitted to them, and to adjourn their meetings from time to time as may be necessary, but not beyond the time fixed in the submission for rendering their award, if the time is so fixed, except by consent of the parties; and shall have power severally, at any meeting, to administer oaths to the parties and their witnesses, and to examine them either orally or in writing, relative to the matters submitted and under consideration, to allow to witnesses just and equitable fees, and to assess the fees, costs and expenses of such arbitration according to such rules and scales as may be fixed by By-law; and a certificate under the hand of the Secretary of the Association, of the amount allowed to any witness or of any such fees, costs or expenses, or of the fine imposed upon the Arbitrator so refusing to act, or of any other matter, act or thing done by the Association or by any such Arbitrators, and recorded by the Secretary in the books of the Association, shall be a sufficient *prima facie* evidence of such amount, and of the contents of the said certificate.

Awards.

15. All awards shall be made in writing and signed by the Arbitrators rendering the same, and shall be handed to the Secretary, who shall upon payment of all costs, fees and expenses record the same in a book to be kept by him for that purpose, and when so recorded he shall promptly furnish the parties interested with copies thereof when requested; and no notification of an award to the parties shall be necessary.

Either party may have the award reviewed.

16. Either party to such submission, on filing with the Secretary within five days from the date of the recording of such award, but not afterwards, a declaration signed by him that he is desirous of having such award reviewed, shall be entitled to have the said award and all questions arising out of such submission referred to the decision of the said Board of Review; and the said

Powers of the Board of Review.

Board of Review shall have the power, without delay, and on written notice to the parties and as may be determined by the majority of the Board, or by any By-law, to proceed to examine into the merits of the matters submitted, and of the award, either by hearing the parties and their witnesses and proofs *de novo*, or to determine and finally decide upon the written notes of evidence, if any were taken, and on the proceedings and documents

to be produced by the Secretary and all the powers by this Act vested in the said Arbitrators shall be and are hereby vested in the said Board of Review; and the decision or award of such Board of Review or of a majority thereof, confirming, reversing, modifying or altering the award of the said Arbitrators shall be final and conclusive, and be binding upon the parties to the said submission, and shall be filed, recorded and judgment entered thereon, and shall have the like effect and be enforced on all further proceedings had thereon, as in the case of an award of the said Arbitrators, and as provided by this Act.

Award may be made a judgment of Court; and in what manner.

17 It shall be the duty of the Secrrtary of the Association, at the request of any party to the submission and after the expiry of five days from the date of the recording of the award, if no review is had, or after the expiry of five days from the date of the recording of the award rendered by the Board of Review, to deposit the original award or awards, together with the submission and a certificate in detail of the fees, costs, and expenses incurred (in case costs are awarded) with the Clerk of the County Court at Toronto, or with the Clerk of the Crown and Pleas in the Court of Queens Bench, or with the Clerk of the Crown and Pleas in the Court of Common Pleas in Toronto, or the Clerk of the Crown in Toronto, according as the sum awarded, as finally settled by the award, may fall within the jurisdiction of the said Courts respectively, to be filed and recorded in such Court; and on oath by the said Secretary or by any competent witness, made before such Clerk, of the signatures to the said award of the Arbitrators in the case, or of the Board of Review, or both, as the case may be, and as to the amount of the costs (if costs are awarded) the said award or awards, affidavit and certificate shall be filed and recorded in such Court; and the award of the said Arbitrators if no review is had, or the award of the Board of Review when rendered, respectively, shall thereupon be held and considered to all intents and purposes whatever as having and shall respectively have the same force and effect as a judgment lawfully rendered in the premises by the Superior or County Court, and shall be a final and conclusive judgment, and the same shall not nor shall the award upon which it is rendered be liable to be inquired into, altered, amended, set aside or repealed from, by any proceeding whatever, and no writ of certiorari shall lie from such award for any cause whatsoever; Provided, always, that after such award is filed and before the same shall have force and effect, as a judgment, a rule or notice of motion shall be first taken or given calling on the party against whom such award is sought to be enforced to shew cause why the same should not become a judgment of the Court, and the proceedings on such notice or rule, shall be summary, and may be begun and carried on before a Judge in Chambers or in Court, and such award shall be made a judgment of the Court unless it be shewn that the Arbitrators have manifestly exceeded their powers, or that there has been fraud or collusion on their part or that of the Board of Review or some of them.

Proviso: Notice to opposite party.

Execution after a certain delay.

18. After the expiration of fifteen days from the return day of such rule or notice if no cause be shewn, or after the expiration of fifteen days from the judgment thereon, a Writ of Execution shall and may issue out of the said Court to enforce the said award and to collect the sum thereby awarded, with the costs and expenses as certified by the Secretary, in the same manner, and for the same fees, as are by law entitled to be charged in such

Courts, and all further proceedings of every kind and description in respect of such award, judgment and execution shall be had as may now be had on a judgment lawfully rendered in such Court.

Powers of Board of Trade as to Inspectors of Flour and Meal and Grain transferred to the Association.

19. All the rights, duties, powers and privileges delegated or belonging to or enjoyed by the Board of Trade of the City of Toronto, or the Council or any of the Officers thereof under or by virtue of the Act of the Consolidated Statutes of Canada, chapter Forty-seven, entitled: "An Act respecting the Inspection of Flour and Meal," and the Act Twenty-six Victoria, Chapter Three, entitled, "An Act respecting the Inspection of Wheat and other Grain," in respect of, or in any way relating to the office or duties of Inspectors of Flour and Meal or Wheat and other Grain, shall hereafter belong to and be solely exercised by this Association in the place and stead of said Board of Trade, and the Committee of Management and Officers of this Association in the place and stead of the Council and Officers of the said Board of Trade.

Corporation to make returns to Government.

20. The Corporation shall at all times when thereunto required by the Governor or by either Branch of the Legislature, make a full return of its Property Real and Personal, and of its receipts and expenditure for such periods, and with such details and other information as the Governor or either Branch of the Legislature may require.

SCHEDULE A.

Form of Submission.

Know all men that we, _____
and _____ of _____
having a difference as to our rights in a case touching _____
_____ have agreed and bound ourselves to abide by and perform the award to be made under the Act incorporating "The Toronto Corn Exchange Association," and we hereby agree to submit our said differences and all matter connected therewith:

To the Arbitrators appointed under the authority of the said Act, or

To _____ named by the said _____ with power to the said Arbitrators to name a third.

And we agree that the said award of the said Arbitrators, or of a majority of them, or the award of the Board of Review under the said Act, shall be final and conclusive to all intents and purposes between us; And we agree to pay such costs, fees, and expenses as may be directed by such award.

In witness whereof we have hereto set our hands and seals, at Toronto, this _____ day of _____ 18 .

Signed, sealed and delivered }
in presence of }

SCHEDULE B.

Form of Oath—Arbitrators.

I, _____ solemnly swear:—

That I will faithfully, diligently, and impartially perform my duty as Arbitrator, and I will [in all cases] *or* [in the case between _____ and _____ now submitted] to me, give a true and just award according to the

best of my judgment and ability, without fear, favor, or affection, of or for any party or person whomsoever.

So help me God.

SCHEDULE C.

Form of Oath—Witnesses.

I, solemnly swear :—

That I will true answer make to all such questions as shall be asked me as a witness under examination in this case between and and therein I will to the best of my knowledge, information, and belief, speak the truth, the whole truth, and nothing but the truth.

So help me God.

No, 18.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to Incorporate the Toronto Corn Exchange Association.

Received and read, First time,

Second reading,

(Private Bill.)

Mr. Beaty.

OTTAWA:

Printed by I. B. Taylor, 29, 31, and 33, Rideau Street.

1871.

Reprinted

(see next bill)

No. 19.] **BILL.** [1871.

An Act to authorize the incorporated Village of Trenton to impose and collect Harbor Dues, and for other purposes.

Preamble.

WHEREAS, the Village of Trenton has incurred large expense in the building of Piers, in the making of Booms, and other improvements in the Harbor within the limits of the said Village, and the Corporation of the said Village have petitioned that an Act be passed to authorize them to pass a By-law or By-laws for the imposition and collection of Harbor Dues, Rents, or Tolls upon Goods, Wares, Merchandise, or Chattels shipped on or landed from any Vessel or Steamboat within the said harbor, and for the imposition and collection of Dues or Tolls upon Saw-logs, Sawn Lumber, Square Lumber, Square and Round Timber, Cedar Railway Ties, Hoop and Hop Poles, Floats of all kinds, Barrel Heading, Wood long or short, Staves and Stave Bolts, coming down the River Trent or coming within the limits of the said Corporation, for the purpose of enabling them to provide a fund for the purpose of further improving said Piers, Booms, and otherwise improving the said Harbor as may be required from time to time for the maintenance of the same, and it is expedient to grant the prayer of the said petition; Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Power to impose Tolls.

1. The Corporation of the incorporated Village of Trenton is hereby authorized and empowered to pass a By-law or By-laws for the imposition and collection of Harbour Dues or Tolls, to be employed, after the expense of collection, for the purpose of assisting in repairing Booms, Piers, and other necessary repairs to improve the said harbor within the limits of the said incorporated Village, and to provide a fund for the maintenance and improvement of the said harbor and works connected therewith, on all goods, wares, merchandise and chattels landed from any vessel, steamboat or any other craft within the limits of the said harbor, or elsewhere within the limits of the said Corporation, and upon all saw-logs, sawn timber, square and round timber, cedar, railway ties, hoop and hop poles, floats of all kinds, barrel heading, wood long or short, staves and stave bolts coming down the River Trent, or coming within the said Corporation.

Subject to approval by Governor in Council.

2. Before any by-law or by-laws to be passed under the first section of this Act, or any tariff or schedule of fees or dues imposed thereby, shall have any force or effect, the said by-law or by-laws and the said schedule or tariff shall be approved by the Governor in Council.

Power to enforce payment, by seizure and sale of articles subject to toll.

3. If any person or persons neglect or refuse so pay the tolls or dues to be imposed under this Act, or any by-law that may be passed under the authority thereof, the said Corporation or their officer, clerk, servant, agent, or lessee, may seize and detain the goods wares, merchandise and chattels, saw-logs, sawn lumber, square and round timber, cedar, railway ties, hoop and hop poles, floats of all

kinds, barrel heading, wood long or short, staves and stave bolts, on which the same are due and payable, until such tolls or dues are paid; and if the same be unpaid after the space of thirty days after such seizure, the said Corporation, or their officer, clerk, servant or lessee as aforesaid, may sell and dispose of the said goods, wares, merchandise, chattels, saw-logs, sawn lumber, square and round timber, cedar, railway ties, hoop and hop poles, floats of all kinds, barrel heading, wood long or short, staves and stave bolts, or such part thereof as may be necessary to pay the said tolls or dues, and the reasonable cost and charges of keeping and selling the same by public auction, giving ten days notice thereof, and returning the surplus, if any, to the owner or owners thereof.

Vessel to be liable.

4. Every vessel, boat, or other craft on board of which wares, merchandise, chattels, and other things are shipped, or from which they are landed, shall be liable for the dues chargeable against such goods, wares, merchandise, chattels and other things, and in the event of non-payment thereof, may be detained until payment thereof is made.

Certain powers of Corporation not affected:

5. Nothing in this Act contained shall affect any of the powers given to the said Corporation by any Act now in force, authorizing them to pass by-laws for the regulation and management of the said harbor.

Works to be subject to general Acts:

6. The said harbour and works thereof shall be subject to the provisions of any Act or Acts of the Parliament of Canada which may be passed hereafter, for the construction, improvement, regulation, or maintenance of harbors.

4th Session, 1st Parliament, 34th Victoria, 1871.

An Act to authorize the incorporated Village of Trenton to impose and Collect Harbor dues, and for other purposes.

PRIVATE BILL.

MR. BROWN.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, and 33 Rideau Street.

1871.

N: 19

An Act to authorize the incorporated Village of Trenton to impose and collect Harbor Dues, and for other purposes.

WHEREAS, the Village of Trenton has incurred large expense in the building of Piers, in the making of Booms, and other improvements in the Harbor within the limits of the said Village, and the Corporation of the said Village have petitioned that an Act be passed to authorize them to pass a By-law or By-laws for the imposition and collection of Harbor Dues, Rents, or Tolls upon Goods, Wares, Merchandise, or Chattels shipped on or landed from any Vessel or Steamboat within the said harbor, and for the imposition and collection of Dues or Tolls upon Saw-logs, Sawn Lumber, Square Lumber, Square and Round Timber, Cedar Railway Ties, Hoop and Hop Poles, Floats of all kinds, Barrel Heading, Wood long or short, Staves and Stave Bolts, coming down the River Trent or coming within the limits of the said Corporation, for the purpose of enabling them to provide a fund for the purpose of further improving said Piers, Booms, and otherwise improving the said Harbor as may be required from time to time for the maintenance of the same, and it is expedient to grant the prayer of the said petition; Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Corporation of the incorporated Village of Trenton is hereby authorized and empowered to pass a By-law or By-laws for the imposition and collection of Harbour Dues or Tolls, to be employed, after the expense of collection, for the purpose of assisting in repairing Booms, Piers, and other necessary repairs to improve the said harbor within the limits of the said incorporated Village, and to provide a fund for the maintenance and improvement of the said harbor and works connected therewith, on all goods, wares, merchandise and chattels shipped on or landed from any vessel, steamboat or any other craft within the limits of the said harbor, or elsewhere within the limits of the said Corporation, and upon all saw-logs, sawn timber, square and round timber, cedar, railway ties, hoop and hop poles, floats of all kinds, barrel heading, wood long or short, staves and stave bolts coming down the River Trent, or coming within the said Corporation.

2. Before any by-law or by-laws to be passed under the first section of this Act, or any tariff or schedule of fees or dues imposed thereby, shall have any force or effect, the said by-law or by-laws and the said schedule or tariff shall be approved by the Governor in Council.

3. If any person or persons neglect or refuse so pay the tolls or dues to be imposed under this Act, or any by-law that may be passed under the authority thereof, the said Corporation or their officer, clerk, servant, agent, or lessee, may seize and detain the goods wares, merchandise and chattels, saw-logs, sawn lumber, square and round timber, cedar, railway ties, hoop and hop poles, floats of all kinds, barrel heading, wood long or short, staves and stave bolts, on

which the same are due and payable, until such tolls or dues are paid; and if the same be unpaid after the space of thirty days after such seizure, the said Corporation, or their officer, clerk, servant or lessee as aforesaid, may sell and dispose of the said goods, wares, merchandise, chattels, saw-logs, sawn lumber, square and round timber, cedar, railway ties, hoop and hop poles, floats of all kinds, barrel heading, wood long or short, staves and stave bolts, or such part thereof as may be necessary to pay the said tolls or dues, and the reasonable cost and charges of keeping and selling the same by public auction, giving ten days notice thereof, and returning the surplus, if any, to the owner or owners thereof.

4. Every vessel, boat, or other craft on board of which wares, merchandise, chattels, and other things are shipped, or from which they are landed, shall be liable for the dues chargeable against such goods, wares, merchandise, chattels and other things, and in the event of non-payment thereof, may be detained until payment thereof is made.

5. Nothing in this Act contained shall affect any of the powers given to the said Corporation by any Act now in force, authorizing them to pass by-laws for the regulation and management of the said harbor.

6. The said harbour and works thereof shall be subject to the provisions of any Act or Acts of the Parliament of Canada which may be passed hereafter, for the construction, improvement, regulation, or maintenance of harbors.

No. 79

An Act to authorize the incorporated Village of Trenton to impose and collect Harbor Dues, and for other purposes.

(As amended by the Senate)

WHEREAS, the Village of Trenton has incurred large expense in the building of Piers, in the making of Booms, and other improvements in the Harbor within the limits of the said Village, and the Corporation of the said Village have petitioned that an Act be passed to authorize them to pass a By-law or By-laws for the imposition and collection of Harbor Dues, Rents, or Tolls upon Goods, Wares, Merchandise, or Chattels shipped on or landed from any Vessel or Steamboat within the said harbor, and for the imposition and collection of Dues or Tolls upon Saw-logs, Sawn Lumber, Square Lumber, Square and Round Timber, Cedar Railway Ties, Hoop and Hop Poles, Floats of all kinds, Barrel Heading, Wood long or short, Staves and Stave Bolts, coming down the River Trent within the limits of the said Corporation, for the purpose of enabling them to provide a fund for the purpose of further improving said Piers, Booms, and otherwise improving the said Harbor as may be required from time to time for the maintenance of the same, and it is expedient to grant the prayer of the said petition; Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Corporation of the incorporated Village of Trenton is hereby authorized and empowered to pass a By-law or By-laws for the imposition and collection of Harbour Dues or Tolls, to be employed, after the expense of collection, for the purpose of assisting in repairing Booms, Piers, and other necessary repairs to improve the said harbor within the limits of the said incorporated Village, and to provide a fund for the maintenance and improvement of the said harbor and works connected therewith, on all goods, wares, merchandise and chattels shipped on or landed from any vessel, steamboat or any other craft within the limits of the said harbor, or elsewhere within the limits of the said Corporation, and upon all saw-logs, sawn timber, square and round timber, cedar, railway ties, hoop and hop poles, floats of all kinds, barrel heading, wood long or short, staves and stave bolts coming down the River Trent, within the said Corporation.

2. Before any by-law or by-laws to be passed under the first section of this Act, or any tariff or schedule of fees or dues imposed thereby, shall have any force or effect, the said by-law or by-laws and the said schedule or tariff shall be approved by the Governor in Council.

3. If any person or persons neglect or refuse to pay the tolls or dues to be imposed under this Act, or any by-law that may be passed under the authority thereof, the said Corporation or their officer, clerk, servant, agent, or lessee, may seize and detain the goods wares, merchandise and chattels, saw-logs, sawn lumber, square and round timber, cedar, railway ties, hoop and hop poles, floats of all kinds, barrel heading, wood long or short, staves and stave bolts, on which the same are due and payable, until such tolls or dues are paid; and if the same be unpaid after the space of thirty days after such seizure, the said Corporation, or their officer, clerk, servant or lessee as aforesaid, may sell and dispose of the said goods, wares, merchandise, chattels, saw-logs, sawn lumber, square and round timber, cedar, railway ties, hoop and hop poles, floats of all kinds,

barrel heading, wood long or short, staves and stave bolts, or such part thereof as may be necessary to pay the said tolls or dues, and the reasonable cost and charges of keeping and selling the same by public auction, giving ten days notice thereof, and returning the surplus, if any, to the owner or owners thereof.

4. Every vessel, boat, or other craft on board of which wares, merchandise, chattels, and other things are shipped, shall be liable for the dues chargeable against such goods, wares, merchandise, chattels and other things, and in the event of non-payment thereof, may be detained until payment thereof is made.

5. Nothing in this Act contained shall affect any of the powers given to the said Corporation by any Act now in force, authorizing them to pass by-laws for the regulation and management of the said harbor.

6. The said harbour and works thereof shall be subject to the provisions of any Act or Acts which may be passed hereafter, for the construction, improvement, regulation, or maintenance of harbors.

No. 20.] **BILL.** [1871.

An Act to amend Section Two of the Insolvent Act of 1869.

WHEREAS, it is expedient to amend Section two of the "Insolvent Act of 1869," Preamble.

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

1. In cases of voluntary assignment, the meeting of the Creditors to be called for the appointment of an Assignee, may be held at the place of business of the Insolvent as heretofore provided in and by said Section, or at the office of the Interim Assignee, as the Interim Assignee calling the same may deem most expedient in each case. Meeting for appointment of Assignee—Where to be held.

No. 20.

4th Session, 1st Parliamhnt, 34 Victoria, 1871.

BILL.

An Act to amend Section Two of the Insolvent Act of 1869.

Received and read, First time, Wednesday, 1st March, 1871.

Second reading, Friday, 3rd March, 1871.

MR. SAVARY.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1871.

No. 21.] **BILL.** [1871.

An Act to amend the Railway Act, 1868.

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

1. The following section shall be added to the Railway Act, 1868.

"It shall be the duty of every Railway Company, when any passenger train shall be overdue for half an hour at any station, according to the time table of such Company, to put up on the outside of the Station House over the platform of the station in some conspicuous place, a written or printed notice signed by the Station Master, stating truly the time when such overdue train may be expected to reach such station; and every Railway Company shall be liable to an action by any passenger awaiting the train at such station, for any neglect or omission of this duty, in which action full costs of suit may be recovered. Duty of the Company when a passenger train is behind time.

No. 21.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend the Railway Act of 1868.

Received and read, First time, Thursday, 2nd March, 1871.

Second reading, Monday, 6th March, 1871.

Mr. Cameron, (Peel).

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street.

1871.

Bill 23 not printed

No. 23] **BILL.** [1871.

An Act respecting the Naturalization of certain Aliens.

WHEREAS, certain persons, Aliens by birth, have, prior to the 1st January, 1868, with the view of becoming British subjects by naturalization, taken the oaths of residence and allegiance, but have either neglected to obtain certificates of their having taken such oaths, or, having obtained them, have neglected to have the same read in open Court, and filed of record, as by law required; and whereas, it is expedient that such persons should be admitted to all the rights and privileges of British subjects; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Every person who, being by birth an Alien, did, prior to the 1st day of January, 1868, take the oaths of residence and allegiance required by the Naturalization Laws then in force in the Province in which he then resided, shall be admitted to all the rights and privileges of a natural-born British subject conferred upon naturalized persons by the Act of the Parliament of Canada respecting Aliens and Naturalization. Persons who took the required oaths before the 1st Jan., 1868, naturalized.

2. In case the right of any person to the privileges conferred by the preceding section, or the fact of his having taken such oaths, be contested, such person shall produce the certificate of the Judge, Magistrate, or other person before whom such oaths were taken and subscribed; or take and subscribe the following oath before a Judge of any Court of Record in that Province of Canada in which he resides, or before any person authorized to administer oaths in any such Court, or before any Justice of the Peace of the County or District in which such person resides:— If the right of any such person, or his having so taken such oaths, be disputed.

"I., A. B., do (swear) that, on or about the day of , at , in the County of , in the Province of (or in the late Province of Canada), I did take and subscribe before *a Judge, Magistrate, or other proper person*, the oaths of residence and allegiance required by the Laws respecting the Naturalization of Aliens then in force in the said Province; so help me God." Oath to be taken by him.

3. The Judge, Commissioner, Justice, or other person, before whom such last mentioned oath shall have been taken and subscribed, shall grant to the dependent a certificate of his having taken and subscribed such oath, and the production of the certificate mentioned in the preceding Section, or of that provided for in this Section, shall be proof of his naturalization under this Act, and that he is entitled to and enjoys the rights and privileges of a British subject, as provided by the first Section of this Act. Certificates to be given to him; and its effect.

No. 23.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act respecting the Naturalization of certain Aliens.

Received and read, First time, Thursday, 2nd March, 1871.

Second reading, Monday, 6th March, 1871.

Mr. Young.

OTTAWA:

Printed by I. B. Taylor, '29, 31. & 33, Rideau Street.

1871.

No. 24.] **BILL.** [1871.

A Bill to incorporate the Fredericton and Saint Mary's Bridge Company.

Preamble.

WHEREAS, it has been represented, that in view of the increase in the construction of the Railways in the Province of New Brunswick, it is desirable that a Company should be incorporated with full powers to construct a Bridge across the River Saint John, between the City of Fredericton, in the County of York, in the Province of New Brunswick, and the Parish of Saint Marys, in the said County and Province, which shall form accommodation, not only as a Railway Bridge, but as a Road Bridge, for local purposes; and whereas, certain persons residing in the vicinity of Fredericton have petitioned to be incorporated for that purpose, and it is expedient to grant the prayer of their petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. John Pickard, M.P., Alexander Gibson, Thomas Temple, Archibald F. Randolph, Alexander Thompson, Henry G. C. Ketchum, C. E., Julius L. Inches, John J. Fraser, Stephen Glasier, Thomas Ramsay, R. C. Wilmot, Charles Burpee, together with such persons, municipalities and corporations as shall, from time to time, become proprietors of shares in the Company hereby established, their successors and assigns are hereby constituted and declared to be a body politic and corporate by the name of "The Fredericton and Saint Marys Bridge Company."

Bridge to be constructed.

2. The said Company shall have full power, under this Act to construct, maintain, work, and manage a Bridge across the River St. John from the City of Fredericton, to the said Parish of Saint Marys, for Railway purposes, and also for a Road Bridge for horses, cattle, carriages, teams and passengers.

Capital and shares.

3. The Capital Stock of the said Corporation shall be Three Hundred Thousand Dollars, and shall be divided into three thousand shares of One Hundred Dollars each, to be paid at such times, and in such instalments, as the directors of the Company may require and direct; and the said Corporation may, if they think it necessary, extend the capital stock to the sum of Four Hundred Thousand Dollars, and may increase the number of shares accordingly.

Increase.

First meeting of Corporators.

4. The first meeting of the said Corporation shall be held in the City of Fredericton aforesaid, and shall be called by any three of the Corporators whose names are set forth in the first section of this Act, by giving notice in any one of the newspapers published in Fredericton, at least fifteen days previous to such meeting for the purpose of organizing the Company.

Votes.

5. At such meeting every person who may be a subscriber to the stock list of the said Company, shall be entitled to vote, and any person holding one share, and not more than four shares, shall

be entitled to one vote; for every four shares above four and not exceeding twenty, one vote, making five votes for twenty shares; for every eight shares above twenty and not exceeding sixty, one vote, making ten votes for sixty shares; which said number of ten votes shall be the greatest that any stockholder shall be entitled to have, and all stockholders resident within the Dominion or elsewhere, may vote by proxy, provided that such proxy be a stockholder, and do produce sufficient authority in writing from his constituent or constituents so to act; provided that no stockholder shall be entitled to hold more than two proxies.

Proxies.

Who shall be deemed Stockholders.

6. The stock list mentioned in the preceding section shall be the list of persons, municipalities or corporations who may have signified in writing their consent to take stock in the said Company, by any writing subscribed by such persons or subscribed by the President, Warden, Secretary, Treasurer, or Secretary of any such Company, municipality or corporation, specifying in such consent the amount of stock agreed to be subscribed for, such consent to be handed in on or before the day of such meeting, to either of the Corporators, Thomas Temple or Julius L. Inches.

Limited liability.

7. The joint stock and property of the Corporation shall alone be responsible for the debts and engagements of the said Company.

Power to build the bridge and its approaches.

8. The said Company shall have full power to erect, make and sink all such piers, abutments, blocks and erections in the said River Saint John, as may be deemed necessary, not only for the construction of the said Bridge, but such as may be required or thought desirable efficiently to protect it from effects of ice and ice freshets, or for any other purpose in connection with the said Bridge that the said Company may see fit; and may build or cause the said Bridge to be built between the said City of Fredericton and the said Parish of Saint Marys at any point between the said places which may be deemed most advisable and fit for such Bridge; and may build the necessary approaches thereto into and upon the lands and grounds lying on each side of the said river; and may cut, level or raise the banks of the said river in such manner as may be deemed necessary or proper for building the Bridge; and may cut, remove, take and carry away all and every impediment whatsoever which may in any wise tend to hinder the erecting and completing the said Bridge, and may execute all other things necessary, requisite, useful or convenient for erecting, building or maintaining and supporting the said Bridge; and may from time to time, enter and go in and upon the lands and grounds adjacent to the said river on either side thereof for the purpose of making surveys, examination or other necessary arrangements for fixing the site of the said Bridge; and may explore, lay out and make a road not more than six rods in width (for railway and roadway,) leading from either end of the said Bridge to the main post-road or to any street or road on either side of the said river; and for the purpose of erecting, building, maintaining, repairing and supporting the said Bridge, the said Company shall, from time to time, have full power and authority to take all such land as may be necessary for approaches, and for roads to and from the said bridge to any highway; and shall also have full power to land on either side of the said river within two hundred yards of the said Bridge all materials and other things to be used in and about the same, and there to work and use such materials and other things according as they, the said Company and the persons

Power to enter upon and use land for that purpose.

to be by them appointed, shall think proper, without any previous agreement with the owner or owners, tenant or tenants, of the property on which such Bridge and every part thereof and such approaches and roads shall be built, or in or upon which such surveys, examinations or other arrangements may be made, or on which such materials or other things shall be landed, worked or used, doing as little damage as may be, and making such compensation as hereinafter is mentioned, to the respective owners and occupiers of all lands, grounds, tenements and hereditaments which shall be so taken, used, occupied, altered, damaged, spoiled or made use of.

Compensation to be afterwards made.

9. The said Corporation shall make, allow, and pay reasonable and proper compensation for all lands, tenements, and hereditaments which may be taken, used, occupied, altered, damaged, spoiled or made use of for the uses and purposes of the said Corporation, to be agreed upon by the said Corporation and the respective owners and occupiers of such lands, tenements and hereditaments; and in case of disagreement between the said Corporation and the said owners and occupiers, or any of them, then such compensation shall be determined by three arbitrators, one to be chosen by the said Corporation and one by the owner or owners, occupier or occupiers of the private property in question, which two arbitrators so chosen shall choose the third arbitrator, and in case of their not agreeing within ten days after their appointment, then and in such case it shall may be lawful for the Lieutenant Governor of New Brunswick, in Council, upon application of the said Corporation, to appoint the third arbitrator; and the award of the said arbitrators or any two of them shall be final and conclusive as to the matters referred; and the amount of compensation awarded, as well as all the expenses attending the said arbitration, shall be paid by the Corporation within sixty days after award made.

Arbitration in case of disagreement.

All railways to have an equal right to use the Bridge.

10. When the said Bridge is completed, all trains of all railways or railroads which may terminate at Fredericton aforesaid, or at the Parish of Saint Marys afosesaid, and now constructed or hereafter to be constructed, shall have the right to pass over that part or portion of the said Bridge built for the carriage of railway trains, including the cars of any other Railway Companies which may be brought over such railways, at corresponding tariff rates for the persons and property transported, so that no discrimination in tariff rates for such transportation shall be made in favor of or against any railway or railroad whose trains or business may pass over the railway portion of the said Bridge.

Power to work trains, or to build branch railways to the Bridge.

11. The said Company are hereby authorized to work trains by steam for passengers and traffic between Fredericton and Saint Marys, over the railway portion of the said Bridge, and to connect the said trains with other railways already constructed or to be hereafter constructed; and if necessary to construct such branch line or lines of railroad as may be necessary to effect the junction of such Bridge with any railway constructed or hereafter to be constructed, either in the said city of Fredericton or Parish of Saint Marys.

Annual general meetings.

12. The annual meeting of the shareholders of the said Company for the Election of Directors and other general purposes, shall be held at the City of Fredericton on the Thursday after the first Tuesday in May in each and every year.

President.

13. The Directors, who shall be seven in number, shall elect one of their body to be President of the Company.

Qualification of Directors.

14. No person shall be qualified to be a Director unless he shall be holder and owner of at least ten shares of the stock of the said Company.

Calls limited.

15. No call to be made at any time upon the said capital stock shall exceed ten per centum on the subscribed capital.

Power to make agreements with Railway Companies.

16. The Directors of the said Company shall have power and authority to enter into and conclude arrangements with any Railway Company for the purpose of making any branch or branches to facilitate a connection between the said Bridge Company and such Railway Company.

Power to amalgamate with other Companies.

17. The said Company are also hereby authorized and empowered to contract and agree with any Railway Company for the purchase, transfer or amalgamation of their rights and privileges under this Act ; and may sell, assign, transfer or lease the same, or any part thereof, or any rights or powers acquired under this Act to any other incorporated Company, person or persons, upon such terms and conditions and with such restrictions as the Directors may deem expedient, subject to the approval of the shareholders at a special general meeting to be called for that purpose.

Tolls for use of railway part of the Bridge.

18. A toll is hereby granted and established for the use and benefit of the said Company, upon all passengers and property of all descriptions which may be conveyed or transported by the Company over that portion of the said Bridge erected for and to be used for railway purposes, at such rates as may be agreed upon and established from time to time by the Directors of the said Company: the transportation of persons and property, the construction of tickets, the form of cars and carriages, the weight of loads, and all other matters and things in relation to the said railway portion of the said Bridge, shall be in conformity with such rules, regulations and provisions as the Directors shall, from time to time prescribe, limit, direct and appoint.

Tolls on the ordinary road part of the Bridge.

19. That part of the said bridge which shall be erected for and to be used as a road bridge, for the passage to and fro of horses, cattle, carriages, teams and passengers, other than by rail, shall and may have therein erected and set up one or more gate or gates, with a toll house or toll houses, and other proper and necessary buildings, conveniences and fences near to each gate across the said Bridge, or on the road or avenue immediately communicating therewith; and there shall be taken, exacted, and demanded for the use of the said Corporation by such person or persons as the Company may, from time to time, appoint as toll gatherer or toll gatherers, such rates and tolls for passengers, horses, cattle, carriages and teams laden or unladen, as the said Corporation may from time to time, by their by-laws, fix, limit, and appoint; all such by-laws being subject, nevertheless, to the approval of the Lieutenant-Governor of New Brunswick, in Council; and the rates of toll shall be fairly and legibly printed in large letters and kept constantly exposed to the view of passengers; and the said Corporation may, by any such by-law, impose a penalty or fine, not exceeding *ten dollars* for each and every offence, upon any person who shall, by any means whatever, wilfully attempt to

Table of Tolls.

Penalty for refusing payment.

pass over such bridge without the payment of toll, or who shall unlawfully seek to evade the payment of any toll for the crossing of the said Bridge, such fine to be recovered by action of debt before any Justice of the Peace for the County of York, with costs of suit, and the amount, when recovered, to be applied to the use of the Corporation.

Punishment for wilfully damaging works.

20. If any person shall wilfully or maliciously, and to the prejudice of the said undertaking, break, damage, throw down, or destroy any of the works to be erected or made by virtue of this Act, every such person shall be adjudged guilty of a misdemeanor; and every person so offending, and being thereof lawfully convicted, shall be imprisoned for any term not exceeding two years, in the common jail of the County of York, or not less than two, nor exceeding five years, in the penitentiary for the Province of New Brunswick, or fined in a sum not exceeding five hundred dollars, as the case might be, in the discretion of the Judge who may try the offender.

By-laws.

21. The said Company shall have full power to make, ordain, and establish all necessary by-laws and regulations not inconsistent with law, for their own government and for the due and orderly conducting of their own affairs; and the management of their property.

Recovery of calls on shares.

22. If any shareholder shall fail to pay the amount of any call made by the said Company, or any part thereof, it shall be lawful for the said Company to sue such shareholder for the amount thereof, or so much thereof as may be and remain due and owing thereon, in any court of law or equity having competent jurisdiction, and to recover the same with lawful interest from the day on which such call was payable, with costs of suit.

Proceedings in suits for calls.

23. In any suit or action to be brought by the said Company against any shareholder, to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one or more shares in the Company (stating the number of shares), and is indebted to the said Company in the sum of money to which the call or calls in arrear shall amount, in respect of one call or more, upon one share or more (stating the number of such calls), by means of which an action hath accrued to the said Company by virtue of this Act.

Proof in such cases.

24. On the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant, at the time of making such call, was holder of one share or more in the said undertaking, and that such call was in fact made; and it shall not be necessary to prove any other matter whatsoever; and thereupon, the said Company shall be entitled to recover what shall be due upon such call and interest thereon.

Passage of mails, &c.

25. The said Company shall be subject to all such regulations, provisions, and conditions in reference to the transmission of mails and troops over the said bridge, as are or may be established by any law passed or to be passed, respecting the like transmission over any other railway or railways.

Time for completing the works.

26. The said Company shall *bona-fide* commence the construction of the works contemplated by this Act within two years from the passing of this Act, and fully complete and finish the same within five years from the passing of this Act, otherwise this Act, and all the powers and privileges herein granted shall cease, determine, and become void to all intents and purposes whatsoever.

No. 24.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to incorporate "The Fredericton and Saint Marys Bridge Company."

(PRIVATE BILL.)

MR. PICKARD.

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street.

1871.

Memo: Bill No. 25 not Printed

No. 26.] **BILL.** [1871.

An Act for the prevention of Corrupt Practices in relation to the Collection of the Revenue.

Preamble.

WHEREAS, it is expedient to make more stringent enactments in relation to the criminal liability of public officers and other persons guilty of corrupt practices in relation to the Collection and Management of the Revenue; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sect. 45 of 31 V., c. 5 repealed.

1. Section 45 of the Act passed in the 31st year of Her Majesty's reign, chapter 5, intituled "An Act respecting the Collection and Management of the Revenue, the auditing of Public Accounts, and the liability of Public Accountants," is repealed, and the Act cited shall from the date of the passing of this Act be construed as if the sections hereinafter contained formed part thereof, and all the provisions of the said Act shall apply to this Act, which shall be read and construed hereafter as forming but one and the same Act therewith.

Punishment of officers, &c., of the Revenue receiving bribes, &c., &c.

2. Any officer, or any person acting in any office or employment connected with the collection or management of the revenue, who—

1. Shall receive any compensation or reward for the performance of any official duty, except as by law prescribed; or

2. Shall conspire or collude with any other person to defraud the Crown, or shall make opportunity for any person to defraud the Crown; or

3. Shall designedly permit any violation of the law by any other person; or

4. Shall wilfully make or sign any false entry in any book, or wilfully make or sign any false certificate or return in any case in which he is by law or regulation required to make any entry, certificate or return; or

5. Having knowledge or information of the violation of any revenue law by any person, or of fraud committed by any person against the Crown, under any revenue law of Canada, shall fail to report, in writing, such knowledge or information to his next superior officer; or

6. Shall demand or accept, or attempt to collect, directly or indirectly, as payment, or gift, or otherwise, any sum of money, or other thing of value, for the compromise, adjustment, or settlement of any charge or complaint for any violation, or alleged violation of law, except as expressly authorized by law, or by the authority of the Department of which he is an officer, to do,—

Dismissal, fine and imprisonment.

Shall, on proof to the satisfaction of the Governor, be dismissed from office, and shall be held to be guilty of a misdemeanor, and shall, on conviction, be liable to a fine not exceeding $, and to imprisonment for any term not exceeding one year.

Punishment of persons offering such bribes, &c.;

3. If any person, directly or indirectly, promises, offers, or gives, or causes or procures to be promised, offered, or given, any

money, goods, right in action, bribe, present, or reward, or any promise, contract, undertaking, obligation or security for the payment or delivery of any money, goods, right in action, bribe, present, or reward, or any other valuable thing whatever, to any officer, or any person acting in any office or employment connected with the collection or management of the revenue, with intent—

1. To influence his decision or action on any question, or matter which may then be pending, or may by law be brought before him in his official capacity ; or

2. To influence such officer or person to commit, or aid or abet in committing any fraud on the revenue, or to connive at, collude in, or allow or permit any opportunity for the commission of any such fraud,—

Or officers receiving the same.

Such person, and any officer or person, who shall in anywise accept or receive any such moneys, goods, right in action, bribe, present, or reward, or any promise, contract, undertaking, obligation, or security for the payment or delivery thereof, or any other valuable thing whatever, or any part of the same respectively, shall be guilty of misdemeanor, and be liable, on conviction, to a fine not exceeding three times the amount so offered or accepted, and to imprisonment for a period not exceeding years ; and any officer or person convicted under this section shall forfeit his office or place ; and any person convicted under this section shall be for ever disqualified to hold any office of trust, honor, or profit under the Crown.

Fine and imprisonment and dismissal and disqualification of officers.

Penalty on officers becoming interested in manufacture, &c., of articles subject to excise.

5. Any officer, or any person acting in any office or employment connected with the collection of the revenue, who becomes, directly or indirectly, interested in the manufacture or production of any article subject to Excise, or who trades in any article subject to Excise duties, shall incur a penalty not exceeding nor less than dollars, which shall be recoverable in any Court having jurisdiction in civil cases, to the amount thereof ; and any such officer or person interested in any such manufacture at the time this Act takes effect, who fails to divest himself of such interest within sixty days thereafter, shall be held to have become so interested after this Act takes effect.

No. 26.

4th Session 1st Parliament, 34 Vict

BILL.

An Act for the prevention of Practices in relation to the Col of the Revenue.

First reading, Friday, 3rd March, 18

Second reading, Tuesday, 7th March,

Hon. M

OTTAWA :

Printed by I. B. Taylor, 29, 31, & 33, Ri

1871.

No. 27.] **BILL.** [1871.

An Act to Incorporate "The Dominion Life Association."

WHEREAS, Sir Francis Hincks, K. C. M. G., C. B., Finance Minister of Canada; The Honorable William Pearce Howland, C. B., Lieutenant Governor of Ontario; The Honorable William McMaster, Senator, President of the Canadian Bank of Commerce; The Honorable Edmund Burke Wood, M. P., M. L. A., Treasurer of the Province of Ontario, of Brantford; James Young, Esquire, M. P., of Galt; Thomas N. Gibbs, M. P., of Oshawa; William McGiverin, Esquire, President of the Board of Trade, of Hamilton; The Honorable Matthew Crooks Cameron, M. L. A., Secretary of the Province of Ontario; B. Homer Dixon, K. N. L., Consul General of the Netherlands; William Elliot, Esquire, President of the Board of Trade; Edward Hooper, Esquire, Merchant; J. Herbert Mason, Esquire, Secretary-Treasurer of the Canada Permanent Building and Savings Society; Robert Wilkes, Esquire, Merchant; William Gooderham, Junior, Esquire, Merchant; William H. Beatty, Esquire, Solicitor to the Toronto, Grey and Bruce Railway; Benjamin Morton, Esquire, of Morton & Smith; John K. Macdonald, Esquire, Treasurer of the County of York; J. B. Cherriman, Esquire, M. A., Professor of Natural Philosophy in University College, Toronto; John P. Russell, Esquire, M. D., of Edin; Orlando S. Winstanley, Esquire, M. R. C. S., Eng.; Christopher Salmon Patterson, Esquire, Barrister at Law; James Beatty, Junior, Esquire, Barrister at Law; John M. Trout, Esquire, Proprietor of the *Monetary Times*, all of Toronto; have by their Petition prayed that an Association under the name and title of the "Dominion Life Association" may be incorporated, for the purpose of enabling the said Petitioners and such others as are or shall become members to carry on the business of life insurance in all branches and modes of conducting the same: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. Petition.

1. All such persons as now are or hereafter shall become members of the said Association, and their respective executors, administrators, and assigns, are hereby constituted and declared to be a Corporation or Body Corporate, by and under the name and title of the "Dominion Life Association," and shall be capable of acquiring by purchase, lease, mortgage, or otherwise, and of holding absolutely or conditionally, lands and real estate and personal property, and of selling, alienating, transferring, conveying, and disposing of the same. Incorporation. Name. Hold property.

Provided always, that nothing herein contained shall be construed as authority to the Association to hold real estate acquired by purchase in the first instance as the absolute property of the Association, or in any other way than through the investment of its funds as hereinafter provided in mortgage on real estate, or on the security thereof beyond the annual value of twenty thousand dollars in any Province of Canada. Proviso: as to extent of real estate.

Proviso: as to real estate acquired through investment.

Provided, further, that all real estate acquired as the absolute property of the Association through the investment of its funds in mortgages thereon, or on the security thereof, shall be sold and conveyed within ten years from the time of its becoming the absolute property af the Association.

The head office of the said Association shall be in the City of Toronto.

Common seal. Sue and be sued, &c.

2. The said Association shall have a Common Seal, and may sue and be sued, contract and be contracted with in the corporate name aforesaid.

Business: On what plan.

3. The said Association is authorized to transact and carry on all kinds of life insurance business on the mixed plan, or on the stock and mutual plans combined, or on either plan, or such other plan or principle as the general Board of Directors may from time to time determine and direct.

Capital stock: $100,000, 1,000 shares $100 each. May be increased to $500,000.

4. The capital stock of the said Association shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, with power to the general Board of Directors to increase the amount of the capital stock at any time, or from time to time, to an amount not exceeding in the whole five hundred thousand dollars.

Proviso: Increase of stock to be confirmed by shareholders.

Provided, that no increase of stock shall be made or new stock issued until the resolution of the General Board authorizing such increase or issue of new stock, shall first be submitted to and confirmed by a special meeting of shareholders to be called for that purpose.

How much to be subscribed.

5. No policies of insurance shall be issued under the authority of this Act until the said capital stock of one hundred thousand dollars shall be subscribed for, and the deposit made with the Receiver-General of Canada in accordance with the provisions of the Statute of Canada, passed in the thirty-first year of Her Majesty's reign, intituled "An Act respecting Insurance Companies."

Insurance Act.

When to commence business. With what powers. Insurance on lives. Annuities. Endowments. General powers.

6. When duly licensed under the said Act, the said Association shall have power to make and issue policies of insurance on lives and to make and effect contracts of insurance with any person or persons bodies politic, or corporate, upon life or lives either for a period of life or lives or other periods, in any way dependent upon life or lives, and to buy, sell, grant, and otherwise acquire and dispose of the same, and to buy, grant, or sell annuities either for a life or lives or otherwise, and on survivorship, and to buy, sell, grant, and otherwise acquire and otherwise dispose of annuities and endowments of every description on the lives of both adults and children, and to purchase contingent rights, whether of reversion, remainder, annuities, life policies, or otherwise, and generally to enter into any transaction depending upon the contingency of life and all other transactions usually entered into by life insurance companies or associations including re-insurance.

Members: Shareholders, And holders of participating policies.

7. The members of the said Association shall be all persons having subscribed for stock therein, or become shareholders and all persons actual holders of policies from the said Association (whether such holders of policies shall be holders of shares or not in the said Association) who shall, by the terms of the said policies, be entitled to participate in profits, and who are otherwise known

as holders of "participating policies," and such holders of participating policies shall also be entitled to participate in the management and earning of the same as herein provided. To participate in earnings, &c.

8. The general management of the Association is hereby vested in a Board of Directors, which may be known as the "General Board," which shall (in addition to *ex officio* members) be composed of not less than fifteen nor more than twenty members of the said Association, at least nine of whom shall reside in the City of Toronto or its vicinity, and of the whole Board, not less than one-half shall be shareholders and not less than one-third shall be holders of participating policies. Five members of the said Board shall form a quorum. General Board: Five to form a quorum.

9. Members of the said General Board who shall be such *ex officio* shall be the chairman of the Board of each Provincial Department respectively. Ex officio members.

10. The said General Board shall consist, until the first annual election hereinafter provided for, of the following persons:—Sir Francis Hincks (who shall also be President), the Honorable William Pearce Howland and the Honorable William McMaster (who shall also be Vice-Presidents), the Honorable M. C. Cameron, the Honorable E. B. Wood, James Young, William McGiverin, Thomas N. Gibbs, William Elliot, B. Homer Dixon, Edward Hooper, J. Herbert Mason, Robert Wilkes, William Gooderham, Junior, W. H. Beatty, and B. Morton. Board for first year.

11. 1. There shall be in the City of Toronto annually an election of Directors of the General Board from among the members of the said Association, whether shareholders or holders of participating policies (otherwise duly qualified) who shall hold office in such General Board until their successors are elected in each year. Election of Directors: Annually in Toronto.

2. The General Board shall, by by-law to be passed at least one month before the annual election, appoint the number of Directors, not being less than fifteen nor more than twenty to be elected for the ensuing year, and in default of such appointment the number of Directors shall remain the same as in the preceding year. General Board to fix number of Directors.

3. The Directors of the General Board shall from among their number elect a President and two Vice-Presidents, at least one of whom shall be elected from among the Directors resident in the City of Toronto or its vicinity. President and Vice-Presidents.

12. No person shall be eligible for election to the General Board unless he shall be a shareholder to the extent of at least two thousand dollars, and shall have actually paid all calls made on his shares, or shall be a holder of a participating policy of the said Association on his own life, or shall be the legal and beneficial holder of one or more participating policies on the life or lives of some other person or persons for an amount not less than five thousand dollars. Qualification of Directors. Holder of twenty shares, Or participating policy to $500,000.

13. Every shareholder shall be entitled (either in person or by proxy) to one vote for every share he holds in the capital stock of the said Association, and every holder of a participating policy of the said Association, for a sum not less than one thousand dollars, shall be entitled to one vote for each one thousand dollars in his policy. Voting: One vote for every share, And one vote for every $100,000 in policy.

Powers of General Board: Vacancies how filled.

14. 1. The General Board of Directors shall have power to fill vacancies in the General Board or Committees of the Board or in the officers of the Board, or of the Association from time to time as they occur.

Appoint officers, &c.

2. They shall also have power to appoint all the officers of the Board, or of the Association, including at the head office a General Manager, Actuary, General Secretary, Medical Examiner or Examiners, Solicitors or firm of Solicitors, or any one or more of them, and to fix their remuneration and term of office, and to determine and approve of their duties, obligations, and securities, and to remove or dismiss such officers and to appoint all other officers and agents and to remove or dismiss the same at any time, and to select one or more Banks in which the current funds of the Association may be deposited.

Remove or dismiss.

To make calls.

3. They shall have power to make calls for such sums or amounts and at such times upon the shares of the respective shareholders as they may deem requisite, for the purposes and interests of the Association, and to sue for and enforce the payment of the same.

How enforced.

To forfeit shares, And allot or sell the same.

4. They may also declare all shares forfeited on which such calls have not been duly paid, and may allot the same or any part thereof to any member or person, or sell the same or any part thereof as they may direct.

What participating policies may be charged with,

5. They shall also have power to charge the holders of participating policies with losses to the extent to which they have been credited with profits if the losses require it, and retain the amount so charged out of such profits or such profits as may be declared as such, and credited to such holders of participating policies at any time, but the holders of policies shall not as such be liable to any other or greater extent than expressed by the terms of their policies.

And to what extent.

To declare dividends and bonuses.

Holders of participating policies entitled to not less than ninety per cent.

No dividend except out of profits.

Not obliged to declare profits oftener than once in five years.

6. They may from time to time set apart such portion of the net profits as they shall deem safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies and distinguishing such part from the profits derived from other sources, and the holders of participating policies shall be entitled to share in that portion of the profits so set apart which has been so distinguished as having been derived from participating policies to the extent of not less than ninety per cent. thereof; but no dividend or bonus shall at any time be declared or paid except out of profits, and the General Board shall not be obliged to allot such portion of profits to such holders of participating policies oftener than once in five years.

Delegate powers to officers, &c.

7. They may delegate such power and authority and impose such duties, in addition to those mentioned in this Act, as they may deem advisable upon the officers of the Association and the Committees of the Board and the Provincial Boards and Managers.

General powers.

8. In general they may do all other acts and things necessary to be done and performed by the said General Board in carrying out the objects and purposes of the Association and in advancing its interests, and shall have the general oversight and care of the business and interests of the Association.

To make by-laws, &c., For government, &c., For issuing of policies, For investments, For rates of premium,

9. They may make all such by-laws, rules, and regulations for their own government and for the government and guidance of the Committees of the Board and of the officers of the Board or of the Association and of the Provincial Boards and Managers for the issuing of policies, and in what form and with what conditions, restrictions, and limitations, and for the investment of the funds of the Association and for determining computations and rates of premiums of insurance, and for the time and manner of the increase

of the capital stock or of the issue of new stock and the mode in which the same shall be appropriated, allotted, or sold, and for determining the number of Directors within the limits provided and for the regulation of elections and the time and manner of notice thereof, and for the calling of annual and special meetings and the time and manner of notice thereof, and for the declaration of dividends and bonuses and division of profits and the rates thereof, and the appropriation thereof, and the manner and time of payment and generally for the management, guidance, direction, and regulation of the business and affairs of the Association with respect to any subject, matter, or thing whatsoever, as shall from time to time appear to them necessary for the proper and satisfactory working of the Association, or of the powers and rights conferred by this Act.

For increase of capital. For determining number of Directors, For regulating elections, For calling of meetings. For declaring dividends. For general purposes.

15. The General Board may appoint of their own members such committees with such powers and to discharge such duties as the General Board may from time to time confer and impose on them, but they shall at all times and in regard to all their actions and duties be subject to the control of the said General Board.

Committees.

16. 1. The General Board may establish a Department in each Province of the Dominion (other than Ontario) with an officer in a principal city or town therein, which Department shall be known as a Provincial Department or the Department of such Province.

Departments.

2. Each such Provincial Department shall be managed by a person to be appointed by the General Board for such term of office and at such remuneration as they may determine upon; he shall be known as the "Manager" of such Department.

Manager.

3. The said Manager may have associated with him an advising board, otherwise known as a Provincial Board or Board of the Department, composed of such persons as may be appointed by the General Board, and who shall be resident in the Province so set apart and shall hold at least five shares in the capital stock of the said Association with all calls paid up, or shall be the holder of a participating policy therein on his own life or the life or lives of another person or persons to at least two thousand dollars.

Provincial Boards. Qualification. Holder of five shares, Or participating policy to $2,000 00.

4. The Board of each Department shall be presided over by a member thereof, who shall be known as Chairman of the said Provincial Board.

Chairman of.

5. The Board of any Department may appoint under the direction and with the approval of the General Board such necessary local officers, Medical Examiners, Solicitors, Bankers, and Agents as they may deem requisite to carry on the business of the Association in such Department and remove or dismiss the same.

Officers thereof.

6. The Provincial Boards shall have the immediate management and supervision of the business of their respective Departments subject, however, to this Act and to the by-laws, rules, regulations, and instructions of the General Board and the inspection and supervision of the said General Board, or of any officer whom they may appoint for that purpose, provided always that the Provincial Board shall not have power to issue any policy or policies of Insurance.

Business of. Proviso.

17. All policies of insurance, endowments, and annuities, and all contracts of the said Association shall be sealed with the common seal of the said Association, and shall be signed by the President or a Vice-President and the General Manager or such officer as the General Board may appoint for that purpose.

Policies: To be sealed.

Policies forfeited.

18. Whenever any holder of a policy shall fail to make payment of premiums as required by the conditions of his policy before two full annual premiums shall have been paid, such policies shall be void and all moneys paid on account of the same shall be forfeited to the Association but such policy may be reinstated upon such terms and conditions as shall be expressed in or endorsed on the same.

Commuted policies.

19. Whenever any holder of a policy shall have made payment of two or more annual premiums as required by the conditions of his policy and shall fail to pay any further premiums, the premiums paid on such policy shall not be forfeited, but such policy become a paid up and commuted policy for such sum as the General Board may ascertain and determine.

Policies surrendered.

20. Whenever any holder of a policy shall decide to surrender his policy after two or more annual premiums shall have been paid thereon, he shall receive, in consideration of such surrender, such sum as may be ascertained and determined upon by the General Board.

Policies for benefit of wife, &c.

21. Whenever any person shall have insured his life in this or any other Company, or may hereafter insure his life for the benefit of his wife and children, or wife or children, or any of them or in the name of the wife, such person may, with the consent of his wife only expressed in writing and without the consent of his children, declare the said policy to be held in his own name and for his own use absolutely, and thereafter it shall be so read and construed, and in case any person shall have by any endorsements or statement declared any policy issued by any company to be for the benefit of his wife and children or wife or children or any of them, he may by another endorsement or statement attested by one witness declare his revocation of the former endorsement, or may surrender the same, and such first endorsement or statement shall be revoked or cancelled and shall be of no effect thereafter.

Husband, &c., to be member.

22. In case a participating Policy is issued on the life of a husband or father, for the benefit of his wife or children, the husband or father shall be a member of the Association.

Investments.
In or on Dominion Debentures, &c.
Provincial Debentures, &c.
Municipal Corporation.
Incorporated company,
Or bank,
Or on the stock of,
Or on real estate,
Or mortgages,
To hold in corporate name,
Loans, &c.,
On what conditions.

23. It shall be lawful for the said Association to invest its funds in the debentures, bonds, stocks, or other securities of the Dominion of Canada or on the security thereof, or in or on the securities of any of the Provinces comprising the Dominion, or in or on the securities of any municipal corporation in the Dominion, or in or on the securities of any incorporated company or Bank transacting business in any Province of the Dominion, or on the security of stock of any incorporated Company or Bank, or on the security of real estate or mortgage security thereon in any Province of the Dominion, and to take, receive and hold all or any of such securities in the corporate name of the Association, whether for funds invested by being advanced or paid in the purchase of such securities, or loaned by the said Association on the security of the said debentures, bonds, stock, mortgages, or other securities as aforesaid; such loans to be on such terms and conditions, and in such manner, and at such times, and for such sums, and in such sums of repayment, whether of principal or interest, or principal and interest together, and at such interest and return as the General Board may from time to time determine and direct, and whether they are taken absolutely or conditionally, or whether

such securities are taken in satisfaction of debts due the said Association, or judgments recovered against any person or body corporate in its behalf, or in security for the payment of the same, or of any part thereof.

Registered policies.

24. It shall be lawful for the Governor General in Council upon the Petition of the said Association, and upon deposit with the Receiver General of such sums of money, debentures, stocks, mortgages or securities, as may be determined upon by the Governor General in Council, to make such arrangements with the said Association as may be deemed requisite for the security of the holders of Policies of the class of registered Policies, and to authorize the said Association to issue Policies on the security deposited with the Receiver General aforesaid.

Endorsement thereon.

2. And such policies shall be registered in the office of the Secretary of State for the Provinces, and shall be endorsed with the following words or words to the like effect "Registered in the office of "the Secretary of State for the Provinces, and secured by deposit "of debentures, stocks, mortgages, or other securities, dated "the day of A. D. " and shall be signed by such Secretary of State.

Special meetings.

25. In addition to the annual meeting for the election of Directors, as hereinbefore provided, a special meeting may at any time be called to meet in the City of Toronto, upon the requisition in writing of any eight members of the General Board, or of any one hundred members of the said Association, which requisition shall be addressed to the President, or in his absence to the Vice-Presidents, who shall, within one month after the receipt thereof, convene such special meeting; such requisition shall concisely state the purpose for which such special meeting shall be called.

Shares how transferred.

26. The shares of the Association shall be transferable by the parties holding the same according to by-laws or rules of the Association, and shall be transferred when the transfers thereof shall be registered in the Transfer Book of the Association at the Head Office, provided always that no share shall be transferred until all calls due thereon shall have been paid.

How otherwise transmitted.

How proved.

27. The transmission of the interest in any share of the stocks of the said Association in consequence of the marriage, insolvency, or death of the shareholder, or by any other means other than the ordinary transfer shall be proved and authenticated in such form, by such proof, and generally in such manner as the General Board may from time to time require, or by by-law direct.

Enforcing calls.

What to allege.

What to prove.

Copies of by-laws, &c., to be evidence.

28. In any action for the recovery of calls, or arrears on calls, it shall be sufficient for the Association to allege that the Defendant being an owner of shares therein, is indebted to the Association in respect of so many shares in the sum due, whereby an action hath accrued to the Association by virtue of this Act; and at the trial it shall only be necessary to prove that the Defendant was owner of shares in the Association, and that such call was made according to the by-laws or rules of the Association; it shall be unnecessary to prove the appointment of the Directors, who made such calls or any other matter whatsoever, and a copy of any by-law, rule, regulation, or minute, or of any entry in any Book of the Association, certified to be a true copy or extract under the hand of the President, or a Vice-President, or the Manager or Secretary

of the Association, and sealed with the Corporate Seal, shall be received in all Courts and proceedings as evidence of such by-law, rule, regulation, minute or entry, without further proof thereof, and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

Trusts.

29. The Association shall not be bound to see to the execution of any trust, whether expressed, implied or constructive to which any share or shares of its stock may be subject, or to which any policy or policies shall be subject, and the receipt of the person in whose name any share stands, or by whom any policy or policies appear to be held in the books, or if such share or policy stand in the name of more than one, the receipt of one shall be a sufficient discharge to the Association for any money paid in respect of such share or shares, or policy or policies, notwithstanding any trust to which they, or any of them may be held subject, and whether or not the Association shall have had notice of such trust.

No Director to borrow.

30. No Director or Officer of the Association shall become a borrower of any of its funds, nor become surety for any other person who shall become a borrower from the said Association.

No. 27.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to incorporate the "Dominion Life Association."

(PRIVATE BILL.)

Mr. YOUNG.

OTTAWA:

Printed by I. B. Taylor, Nos. 29, 31 and 33 Rideau Street

1871.

No. 28.] **BILL.** [1871.

An Act to extend the provisions of the Act authorizing the imposition and collection of Harbor Dues by the Corporation of the Town of Owen Sound.

Preamble.

WHEREAS, by an Act passed by the Legislature of the late Province of Canada, in the twenty-fourth year of Her Majesty's Reign, chapter sixty-three, entitled "An Act to authorize the Corporation of the Town of Owen Sound to impose and collect certain tolls, and for other purposes," the said Corporation is empowered to pass By-laws for the imposition and collection of certain tolls in the said Act specified; And whereas, by a proviso to the first section of the said Act, it is provided that the power to collect such tolls shall cease in two years after the passing of the said Act; and it is expedient to extend the time for such collection; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for imposing tolls extended.

1. The said Proviso shall be, and is hereby repealed, and the time for such imposition and collection of tolls shall be extended and continued for a period of
years from and after the passing hereof.

No. 28.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to extend the provisions of the Act authorizing the imposition and collection of Harbor Dues by the Corporation of the Town of Owen Sound.

PRIVATE BILL.

MR. SNIDER.

OTTAWA.

Printed by I. B. TAYLOR, 29, 31 & 33, Rideau Street.

1871.

No. 29.] **BILL.** [1871

An Act to remove doubts as to the liability to Stamp Duties of Premium Notes taken or held by Mutual Fire Insurance Companies.

WHEREAS doubts have arisen as to whether Promissory Notes given for Premiums of Insurance by Members of Mutual Fire Insurance Companies, payable at such time or times as the Board of Directors of any such Company deem requisite, or in such proportions and at such times as the Directors may require, or in any form of words to the like effect, are such Promissory Notes as are subject to the payment of duties, and whereas it is expedient to remove such doubts; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:— Preamble.

1. All Promissory Notes for the sum of twenty-five dollars or other certain sum of money in excess of twenty-five dollars, made and given since the passing of the Act of the Dominion of Canada, imposing duties on Promissory Notes and Bills of Exchange, or hereafter to be made and given for Premiums of Insurance by any Member of a Mutual Fire Insurance Company to any such Company or to some officer thereof, for a Premium or Premiums of Insurance, payable either in whole or in part on demand, or at a time or times certain, or at such time or times as the Board of Directors of any such Company deem requisite, or in such proportions and at such times as the Board of Directors may require, or in any form of words to the like effect, shall be deemed and taken to be Promissory Notes within the meaniug of the said Act, and subject to the duties by the said Act imposed on Promissory Notes and Bills of Exchange: Provided that all such notes heretofore given and not stamped as by the said Act required, shall be held valid Promissory Notes to all intents and purposes if the President, Vice-President, Manager or Secretary of any such Company shall, before suit on any such note where the suit is brought within two months after the passing of this Act, or at furthest within three months after the passing of this Act, pay double duty on such notes by affixing to the same a stamp or stamps to the amount of such double duty, and by writing on the stamp or stamps his signature or some part thereof, or his initials or the proper date of such stamp or stamps, in the manner and for the purpose mentioned in the fourth section of the said Act. Premium notes declared subject to duty. Proviso, as to notes given before the passing of this Act.

2. This Act shall not apply to any suit pending at the time of the passing thereof. Pending suits.

No. 29.

4th Session, 1st Parliament, 34 Victoria, 1871

BILL.

An Act to remove doubts as to the liability to Stamp Duties of Premium Notes taken or held by Mutual Fire Insurance Companies.

Received and read, First time, Monday, 6th March, 1871.

Second reading, Wednesday, 8th March, 1871.

Mr. R. A. Harrison.

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street.

1871.

No. 30.] **BILL.** [1871.

An Act to authorize the Northern Railway Company of Canada to make agreements for the leasing, using, and working of the Lines of Railway of other Companies.

(Reprinted as amended by the Committee on Railways, &c.)

WHEREAS The Northern Railway Company of Canada have presented a Petition praying that an Act may be passed authorizing and empowering the said Company to make agreements for the leasing, using, and working of the lines of Railway of other Companies contiguous and subsidiary to the said Northern Railway, and it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The agreement for the above-named purposes contained in the appendix to this Act, and approved of by the bond and shareholders of the said Northern Railway Company of Canada, on the eighth day of February last, and by the shareholders of the Toronto, Simcoe, and Muskoka Junction Railway Company, on the second day of March last, is hereby confirmed, and the Northern Railway Company is hereby authorized to execute the same.

2. It shall be lawful for the said The Northern Railway Company of Canada, to make an agreement or arrangement similar to the agreement hereinbefore mentioned, for any time not exceeding twenty-one years with the North Grey Railway Company, for the regulation and interchange of traffic passing over their respective railways, and for the working of the traffic over the said railways respectively, and also for the leasing, using and working by the the said The Northern Railway Company of Canada, of the line of railway of the said The North Grey Railway Company; provided, however, that such agreement or arrangement shall have no force or effect, unless, and until the same shall have been accepted and ratified by a maiority of two thirds of the members of the respective companies present in person or by proxy, and voting at a Special General Meeting of the said companies respectively, such meetings to be called, and such votes to be taken in the manner provided for that purpose, in their respective Acts of Incorporation; and provided also that in the event of any variations being made on the terms of such agreement or arrangement from those contained in the agreement, in so far as the same may apply, the said appendix to this Act, to the said North Grey Railway Company, such variations shall not be valid unless and until the same shall have been first approved of by the Governor in Council.

3. Nothing in this Act contained, nor in any lease made thereun ler, shall be taken to alter the ranking or order of priority of

the lien of the Dominion of Canada, upon the property and franchises of the said The Northern Railway Company of Canada.

APPENDIX.

This Indenture made the day of in the year of our Lord one thousand eight hundred and seventy-one.

Between the Toronto, Simcoe and Muskoka Junction Railway Company hereinafter called the Lessors of the First Part, and The Northern Railway Company of Canada hereinafter called the Lessees of the Second Part:

Whereas, by an Act of the Parliament of the Province of Ontario, Thirty-three Victoria, Chapter Thirty, entitled "An Act to Incorporate the Toronto, Simcoe and Muskoka Junction Railway Company," the said Lessors were incorporated as a Railway Company for the purpose of constructing a Railway from some point on the Railway of the said Lessees within the County of Simcoe to unite the waters of Lake Simcoe with those of Lakes Muskoka and Rosseau through and within the Counties of Simcoe, Ontario, and Victoria, with branches and extensions to the Georgian Bay.

And whereas, by the said Act it is amongst other things enacted that the said Lessors may enter into an agreement with the said Lessees for leasing to them for any period not exceeding twenty-one years the Railway of the said Lessors, and that upon the execution of any Lease the said Lessees should be empowered to exercise all the rights and privileges conferred upon the said Lessors by the said Act in the working of the said Railway.

And whereas the construction of the said projected Railway of the said Lessors will open up the trade of a large section of territory which it is of importance to the Town of Barrie and the City Toronto to attract and secure, and which will contribute an entirely new and extensive Traffic to the existing line of the said Lessees, and thus add to the Revenues and value thereof.

And whereas the said Lessors, in pursuance aforesaid, are now proceeding with the construction of their Railway.

And whereas it is therefore the mutual interest of the said Lessors and the said Lessees to secure permanent connections between the existing line of the Northern Railway and the projected line of the said Lessors, and to accelerate the construction and completion of the said projected line, and to secure thereafter the construction and completion of the said projected line, and to secure thereafter the efficient and profitable working thereof, the said Lessees have agreed to enter into an arrangement with the said Lessors to work their said line for twenty-one years upon the terms and conditions hereinafter mentioned.

How this Indenture Witnesseth,

Firstly, that the said Lessors will forthwith by all reasonable means and resources within their power and control complete the said line of railway from the point of junction with the Northern Railway, upon a location and in accordance with maps, drawings and specifications to be mutually agreed upon by the Directors of the Company of the Lessors and the Canadian Board of Directors of the Lessees, and in case of disagreement between the Board of Directors of the Lessors and the Canadian Board for the time being of the Lessees as to the completion of the said work it shall be lawful for the Board of Directors of the Lessors to nominate one indifferent arbitrator and for the Canadian Board for the time being of the Lessees to appoint another indifferent arbitrator, who, together with a third to be chosen by them, shall

decide as to the said completion of the said works according to said maps, drawings and specifications, and shall have the necessary power to direct what is requisite to be done to render the same complete according to the said maps, drawings and specifications, and it shall and may be lawful for the said Lessees in the event of the said works being inefficiently or incompletely constructed to supply any defects or omissions therein existing according to the opinion of the said arbitrators, and to charge the costs thereof against the said Lessors and to deduct the same out of any monies payable to the said Lessors hereunder.

Secondly, in pursuance of the powers mentioned in the above recited Act, the said Lessors do hereby agree to lease unto the said Lessees the whole of the said Railway from Barrie to Washago and such branches and extensions thereof as may thereafter be constructed under the powers of the said recited Act and as may be accepted by the said Lessees, under the provisions as to the leasing of such branches or extensions hereinafter contained, and to place the said Lessees in possession thereof from time to time as and when completed as aforesaid, so that the said Lessees may work the same in such manner as they may deem most profitable and advantageous and shall collect, receive and take the tolls, fares, receipts and earnings in respect thereof.

To have and to hold possession of the said Railway to Washago when completed as aforesaid, and Extensions and Branches thereof when completed by the lessees as aforesaid, for the period of Twenty-one years to commence and take effect from the date thereof.

Yielding and paying half yearly to the said Lessors such sum during the first five years of the said term, as shall amount to *Thirty-five per cent.* of the gross receipts arising from the traffic carried over the said railway of the Lessors and during the next *five years* of the said term *Forty per cent.* of the said gross receipts, and during the remaining portion of the said term *Forty-five per cent.* of the said gross receipts; Provided always and it it hereby understood and agreed that the said Lesssors shall not be entitled to receive nor shall the said Lessors be bound to pay any portion whatever of the said gross receipts unless and until the said line of the Lessors shall have been completed and placed in running order from the Barrie junction to the station in or nearest to the Village of Orillia, nor shall the said Lessors be entitled hereunder to receive any portion of the said gross receipts of the said line beyond the said station in or nearest to the Village of Orillia, unless and until the said line shall have been completed and placed in running order to a station in or near Messieurs Thomson and Miller's Mill ar Lake St. John, nor shall the said lessors be entitled to aeceive hereunder any portion of the said gross receipts of the line beyond the said last mentioned station, unless and until the said line shall have been completed and placed in running order to Washago.

Such portions of the said gross receipts as aforesaid to be applied by the said Lessors.

First, in payment of the interest of the Mortgage Bonds authorized to be issued under the said recited Act or any amendments thereto by the said lessors.

Second, in payment of the expensrs connected with the management of the affairs of the said Lessors, provided that after the year one thousand eight hundred and
the said expenses shall not exceed in any one year the sum of dollars

Thirdly, in payment of dividends to Shareholders, that the issue

to be made of debentures or bonds upon the security of the said railway under the powers of the said recited Act and any amendments thereto, shall be made from time to time with the sanction of the Canadian Board of the said lessees and not else, and that the issue thereof upon the security of the said line between Barrie and Washago shall not exceed in the whole a sum equivalent to one thousand eight hundred pounds sterling (nine thousand dollars) per mile for every mile thereof actually under construction, and such issue shall only be made from time to time in the ratio of the value of the works actually executed as shewn by the certificate of the engineer.

That the interest of the said Debentures so to be issued by the Lessors shall be made payable at the offices and agencies of the Lessees, and the said Lessees hereby agree to pay the interest of the said Debentures as the same shall fall due, and at their offices and agencies aforesaid, and the production by the said Lessees of the interest coupons of the said Debentures so paid and redeemed from time to time as aforesaid, shall be taken and received by the said Lessess in payment or part payment of the portion of gross receipts to be paid to the said Lessors as rental for the line as aforesaid.

In the event of the said proportions of the gross receipts being insufficient in any one year to pay the Interest upon the said Mortgage Bonds and the said expenses of management, the deficiency shall be advanced and paid by the said Lessees who shall be entitled to retain the amount so advanced out of any surplus thereafter coming to the said Lessors hereunder, and until such advance shall be repaid to the said Lessees shall be entitled to charge the said Lessors with interest thereupon at the rate of six per cent.

The said Lessees do hereby agree and become bound to provide the necessary Locomotive Engines, Rolling Stock and other equipment requisite for the proper and efficient working of the said road so soon as the same shall have been completed as before specified, and shall also supply all the fuel and other material and things required for the same, and shall also during the continuance of these presents work the said road and efficiently keep in order and maintain the same.

That the said Lessees shall have during the continuance of this lease entire control and management of the said road herein leased, as well as in regard to the regulating and settling from time to time the amount and rates of Tolls, Fares, Freight and other charges, to be paid, collected and taken thereon, and the mode of collecting and receiving the same as also all other matters and things in any way touching or concerning or incident to the using, operating and working of the said Railway, and the development of its Traffic and all the Charter powers of the said Lessors so far as the same can be transferred and are applicable shall relate and extend to working of the said line and said Branches or Extensions during the term of this lease, it is, however, distinctly understood and agreed that the tariff for passengers and freight over the said road of the Lessors shall be relatively the same as that in operation from time to time upon and over the Railway of the said Lessees.

Provided, however, that the said Lessees shall not be entitled during the months of November, December, January and February in each year to levy or receive upon cordwood conveyed over the line of the Lessors and over the line of the said Lessees from the line of the Lessors to the City of Toronto more than the then tariff rate chargeable by the Lessees for the carriage of lumber over the line of the Lessees, it being understood and agreed that the station

at Barrie belongs for the purpose of this clause to the line of the Lessees.

The said Lessees shall make and keep separate and accurate accounts of the traffic and receipts over the said road of the said Lessors and on the first day of the months of April and October in each year, or at such other convenient date as may be mutually agreed upon by the parties hereto the said Lessors, and the said Eessees shall severally appoint an Auditor to examine the same who shall, if they deem it necessary, have free access to and liberty to investigate, inspect and take copies of the books and vouchers of the said Lessees at any station or office on either line so far as they relate to the traffic in this lease refered to and in the event of any difference arising in the adjustment of such half yearly accounts between the said two Auditors they shall appoint some third person as Referee between them, and the decision of such Referee shall be binding upon all parties, and in computing the earnings upon such traffic as may be common to both roads the rate charged thereupon shall be credited to each road in proportion to the respective mileage over which the said rate shall have been charged.

In the event of the said Lessees constructing any new or additional works or improving or reconstructing the then existing works of the said road upon a higher or more permanent standard than required by the original specifications hereinbefore referred to, the said Lessees shall be entitled, provided that the specifications for the same shall have been first approved at, and the additional works sanctioned by the said Board of Directors or the lessors, to charge the additional or extra amount so expended as in advance of additional capital to the said Lessors which amount shall be ascertained at the close of each year, and thereafter the same shall bear interest at the rate of six per cent., and may be retained by the said Lessees out of any monies coming to the said Lessors under this lease after the payment of the interest upon the said mortgage bonds, and the expenses of management as aforesaid, and at the expiration or other sooner determination of this lease, the principal so expended or the unpaid balance thereof shall be repaid to the said Lessees who shall be entitled until payment thereof to retain possession of the said road, or in the event of a renewal of this lease then the terms of payment shall thereby be provided for and agreed upon.

In the event of the Canadian Board of Lessees requesting the sanction of the Lessors to any new or additional works or improvements upon the ground that the same are essential to the proper working of the traffic of the line of the Lessors, and shall prepare and present specifications and estimates for the same, and the Lessors shall thereupon refuse or neglect to sanction the same, then it shall be lawful for the Lessees to appoint one indifferent person who, together with another to be appointed by the lessors, who together with a third to be chosen by them, shall decide whether the proposed works are essential to the proper working of the traffic of the said line, and whether the same if constructed by the Lessees shall be chargeable against the Lessors in manner hereinbefore mentioned.

In the event of the Railway of the Lessees being purchased, by leased or amalgamated with any other Company, the Lessors shall have the liberty to give six months' notice to the Lessees, and thereby determine this lease and the provisions thereof, and upon such determination of this lease it shall be the duty of the Lessees or their assigns to grant and allow immediately thereafter full running powers and facilities over the line of the said Lessees for

the engines and rolling stock of the said Lessors, and for the proper working of the traffic of the line of the Lessors over the line of the Lessees upon such terms and conditions and arrangements as may be mutually agreed upon.

And in case of disagreement as to such terms, conditions, and arrangements, then it shall be lawful for the Lessors to appoint one indifferent person who, together with another to be appointed by the Lessees or their assigns, who, together with a third to be chosen by them shall, settle and determine the said terms, conditions, and arrangements.

The said Lessees hereby agree to furnish the Directors and the chief officers of the Company of the Lessors with free transit over and upon the Railway of the Lessees, and the line of the Lessors hereby leased, the Lessees agree to maintain the said line of Railway from the time of the completion thereof, and the transfer of possession to the Lessees during the whole of the said term in good order, and to deliver the same at the expiration of the said term to the said Lessors in as good plight and condition as the same shall be received by the Lessees at the commencement of the said term —reasonable wear and tear excepted.

It is hereby agreed between the said Lessors and the said Lessees that in case of the further extension of the line of Railway of the Lessors under existing or additional Legislative powers; then in case the said Lessees shall so agree, the terms of this lease shall be applied as nearly as the circumstances of the case may permit to the leasing of the said extension or branches by the said Lessees; and in case the said Lessors and the said Lessees fail to agree as to terms and conditions of the lease of said extension or branches, then it shall be lawful for the said Lessors to nominate one indifferent Arbitrator, and for the lessees to appoint another indifferent Arbitrator, who, together with a third to be chosen by them, shall decide as to the terms of the said lease, having regard to the provisions hereof, so far as may be possible.

And it is hereby agreed between the parties hereto in respect of all the provisions hereinbefore contained for Arbitration, in case of disputes between the said Lessors and the said Lessees, that the decision of the majority of the Arbitrators shall be binding, and that should either of the parties in any such case refuse or neglect to appoint a Referee or Arbitrator within twenty days after notice in writing for that purpose from the other party, then the decision of the Referee or Arbitrator appointed by the party so giving notice, shall be binding on both parties.

No. 30.

4th Session, 1st Parliament, 34 Victoria,

BILL.

An Act to authorize the Northern Rai
Company of Canada to make agreer
for the leasing, using, and working c
Lines of Railway of other Companie

Reprinted as amended by the Committee
Railways, &c.

Mr. P

OTTAWA:
Printed by I. B. TAYLOR, 29, 31 and 33 Rideau
1871.

No. 31.] **BILL.** [1871.

An Act relating to the Commercial Bank of New Brunswick.

Preamble.

WHEREAS, the Commercial Bank of New Brunswick has for some years past ceased its operations and business, and has paid off all bills and notes issued by the Bank so far as they have been presented for payment, and the Directors of the said Bank are desirous of winding up and closing its concerns, and of distributing the surplus assets of the Bank (if any) among the stockholders; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Notice of closing to be published in the Royal Gazette.

1. A notice of the passing of this Act, and of the intended closing of the concerns of the Bank, shall be published for twelve months in the Royal Gazette of the Province of New Brunswick, in which notice all persons holding any bills or notes of the said Bank, or having any just and legal claims or demands against the said Bank, shall be required to present the same within twelve months from the date of such notice to the President of the said Bank at the City of Saint John.

Final distribution of assets, how and when to be made.

2. After the expiration of such period, and the full payment of all bills or notes, and just and legal claims and demands so presented, the President and Directors of the said Bank may forthwith make final distribution of the surplus of the funds (if any) realized from the assets of the said Bank, among the stockholders in proportion to their amount of stock.

Liability of Stockholders to cease after final closing of Bank.

3. From and after the expiration of the period limited in such notice, the said Commercial Bank and the stockholders thereof shall be released from any further liability to the creditors of the said Bank, at law or in equity or otherwise howsoever, in respect of any bills, notes, claims, or demands whatsoever not so presented within such period as aforesaid, and all such bills, notes, claims, and demands not so presented shall become void and of none effect.

No, 31.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act respecting the Commercial Bank of New Brunswick.

Received and read, First time,

Second reading,

(PRIVATE BILL.)

Hon. Mr. TILLEY.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, and 33, Rideau Street.

1871.

No. 32.] **BILL.** [1871.

An Act to establish one Uniform Currency for the Dominion of Canada.

Preamble.

WHEREAS, it is expedient to establish one Uniform Currency for the whole Dominion of Canada; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Uniform currency on and after 1st July, 1871.

1. On and after the first day of July, in the present year of our Lord one thousand eight hundred and seventy-one, the currency of the Province of Nova Scotia shall be the same as that of the Provinces of Quebec, Ontario, and New Brunswick, in all of which one currency, of the uniform value hereinafter mentioned, has been and is now used.

Denominations in currency.

2. The denominations of money in the currency of Canada, shall be dollars, cents, and mills, the cent being one hundredth part of a dollar, and the mill one tenth part of a cent.

Standard of value of Canada currency.

3. On and after the said first day of July, 1871, the currency of Canada shall be such, that the British sovereign of the weight and fineness now prescribed by the laws of the United Kingdom, shall be equal to and shall pass current for four dollars eighty-six cents and two-thirds of a cent of the currency of Canada, and the half sovereign of proportionate weight and like fineness, for one half the said sum; and all public accounts throughout Canada shall be kept in such currency: and in any statement as to money or money value, in any indictment or legal proceeding, on or after the said day, the same shall be stated in such currency: and in all private accounts and agreements rendered or entered into on or after the said day, all sums mentioned shall be understood to be in such currency, unless some other is clearly expressed, or must, from the circumstances of the case, have been intended by the parties.

Public accounts, &c., to be kept in it.

Payments to be made in Nova after 1st July, 1871, to be in Canada currency.

4. All sums of money payable on and after the said day to Her Majesty, or to any party, under any Act or law in force in Nova Scotia, passed before the said day, or under any bill, note, contract, agreement, or other document or instrument, made before the said day in and with reference to that Province, or made after the said day out of Nova Scotia and with reference thereto, and which were intended to be, and if such alteration of the currency as aforesaid had not been made, would have been payable in the present currency of Nova Scotia, shall, on and after the said day, be represented and payable, respectively, by equivalent sums in the currency of Canada, that is to say, for every seventy-five cents of Nova Scotia currency, by seventy-three cents of Canada currency, and so in proportion for any greater or less sum; and if in any such sum there be a fraction of a cent in the equivalent in Canada currency, the nearest whole cent shall be taken.

No bank notes, &c., to be in any other currency.

5. On and after the said day, no Dominion note or bank-note payable in any other currency than the currency of Canada, shall be issued or re-issued by the Government of Canada, or by any bank, and all such notes issued before the said day, shall, as soon as practicable, be called in and redeemed, or notes payable in the currency of Canada shall be substituted or exchanged for them.

Her Majesty may cause gold coins to be struck for Canada.

6. On and after the said day, any gold coins which Her Majesty may cause to be struck for circulation in Canada, of the standard of fineness prescribed by law for the gold coins of the United Kingdom, and bearing the same proportion in weight to that of the British sovereign, which five dollars bear to four dollars eighty-six cents and two-thirds of a cent, shall pass current and be a legal tender in Canada for five dollars, and any multiples or divisions of such coin, which Her Majesty may cause to be struck for like purposes, shall pass current and be a legal tender in Canada at rates proportionate to their intrinsic value respectively; and any such coins shall pass by such names as Her Majesty may assign to them in her proclamation declaring them a legal tender, and shall be subject to the like allowance for remedy as British coin.

Certain silver and copper coins struck by order of Her Majesty for circulation to be a legal tender in Nova Scotia and throughout Canada.

7. The silver, copper or bronze coins which Her Majesty has caused to be struck for circulation in the Provinces of Quebec, Ontario, and New Brunswick, under the Acts now in force in the said Provinces respectively, shall continue to be current and a legal tender therein, and shall, on and after the said day, be current and a legal tender in the Province of Nova Scotia, at the rates in the said currency of Canada now assigned to them respectively, by the said Acts, and under the like conditions and provisions; and such other silver, copper, or bronze coins as Her Majesty may cause to be struck for circulation in Canada, shall pass current and be a legal tender in Canada, at the rates to be assigned to them respectively by Her Majesty's Royal Proclamation, such silver coins being of the fineness now fixed by the laws of the United Kingdom, and of weights bearing respectively the same proportion to the value to be assigned to them, which the weights of the silver coins of the United Kingdom bear to their nominal value; and all such silver coins aforesaid, shall be a legal tender to the amount of ten dollars, and such copper or bronze coins to the amount of twenty-five cents, in any one payment, and the holder of the notes of any person or corporation to the amount of more than ten dollars, shall not be bound to receive more than that amount in such silver coins in payment of such notes if presented for payment at one time, although each or any of such notes be for a less sum.

No other coins of silver or copper to be so.

8. No other silver, copper, or bronze coins than those which Her Majesty shall have caused to be struck for circulation in Canada, or in some Province thereof, shall be a legal tender in Canada.

As to foreign gold coins.

9. Her Majesty may, by Proclamation, from time to time, fix the rates at which any foreign gold coins of the description, date, weight and fineness, mentioned in such Proclamation, shall pass current, and be a legal tender in Canada; provided that unless and until it is otherwise ordered by any such Proclamation, the gold Eagle of the United States of America, coined after the first day of July, 1834, and before the first day of January, 1852, or after the said day, but while the standard of fineness for gold coins then fixed by the laws of the said United States remains un-

changed, and weighing ten pennyweights, eighteen grains Troy weight, shall pass current and be a legal tender in Canada for ten dollars, and the gold coins of the said United States being multiples and halves of the said Eagle, and of like date and proportionate weights, shall pass current and be a legal tender in Canada, for proportionate sums.

Proof of date, &c., of coins.

10. The stamp of the year on any foreign coin made current by this Act, or any Proclamation issued under it, shall establish *primâ facie* the fact of its having been coined in that year, and the stamp of the country shall establish *primâ facie* the fact of its being of the coinage of such country.

Repeal of inconsistent enactments.

11. The first, second, sixth, and seventh sections, of chapter eighty-three, of the Revised Statutes of Nova Scotia, third series, and so much of any other part of the said chapter as may be inconsistent with this Act—the fifteenth chapter of the Consolidated Statutes of the late Province of Canada,—the Act of the Legislature of the Province of New Brunswick passed in the fifteenth year of Her Majesty's reign, chapter eighty-five, the Act of the said Legislature passed in the sixteenth year of Her Majesty's reign, chapter thirty-three, the Act of the said Legislature passed in the twenty-third year of Her Majesty's reign, chapter forty-eight, except section two,—and the Act of the Parliament of Canada passed in the thirty-first year of Her Majesty's reign, chapter forty-five, except section two,—shall be repealed on and after the said first day of July, 1871, as shall also all other Acts and parts of Acts inconsistent with this Act.

No. 32.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to establish one Uniform Currency for the Dominion of Canada.

Received and read, First time, Tuesday 7th March, 1871.

Second reading, Tuesday, 14th March, 1871.

Hon. Sir FRANCIS HINCKS.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.
1871.

No. 33] **BILL.** [1871.

An Act to incorporate the Montreal and City of Ottawa Junction Railway Company.

Preamble.

WHEREAS, the persons hereinafter named, and others have by their petition represented that a line of railway to be constructed from the City of Ottawa to a point on the Grand Trunk Railway at or near Coteau Landing, would afford the shortest and most convenient connexion between the Cities of Ottawa and Montreal; and have prayed to be incorporated as a Company for the purpose of constructing such line; and it is expedient to grant their prayer; Therefore, Her Majesty, by and with the consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. Donald Alexander Macdonald, M.P., Luc H. Masson, M.P., Wm. Duckett, Angus S. Macdonald, Archibald McNab, Reeve of Lochiel, Michel Guindon, James Fraser, Reeve of Kenyon, Hugh R. Macdonald, Deputy Reeve of Lochiel, George Harrison, Peter Kennedy, Warden of Stormont, &c, Joseph Aumond, Edward McGillivray, James A. Grant, M.P., and Thomas Borthwick, with all such other persons and corporations as shall become shareholders in the Company hereby incorported, shall be, and are hereby constituted a body corporate and politic by the name of the "Montreal and City of Ottawa Junction Railway Company," and shall have all the powers incident to railway corporations in general, and the powers and privileges conferred on such corporations by *The Railway Act*, 1868, subject to the provisions hereinafter contained.

Power to construct Railway.

2. The said Company and their agents and servants may lay out, construct and finish a double or single iron Railway, of such width or gauge as the Company see fit, from the City of Ottawa to some point at or near the village of Alexandria in the County of Glengarry, and thence to some point at or near Coteau Landing on the line of the Grand Trunk Railway, in the County of Soulanges.

Capital Stock.

3. The Capital Stock of the said Company shall not exceed, in the whole, the sum of one million dollars, to be divided into ten thousand shares, of one hundred dollars each, which amount shall be raised by the persons hereinafter named, and such other persons and Corporations as may become shareholders in the said Stock; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements for procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the Railway; and all the rest and remainder of such money shall be applied towards making, completing, and maintaining the said Railway, and other purposes of this Act.

Company may receive aid.

4. It shall be lawful for the said Company to receive, either by grant from Government, or from any private individuals or cor-

porations, as aid in the construction of the said Railway, any vacant lands in the vicinity thereof, or any other real or personal property, or any sums of money, either as gifts, or in payment of stock, and legally to dispose of the same, and alienate the lands or other real or personal property for the purposes of the said Company, in carrying out the provisions of this Act.

Directors.

5. Donald Alexander Macdonald, M.P., Luc H. Masson, M.P., Angus S. Macdonald, Archibald McNab, Peter Kennedy, James Fraser, James A. Grant, M.P., Edward McGillivray, and Thomas Borthwick shall be, and are hereby constituted, a Board of Directors of the said Company, and shall hold office as such until other Directors shall be appointed under the provisions of this Act by the shareholders, and shall have power and authority to fill vacancies occurring therein, to open Stock Books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of Shareholders for the election of other Directors as hereinafter provided, and generally to do all such other acts as such Board, under the Railway Act, may lawfully do.

Stock books.

The said Directors are hereby empowered to take all necessary steps for opening the Stock Books for the subscription of parties desirous of becoming Shareholders in the said Company, and all parties subscribing to the capital stock of the said Company, shall be considered proprietors and partners in the same.

First meeting of Shareholders.

6. When and so soon as one-tenth part of the said capital stock shall have been subscribed, as aforesaid, and one-tenth of the amount so subscribed paid in, the said Directors, or a majority of them, may call a meeting of Shareholders at such time and place as they shall think proper, giving at least two weeks' notice in one or more newspapers published at Ottawa, Montreal, and Cornwall; at which said general meeting, and at the annual general meetings in the following sections mentioned, the Shareholders present, either in person or by proxy, shall elect seven Directors in the manner, and qualified, as hereinafter provided, which said Directors shall constitute a Board of Directors, and shall hold office until the last Tuesday in May in the year following their election.

Annual general meetings.

7. On the said last Tuesday in May in each year thereafter, at the principal office of the said Company, there shall be held a general meeting of the Shareholders of the Company, at which meeting the said Shareholders shall elect a like number of not less than five nor more than seven Directors for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual meeting and election shall be published one month before the day of election, in one or more Newspapers in the Cities of Ottawa and Montreal and the Town of Cornwall, and the election for Directors shall be by ballot, and the persons so elected shall form the Board of Directors.

Quorum.

8. A majority of the Directors shall form a quorum for the transaction of business, and the said Board of Directors may employ one or more of their number as paid Director or Directors, provided however that no person shall be elected a Director unless he shall be the holder and owner of at least five shares of the said Company and shall have paid up all calls upon the stock.

Reeves of Municipalities as Directors.

9. The Reeve or other chief Municipal officer of any Municipality or Parish subscribing towards the said undertaking, a bonus of not

less than $500, or holding not less than five shares in the Stock of the Company, shall be eligible to the office of Director.

Calls.

10. The Directors may at any time call upon the Shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said Company, in such proportion 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.

Company may become parties to Promissory Notes, &c.

11. The said Company shall have power and authority to become parties to Promissory Notes and Bills of Exchange, for sums not less than one hundred dollars, and any such Promissory Note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the Company, and under the authority of a majority of a quorum of the Directors, shall be binding on the said Company; and every such Promissory Note or Bill of Exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to such Promissory Note or Bill of Exchange, nor shall the said President, or Vice-President, or the Secretary and Treasurer, be individually responsible for the same unless the said Promissory Notes or Bills of Exchange have been issued without the sanction and authority of the Board of Directors as herein provided, and enacted; provided, however, that nothing in this section shall be construed to authorize the said Company to isssue Notes or Bills of Exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Company may issue debentures.

12. The Directors of the said Company are hereby authorized and empowered to issue bonds or debentures which shall be and form a first charge on the undertaking, lands, buildings, tolls and income of the Company, or any, either, or all of them, as may be expressed by the said bonds or debentures, without the necessity for any enregistration thereof; and such bonds or debentures shall be in such form, and for such amount, and payable at such times and places, as the Directors from time to time may appoint and direct; and the payment to the Treasurer of the Company, or to any other person appointed for the purpose, by any *bonâ fide* purchaser of any of the said lands, of the purchase money thereof, and the acquittance by such Treasurer, or other person so appointed, of such purchase money, shall operate as a discharge of such charge in respect of the lands so paid for; and until other provisions be made therefor, the Treasurer of such Company, or other person so authorized, shall keep all moneys so received separate and apart from the ordinary funds of the Company, and the moneys so received shall be invested from time to time in Government Securities, or in the stock of some solvent and well-established chartered bank in Canada, for the formation of a fund for the payment of the interest on such debentures as it becomes due, and for their redemption at maturity. The said bonds or debentures shall be signed by the President or Vice-President, and shall have the corporate seal of the Company affixed thereto, provided that the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway under contract or to be constructed under and by virtue of this Charter.

May arrange to connect with other Railways.

13. The Directors of the said Company, elected by the Shareholders, in accordance with the provisions of this Act, shall have

power and authority to enter into and conclude any arrangements with any other Chartered Railway Company, for the purpose of making any branch or branches to facilitate a connection between this Company and such other Chartered Railway Company.

May negociate sale or lease of Railway.

14. The said Company are also hereby authorized and empowered to contract and agree with any incorporated Railway Company for the purchase, transfer, or amalgamation of their line of railway or undertaking, with the appurtenances and privileges thereto belonging, or in any manner appertaining; and the Company hereby incorporated, may assign, transfer, or lease their railway or any part thereof, or any rights or powers acquired under this Act, and the surveys, plans, work, plant, stock, machinery, or other effects belonging thereto, to any other incorporated Company, person, or persons, or Corporations, upon such terms and conditions, and with such restrictions as the Directors may deem expedient, subject to the approval of the Shareholders at a special general meeting, to be called for that purpose.

Right of holding shares and voting.

15. Any Shareholder in the said Company, whether a British subject or alien, or a resident of Canada or elsewhere, has and shall have equal rights to hold stock in the said Company, and to vote on the same and to be eligible to office in the said Company.

Form of conveyance of land.

16. Any deed of conveyance of land to the said Company may be in the form of Schedule A., to this Act annexed, and may be enregistered at full length upon the affidavit of one of the witnesses to the execution thereof, made before the officers usually authorized to receive the same, and a deed in such form, or in words of like import, shall be a legal and valid conveyance of the land and immovables therein mentioned to all intents and purposes, and the registration thereof shall be of the same effect as if such deed were executed before a notary.

Short title.

17. This Act shall be known and cited as the "Montreal and City of Ottawa Junction Railway Act."

SCHEDULE A.

Form of Deed of Sale.

Know all men by these presents, that I., A. B., in consideration of paid to me by the Montreal and City of Ottawa Junction Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Montreal and City of Ottawa Junction Railway Company, their successors and assigns, all that tract or parcel of land (*describe the land*) to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my hand and seal this day of one thousand eight hundred and

Signed, Sealed, and Delivered in presence of } A. B. L.S.

C.D.
E.F.

No. 33.

4th Session, 1st Parliament, 34 Victo

BILL.

An Act to Incorporate the Montr City of Ottawa Junction Company.

PRIVATE BILL.

Mr. MACDONALD, (Glen

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau

1871.

No. 34] **BILL.** [1871.

An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their Railways.

Preamble.

WHEREAS, it may happen that a Railway Company whose Railway is subject to the Legislative authority of the Parliament of Canada, as connecting one Province in the Dominion with another or others, or as extending beyond the limits of one Province, or as having been declared by Parliament to be for the general advantage of Canada, or for the advantage of two or more Provinces, may, from the increase of the traffic on such Railway and those connecting with it, require at certain stations or places, more ample space for the proper accomodation of such traffic and of the public, than they now possess, or than they can take or acquire under the Act or Acts incorporating or applying to such Company, and it is necessary in the public interest and for the extension of the commerce of the Dominion, that the most ample accommodation should be furnished for such traffic; Therefore, Her Majesty by and with the consent of the Senate and House of Commons of Canada, enacts as follows:—

Proceeding when more space is required for the accommodat'n of the traffic at any station or place.

1. Whenever any Railway Company subject for any of the causes mentioned in the preamble to the Legislative authority of the Parliament of Canada, (and whether *The Railway Act*, 1868, does or does not for other purposes apply to such Company or their Railway), requires at any station or place on the line of such Railway, more ample space for the convenient accommodation of the public and of the traffic on the Railway, than they then possess, or can take without the consent of the proprietors thereof, the Company may cause a plan to be made of the additional ground required at such station or place for the purposes aforesaid, (and for the purpose of making such plan shall have the powers granted to Railway Companies for making surveys by the seventh section of *The Railway Act*, 1868,) and may transmit such plan to the Commissioner of Public Works, with an application on behalf of the Company referring to such plan and stating that certain ground shown thereon is necessary for the purposes aforesaid, and requesting the Commissioner to authorize the taking thereof for such purposes under this Act; and the correctness of the plan and the truth of the allegations in such application shall be certified by the President or one of the Directors of the Company, and by their Engineer, and such plan and statement shall be made and transmitted to the Commissioner in duplicate.

Certificate of Commissioner of Public Works requir-ed.

2. The Commissioner of Public Works shall inquire into the correctness of the plan and the truth of the allegations of the application aforesaid, and being satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest, that the ground shewn on such plan should be acquired by the Company; and such certificate shall be annexed to one of the duplicates of the said plan and statements, and the other duplicate shall remain in the office of the Commissioner.

Effect of such certificate.

3. Upon the granting of such certificate as aforesaid, by the Commissioner of Public Works, and by virtue thereof, the Company shall have power to take the ground shewn on the said plan as required for the purposes aforesaid, without the consent of the proprietors, and the Company and all Corporations or parties who could not otherwise convey the same to the company, shall have, with respect to any such ground, all the powers granted by the ninth section of *The Railway Act*, 1868, headed "LANDS AND THEIR VALUATION," to Railway Companies, Corporations, and parties who could not otherwise convey the same, with respect to lands which may be taken without the consent of the proprietors thereof; and the enactments and provisions of the said section, except such as refer to the map or plan and book of reference therein mentioned, or as limit the extent of land to be taken, shall apply and are hereby extended to the ground mentioned in the said certificate of the Commissioner of Public Works, and to all the proceedings connected with or consequent upon the acquiring or taking of such ground or any part thereof, with or without the consent of the proprietor.

Proof of certificate.

4. Any such certificate as aforesaid, purporting to be signed by the Commissioner of Public Works, shall be received as authentic in all courts of law or equity, without proof of such signature or other evidence, unless its authenticity be called in question on behalf of the Crown.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL,

An Act to amend "The Railway Act, 1868."

Received and read, First time, Thursday, 9th March, 1871.

Second reading, Monday, 13th March, 1871.

MR. KIRKPATRICK.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1871.

No. 35.] **BILL.** [1871.

An Act to amend the Insolvent Act of 1869.

Preamble. WHEREAS, it is expedient to amend "The Insolvent Act of 1869;" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Insolvent's estate not to be delivered over by Interim Assignee until his costs are paid. **1.** In all cases in which, either under the fifth or under the twenty-eighth section of the said Act, an Assignee to the estate of the Insolvent shall be appointed, the Interim Assignee shall not be compelled to transfer the estate and effects of the Insolvent, nor to deliver over such estate to such Assignee, until all fees, expenses and disbursements of the Interim Assignee or Guardian, as taxed by the Judge, Prothonotary, or Clerk of the Court, shall have been paid to him, and the delay of twenty-four hours mentioned in the eighth section of the said Act shall not be held to commence until after such payment and reimbursements shall have been made.

Oaths may be administered by Prothonotary, &c. **2.** All oaths to be administered under the said Act, either for the examination of the Insolvent, or for any other purpose whatsoever, may be administered by the Prothonotary or Clerk of the Court in like manner as by the Judge.

Repeal of inconsistent enactments. **3.** All parts of the Insolvent Act of 1869, incompatible with the provisions of this Act, are hereby repealed.

No, 35.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend the Insolvent Act of 1869.

Received and read, First time, Thursday, 9th March, 1871.

Second reading, Monday, 13th March, 1871.

Mr. GODIN.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, and 33, Rideau Street.

1871.

No 36

An Act respecting the Merchants Bank of Canada.

WHEREAS, the Merchants Bank of Canada has by its Petition set forth that the existing Charter thereof will shortly expire, and that the said Bank is desirous of having its Charter amended and extended in conformity with the provisions of an Act of the Parliament of Canada, passed during the last session thereof, intituled, "An Act respecting Banks and Banking," and has prayed that such amendment and extension be granted by an Act of Parliament, instead of by Letters Patent, and it is expedient that the prayer of the said Petition be granted;

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

1. The Capital Stock of the said Bank shall be six millions of dollars, divided into sixty thousand shares of one hundred dollars each, which said shares shall remain and be vested in the several persons now entitled thereto, or who shall hereafter subscribe for or acquire the same, their heirs, legal representatives and assigns; and the subscription for so many of the said shares as shall be unsubscribed for when this Act shall come into force, shall be made in such proportions or numbers, and at such times and places, and under such regulations, and at such rate of premium, to be paid by the subscribers, over and above the amount of shares, and upon such terms and conditions as shall be provided from time to time by the Directors, by resolution of the Board, which resolution shall be published for two weeks in the Official Gazette of the Dominion, and in two or more newspapers in the cities of Montreal and Toronto; and Executors, Administrators and Curators paying instalments upon shares of deceased Shareholders, shall be and are hereby respectively indemnified for paying and are required to pay the same; provided, always, that no share shall be held to be lawfully subscribed for unless the premium (if any) which shall have been so fixed, and at least ten per centum on the amount of such share to be paid at the time of subscribing; and provided also that the whole of the subscribed capital of the Bank shall

2. If any person or party subscribing for shares of the Capital Stock of the Bank, shall also be willing to pay up at the time of subscribing the full amount of the shares subscribed for, together with such premium thereon, if any, as aforesaid, it shall and may be lawful for the Directors of the Bank, at any time within the periods limited for subscribing for such stock, to admit and receive such subscriptions, and full payment, or payment of any number

of instalments together with such premiums; and in every case the premium received on any stock subscribed for, shall be carried to the account of the ordinary profits of the said Bank.

3 If any Shareholder or Shareholders shall refuse or neglect to pay any or either of the instalments upon his, her, or their shares of the said Capital Stock when the same becomes due, such Shareholder or Shareholders shall incur a forfeiture to the use of the said Corporation of a sum of money equal to ten per centum of the amount of such shares; and, moreover, it shall be lawful for the Directors of the said Corporation (without any previous formality other than thirty days public notice of their intention) to sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the forfeitures incurred upon the whole. And the President, or Vice-President, or Cashier of the said Corporation, shall execute the transfer to the purchaser of the shares of Stock thus sold, and such transfers being accepted, shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of the stock thereby transferred: Provided, always, that nothing in this section contained shall be held to debar the Directors or Shareholders, at a general meeting, from remitting, either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of the instalments as aforesaid, or to prevent the said Bank from enforcing the payment of any call or calls by suit, in lieu of forfeiting the same.

4. The chief place or seat of business of the said Corporation shall be in the City of Montreal aforesaid; but it shall and may be lawful for the Directors of the Corporation to retain, open and establish in other cities and towns, and places in this Dominion, branches or offices of discount and deposit of the said Corporation, under such rules and regulations for the good and faithful management of tho same, as the Directors shall from time to time seem meet, and as shall not be repugnant to any law of this Dominion, to this Act, or to the By-laws of the said Corporation.

5. For the management of the affairs of the said Corporation, there shall be seven Directors, who shall be annually elected by the Shareholders of the capital stock of the Corporation, at a general meeting of them, to be held annually, on the first Monday in July, in each year; and the Directors elected, by a majority of votes, shall be capable of serving as Directors the ensuing twelve months; and at their first meeting after such election, shall choose out of their number a President and Vice-President, who shall hold their offices respectively during the same period; and in

case of a vacancy occurring in the said number of seven Directors, the remaining Directors shall fill the same by election from among the shareholders, and the Director so elected shall be capable of serving as a Director until the next annual general meeting of the Shareholders; and if the vacancy occurring in the said number of seven Directors shall also cause the vacancy of the office of President or Vice-President, the Directors, at the first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice or election, from among themselves, and the Director so chosen, or elected, shall fill the office to which he shall be so chosen, or elected until the next general annual meeting of the Shareholders: Provided always, that the foregoing provisions respecting the choice and selection of Directors may be changed in the respects hereinafter mentioned by a By-law, to be made as hereinafter provided: And provided, also, that each of the Directors shall be the holder and proprietor, in his own name, of not less than fifty shares of the capital stock of the said Corporation, upon which not less than five thousand dollars shall have been paid up, and shall be a natural born, or naturalized subject of Her Majesty, and shall have lived seven years in Canada.

6. If at any time it shall happen that an election of Directors shall not be made, or take effect, on the day fixed by this Act, the said Corporation shall not be deemed, or taken to be, thereby dissolved, but it shall be lawful at any subsequent time to make such election, at a general meeting of the Shareholders to be called for that purpose; and the Directors in office, when such failure of election shall take place, shall remain in office until such election shall be made.

7. The books, correspondence and funds of the said Bank, shall, at all times, be subject to the inspection of the Directors, but no Shareholder, not being a Director, shall inspect, or be allowed to inspect, the account, or accounts, of any person or persons dealing with the said Bank.

8. At the meetings of the Directors of the said Corporation not less than four of them shall constitute a board or quorum, for the transaction of business, and at the said meetings the President, or in his absence, the Vice-President, or in their absence, one of the Directors present, to be chosen *pro tempore*, shall preside, and the President, Vice-President, or President *pro tempore* so presiding, shall vote as a Director, and, if there be an equal division on any question, shall have a casting vote.

9. It shall and may be lawful for the Directors of the said Bank, from time to time, to make and enact By-laws, Rules and Regulations (the same not being repugnant to this Act, or to the

Laws of this Dominion), to regulate the retirement in each year subsequent to the present year, of a part only of the Directors, the number of the Directors who shall so retire, the mode in which the retiring Directors shall be selected, and all other matters in connection with the change to be thereby made in the mode of selecting the Directors: Provided always, that the number of Directors to be elected at each annual meeting shall not be less than four; and also for the remuneration of the President, Vice-President and other Directors; and for the proper management of the affairs of the said Corporation generally; and from time to alter or repeal the same, and others to make and enact in their stead: Provided, always, that no By-law, Rule or Regulation so made by the Directors shall have force or effect until the same shall have been confirmed by the Shareholders at an annual general meeting, or after six weeks public notice, at a special general meeting called for that purpose: And provided, also, that the By-laws of the said Merchants' Bank of Canada in force at the time when this Act shall come into force, in so far as they are not repugnant to this Act, or to law, shall remain in force, until others shall be made and enacted and confirmed, as provided for by this section.

10 No Director of the Corporation hereby constituted shall, during the period of his services, act as a private Banker or Director of any other Bank.

11 The Directors of the said Corporation shall have power to appoint such Cashiers, Officers, Clerks and Servants under them as shall be necessary for conducting the business of the Corporation, and to allow reasonable compensation for their services, respectively: and, also, shall be capable of exercising such power and authority, for the well governing and ordering of the affairs of the said Corporation, as shall be prescribed by the By-laws thereof: Provided, always, that before permitting any Cashier, Officer, Clerk or Servant of the Corporation to enter upon the duties of his office, the Directors shall require such Cashier, Officer, Clerk or Servant, to give security to the satisfaction of the Directors, in such sum of money as the Directors consider adequate to the trust to be reposed, with conditions for good and faithful behaviour.

12. It shall be the duty of the Directors to make half-yearly dividends of so much of the profits of the said Bank as to them shall appear advisable, and such dividends shall be payable at such place, or places, as the Directors shall appoint, and of which they shall give public notice thirty days previously; provided, always, that such dividends shall not in any manner lessen or impair the Capital Stock of the said Bank; and if any dividend or bonus be so made, the Directors knowingly and wilfully

concurring therein, shall be jointly and severally liable for the amount thereof, as a debt due by them to the Bank; and if any part of the paid up Capital be lost, the Directors shall, if all the subscribed Stock is not paid up forthwith, make calls on the Shareholders sufficient to make good such loss; and such loss (and the calls, if any) shall be mentioned in the Return then next made by the Bank to the Government; provided that in any case where the Capital Stock has been impaired as aforesaid, all nett profits shall be applied to make good such loss; but no division of profits, either by way of dividends or bonus, or both combined, or in any other way exceeding the rate of eight per cent. per annum, shall be paid by the Bank, unless, after paying the same it shall have a Rest or reserve fund equal to at least twenty-five per cent. of its Capital, deducting all bad and doubtful debts before calculating the amount of such Rest.

13. The annual general meeting of the Shareholders of the Corporation, to be held in the City of Montreal, on the first Monday in the month of July, in each year, for the purpose of electing Directors in the manner hereinbefore provided, shall also take into consideration all other matters generally touching the affairs and the management of the affairs of the Corporation; and, at each of the said annual general meetings, the Directors shall submit a full and clear statement of the affairs of the Corporation; containing on the one part, the amount of capital stock paid in, the amount of notes of the Bank in circulation, the net profits in hand, the balances due to other Banks and institutions, and the cash deposited in the Bank — distinguishing deposits bearing interest from those not bearing interest; and, on the other part, the amount of current coin and gold and silver bullion in the vaults of the Bank, the value of buildings and other real estate belonging to the Bank, the balance due to the Bank from other banks and institutions, and the amount of debts owing to the Bank, including and particularizing the amounts so owing on bills of exchange, discounted notes, mortgages and hypothèques, and other securities; thus exhibiting, on the one hand, the liabilities of, or debts due by, the Bank, and on the other hand, the assets and resources thereof; and the said statement shall also exhibit the rate and amount of the dividend declared by the Directors, the amount of profits reserved at the time of declaring the dividend, and the amount of debts to the Bank overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts.

14. At all meetings of the Corporation, the Shareholders shall be entitled to give one vote for every share held by them; and it shall be lawful for absent Shareholders to give their votes by proxy, such proxy being also a Shareholder, and being provided with a written authority from his constituent or constituents, in

such form as shall be established by a By-law, which authority shall be lodged in the Bank: Provided, always, that a share or shares of the capital stock of the said Corporation that shall have been held for a less period than three calendar months immediately prior to any meeting of the Shareholders, shall not entitle the holder or holders to vote at such meeting either in person or by proxy: Provided, also, that when two or more persons are joint holders of shares it shall be lawful that only one of such joint holders be empowered by letter of attorney from the other joint holder or holders, or a majority of them, to represent the said shares, and vote accordingly.

15. No Manager, Cashier, Bank Clerk or other subordinate officer of the Bank shall vote either in person or by proxy, at any meeting for the election of Directors, or hold a proxy for that purpose.

16. Any number not less than twenty of the Shareholders of the said Bank, who together shall be proprietors of at least one thousand shares of the paid up capital stock of the said Bank, by themselves or proxies; or the Directors of the said Bank or any four of them; shall respectively have power at any time to call a special general meeting of the Shareholders of the said Bank to be held at their usual place of meeting in the City of Montreal, upon giving six weeks previous public notice thereof, and specifying in such notice the object or objects of such meeting; and if the object of any special general meeting be to consider of the proposed removal of the President or Vice-President, or of a Director or Directors of the Corporation, for maladministration, or other specified and apparently just cause, then and in such case the person or persons whom it shall be so proposed to remove, shall from the day on which the notice shall be first published, be suspended from the duties of his or their office or offices; and if it be the President or Vice-President whose removal shall be proposed as aforesaid, his office shall be filled up by the remaining Directors (in the manner hereinbefore provided in the case of a vacancy occurring in the office of President or Vice-President), who shall choose or elect a Director to serve as such President or Vice-President, during the time such suspension shall continue or be undecided upon.

17. The Shares of the Capital Stock of the said Corporation shall be held and adjudged to be personal estate and be transmissible accordingly, and shall be assignable and transferable at the Bank according to such form as shall be prescribed by the by-laws for that purpose; but no assignment or transfer shall be valid and effectual unless it be made and registered in a book or books to be kept in the office of the said Bank for that purpose, nor until the person or persons making the same shall have

previously discharged all debts actually due by and exigible from him, her or them to the Corporation, which may exceed in amount the amount paid up on the remaining Stock (if any) belonging to such person or persons; and no fractional part or parts of a share or other than a whole share, shall be assignable or transferable; and when any share or shares of the said Capital Stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed, shall within thirty days after the sale, leave with the Cashier of the Corporation an attested copy of the writ, with the certificate of such Sheriff endorsed thereon, certifying to whom the sale has been made; and thereupon (but not until all debts due by the original holder or holders of the said shares to the Corporation shall have been discharged as aforesaid) the President or Vice-President or Cashier of the Corporation shall execute the transfer of the share or shares so sold to the purchaser, and such transfer being duly accepted, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the original holder or holders of the said shares, any law or usage to the contrary notwithstanding; and Shares in the Capital Stock of the said Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom, in like manner as such shares and dividends are respectively transferable and payable at the Chief Office of the Bank in the City of Montreal; and, to that end, the Directors may, from time to time, make such rules and regulations, and prescribe such forms, and appoint such agent or agents as they may deem necessary; provided, always, that at no time shall more than one-half of the whole Capital Stock be registered in the book kept for that purpose, in the United Kingdom.

18. The Bank shall not make loans or grant discounts on the security of its own Stock, but shall have a privileged lien for any overdue debt on the shares and unpaid dividends of any of its debtors, and may decline to transfer the shares of any such debtor, until such debt is paid.

19. The said Corporation shall have power and authority to carry on business as dealers in gold and silver bullion, bills of exchange; in discounting promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of banking. And the Act of the Parliament of Canada passed in the thirty-first year of Her Majesty's reign, intituled, "An Act respecting Banks and Banking," and each and every of the provisions thereof shall apply to the said Merchants Bank of Canada as fully and completely as if incorporated in the present Act; and shall be read and construed as a part thereof. But the said Corporation shall not directly or indirectly hold any lands or tenements (save and except such as by this Act, and by the said Act they are authorized to hold) nor any ships or other vessels;

nor any share or shares of the Capital Stock of the said Corporation, nor of any other Bank in this Dominion.

20. The aggregate amount of the liabilities of all the Directors to the said Corporation shall not exceed at any one time one-tenth of the total amount of the then discounts or advances made by the Corporation.

21. The bonds, obligations and bills obligatory or of credit of the said Bank, under its common seal and signed by the President, Vice-President, and countersigned by the Cashier or Assistant Cashier thereof, which shall be made payable to any person or persons, shall be assignable by endorsement thereon under the hand or hands of such person or persons, and of his, her or their assignee or assignees, so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring and maintain an action or actions thereof in his, her or their own name or names; and signification of any such assignment or endorsement shall not be necessary, any law or usage to the contrary notwithstanding. And Bills or Notes of the said Bank signed by the President, Vice-President, Cashier, or other officer appointed by the Directors to sign the same, promising the payment of money to any person or persons, his or their order to the bearer, though not under the corporate seal of the said Bank, shall be binding and obligatory upon it; in the like manner and with the like force and effect as they would be upon any private person if issued by him in his private or natural capacity; providing, always, that nothing in this Act shall be held to debar the Directors of the said Bank from authorizing or deputing from time to time, any Cashier, Manager or local Director of any Branch or office of discount and deposit of the said Bank, to sign or countersign the bills or notes of the Corporation intended for general circulation and payable to order or beared on demand.

22. The notes or bills of the said Bank made payable to order or to bearer and intended for general circulation, whether the same shall issue from the chief seat or place of business of the said Bank of the City of Montreal, or from any of its Branches, shall bear date at the place of issue, and not elsewhere, and shall be payable on demand in specie or in such other funds as shall by law be a legal tender in lieu of specie at the same place of issue; and each and every office of discount and deposit established or hereafter to be established shall be subject to the restriction as to the issuing and redemption of notes provided in this section; but the chief seat of the business of the said Bank shall always be one of the places at which its notes shall be made payable. And the Bank shall always receive in payment its own notes at par at any of its offices, and whether they be made payable there or not.

23 The total amount of the debts which the said Bank shall at any one time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of its capital stock paid in, and the average amount of deposits made in the Bank in specie and Government securities for money; and no note or bill of the said Bank intended for circulation shall be issued for a less sum than four dollars; and at no one period after the passing of this Act shall the notes or bills of the said Bank, or for which it is liable payable on demand or to bearer, then in circulation, exceed the amount of the paid up stock of the Bank, and if at any time the Directors of the said Bank shall wilfully and knowingly contract such debts, or issue or cause to be issued such notes or bills to an amount exceeding that hereinbefore limited, then and in that case the said Bank shall forfeit its charter and all the privileges granted to it by this or any other Act; and those of the Directors with whose knowledge and participation such contracting of debts or excessive issue of notes or bills shall take place, shall be liable jointly and severally for such excess in their private capacities, as well to the Shareholders, as to the holders of the bonds, bills or notes of the said Bank, and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, and administrators or curators of them or any of them, and be prosecuted to judgment and execution according to law; but such action or actions shall not exempt the said Bank or its lands, tenements, goods and chattels from being also liable for such excess: Provided, always, that if any of the Directors present at the time of contracting any such excess of debt, do forthwith, or if any Director absent at the time of contracting any such excess of debt, do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of the Bank, his protest against the same, and do within eight days thereafter publish such protest in at least two newspapers published in the City of Montreal, such Director may thereby and not otherwise exonerate and discharge himself, his heirs, executors and adminstrators or curators from the liability aforesaid, anything herein contained, or any law to the contrary, notwithstanding: Provided always, that such publication shall not exonerate any director from his liability as a Shareholder.

24 Any suspension by the Bank of payment of any of its liabilities as they accrue, in specie or Dominion notes, shall, if it continue for ninety days, constitute the Bank insolvent, and operate a forfeiture of its charter, so far as it regards the issue or re-issue of notes and other Banking operations, and the Charter shall remain in force only for the purpose of enabling the Directors or the Assignee or Assignees, or other legal authority (if any be appointed in such manner as may by law be provided), to make the calls mentioned in the next following subsection, and wind up its business; and any such Assignee or Assignees, or other legal authority, shall for such purposes have all the powers of Directors.

25. In the event of the property and assets of the Bank becoming insufficient to pay its debts and liabilities, the Shareholders of the Bank shall be liable for the deficiency, so far as that each Shareholder shall be so liable to an amount (over and above any amount not paid upon their respective shares) equal to the amount of their shares respectively; and if any suspension of payment in full, in specie or Dominion notes, of all or any of the notes or other liabilities of the Bank, shall continue for six months, the Directors may and shall make make calls on such Shareholders to the amount thye may deem necessary to pay all the debts and liabilities of the Bank, without waiting for the collection of any debts due to it, or the sale of any of its assets or property; and such calls shall be made at intervals of thirty davs, and upon notice to be given thirty days at least prior to the day on which such call shall be payable; and any such call shall not exceed twenty per cent. on each share, and payment thereof may be enforced in like manner as for calls on unpaid stock; and the first of said calls shall be made within ten days after the expiration of the said six months; and any failure on the part of any Shareholder liable to such call to pay the same when due shall operate a forfeiture by such Shareholder of all claim in or to any part of the assets of the Bank, such call and any further call thereafter being, nevertheless, recoverable from him, as if no such forfeiture had been incurred: Provided, always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the said Bank, hereinbefore provided for.

26 Persons who, having been Shareholders in the Bank, have only transferred their shares, or any of them, to others, or registered the transfer thereof within one month before the commencement of the suspension of payment by the Bank, shall be liable to calls on such shares under the next preceding section as if they had not transferred them, saving their recourse against those to whom they were transferred; and any Director refusing to make or enforce, or to concur in making or enforcing any such call, shall be deemed guilty of misdemeanor, and shall be personally responsible for any damages suffered by such default; and any assignee, or other officer or person appointed to wind up the affairs of the Bank, in case of its insolvency, shall have the powers of the Directors with respect to such calls.

27. The Bank shall be subject to such provisions of any general or special winding-up Act to be passed by Parliament as may be declared to apply to Banks, and no special Act which Parliament may deem it right to pass for winding up the affairs of the Bank in case of its insolvency, shall be deemed an infringement of its rights or of the privileges conferred by its charter.

28. And whereas it may be deemed expedient that the name

or names of the person or persons intrusted and authorized by the Bank to sign Bank Notes and Bills on behalf of the Bank, should be impressed by machinery in such form as may from time to time be adopted by the Bank, instead of being subscribed in the hand-writing of such person or persons respectively. And whereas doubts might arise respecting the validity of such notes: Be it therefore further declared and enacted that all Bank Notes and Bills of the Merchants Bank of Canada whereon the name or names of any person or persons intrusted and authorized to sign such notes or bills on behalf of the Bank, shall or may be impressed by machinery provided for that purpose by or with the authority of the Bank, shall be and be taken to be good and valid, to all intents and purposes, as if such notes and bills had been subscribed in the proper handwriting of the person or persons intrusted and authorized by the Bank to sign the same respectively, and shall be deemed and taken to be bank notes or bills within the meaning of all laws and statutes whatever; and shall and may be described as bank notes or bills, in all indictments and civil or criminal proceedings whatsoever; any law, statute or usage to the contrary notwithstanding.

29 Besides the detailed statement of the affairs of the said Bank hereinbefore required to be laid before the Shareholders thereof, at their annual general meeting, the Directors shall make up and publish on the first day of each and every month, statements of assets and liabilities of the said Bank, in the form of Schedule A hereunto annexed, shewing under the heads specified in the said form all the facts and information comprised under such heads; the average amount of the notes of the said Bank in circulation and other liabilities, at the termination of the month to which the statement shall refer, and the average amount of specie and other assets that at the same time were available to meet the same. And it shall also be the duty of the Directors to submit to the Governor of this Dominion, if required, a copy of such monthly statements; and if by him required to verify all or any part of the said statements, the said Directors shall verify the same by the monthly balance sheet, from which the said statements shall have been compiled. And, furthermore, the said Directors shall, from time to time, when required, furnish to the Governor such further information respecting the state and proceedings of the said Bank, and of the several branches and offices of discount and deposit thereof, as such Governor may reasonably see fit to call for; provided, always, that the monthly balance sheet and the further information that shall be so produced and given, shall be held by the Governor as being produced and given in strict confidence that he shall not divulge any part of the contents of the said monthly balance sheet, or of the information that shall be so given; and provided, also, that the Directors shall not make known, nor shall anything herein contained be so construed as to authorize them, or

any of them, to make known the private account or accounts of any person or persons whatever having dealings with the Bank.

30. The making of any wilfully false or deceptive statement, in any account, statement, return, report, or other document respecting the affairs of the Bank, shall, unless it amounts to a higher offence, be a misdemeanor; and every President or Vice-President, Director, Auditor, Cashier, or other officer of the Bank, preparing, signing, approving or concurring in such statement, return, report or document, or using the same with intent to deceive or mislead any party, shall be held to have wilfully made such false statement, and shall further be responsible for all damages sustained by such party in consequence thereof.

31. It shall not be lawful for the Corporation hereby constituted at any time whatever, directly or indirectly, to advance or lend to, or for the use of, or on account of any foreign Prince, Power or State, any sum or sums of money, or any security for money; and if such unlawful advance or loan be made, then and from thenceforth, the said Corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages hereby granted shall cease and determine; anything in this Act to the contrary, notwithstanding.

32. If the interest in any share in the said Bank becomes trasmitted in consequence of the death, or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female Shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require, and every such declaration shall distinctly state the manner in which, and the party to whom such share shall have been so transmitted, and shall be by such party made and signed; and every such declaration shall be by the party making and signing the same, acknowledged before a Judge or Justice of a Court of a Record, or before the Major Provost or Chief Magistrate or a city, town, borough or other place, or before a public notary where the same shall be made and signed; and every such declaration so signed and acknowledged shall be left with the Cashier or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the register of the Shareholders; and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission, shall be entitled to receive any share of the profits of the Bank; nor to vote in respect of any such share as the holder thereof: Provided, always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share of the Bank,

which shall be made in any other county than is this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other accredited repre-sentative ; And provided, also, that nothing in this Act contained shall debar the Directors, Cashier or other officer or agent of the Bank, from requiring corroborate evidence of any fact or facts alleged in any such declaration.

33. If the transmission of any share of the said Bank be by virtue of the marriage of a female Shareholder, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share ; and if the transmission hsve taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or the letters of administration, or act of curatorship or any official extract therefrom, shall together with such declaration be produced and left with the Cashier or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the register of Shareholders.

34. Whenever the interest in any shares of the said Bank, or in the dividend accrued thereon, or the right of property of any deposit therein, shall be transmitted by the death of any Shareholder, or otherwise, or whenever the ownership of, or legal right of possession in any such share or shares, dividend or deposit, shall change by any lawful means other than by transfer, according to the provisions of this Act, or shall be disputed, and the Directors of the said Bank shall entertain reasonable doubts as to the legality of any claim to and upon snch share and shares of stock, dividend or deposit, then and in such case it shall be lawful for the said Bank to make and file in the Superior Court for the Province of Quebec a declaration and petition in writing, addressed to the Justices of the Court, setting forth the facts and the number of shares previously belonging to the party in whose names such shares stand in the books of the Bank, or the amount of deposits standing in the name of the depositor thereof, and praying for an order or judgment adjudicating and awarding the said shares, dividends and deposits to the party or parties legally entitled to the same; by which order or judgment the Bank shall be guided and held fully harmless, and indemnified and released from all and every other claim, for the said shares or deposits, or arising therefrom: Provided, always, that notice of such petition shall be given to the party claiming such shares, dividends or deposits; who shall, upon the filing of such petition, establish his right to the shares, dividends or deposits referred to in such petition; and the delays to plead, and other proceedings in such cases, shall be the same as those observed in intervention in cases pending before the

said Superior Court: Provided, also, that the costs and expenses of procuring such order and adjudication shall be paid by the said party or parties to whom the said shares, dividends or deposits shall be declared lawfully to belong; and such shares, dividends or deposits shall not be transferred or paid over, as the case may be, until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

35. The Bank shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any of the shares of the Bank may be subject; and the receipt of the party in whose name any share shall stand in the Books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties shall, from time to time, be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust, and the Bank shall not be bound to see the application of the money paid upon such receipt; and the transfer of any share or the payment of any dividend or deposit shall not cause any liability on the part of the said Bank to the rightful owner or administrator of such shares, dividends or deposit if such transfer be made by, or such payment be made to, the person in whose name such share shall stand in the books of the said Bank, or to whose credit such deposits may appear therein, whether such person be ordinarily competent to make such transfer or to receive such payment or not.

36. The Bank shall always hold, as nearly as may be practicable, one-half of its Cash Reserves in Dominion notes, and the proportion of such Reserves held in Dominion notes shall never be less than one-third thereof.

37. Certified lists of the Shareholders, with their additions and residences, and the number of shares they respectively hold, shall be laid before Parliament every year, within fifteen days after the opening of the Session.

38. If any President, Vice-President, Director, Cashier or other officer of the Bank wilfully gives or concurs in giving any creditor of the Bank any fraudulent, undue or unfair preference over other creditors, by giving security to such creditor, or by changing the nature of his claim or otherwise howsoever, he shall be guilty of misdemeanor, and shall further be responsible for all damages sustained by any party by such preference.

39. The Bank shall always be subject to any general provisions respecting Banks, which Parliament may deem necessary for the public interest.

40 The several public notices by this Act required to be given shall be so given, by advertisement, in one or more of the newspapers published in the city of Montreal, and in the *Canada Gazette*, or such Gazette as shall be generally known and accredited as the *Official Gazette*, for the publication of official documents and notices emanating from the civil Government of this Dominion.

41. This Act shall be and remain in force until the session of Parliament of this Dominion, commencing the first day of January, eighteen hundred and eighty-one, and no longer.

42 This Act may be cited and known as the "Merchants' Bank Act, 1871."

43 This Act shall be deemed a public Act.

SCHEDULE A,

(Referred to in the foregoing Act.)

RETURN of the amount of Liabilities and Assets of the Merchants' Bank of Canada, on the day of , one thousand eight hundred and .

LIABILITIES.

		$	Cts.
1	Notes in circulation		
2	Government Deposits payable on demand .		
3	Other Deposits payable on demand . . .		
4	Government Deposits payable after notice, or on a fixed day		
5	Other Deposits payable after notice, or on a fixed day		
6	Due to other Banks in Canada		
7	Due to other Banks or Agents not in Canada.		
8	Liabilities not included under the foregoing heads		

ASSETS.

		$	Cts.
1	Specie		
2	Provincial or Dominion Notes		
3	Notes of other Banks.		
4	Balances due from other Banks in Canada .		
5	Balances due from other Banks or Agents not in Canada		
6	Government Debentures or Stock		
7	Loans to the Government		
8	Loans, Discounts, or Advances on current account to Corporations		
9	Notes and Bills discounted, and current . .		
10	Notes and Bills discounted, overdue, and not specially secured		
11	Overdue Debts secured by mortgage or other deed, on real estate, or by deposit of, or lien on stock, or by other securities . .		
12	Real Estate, the property of the Bank, (other than the Bank premises,) and mortgages on real estate sold by the Bank . . .		
13	Bank Premises		
14	Other Assets not included under the foregoing heads.		

We declare that the foregoing return is made up from the books of the Bank, and that it is correct to the best of my knowledge and belief.

(*Place,*) this day of , 18 .

A. B., President, &c.
C. D., Cashier, &c.

No. 36.

4th Session, 1st Parliament, 34th Victoria, 1871.

BILL.

An Act respecting the Merchants' Bank of Canada.

Received and read, First time.

Second reading.

(PRIVATE BILL.)

Hon. Mr. ABBOTT.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, and 33 Rideau Street.

1871.

Senate Bills No 37-38 & 39 not printed

No. 40.] **BILL.** [1871.

An Act to amend and explain an Act passed in the Session held in the Thirty-second and Thirty-third years of Her Majesty's Reign, Chapter 53, and intituled: "An Act to amend the Charter of the Ontario "Bank."

Preamble.

WHEREAS, the President, Directors, and Company of the Ontario Bank have by their Petition prayed that the Act passed in the Session held in the Thirty-second and Thirty-third years of the Reign of Her Majesty, intituled: "An "Act to amend the Charter of the Ontario Bank," may be explained and amended; and it is expedient to grant the prayer of their Petition; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Meeting to consider removal of head office.

1. Whenever a requisition in writing signed by one fourth in number and in value of the Shareholders of the said Bank, shall be presented to the Directors of the said Bank, praying them to call a meeting to consider the removal of the head office of the said Bank from Bowmanville, it shall be the duty of the Directors to call such meeting, to be held at Bowmanville within three months after the receipt of such requisition, by advertisement, to be continued weekly until such meeting is held, in the "Canada Gazette," and also in one paper published in the Cities of Toronto and Montreal, and the Town of Bowmanville respectively, and such advertisement shall state that such requisition has been received, and such meeting has been called to consider the same.

Votes at such meeting.

2. The Shareholders at such meeting shall vote by ballot, in the proportion of one vote for each share, but no Shareholder shall be entitled to vote who shall not have held his stock, registered on the books of the Bank at least three months before the day of such meeting.

Proxies.

3. Any Shareholder may vote at such meeting by proxy, such proxy to contain the name of the place for which such Shareholder votes, and to be in the form in the schedule hereto annexed, and to be held by such persons only as may hold proxies for the election of Directors.

Conditions on which removal may take place.

4. No removal of the head office of the said Bank from Bowmanville shall take place unless a majority of all the Shareholders present in person or by proxy at such meeting as aforesaid, shall, by their vote to be taken as aforesaid, agree upon the place to which such head office shall be removed.

Time for removal if ordered.

5. If at such meeting it shall be decided that the head office of the said Bank shall be removed from Bowmanville to another place, such removal shall, nevertheless, not take place until one year after the first day of June following such meeting.

Public Act.

6. This Act shall be a Public Act.

SCHEDULE.

THE ONTARIO BANK.

Form of Proxy.

I, , of , do hereby appoint , of , as my proxy to vote for the , of , as the place at which I desire the head office of the Ontario Bank to be situate.

As witness my hand and seal this day of , A.D. 18 .

Signed and Sealed in presence of

No. 40.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend and explain the Act to amend the Charter of the Ontario Bank.

Received and read First time, Friday, 10th March, 1871.

(PRIVATE BILL.)

Hon. Mr. CAMERON (Peel.)

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street.

1871.

Bill 41 not printed

No. 42.] **BILL.** [1871.

An Act to amend the Act further securing the Independdence of Parliament.

FOR better securing the Independence of Parliament, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The first sub-section of the first section of the Act passed in the thirty-first year of Her Majesty's reign, and intituled "An Act further securing the Independence of Parliament," is hereby so amended as to read as follows: Sub-section of Sect. 1 of 31 V., c. 25 amended.

"1. No person accepting or holding any office, commission or "employment, permanent or temporary, in the service of the "Government of Canada, at the nomination of the Crown, to which "an annual salary, or any fee, allowance or emolument or profit of "any kind or amount whatever from the Crown is attached, shall "be eligible as a member of the House of Commons, nor shall he "sit or vote in the same, during the time he holds such office, "commission or employment;"

But the sub-section so amended shall be subject to the exceptions made in the two following sub-sections of the said section. Proviso

No. 42.

4th Session, 1st Parliament, 34 Victoria, 1871

BILL.

An Act to amend the Act further securing the Independence of Parliament.

Received and read, First time, Friday 10th March, 1871.

Second reading, Friday, 17th March, 1871.

Hon. Sir Geo. E. Cartier.

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33 Rideau Street,

1871.

No. 43.] **BILL.** [1871.

An Act to extend the Act respecting the Militia and Defence of the Dominion of Canada.

Preamble.

WHEREAS, it is expedient to extend the Act passed in the Thirty-first year of Her Majesty's reign, intituled "An Act respecting the Militia and Defence of the Dominion of Canada," as hereinafter mentioned; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

31 Vic. cap. 40, extended to Manitoba and British Columbia.

1. The Act mentioned in the Preamble to this Act, shall be and is hereby extended, and shall apply to the Province of Manitoba, and shall also extend and apply to British Columbia, whenever that Colony shall become part of the Dominion of Canada.

Manitoba and British Columbia to form each a Military District.

2. The Province of Manitoba, and British Columbia whenever it forms part of the Dominion of Canada, shall each respectively form a Military District for the purposes of the said Act, as if they had been mentioned as such in section Twelve of the said Act, and as if the word "eleven" had been used in the said section and elsewhere in the said Act, instead of the word "nine," as the number of Military Districts.

Number of Active Militiamen in command.

3. The Forty-fourth section of the said Act is hereby amended, by substituting "Forty-five Thousand" for "Forty Thousand," as the number of Active Militiamen who may in time of peace be trained and drilled as in the said section mentioned; but any increase above the number of Forty Thousand, shall be authorized and regulated from time to time, by order of the Governor in Council.

Proviso.

Short title.

4. This Act and the Act hereby amended may be cited together as "The Militia and Defence Acts, 1868 and 1871," which shall be a sufficient citation of both Acts.

No. 43.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend the Act respecting the Militia and Defence of the Dominion of Canada.

Received and Read, First time, Friday 10th March, 1871.

Second Reading, Friday, 17th March, 1871.

Hon. Sir GEO. E. CARTIER.

OTTAWA :

Printed by I. B. Taylor, Nos. 29, 31 and 33 Rideau Street.

1871.

An Act to make further provision for the government of the North West Territories.

WHEREAS, the Act passed in the Session held in the Thirty-second and Thirty-third years of Her Majesty's Reign, Chapter Three, entitled, "An Act for the temporary government "of Rupert's Land and the North Western Territory when united "with Canada," as re-enacted, amended, extended and continued in force, with respect to such portion of the said Land and Territory as is not included in the Province of Manitoba by the Act passed in the Thirty-third year of Her Majesty's Reign, Chapter 3, entitled "An Act to amend and continue the Act 32 and 33 Victoria, Chapter "3, and to establish and provide for the government of the Province "of Manitoba," will expire at the end of the present Session of Parliament; and, whereas, it is expedient to make provision for the government, after the expiration of the Act first above mentioned, of the North West Territories, that being the name given by the thirty-fifth section of the Act secondly above mentioned to such portion of Rupert's Land and the North Western Territory as is not included in the Province of Manitoba; Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. It shall be lawful for the Governor, by any Order or Orders, to be by him from time to time made, with the advice of the Privy Council, (and subject to such conditions and restrictions as to him shall seem meet) to authorize and empower such officer as he may from time to time appoint as the Lieutenant-Governor of the North West Territories, to make provision for the administration of Justice therein, and generally to make, ordain, and establish all such Laws, Institutions and Ordinances as may be necessary for the Peace, Order, and good Government of Her Majesty's subjects, and others therein; provided that all such Orders in Council, and all Laws and Ordinances, so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively.

2. The Lieutenant-Governor shall administer the Government under instructions from time to time given him by Order in Council.

3. The Governor may, with the advice of the Privy Council, constitute and appoint, by Warrant under his Sign Manual, a Council of not exceeding fifteen nor less than seven persons, to aid the Lieutenant-Governor in the administration of affairs, with such powers as may be from time to time conferred upon them by Order in Council.

4. All the Laws in force in the North West Territories at the time of the passing of this Act shall, so far as they are consistent with "The British North America Act, 1867,"—with the terms and conditions of the admission of Rupert's Land and the North-Western Territories into the Union, approved of by the Queen

under the 146th section thereof,—and with the said above cited Acts and this Act,—remain in force therein, until altered by the Parliament of Canada, or by the Lieutenant-Governor under the authority of this Act.

5. The Lieutenant-Governor and all Public Officers and Functionaries holding office in the North West Territories at the time of the passing of this Act, shall continue to be Public Officers and Functionaries of the North West Territories with the same duties and powers as before, until otherwise ordered under the authority of this Act.

No. 45.] **BILL.** [1871.

An Act to incorporate the Isolated Risk Fire Insurance Company of Canada.

WHEREAS the Honorable George Brown, Edward Blake, Robert Wilkes, H. P. Dwight, A. D. Shaw, W. F. McMaster, J. A. Aldwell, John D. Irwin, and J. H. Kerr, have by their petition represented that the establishment of an association for the insurance of isolated Fire risks would be greatly beneficial to the interests of the Dominion, and tend to the retaining therein of a large portion of the money annually sent to foreign countries as premiums for such insurance, and have prayed that they may be incorporated for the purpose of carrying on a business of this description, by the name of "The Isolated Risk Fire Insurance Company of Canada;" and it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. All such persons as now are, or hereafter shall become shareholders of the said Company, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, in law, in fact, and in name, by the style and title of "The Isolated Risk Fire Insurance Company of Canada." Company incorporated.

2. The capital stock of the said Company shall be $500,000, divided into five thousand shares of $100 each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assignees: Provided always that it shall and may be lawful for the said Company to increase its capital stock to a sum not exceeding $1,000,000, as a majority of the shareholders at a special general meeting, to be expressly convened for that purpose, shall agree upon. Capital Stock. Increase of Capital Stock.

3. For the purpose of organizing the said Company, the persons named in the preamble to this Act, shall be Provisional Directors thereof, and they, or a majority of them, may cause stock books to be opened, after giving due public notice thereof, upon which stock books shall be recorded the subscriptions of such persons as desire to become shareholders in the said Company; and such books shall be opened in the City of Toronto and elsewhere, at the discretion of the said Provisional Directors, and shall remain open so long as they deem it necessary. Provisional Directors. To open Stock Books.

4. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed, as aforesaid, and five per cent. of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of shareholders, at some place to be named in the City of Toronto, giving at least ten days notice thereof in the Canada *Gazette*, and also in some daily newspaper published in the said city; at which general meeting the shareholders present, in person or by proxy, shall elect nine Directors, in the manner and qualified, as hereinafter provided, who shall First election of Directors.

constitute a Board of Directors, and shall hold office until the first Wednesday in July in the year following their election.

Calls on shares

5. The shares of capital stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint; no such instalment exceeding ten per cent., and giving not less than six months notice thereof; and Executors, Administrators and Curators paying instalments upon the shares of deceased shareholders, shall be, and they are hereby respectively indemnified for paying the same: Provided always that it shall not be lawful for the said Company to commence the business of fire insurance until a sum not less than $50,000 shall have been actually paid in on account of the subscribed stock, and the sum of $50,000 shall have been deposited in the hands of the Receiver-General, according to the provisions of the Act passed in the thirty-first year of Her Majesty's reign, Chapter 48, and intituled "An Act respecting Insurance Companies," which Act shall apply to the said Company; and until the said Company shall have obtained a license from the Minister of Finance to carry on the business under the provisions of the said Act: Provided always that the Company may make the deposit required by the fourth section of the said Act by instalments, as in the said section is provided, the first of which instalments shall be so paid before the issue of the license required by the said Act.

Amount required to be paid in before commencing business.

Deposit with the Receiver General.

Annual general meeting.

Election of Directors.

Proxies

President and Vice-President.

Vacancies.

Qualification of Directors.

6. The stock, property, affairs and concerns of the said Company shall be managed and conducted by nine Directors, one of whom shall be chosen President and one Vice-President, who, excepting as is hereinbefore provided for, shall hold office for one year; which Directors shall be shareholders, residing in Canada, and be elected at the annual general meeting of shareholders, to be holden at Toronto, on the first Wednesday in July, in each year, or such other day as may be appointed by By-law, not less than ten days notice of such meeting being given, as provided in section four; and the said election shall be held and made by such of the shareholders present, in person or by proxy, as shall have paid all calls made by the Directors and then due; and all such elections shall be by ballot, and the said proxies shall only be held by shareholders then present, and no shareholder shall be entitled to give upon proxies held by him more than 100 votes at any such election; and the nine persons who shall have the greatest number of votes at any such election shall be Directors, except as hereinafter directed; and if two or more persons have an equal number of votes, in such a manner that a greater number of persons shall appear to be chosen as Directors, then the Directors who shall have a greater number of votes, or the majority of them, shall determine which of the said persons, so having an equal number of votes, shall be the Director or Directors, so as to complete the whole number of nine: and the said Directors, as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be the President, and one to be the Vice-President; but shareholders not residing within the Dominion of Canada shall be ineligible, and if any Director shall move his domicile out of Canada, his office shall be considered as vacant; and if any vacancy should at any time happen amongst the said Directors by death, resignation, disqualification or removal during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors, or the majority of them, electing in such place or places, a shareholder or shareholders, eligible for such an office; Provided always that no person shall be eligible to be or

continue as Director, unless he shall hold in his name, and for his own use, stock in the said Company to the amount of twenty shares.

Company not dissolved by failure to hold election.

7. In case it should at any time happen that an election of Directors of the said Company should not be made on any day when pursuant to this Act it should have been made, the said Company shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election in such a manner as may be regulated, directed and appointed by the Directors for the time being, and the Directors in office shall so continue until a new election is made.

Mode of voting at general meetings:

8. At all general meetings of the said Company each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting; and all questions proposed for the consideration of the shareholders, shall be determined by the majority of votes, the Chairman presiding at such meeting having the casting vote in case of an equality of votes; Provided that no clerk or other employé of the said Company, shall vote either in person or by proxy at the election of Directors.

Business powers of Company.

9. The said Company shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire on any houses, stores or other buildings whatsoever, and in like manner on any goods, chattels or personal estate whatsoever, for such time or times, and for such premiums or considerations, and under such modifications, restrictions, and upon such conditions as may be bargained or agreed upon or set forth by and between the Company and the person or persons agreeing with them for such insurance, and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and generally to do and perform all other necessary matters and things connected with and proper to promote those objects; and all policies or contracts of insurance issued or entered by the said Company, shall be under the seal of the said Company, and shall be signed by the President or Vice-President, and countersigned by the Managing Director or Secretary, or otherwise as may be directed by the By-Laws, Rules and Regulations of the Company, in case of the absence of any of the said parties; and being so sealed, signed and countersigned, shall be deemed valid and binding upon them according to the tenor and meaning thereof.

Limitations of number of shares.

10. It shall and may be lawful for any person or persons, or body politic or corporate, to subscribe for such, and so many shares as he, she or they may think fit, not, however, exceeding, during the first month after the subscription books are opened, one hundred shares: Provided, nevertheless that after the expiration of such first month there shall be no limitation to the subscriptton for or acquisition of any number of shares.

Forfeiture of shares for non-payment of calls.

11. If any shareholder shall refuse or neglect to pay the instalment due upon any share or shares held by him, he shall forfeit such share or shares together with the amount previously paid thereon; and such forfeited share or shares may be sold at a public sale by the Directors after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act: Provided, always, that in case the money realized by any sale of shares be more than sufficient to pay all arrears and inter-

est together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner, and no more shares shall be sold than what shall be deemed necessary to pay such arrears, interest and expenses.

Calls may be paid after forfeiture.

12. If payment of such arrears of calls, interest and expenses be made before any share so forfeited shall have been sold, such shall revert to the owner as if the same had been duly paid before forfeiture thereof; and in all actions or suits for the recovery of such arrears or calls, it shall be sufficient for the Company to allege that the Defendant, being the owner of such shares, is indebted to the said Company in such sum of money as the calls in arrear amount to, for such and so many shares whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall only be necessary to prove that the Defendant was owner of the said shares in the Company, that such calls were made, and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such calls, or any other matters whatsoever.

Suits for recovery of calls

Quorum of Directors.

13. At all meetings of Directors five shall be quorum for the transaction of business; and all questions before them shall be decided by a majority of votes, and in case of an equality of votes, the President, Vice-President or presiding Director, shall give the casting vote in addition to his vote as a Director.

Business to be transacted at annual meeting.

Statement of affairs.

Special general meetings.

President &c., to preside at general meetings.

14. At the annual meeting of the shareholders the election of Directors shall be held, and all business transacted, without the necessity for specifying such business in the notice of such meeting; and at such meeting a general balance sheet and statement of the affairs of the Company, with a list of all the shareholders thereof, and all such further information as shall be required by the By-Laws, shall be laid before the shareholders. Special general meetings of shareholders may be called in such manner as may be provided for by the By-Laws: and at all meetings of the shareholders the President or, in his absence, the Vice-President, or in the absence of both of them, a Director chosen by the shareholders shall preside, who in case of an equality of votes, shall give the casting vote in addition to his vote as a shareholder.

Powers of Directors

By-laws to be submitted for approval of shareholders.

15. The Directors shall have full power and authority to make and from time to time to alter such By-Laws, Rules, Regulations and Ordinances as shall appear to them proper and needful, touching the well ordering of the Company; the management and disposition of its stock, property, estate and effects; the calling of special general meetings; the regulation of the meetings of the Board of Directors; the appointment of a Managing Director, and of sub-Boards to facilitate the details of business, and the definition of the duties and powers of such sub-Boards; the making of calls upon the subscribed capital; the appointment of officers and agents of the Company; the regulation of their powers and duties, and the salaries to be paid to them; the regulation of the transfer of stock, and the form thereof; the compensation of Directors; and the establishment and regulations of agencies; Provided always that all such By-Laws, Rules, Regulations and Ordinances made by the Directors, as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved by such meeting, and shall thereafter have force and effect as so approved or modified at such meeting.

Power to hold real estate.

16. The Company shall have power to acquire and hold real estate for the purposes of its business, of an annual value not exceeding $20,000, and to sell or dispose of the same and acquire other property in its place as may be deemed expedient, and to take, hold, and acquire, all such lands and tenements, real or immoveable estate, as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof or of the owner thereof, and to retain the same for a period not exceeding ten years; and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada or any of the Provinces thereof, or in the stocks of any banks or building societies, or in the bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures, or in mortgages on real estate.

Transfer of shares.

17. No transfer of any share of the said Company shall be valid until entered in the books of the said Company according to such form as may from time to time be fixed by the By-Laws; and until the whole of the capital stock of the said Company is paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made; Provided always that no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the Directors.

Liability of shareholders.

18. In the event of the property and assets of the said Company being insufficient to liquidate its debts, liabilities and engagements, the shareholders shall be liable for the deficiency, but to no greater extent than the amount of the balance remaining unpaid upon their respective shares in the capital stock: Provided always that nothing in this section should be construed to alter or diminish the additional liabilities of the Directors of the Company hereinbefore provided for.

Annual statement to Minister of Finance.

19. The Company shall transmit annually to the Minister of Finance, a statement in duplicate verified by the oath of the President, Vice-President, Managing Director, Secretary, or any other person cognizant of the facts, containing the particulars mentioned in the form in the schedule to this Act, to be made up to the first day in July next preceding, or to the usual balancing day of the Company, as may from time to time be directed by the Directors, provided such balancing day be not more than six months before the filing of such statement; and a copy of such statement shall be published in the *Canada Gazette*.

Declaration of dividends.

20. The shareholders of the Company at the annual meetings thereof may declare such dividends upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends, and also may, by resolution, order that the holders of policies or other instruments, shall be paid such portion of the actual realized profits, in such proportions, at such time, and in such manner as the said shareholders may direct; and may authorize the Directors to enter into obligations so to do either by endorsement on the policies or otherwise: Provided always that the holders of policies or other instruments so participating in the profits, shall not be in anywise answerable or responsiblbe for the debts of the said Company.

SCHEDULE.

Assets of the Company.....$
Liabilities of the Company.....
Amount of Capital Stock.....
Amounts paid thereon .....
Of what the Assets of the Company consists, viz:—(*insert particulars.*) .....
Amount of losses paid during the year.....
Amount of losses due and unpaid.....
Losses adjusted and not due.....
Losses in suspense and waiting further proof.....
Losses, the payment of which is resisted, and for what cause.....
All other claims against the Company.....
Amount of premiums earned for the past year...
Amount of premiums unearned for the past year
Number and amount of Policies issued during the year..... ....

No. 45.

4th Session, 1st Parliament, 34th Victoria, 1871.

BILL.

An Act to incorporate the Isolated Risk Fire Insurance Company of Canada.

(PRIVATE BILL.)

MR. R. A. HARRISON.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, and 33 Rideau Street.

1871.

No. 46] **BILL.** [1871.

An Act to naturalize Pulaski Clark.

Preamble.

WHEREAS Pulaski Clark, residing at Byng Inlet in the District of Parry Sound and Dominion of Canada, merchant, has by his Petition represented that he is desirous of becoming a permanent resident of the said Dominion, and in order to be relieved from the legal disabilities under which as an alien he labors, has prayed that he may be naturalized as a subject of Her most gracious Majesty, and whereas it is expedient to grant his prayer; Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

P. Clark naturalized.

1. The said Pulaski Clark shall be deemed, adjudged and taken to have obtained all the rights, capacities and privileges of a natural born British subject within the Dominion of Canada, and to have, hold and possess and enjoy the same within the limits thereof, upon from and after the passing of this Act; provided always, that the said Pulaski Clark shall within three months after the passing of this Act, take and subscribe before the Judge of the County Court of the County of Simcoe or York, who is hereby authorized and directed to administer the same, the oath of allegiance to Her Majesty, Her heirs and successors, and such oath so taken and subscribed, shall be transmitted by such Judge to the Secretary of State for Canada, to be kept by him amongst the Records of his Office.

Proviso.

No. 46.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to naturalize Pulaski Clark.

PRIVATE BILL.

MR. CRAWFORD, (Leeds, S. Riding.)

OTTAWA.

Printed by I. B. TAYLOR, 29, 31 & 33, Rideau Street.

1871.

No. 47.] **BILL.** [1871.

An Act to comprise in one Act the Financial Affairs of the Great Western Railway Company.

WHEREAS, the Capital which the Great Western Railway Company, at the time of the passing of this Act, were enabled by various Acts to raise by shares, stock, and loans, is as follows:— Recital of the powers of the Company to raise money on Share and Stock Capital.

By an Act passed in the Eighth year of Her Majesty's reign, chaptered 86, and entitled "An Act to revive certain provisions of the Act incorporating The Great Western Railroad Company, and to enable them to carry on that work," which received the Royal Assent on the 29th March, 1845, the sum of Six Millions of Dollars, in Sixty Thousand shares of One Hundred Dollars each. 8 Vic., c. 86.

By an Act passed in the Sixteenth year of Her Majesty's reign, chaptered 44, and entitled "An Act to incorporate the "Hamilton and Toronto Railway Company," which received the Royal Assent, on the 10th November, 1852, the sum of One Million and Eight Hundred Thousand Dollars, in Eighteen Thousand shares of One Hundred Dollars each, and Four Hundred Thousand Dollars by loan. 16 Vic., c. 44.

By an Act passed in the Sixteenth year of Her Majesty's reign, chaptered 99, and entitled "An Act to increase the capital "stock of the Great Western Railroad Company, and to "alter the name of the said Company," which received the Royal Assent on the 22nd April, 1853, the sum of Two Millions of Dollars, in Twenty Thousand shares of One Hundred Dollars each, and an unlimited sum by loan. 16 Vic., c. 99.

By an Act passed in the Sixteenth year of Her Majesty's reign, chaptered 101, and entitled "An Act to incorporate the "London and Port Sarnia Railway Company," which received the Royal Assent on the 22nd April, 1853, the sum of Two Millions of Dollars in Twenty Thousand shares of One Hundred Dollars each, and an unlimited sum by loan. 16 Vic., c. 101.

By an Act passed in the Eighteenth year of Her Majesty's reign, chaptered 176, and entitled, "An Act to enable the Great "Western Railway Company to construct a Branch Rail-"way to the Town of Brantford, and for other purposes "therein mentioned," which received the Royal Assent on the 19th May, 1855, the sum of Six Millions of Dollars, in Sixty Thousand shares of One Hundred Dollars each, or by loan, by the issue of bonds instead of shares, or by the issue of shares with guaranteed or preferred dividends. 18 Vic., c. 176. See sec. 22.

By an Act passed in the twenty-second year of Her Majesty's reign, chaptered 116, and entitled, "An Act to amend the Acts of "Incorporation of the Great Western Railway Company," which received the Royal Assent on the 16th August, 1858, and amended and explained by an Act passed in the 32nd and 33rd years of Her Majesty's reign, and chaptered sixty-two, entitled, "An Act to enable the holders of preference "shares in the Great Western Railway Company, to convert 22 Vic, c. 116. 32 & 33 Vic., c. 62.

"them into ordinary shares at their option," which received the Royal Assent on the 22nd June, 1869, the sum of Eight Millions of Dollars, in shares of such an amount as the Directors of the Company from time to time may determine, or by way of guaranteed or preferred shares or stock, and by loan by the issue of Perpetual Debenture stock, an amount equal to the sum then required to pay off the Government loan; and by which Acts also the powers conferred by previous Acts to borrow or raise money on the Terminable Bonds of the Company were limited to one-half of the amount of the authorized Capital of the Company.

33 Vic., c. 33. By an Act passed in the Thirty-third year of Her Majesty's reign, chaptered 33, and entitled, "An Act to incorporate the "Canada Air Line Railway Company," which received the Royal Assent on the 24th day of December, 1869, the sum of Three Millions of Dollars, divided into Thirty Thousand shares of One Hundred Dollars each.

Recapitulation of the foregoing. By which several in part recited Acts the summary of Share or Stock Capital, apart from Loan Capital, is as follows:

	SHARES.	$	£ s. d.
8 Vic. 86—29 March, 1845	60,000	6,000,000	1,232,876 14 0
16 Vic. 44—10 November, 1852	18,000	1,800,000	369,863 1 0
16 Vic. 99—22 April, 1853	20,000	2,000,000	410,958 18 0
16 Vic. 101—22 April, 1853	20,000	2,000,000	410,958 18 0
18 Vic. 176—19 May, 1855	60,000	6,000,000	1,232,876 14 0
	178,000	17,800,000	3,657,534 5 0
22 Vic. 116—16 August, 1858	.....	8,000,000	1,643,835 12 0
33 Vic. 33—24 December, 1869	.....	3,000,000	616,438 7 0
	.....	28,800,000	5,917,808 4 0

Recital of the partial exercise of the foregoing Powers in Share or Stock Capital. And whereas, the Share Capital which the Shareholders of the Great Western Railway Company had authorized their Directors to raise by virtue of the hereinbefore in part recited Acts at the time of the passing of this Act, is as follows:—

		$ cts.	£ s. d.
Under the Act of 1845, by 60,000 shares issued and fully paid		6,000,000 00	1,232,876 14 0
" " 1852 " 18,000 " "		1,800,000 00	369,863 1 0
" " 1853 " 20,000 " "		2,000,000 00	410,958 18 0
" " 1853 " 20,000 " "		2,000,000 00	410,958 18 0
" " 1855 " 51,700 " 5,170,000			1,062,328 15 0
8,300 shares unissued. 830,000			170,547 19 0
		6,000,000 00	
		17,800,000 00	3,657,534 5 0
And whereas, the said shareholders have further authorized the issue of Preference Stock under the Act of 1858, as explained by the Act of 1869, (32 & 33 Vic., chap. 62), with option of conversion, up to 1st January, 1880, into five ordinary shares at the rate of £20 10s. 0d. each for every £100 Sterling of Preference Stock $4,955,240 £1,018,200 0 0			
Reserved to meet difference in value in case such option is fully exercised	123,881 25,455 0 0		
		5,079,121 00	1,043,655 0 0
Total share and Preference Stock capital authorised to be issued by the shareholders		22,879,121 00	4,701,189 5 0
Balance unissued under the Act of 1858, if option of conversion of Preference Stock into ordinary shares is fully exercised		2,920,879 00	600,180 12 0
Under the Act of 1869, unissued		3,000,000 00	616,438 7 0
Total share and Preference Stock capital authorised to be created under the Acts of the Company		28,800,000 00	5,917,808 4 0

Recital of the Loan Capital. And whereas, the Great Western Railway Company had, at the time of the passing of this Act, raised by loan in Terminable Bonds

maturing from 1873 to 1881.....	$5,660,906 66	£1,163,200 0 0
and by Perpetual Debenture Stock...	227,273 34	46,700 0 0
In Terminable Bonds maturing 1890.	3,650,000 00	750,000 0 0
	$9,538,180 00	£1,959,900 0 0

Which said several sums represent the extent to which the present Loan Capital or borrowing powers of the Company have been exercised.

Recital of the co-ordinate charge of Bonds and Debenture Stock upon the undertaking.

And whereas, by the hereinbefore in part recited Act, passed in the Thirty-second and Thirty-third years of the reign of Her Majesty, chaptered 62, and entitled, "An Act to enable the holders "of Preference Shares in the Great Western Railway Company, to "convert them into ordinary Shares at their option," it was declared by the third section thereof, that the further creation and issue of perpetual Debenture stock should

not exceed.....	$3,254,901 37	£668,815 7 0
In addition to the amount then issued, of.....	227,273 34	46,700 0 0
And in the whole.....	$3,482,174 71	£715,515 7 0

And that the Company should not borrow or raise money on their Terminable Bonds to a greater extent than one-half of their capital stock, as authorized from time to time, nor should anything alter or affect the co-ordinate lien of the Perpetual Debenture Stock with the Terminable Bonds upon the Railway, Tolls, Lands, and other property of the Company.

Object of the Act.

And whereas, the Great Western Railway Company have further shewn by their petition that it would greatly add to their convenience and simplify the principle upon which their power to issue capital is based, if their whole Financial powers were comprised in one Act defining the various classes in which such capital is divided, and the amounts to which the same is limited, and the order of security which the several classes respectively maintain towards each other.

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:—

Short Title.

1. This Act may be cited as The Great Western Railway Company's Financial Act, 1871.

The Capital declared and defined.

2. The Capital of the Company, as separate from the Loan Capital, is hereby declared to be $28,800,000, as follows:—

$17,800,000 00	£3,657,534 5 0	are divided into 178,000 ordinary shares of one hundred dollars each, of which 8,300 shares of like amount each are still unissued, and are issuable upon terms hereinafter more particularly specified in the third section of this Act.
$4,955,240 00	£1,018,200 0 0	in Preference Stock, bearing a Preferred Dividend of Five per cent. per annum, and convertible into ordinary five shares

		of One Hundred Dollars, or £20 10s. each, for every £100 Sterling of Preference Stock upon an option to be declared up to 1st January, 1880, as hereinbefore recited.
$123,881 00	£25,455 0 0	provision to meet the difference in value, if the foregoing option is fully exercised.
$5,920,879 00	£1,216,618 19 0	unissued, but may be issued upon terms hereinafter more particularly specified in the fourth section of this Act.
$28,800,000 00	£5,917,808 4 0	

The Directors may issue the balance unissued under the Act of 1855—the Shareholders having already created the same by vote.

3. The Directors shall have the power to issue the Capital of $830,000 or £170,547 19*s.* 0*d.*, created by the Act of 1855, and authorized by the Shareholders, but hitherto unissued, on such terms, as to premium and otherwise, as they may consider expedient; and as ordinary shares, or as preference shares, or as preferred stock, with option of conversion into shares at such rate and in such manner, and at such price or prices, as to premiums or otherwise, as from time to time they may deem advisable.

The residue of the unissued Capital which the Shareholders have not authorized they may at any time create by vote.

4. The Shareholders, by the vote of two-thirds present either in person or by proxy, at a meeting called for the purpose, shall have power to authorize the issue of the unissued Capital of $2,920,879, or £600,180 12*s.* 0*d.*, created by the Act of 1858, and also of the unissued Capital of $3,000,000, or £616,438 7*s.* 1*d.*, created by the Act of 1869, in the whole or in part as ordinary shares, or as preference shares, or as preference stock, with option of conversion into shares at such rate, and in such manner, and at such price or prices as to premium or otherwise, as from time to time they may deem advisable, and in whole or in part, or may delegate to the Directors the said power of issue, in whole or in part, as from time to time they may deem advisable.

Re-enactment of 22 Vic. 116 § 2.

5. The rate of Dividends on any preference stock or preference shares which shall be issued under either of the two last foregoing sections, shall not exceed seven per centum per annum on the amount paid up on such Stock or Shares, as the case may be; and all preferred dividends shall stand alike in manner provided by the hereinbefore in part recited Act of 1869, chaptered 62, so that if, on making up the accounts for any half-year, there are not profits available for the full payment of the said preferred dividend for that half-year, the deficiency shall be made good out of the first profits of any subsequent half-year.

Re-enactment of 32 and 33 Vic., 62 § 2.

Subject to the unpaid Government Loan the Terminable Bonds and Perpetual Debenture Stock are a co-ordinate first charge

6. Subject to the prior charge of the unpaid balance of the Government Loan upon all the property and assets of the Company, as settled and provided by the Act of Parliament of the Dominion of Canada, passed in the 22nd and 23rd years of the reign of Her Majesty, and chaptered 61, and entitled, "An Act to confirm and "give effect to a certain agreement between the Government of "Canada and the Great Western Railway Company," the Loan Capital is hereby declared to consist of Perpetual Debenture Stock and Terminable Bonds, which shall have co-ordinate lien and be a First Mortgage upon the Railway, tolls, lands, and upon all and

every property of the Company; the Terminable Bonds shall be limited to an amount equal to one-half of the Share and Stock Capital of the Company, authorized from time to time, and the Perpetual Debenture Stock to the sum of $3,482,174 71,—£715,515 7*s.* 0*d.*, being the limit to which Perpetual Debenture Stock can be issued including that now outstanding.

7. So that the Loan Capital raised or borrowed under one class of security or the other as by the last section provided, shall not in the whole exceed the aggregate amount in the last section limited, as the authorized amount of said Loan Capital; the Directors may pay off the Terminable Bonds of the Company by the issue and sale of other Terminable Bonds, or by the creation and issue of Perpetual Debenture Stock, although such Debenture Stock shall be in excess of the above limit of $3,482,174 71,—£715,515 7*s.* 0*d.*, and the rate of interest upon any Perpetual Debenture Stock to be issued shall not bear a higher rate than six per centum per annum, but such Debenture Stock may be issued in such proportion, at such rates, and in such manner, and at such price or prices as to premium or otherwise as the Directors may from time to time determine and resolve; and the Shareholders at any general meeting may direct that Terminable Bonds or Perpetual Debenture Stock within the limits aforesaid shall have an option of conversion into ordinary shares at such rate and terms of option as the shareholders may deem advisable when such Bonds or Debenture Stock are to be issued.

Re-enactment of 22 Vic. 116, § 3.

8. Money borrowed by the Company for the purpose of paying off, and afterwards duly applied in paying off Bonds of the Company given or made under the Statutory powers of the Company, shall, so far as the same has been and is as immediately afterwards as can conveniently be done, to be so duly applied, be deemed money borrowed within, and not in excess of such Statutory powers.

See Imperial Act 30 & 31 Vic., 127, § 26

9. In respect of the nominal value of Share Capital, apart from Loan Capital, in shares interchanged between Canada and England, the sum of Twenty Pounds and Ten Shillings Sterling shall be the Equivalent of One Hundred Dollars, irrespective of the rate of exchange between those countries.

£20 10*s.* St'g. declared equivalent to $100.

10. No Shareholder shall be eligible for election to the office of Director, by the shareholders, unless he shall have transmitted to the Secretary, at his office in London, England, or Hamilton, Canada, as the case may be where the election is to be held, a notice in writing fourteen clear days before the meeting to be held for such election, of his intention to offer himself as a candidate; nor unless he shall, at the time of the transmission of such notice, be qualified by the requisite number of shares, registered in his own name in the Books of the Company; and if at any meeting the number of candidates who shall give such notice as aforesaid shall be sufficient to fill all the offices which shall have to be filled by election at such meeting, no other candidates than those who have given such notice shall be proposed at such meeting; but if, by reason or neglect to give such notice aforesaid, or the retirement or death of any candidates after giving such notice, or for any other cause there shall be at the meeting a deficiency of candidates who shall have given such notice to fill the offices which shall have to be filled up at such meeting, then, and in such case, it shall be lawful for any Shareholder to propose and nominate any duly

Candidates for Directors to give notice prior to election 14 days.

qualified candidate or candidates for any office or offices for which there shall be a deficiency of candidates who shall have given such notice as aforesaid.

6

No. 47.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to comprise in one Act, the Financial Affairs of the Great Western Railway Company.

Received and read, First time, Monday, 13th March, 1871.

PRIVATE BILL.

MR CAMERON, (Peel.)

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1871.

N° 78

An Act to further amend the Act respecting fishing by foreign vessels.

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

1. The fifth section of the Act *respecting fishing by foreign vessels*, passed in the thirty-first year of Her Majesty's reign, chapter sixty-one, is hereby repealed, and the following section is hereby enacted in its stead.

"5. Goods, ships, vessels and boats, and the tackle, rigging, "apparel, furniture, stores and cargo seized as liable to forfeiture "under this Act, shall be forthwith delivered into the custody of "such fishery officer, or customs officer, or other person as the "Minister of Marine and Fisheries may from time to time direct, "or retained by the officer making the seizure in his own custody if "so directed by the Minister, in either case to be secured and kept "as other goods, ships, vessels and boats, and the tackle, rigging, "apparel, furniture, stores and cargo seized are directed by the "laws in force in the Province, in which the seizure is made, to be "secured and kept."

2. The sixth section of the said Act is hereby repealed, and the following section is hereby enacted in its stead.

"6. All goods, vessels and boats, and the tackle, rigging, apparel, "furniture, stores and cargo condemned as forfeited under this Act, "shall be sold by public auction, by direction of the officer having "the custody thereof, under the provisions of the next preceding "section of this Act, and under regulations to be from time to "time made by the Governor in Council, and the proceeds of every "such sale shall be subject to the control of the Minister of Marine "and Fisheries, who shall first pay therefrom all necessary costs and "expenses of custody and sale, and the Governor in Council may "from time to time apportion three-fourths, or less, of the net "remainder, among the officers and crew of any Queen's ship, or "Canadian Government vessel, from on board of which the seizure "was made, as they may think right, reserving for the Govern- "ment. and paying over to the Receiver General, at least one-fourth "of such net remainder, to form part of the Consolidated "Revenue Fund of Canada; but the Governor in Council may, "nevertheless, direct that any goods, vessel, or boat, and the "tackle, rigging, apparel, furniture, stores and cargo, seized and "forfeited shall be destroyed, or be reserved for the public service."

3. This Act shall be construed as one with the Act hereby amended; and the sixth section of the said Act, as contained in the second section of this Act, shall apply to all goods, vessels, and boats, and the tackle, rigging, apparel, furnitures, stores and cargo, condemned under the said Act before the passing of this Act, and to the proceeds of the sale thereof, remaining to be applied and paid at the time of the passing of this Act.

No. 49.] BILL. [1871.

An Act to extend the powers of the Toronto and Nipissing Railway Company.

Preamble. WHEREAS by an Act of the Legislature of the Province of Ontario, passed in the Thirty-first year of Her Majesty's reign, chaptered Forty-one, intituled, "An Act to incorporate the Toronto and Nipissing Railway Company," certain persons therein named, with all such other persons or corporations as should become shareholders in such Company as was therein mentioned, were constituted and declared to be a body corporate and politic, in fact, by and under the name and style of the Toronto and Nipissing Railway Company.

And whereas the said Company have petitioned and prayed that an Act may be passed to amend their charter by giving them power to extend their said line of railway from Lake Nipissing northward, through the lands of the Dominion to James' Bay, and it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Corporate powers extended to this Act. 1. All the corporate powers, rights, and privileges, vested in the Toronto and Nipissing Railway Company, by virtue of the Act of the Province of Ontario passed in the Thirty-first year of Her Majesty's reign, chaptered Forty-one, intituled, "An Act to incorporate the Toronto and Nipissing Railway Company" are continued by this Act, and may be exercised as fully and effectually as if specially set out herein.

Extension of line. 2. The said Company and their servants and agents shall have full power under this Act, to extend the line of their said railway from any point on Lake Nipissing as they may determine upon, to some point on James' Bay, with full power to carry the said railway through the Crown Lands lying between the same.

Power to hold steamers, &c. 3. The said Company shall further have power to purchase, build, fit out, and charter, sell and dispose of, work and control, and keep in repair, steam or other vessels, from time to time, to ply on Lake Nipissing and James' Bay, and also to make arrangements and agreements with steamboat proprietors, by chartering or otherwise, on these waters.

Limitation. 4. The said extension shall be commenced within five years, and be completed in ten years from the passing of this Act.

No. 49.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to extend the powers of the Toronto and Nipissing Railway Company.

PRIVATE BILL.

Mr. HARRISON.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, and 33, Rideau Street.

1871.

No. 50.] **BILL.** [1871.

An Act to incorporate the Forsythe Iron Mining Company.

Preamble.

WHEREAS, the persons hereinafter named have by Petition represented that they have become and are the owners of divers valuable Mining Properties in the Township of Hull, in the County of Ottawa and Province of Quebec, and have expended large sums of money thereon, and are now working the same, and are desirous of becoming incorporated as a Company for the purpose of more effectually carrying on the said business, but that by reason of the majority of the said Petitioners being residents and citizens of the United States of America and not being British Subjects, they cannot become incorporated under "The Canada Joint Stock Companies Letters Patent Act, 1869," so that the affairs of the Company may be managed by the owners thereof, inasmuch as in Companies formed under said Act the majority of the Directors must be both resident in Canada and subjects of Her Majesty by birth or naturalization; And, whereas, the said Petitioners have prayed for the passing of an Act for their incorporation, and it is expedient that their prayer be granted; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Company incorporated.

1. John Henry Dumble, Edward Oscar Bickford, Joseph A. Redington, Seth W. Johnson, Joseph G. Butler, Simeon O. Edison, Lorenzo S. Chapin, Volney Beverstock, and Henry H. Adams, together with all such other persons as shall become Shareholders in the Company hereby constituted, shall be, and they are hereby made a body corporate and politic, by the name of the Forsythe Iron Mining Company.

Powers of the Company.

2. The Company may carry on the business of exploring for, mining, smelting, manufacturing, and selling iron and other ores and metals, and for these purposes only may acquire and hold by purchase, lease, or other legal title, such lands and mining rights in lands in the County aforesaid, not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings and machinery and other improvements thereon, and sell and dispose of the same, and acquire others in their stead, as the Company may deem to be for its advantage, and may acquire any royalty or per centage payable for the privilege of mining, smelting or manufacturing iron or other ores and metals; Provided, however, that the acquisition of any such royalty or per centage shall not entitle the Company to carry on any mining operations beyond the limits of the said County, but the said Company may carry on smelting and manufacturing operations elsewhere in Canada than in said county.

May hold steamers for transportation of ore.

3. The Company may charter or build, purchase and hold one or more steam vessels, with all necessary scows and barges, as may be required to be used by the Company on the waters of the

Rideau Canal for the purpose of transporting ore and otherwise in connection with the objects referred to in this Act.

Capital stock.

4. The Capital Stock of the Company shall be the sum of Two Hundred and Forty Thousand Dollars, divided into Forty-eight Hundred Shares of Fifty Dollars each, and may be from time to time increased, as the wants of the Company require, by vote of the Stockholders at a meeting of the Company called for the purpose, to an amount not exceeding Four Hundred and Eighty Thousand Dollars in the whole; Provided, always, that no such increase of stock shall be made until after the whole amount of the original stock of the Company shall have been *bona fide* paid in.

Payment of calls.

5. The capital stock shall be paid by the Subscribers therefore, when, where and in such manner as the Directors of the Company shall require, or as the By-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the Directors, with the interest thereon, after such demand or notice as the By-laws prescribe, and within the time limited by such notice, the Directors may by vote, reciting the fact and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the Company, and may be disposed of as the By-laws or votes of the Company may provide.

Forfeiture for non-payment.

Transfer of shares.

6. The stock of the Company shall be deemed personal estate, and be assignable in such manner only and subject to such conditions and restrictions as the By-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Voting upon shares.

7. At all meetings of the Company, every Shareholder not being in arrears in respect of any instalments called for shall be entitled to as many votes as he holds shares in the stock of the Company; and no Shareholder being in arrear shall be entitled to vote, and all votes may be given in person or by proxy; Provided, always, the proxy is held by a Shareholder not in arrear and is in conformity with the By-laws.

Board of Directors.

8. The affairs of the Company shall be administered by a Board of not less than five and not more than seven Directors, being severally holders of at least one hundred and fifty shares of stock, who shall be elected at the first general meeting, and thereafter at each annual meeting of the Company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected, and three members of such Board, until otherwise provided by the By-laws, shall be a quorum thereof; and in case of the death, resignation, removal, or disqualification of any Director, such Board, if they see fit, may fill the vacancy until the next annual meeting of the Company, by appointing any qualified Shareholder thereto; but a failure to elect Directors, or any failure of Directors, shall not dissolve the Corporation, and an election may be had at any general meeting of the Company called for the purpose; Provided, always, that voting by proxy shall not be allowed at any meeting of the Board of Directors.

Quorum.

Vacancies.

Corporation not dissolved by failure to elect.

Powers of Directors.

9. The Board of Directors shall have full power in all things to administer the affairs of the Company, and make or cause to be made any purchase and any description of contract which the Company may by By-law make, to adopt a common seal, to make, from time to time, any and all By-laws not contrary to law, regulating the calling in of instalments on stock, payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the appointment, functions, duties, and removal of all agents, officers, and servants of the Company, the security to be given by them to the Company, their remuneration, and that (if any) of the Directors, the time and place for holding the annual and other meetings of the Company, the calling of meetings of the Company and of the Board of Directors, the quorum, the requirements as to proxies, the procedure in all things at such meetings, the site of their chief place of business and of any other offices which they may require to have, the imposition and recovery of all penalties and forfeitures, admitting of regulation by By-law, and the conduct in all other particulars of the affairs of the Company; but every such By-law, and every repeal, amendment, and re-enactment thereof, shall have force only until the next annual meeting of the Company, unless confirmed at some general meeting of the Company; and every copy of any By-law under the seal of the Company, and purporting to be signed by any officer of the Company, shall be received in all Courts of Law as *prima facie* evidence of such By-law.

Ratification of By-laws.

Proof of By-laws.

Provisional Directors.

10. Until the first election of such Board, the said John Henry Dumble, Edward Oscar Bickford, Joseph A. Redington, Seth W. Johnson, Joseph G. Butler, Simeon O. Edison, Lorenzo S. Chapin, Volney Beverstock, and Henry H. Adams, shall be a Provisional Board of Directors of the Company, with power to fill vacancies, to open stock books, assign stock, make and collect instalments, issue certificates and receipts, convene the first general meeting of the Company, at such time and place, within this Province, or elsewhere, as they shall determine, and to do other acts necessary or proper to be done to organize the Company and conduct its affairs; Provided, always, that notice of all meetings of the Company shall be given in some newspaper published in the said County of Ottawa (if any), and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

Notice to be given of General Meetings.

11. In addition to their ordinary place of business within this Province, the Company may establish and have any place or places of business in this Province, in Great Britain, or in the United States of America, and may, at any one thereof, order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by their By-laws.

Agencies.

12. The Company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, in respect of any shares, and the receipt of the person in whose name the same shall stand in the books of the Company shall be a discharge to the Company for any dividend or money payable in respect of such shares, whether or not notice of such trust shall have been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Shares held in trust.

13. The Shareholders of the Company shall not, as such, be

Liability of Shareholders.

held responsible for any act, default, or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount unpaid upon their shares in the stock thereof.

Contracts, notes, and other engagements of the Company.

14. All contracts, promissory notes, bills of exchange, and engagements made on behalf of the Company by the Directors, officers, agents, or servants of the Company, in accordance with their powers under the By-laws, or by vote of the Company, and signed by the President or Managing Director, and countersigned by the Secretary of the Company, shall be binding upon the Company, and in no case need the seal of the said Company be affixed thereto, nor shall such Directors, officers, agents, or servants thereby become individually liable to any third party therefor; but the said Company shall issue no bank note or note to circulate as money.

Commencement of operations.

15 The Company shall not commence operations under this Act until at least thirty per centum of the amount of their capital stock shall have been subscribed, and five per cent. thereon paid in; Provided, always, that unless mining operations be commenced under this Act within five years from the passing thereof, and be continued *bona fide*, this Act of incorporation shall be null and void, saving only to the said Company the power and right to part with any real or personal estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Limitation of Act.

Certain sections of Joint Stock Companies Act not to apply.

16. Sections seven, nine, eighteen, and thirty-nine of "The Canada Joint Stock Companies Clauses Act, 1869," shall not be incorporated with this Act.

No. 50.

4th Session, 1st Parliament, 34 Victo

BILL.

An Act to incorporate "The Forsy Mining Company."

Received and read, First time, March, 1871.

Second reading, March,

(PRIVATE BILL.)

MR. KIRKPA

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Ride

1871.

No. 51.] **BILL.** [1871.

An Act to amend the Assessment Act of Ontario passed in the thirty-second year of the reign of Her Majesty, chaptered thirty-six.

(Assented to 15th February, 1871.)

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sub-s. 25 of s. 9 repealed.

1. That sub-section twenty-five of section nine of the Act passed in the thirty-second year of Her Majesty's reign, and chaptered thirty-six, be repealed.

S. 84 amended.

2. That section eighty-four of the said Act be amended by inserting after the word, "township," in the first line, the words, "town or village."

S. 86 amended.

3. That section eighty-six of the said Act be amended by inserting after the word, "townships," "towns and villages."

S. 150 amended.

4. That section one hundred and fifty of the said Act be amended by erasing the letter "B," in the second line, and inserting therefor, the letter "C."

No. 51.

4th Session, 1st Parliament, 34 Vic., 1871.

BILL.

An Act to amend the Assessment Act of Ontario, passed in the thirty-second year of the reign of Her Majesty, chaptered thirty-six.

(Assented to 15th February, 1871.)

Mr. Trow.

TORONTO:
Printed by Hunter, Rose & Co.

52

No. ~~85~~.] **BILL.** [1871.

Acte pour incorporer la compagnie d'assurance Mutuelle du Canada.

CONSIDERANT que William Workman, président de la Banque de la Cité, F. P. Pominville, C. R., John Grant, M. P. Ryan, M. P., Angus, C. Hooper, Alexander Empey, George Smith, William Darling, Frederick W. Henshaw, Alexander Walker, l'Honorable L. S. Huntington, M. P., C. R., W. W. Ogilvie, de la maison A. W. Ogilvie et Cie., William Sache, John Cowan, John Ogilvy, et Edward Rawlings, tous de la Cité de Montréal, dans la province de Québec, ont, par pétition, demandé à la législature de la Puissance du Canada, qu'une compagnie soit incorporée sous le nom de " Compagnie d'Assurance Mutuelle du Canada," dans le but de permettre aux requérants et à leurs associés de poursuivre les opérations d'assurance dans les différentes branches ordinairement connues sous les noms de " assurance sur la vie, " " assurance de garantie de fidélité " et " assurance contre les accidents " ; A ces causes, Sa Majesté, par et de l'avis et du consentement du Sénat et de la Chambre des Communes du Canada, décrète ce qui suit :

1. Toutes les personnes qui sont actuellement ou deviendront à l'avenir membres de la dite compagnie, et leurs administrateurs, exécuteurs et ayant cause respectifs, seront et sont par le présent établies, constituées et déclarées corps politique et corporation sous les nom et raison de " Compagnie d'Assurance Mutuelle du Canada," et elles pourront légalement :

1. Exécuter des contrats d'assurance avec toutes personnes ou corporations, sur la vie, ou se rattachant à toute éventualité perte ou risque, se rattachant de toute manière à la vie,— accorder, vendre, ou acheter des annuités,— accorder des dotations,— acquérir des droits éventuels, résultant de survivance, ou réversion, et généralement poursuivre toutes les opérations se rattachant aux éventualités de la vie, d'ordinaire poursuivies par les compagnie d'assurance sur la vie, y compris les réassurances.

2. Effectuer des contrats d'assurance contre l'erreur, les défauts, les irrégularités, la mal-administration, les détournements ou malversations des agents, procureurs, commis, dépositaires, entreposeurs, employés, ou de toute personne à laquelle est confiée l'administration des affaires d'autrui, ou y employée, soit comme officier public ou comme représentant une corporation ou un individu, et étant, en tout ou en partie, dépositaire de ses deniers et effets, y compris les réassurances.

3. Effectuer des contrats d'assurance contre tous accidents pouvant survenir à la personne, ainsi que contre les pertes résultant de maladies ou de blessures, et contre les pertes et dommages à la propriété résultant d'accidents, par terre ou par eau, (sauf les risques généralement appelés risques de l'incendie et risques maritimes,) y compris les réassurances.

2. Les opérations de l'assurance sur la vie et leurs accessoi es pourront être poursuivies par la compagnie comme département distinct, sous le nom de " Compagnie d'Assurance Mutuelle du Canada, *Vie.*"

3. Les opérations de l'assurance de garantie et leurs accessoires, telles que ci-dessus en second lieu décrites,—seront poursuivies par la compagnie comme département distinct, sous le nom de " Compagnie d'Assurance Mutuelle du Canada, *Garantie.*"

4. Les opérations de l'assurance contre les accidents et leurs accessoires, telles que ci-dessus en troisième lieu décrites, seront poursuivies par la compagnie comme département distinct, sous le nom de " Compagnie d'Assurance Mutuelle du Canada, *Accidents.*"

5. La compagnie gardera des comptes séparés des opérations des différents départements, de manière à ce qu'ils soient tenus séparément, sous tous rapports, comme s'il s'agissait de compagnies distinctes ; et rien de contenu dans le présent acte ne sera censé empêcher la compagnie de pourvoir à ce que l'administration des trois départements soit sous le contrôle d'un seul bureau, avec ou sans sous-bureaux, selon qu'il sera jugé opportun, où d'imputer les dépenses faites au bénéfice de deux ou d'un plus grand nombre des départements au compte des dépenses générales, et de les répartir également entre les départements séparés.

6. Les fonds de chaque département seront reçus, placés et les bénéfices et profits ainsi que les obligations et pertes répartis entre les personnes assurées ou faisant des placements dans tel département, et les placements, l'actif ou les profits d'un département ne répondront en quoique ce soit des pertes, ni ne seront appliqués aux besoins de tout département autre que celui dans lequel ils ont été placés.

7. Tout individu, toute corporation ou porteur légal ou avec bénéfice d'une police d'assurance, ou certificat de dépôt de garantie, et ayant souscrit au moins mille piastres au fonds de garantie ci-dessous mentionné, et qui aura acquitté les versements demandés à cet égard, sera un membre de la compagnie, et aura droit à tous les avantages en résultant sous les dispositions de cette charte et des règlements de la compagnie.

8. Le bureau principal de la compagnie sera fixé en la cité de Montréal, province de Québec, mais des succursales des bureaux ou agences pourront être établies soit dans la Puissance du Canada ou ailleurs, ainsi que des sous-bureaux

pour les départements séparés de la manière que les directeurs pourront de temps à autre prescrire.

9. La compagnie est autorisée à poursuivre ses opérations d'après le principe et le plan que le bureau des directeurs pourra de temps à autre prescrire.

10. La compagnie, daus le but d'atteindre les objets prévus par le présent acte et pour l'organisation, le maintien et la gouverne de la compagnie ainsi que pour l'emploi de ses fonds et profits, décrètera des règlements tel que ci-dessous prescrit; et ces règlements seront en premier lieu soumis à une assemblée des membres spécialement convoquée à cet effet, après avis donné tel que ci-dessous mentionné ; et ils pourront être adoptés à la majorité des voix des membres présents à telle assemblée, et, de temps à autre, modifiés et amendés par les directeurs, avec la sanction de la majorité des membres présents à toute assemblée convoquée dans ce but ; et tous les règlements ainsi légalement faits, conformément au présent acte, et non incompatibles avec la loi, seront légaux et obligatoires, jusqu'à ce qu'ils soient modifiés, amendés ou révoqués.

11. Le premier bureau des directeurs de la compagnie se composera de pas moins de sept ni de plus de vingt-et-un directeurs, cinq desquels formeront un quorum, et l'un de ces directeurs sera élu président par les autres, et ceux des requérants ci-dessus nommés, ou telles autres personnes nécessaires pour compléter le bureau, qui se rendront éligibles comme directeurs en souscrivant au moins mille piastres au fonds de garantie (ci-dessous établi) et qui demanderont une police d'assurance de la compagnie, et signeront une déclaration à cet effet pour une somme de pas moins de deux mille piastres sur une police sur la vie, ou de pas moins de cinq mille piastres sur une police de garantie ou contre les accidents, auront droit d'agir comme directeurs de la compagnie dans le premier bureau au siége principal de la compagnie, et de continuer à agir en telle capacité pendant les trois ans suivant immédiatement l'organisation de la compagnie, et ils préparéront les règlements relatifs à l'administration de la compagnie, tel que ci-dessus prescrit ; le dernier nommé des dits requérants aura, s'il est éligible comme directeur tel que ci-dessus prescrit, droit d'agir comme directeur-gérant de la compagnie pendant trois ans, et il administrera les affaires de la compagnie sous la direction du bureau et aux termes et conditions qu'il pourra fixer.---Le bureau des directeurs aura le pouvoir de nommer tous les officiers de la compagnie, sous-bureaux et agents, et de les démettre et d'en nommer d'autres à la place, quelque soit la manière dont la vacance puisse survenir.

12. Une assemblée générale de la compagnie sera convoquée, chaque année, selon que les directeurs l'ordonneront, après en avoir donné avis de pas moins de dix jours dans l'un ou plusieurs des journaux publiés en la cité de Montréal ; et à cette assemblée un état des affaires de la compagnie pour l'année écoulée devra être soumis. Des assemblées

générales spéciales pourront en tout temps être convoquées par les directeurs qui devront, dans l'avis, énoncer le but de l'assemblée.

13. Après que sera expiré le terme de trois années pour lequel le premier bureau des directeurs est nommé, un tiers des directeurs sortira annuellement de charge par la voie du scrutin, et l'élection de leurs successeurs aura lieu à l'assemblée annuelle ; rien, cependant, n'empêchera les directeurs sortant de charge d'être réélus.

14. La compagnie établira un fonds de garantie de pas moins de cinquante mille piastres dans chacun ou dans la totalité des dits départements, et elle n'émettra pas de polices, dans l'un ou l'autre des départements avant que $50,000 aient été souscrites pour tel département et que les exigences de l'acte intitulé "Acte relatif aux compagnies d'assurance" aient été pleinement observées.

15. Le fonds de garantie pourra être employé et appliqué aux besoins de la compagnie jusqu'au degré et de la manière que les directeurs pourront prescrire par règlement ; les directeurs pourront payer aux souscripteurs à ce fonds de garantie tel intérêt sur le montant versé qui n'excèdera pas huit pour cent par année, et telle part des profits qui pourra être fixée par les règlements; le fonds de garantie sera remboursé aux conditions et à telles époques qui, de l'avis des directeurs, seront justifiées par les profits de la compagnie.

16. Aussitôt que vingt personnes au moins auront demandé des polices d'assurance dans l'un ou dans la totalité des départements, à concurrence de pas moins de cinquante mille piastres en tout, et que des souscriptions pour au moins cinquante mille piastres auront été faites au fonds de garantie de l'un ou l'autre ou de la totalité des départements, la compagnie pourra commencer ses opérations dans tel département qui se sera conformé aux conditions précédentes.

17. Le défaut de la part d'un département n'obligera pas les autres départements de suspendre leurs opérations ni ne les assujétira aux dispositions de l'acte 31 Victoria, chapitre 48, relatives aux compagnies en faillite.

18. Nul officier de la compagnie ne pourra emprunter de fonds à la compagnie ni se porter caution d'une autre personne ayant fait des emprunts à la compagnie.

19. La compagnie pourra poursuivre ou être poursuivie, mais elle ne sera pas tenue d'avoir un sceau de corporation bien que, si elle le juge à propos, elle puisse en adopter et employer un.

20. La compagnie pourra posséder les immeubles qui lui auront été *bonâ fide* hypothéqués par voie de garantie ou transportés en paiement de dettes ou de jugements obtenus en sa faveur ; et il sera loisible à la compagnie de placer ses fonds en effets publics de la Puissance du Canada, ou de

16. Any person who may by law, in other cases, make a solemn affirmation in any case, where, by this Act, an oath is required; and any person hereby authorized to administer an oath, may, in such cases as aforesaid, administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely, in any case where an oath or solemn affirmation is required or authorized by by this Act, shall be guilty of wilful perjury. Affirmation allowed instead of oath.

17. Nothing in this Act shall affect any rights of Her Majesty, her heirs or successors, or of any party or persons whomsoever, such right only excepted as are herein expressly mentioned and affected. Her Majesty's rights saved.

No. 52.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to incorporate the Board of Trade of the City of Kingston.

PRIVATE BILL.

Mr. KIRKPATRICK.

OTTAWA:

Printed by I. B. Taylor, Nos. 29, 31 and 33 Rideau Street.

1871.

No. 53. **BILL.** 1871.

An Act relating to Banks and Banking.

Preamble.

WHEREAS, it is desirable that the provisions relating to the Incorporation of Banks, and the laws relating to Banking, should be embraced, as far as practicable, in one general Act; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons, enacts as follows:—

Charters continued.

1. The Charters or Acts of Incorporation of the several Banks mentioned in the Schedule to this Act, and any amendments thereof, are continued, subject to the provisions of this Act, to the first day of July in the year of our Lord one thousand eight hundred and eighty one, and every clause or provision in such Charter or Act of Incorporation which is inconsistent with the provisions of this Act, is hereby repealed.

To what banks the Act applies.

2. The provisions of this Act shall apply to any Bank hereafter incorporated, whether this Act is specially mentioned in such Act of Incorporation or not, as well as to all Banks whose charters are hereby continued, but not to any other, unless extended to it under the provisions hereinafter made.

Matters to be provided for in special Act.

3. The capital stock of any new Bank, the amount of each share, the amount to be subscribed before such Bank can go into operation, the name of the Bank, and the place where its chief office shall be situate, shall be declared in the Act of Incorporation of any Bank to be hereafter incorporated.

Branches and agencies.

4. The bank may open branches or agencies and offices of discount and deposit, and transact business at any place or places in the Dominion.

GENERAL REGULATIONS.

Increase of capital.

5. The capital stock of the Bank may be increased to the sum of millions of dollars by the shareholders at any annual general meeting, or any general meeting specially called for that purpose; and such increase may be agreed on by such proportions at a time as the shareholders shall determine, and shall be decided by the majority of the votes of the shareholders present at such meeting in person or by proxy.

How to be allotted.

6. Any of the original unsubscribed capital stock or the increased stock of a Bank, shall, when the Directors so determine, be allotted to the then shareholders of the Bank *pro rata*, and at such rate as shall be fixed by the Directors; provided always that any of such allotted stock as shall not be taken up by the shareholder to whom such allotment has been made, within three months from the time when notice of the allotment has been mailed to his address, may be opened for subscription to the public, in such manner and in such terms as the Directors shall prescribe.

Conditions previous to commencing business.

7. No Bank to be hereafter incorporated shall issue notes nor commence the business of Banking until two hundred thousand dollars of its capital have been *bona fide* paid up, nor until it shall have obtained from the Treasury Board a certificate to that effect, which certificate shall be granted by the Treasury Board, when it is proved to their satisfation that such amount of the capital has been *bona fide* paid.

Paying up capital.

8. At least twenty per cent. of the subscribed capital of such Bank or such less amount as may remain unpaid, shall be paid up in each year after it shall have commenced business.

Amount of bank notes limited: none under $4.

9. The amount of notes intended for circulation, issued by the Bank and outstanding at any time, shall never exceed the amount of its unimpaired paid up capital: No such note for a less sum than four dollars shall be issued or re-issued by the Bank, and all notes for a less sum heretofore issued shall be called in and cancelled as soon as may be practicable.

Redemption of notes.

10. The Bank shall always receive in payment its own notes at par at any of its offices and whether they be made payable there or not; but shall not be bound to redeem them in specie or Dominion notes at any place other than where they are made payable; the place or one of the places at which the notes of the Bank shall be made payable shall always be its chief seat of business.

No dividend to impair paid up capital; provision if part thereof be lost.

11. No dividend or bonus shall ever be made so as to impair the paid up Capital Stock, and if any dividend or bonus be so made, the Directors knowingly and wilfully concurring therein, shall be jointly and severally liable for the amount thereof, as a debt due by them to the Bank; and if any part of the paid up Capital be lost, the Directors shall, if all the subscribed stock be not paid up, forthwith make calls upon the Shareholders sufficient to make good such loss; and such loss (and the calls, if any) shall be mentioned in the Return then next made by the Bank to the Government; provided that in any case where the Capital Stock has been impaired as aforesaid, all net profits shall be applied to make good such loss.

Dividend limited unless there be a Reserved Fund.

12. No division of profits, either by way of dividends or bonus, or both combined, or in any other way exceeding the rate of eight per cent. per annum, shall be paid by the Bank, unless, after paying the same, it shall have a rest or reserved fund equal to at least twenty per cent. of its capital deducting all bad or doubtful debts before calculating the amount of such rest.

List of Stockholders to be laid before Parliament.

13. Certified lists of the Shareholders, (or of the principal partners, if the Bank be *en commandite,*) with their additions and residences, and the number of shares they respectively hold, shall be laid before Parliament every year, within fifteen days after the opening of the Session.

Monthly returns to be made.

14. Monthly returns shall be made by the Bank to the Government in the following form, and shall be made up on the first juridical day of each month, and shall exhibit the condition of the Bank on the last juridical day of the month preceding; and such monthly returns shall be signed by the President, or the Director (or, if the Bank be *en commandite*, the principal partner) then acting as President, and by the Cashier, or other principal officer of the Bank at its chief seat of business:

Form.

RETURN of the amount of liabilities and assets of the Bank, on the day of A.D. 18

CAPITAL AUTHORIZED, $. CAPITAL SUBSCRIBED, $. CAPITAL PAID UP, $.

LIABILITIES.

	$ cts.
1. Notes in Circulation	
2. Government Deposits, payable on demand	
3. Other Deposits, payable on demand	
4. Government Deposits, payable after notice, or on a fixed day	
5. Other Deposits, payable after notice, or on a fixed day	
6. Due to other Banks in Canada	
7. Due to other Banks or Agents not in Canada	
8. Liabilities not included under the foregoing heads	

ASSETS.

	$ cts.
1. Specie	
2. Provincial or Dominion notes	
3. Notes of other Banks	
4. Balances due from other Banks in Canada	
5. Balances due from other Banks or Agents not in Canada	
6. Government Debentures or Stock	
7. Loans to the Government	
8. Loans, Discounts, or Advances on Current Account to Corporations	
9. Notes and Bills discounted, and current	
10. Notes and Bills discounted, overdue and not specially secured	
11. Overdue Debts secured by Mortgage or other Deed, on Real Estate, or by Deposit of, or lien on Stock, or by other Securities	
12. Real Estate, the property of the Bank, (other than the Bank Premises), and Mortgages on Real Estate *sold* by the Bank	
13. Bank Premises	
14. Other Assets not included under the foregoing heads	

We declare that the foregoing return is made up from the books of the Bank, and that it is correct to the best of our knowledge and belief.

(*Place*) this day of 18 .

A. B.—*President, &c.*

C. D.—*Cashier, &c.*

Part of reserves to be in Dominion notes.

15. The Bank shall always hold, as nearly as may be practicable, one half of its Cash reserves in Dominion Notes, and the proportion of such Reserves held in Dominion Notes shall never be less than one third thereof.

Exemption from Bank Tax, &c.

16. Every Bank to which this Act applies shall be exempt from the tax now imposed on the average amount of its notes in circulation, to which other Banks will continue liable, and from the obligation to hold any portions of its capital in Government Debentures or Debentures of any kind.

Arrangements for supplying Dominion notes.

17. The Receiver General shall make such arrangements as may be necessary for ensuring the delivery of Dominion Notes to any Bank, in exchange for an equivalent amount of specie, at the several offices at which Dominion Notes will be redeemable, in the Cities of Toronto, Montreal, Halifax, and St. John, (N.B.), respectively.

INTERNAL REGULATIONS.

Shares and Shareholders.

Subscription for and transfer of stock in the United Kingdom.

18. Books of subscription may be opened, and shares of the capital stock of the Bank may be made transferable, and the dividends accruing thereon may be made payable, in the United Kingdom of Great Britain and Ireland in like manner as such shares and dividends are respectively made transferable and payable at the head office of the Bank, and to that end the Directors may from time to time make such rules and regulations, and prescribe such forms, and appoint such agent or agents as they may deem necessary.

Payment of shares.

19. The shares of the Capital Stock shall be paid in and by instalments, and at such times and places as the Directors shall appoint, and executors, administrators and curators paying the instalments upon the shares of deceased shareholders shall be and are respectively indemnified for paying the same: Provided always, that no share or shares shall be held to be lawfully subscribed for, unless a sum equal to at least ten per centum on the amount subscribed for be actually paid at the time or within thirty days after the time of subscribing; and so long as any part of the Capital of the Bank is not paid up, twenty per cent. of the capital, or if so much do not remain unpaid, then the part unpaid, shall be paid up in each year thereafter.

Proviso: Rate of payment.

Transfers of shares: conditions as to shares sold under execution.

20. The shares of the Capital Stock of the Bank shall be held and adjudged to be personal estate, and shall be assignable and transferable at the chief place of business of the Bank, or at any of its branches which the Directors shall appoint for that purpose, and according to such form as the Directors shall prescribe; but no assignment or transfer shall be valid unless it be made and registered and accepted by the party to whom the transfer is made in a book or books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts or liabilities due, or contracted and not then due, by him, her, or them to the Bank, which may exceed in amount the remaining stock, if any, belonging to such person or persons, and no fractional part or parts of a share, or less than a whole share, shall be assignable or transferable: and when any share or shares of the said Capital Stock shall have been sold under a writ of execution, the sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the Cashier of the Bank an attested copy of the writ, with the certificate of such sheriff endorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts due or liabilities contracted and not then due by the holder or holders of the shares to the Bank shall have been discharged as aforesaid), the President or Vice-President, or Cashier of the Corporation, shall execute the transfer of the share or shares so sold to the purchaser; and such transfer being duly accepted, shall be to all intents and purposes as valid and effectual in law as if it had

been executed by the holder or holders of the said share or shares, any law or usage to the contrary notwithstanding.

Transmission of shares otherwise than by transfer : how proved, &c.

21. If the interest in any share or shares in the capital stock becomes transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require, and every such declaration shall distinctly state the manner in which, and the party to whom, such share shall have been transmitted, and shall be by such party made and signed ; and every such declaration shall be by the party making and signing the same acknowledged before a Judge of a Court of Record, or before the Mayor, Provost or Chief Magistrate of a city, town, borough, or other place, or before a Public Notary, where the same shall be made and signed ; and every declaration so signed and acknowledged shall be left with the Cashier or other officer, or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the Registry of shareholders, and until such transmission shall have been so authenticated no party or person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank, or to vote in respect to of any such share or shares : provided always; that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share or shares in the Bank which shall be made in any other country than this, or some other of the British colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice-Consul or other accredited representative : and provided also that nothing in this Act contained shall be held to debar the Directors, Cashier or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Transmission by marriage of female shareholder.

22. If the transmission of any share of the capital stock be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share, shall be made and signed by such female Shareholder and her husband ; and it shall be competent to them to include therein a declaration to the effect that the share transmitted is the sole property, and under the sole control of the wife, that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and dispose of and transfer the share itself, without requiring the consent or authority of her husband ; and such declaration shall be binding upon the bank and the parties making the same, until the said parties shall see fit to revoke it by a written notice to that effect to the Bank ; and further, the omission of a statement in any such declaration, that the wife making the same is duly authorized by her husband to make the same, shall not cause the declaration to be deemed either illegal or informal ; any law or usage to the contrary notwithstanding.

Transmission by decease of Shareholder.

23. If the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or any letters of administration, or act of curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the Cashier, or other officer or agent of the Bank, who shall, thereupon, enter the name of the party entitled under such transmission, in the register of shareholders.

Further provision in such case.

24. If the transmission of any share or shares of the capital stock of the Bank be by decease of any shareholder, the production to the Directors, and the deposit with them of any probate of the will of the deceased shareholder, or of letters of administration of his estate granted by any Court in the Dominion having power to grant such probate or letters of administration, or by any prerogative, diocesan or peculiar Court or authority in England, Wales, Ireland, or any British Colony of any testament testamentary or testament dative, expede in Scotland, or, if the deceased shareholder shall have died out of Her Majesty's dominions, the production to and deposit with the Directors of any probate of his or her will or letters of administration of his or her property, or other documents of like import granted by any Court or authority having the requisite power in such matters, shall be sufficient justification and authority to the Directors for paying any dividend, or transferring, or authorising the transfer, of any share or shares, in pursuance of and in conformity to such probate, letters of administration, or other such document as aforesaid.

Provision in case the Directors have reasonable cause of doubt as to the party entitled to any share.

25. Whenever the interest in any share or shares of the capital stock of the Bank shall be transmitted by the death of any shareholder or otherwise, or whenever the ownership of or legal right of possession in any such share or shares shall change by any lawful means other than by transfer, according to the provisions of this Act, and the Directors of the Bank shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock, then, and in such case, it shall be lawful for the Bank to make and file in one of the Superior Courts of Law or Equity in the Province in which the Head Office of the Bank is situated, a declaration and petition in writing, addressed to the Justices of the Court, setting forth the facts and the number of shares previously belonging to the party in whose name such shares stand in the books of the Bank, and praying for an order judgment adjudicating and awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the Bank shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares or arising therefrom: Provided, always, that notice of such petition shall be given to the party claiming such share or shares, who shall upon the filing of such petition, establish his right to the several shares referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the same as those observed in analogous cases before the said superior courts: Provided, also, that the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong, and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

Proviso.

Bank not bound to see to trusts.

26. The Bank shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any of the shares of its stock shall be subject, and the receipt of the

party in whose name any such share shall stand in the books of the Bank, or, if it stands in the name of more parties than one, the receipt of one of the parties, shall be a sufficient discharge to the Bank for any dividend or any other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject and whether or not the Bank have had notice of such trust and the Bank shall not be bound to see to the application of the money paid upon such receipt.

One vote for each share.

27. Each shareholder in the Bank shall, on all occasions on which the votes of the shareholders are to be taken, have one vote for each share held by him for at least three months before the time of voting. Shareholders may vote by proxy, but no person but a shareholder shall be permitted to vote or act as such proxy; and no Manager, Cashier, Bank Clerk, or other subordinate officer of the Bank shall either vote in person or by proxy, or hold a proxy for that purpose. All questions proposed for the consideration of the said shareholders shall be determined by the majority of their votes: the Chairman elected to preside at any such meeting of the said shareholders shall vote as a shareholder only; and where two or more persons are joint holders of shares, it shall be lawful that one only of such joint holders be empowered by letter of attorney from the other joint holder or holders, or majority of them, to represent the said shares, and vote accordingly.

Proxies, &c.

Shareholders may regulate certain matters by by-laws.

28. The shareholders in the Bank shall have power to regulate by by-law the following matters incident to the management and administration of the affairs of the Bank, viz.: the qualification and number of the Directors, which shall not be less than five nor more than ten; the method of filling up vacancies in the Board of Directors whenever the same may occur during each year; and the remuneration of the President, Vice-President and other Directors; but no Director shall hold less than three thousand dollars of the stock of the Bank, when the paid up capital thereof is one million of dollars or less, or less than four thousand dollars of stock when the paid up capital thereof is over one million and does not exceed three million, nor less than five thousand dollars of stock when the paid up capital thereof exceeds three millions; the Directors shall be elected annually by the shareholders and shall be eligible for re-election, provided that the foregoing provisions, touching Directors, shall not apply to a Bank *en commandite*, which shall in these matters be governed by the provisions of its Charter. The shareholders (or if the Bank be *en commandite*, the principal partners), may regulate by by-law the amount of discounts or loans which may be made to Directors (or if the Bank be *en commandite* to the principal partners), either jointly or severally or to any one firm or person or to any shareholder or to Corporations; provided always, that the aggregate amount of discounts and advances made by the Bank upon commercial paper or securities to any Director or any firm of which a Director is a partner (or if the Bank be *en commandite* to any principal partner or any firm in which a principal partner is a partner), shall never at any one time exceed one-*twentieth* of the total amount of the discounts and advances made by the Bank at the same time; Provided that until it is otherwise ordered by by-law under this section, the provisions of the Charter of the Bank and of its by-laws on any matter which can be regulated by by-law under this section, shall remain in force, except as to the qualification of directors as to which they shall remain in force until the next annual meeting of the share-

holders, after which no person shall be a Director until he possesses the number of shares hereby required or such greater number as may be required by any by-law in that behalf.

Special general meetings: how called.

29. Any number not less than twenty-five of the shareholders of the Bank who together may be proprietors of at least one hundred shares of the paid up capital stock of the the Bank, by themselves or by their proxies, or the Directors of the the Bank or any four of them, shall have power at any time to call a special general meeting of the shareholders of the Bank to be held at their usual place of meeting upon giving six weeks previous public notice, specifying in such notice the object or objects of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the President, Vice-President or of a Director or Directors of the said Bank for maladministration or other specified and apparently just cause, then and in any such case the person or persons whom it shall be so proposed to remove shall from the day on which the notice shall be first published, be suspended from the duties of his or their office or offices, and if he be the President or Vice-President whose removal shall be proposed, his office shall be filled up by the remaining Directors (in the manner provided in case of a vacancy occurring in the office of President or Vice-President) who shall choose or elect a Director to serve as such President during the time such suspension shall continue to be undecided upon.

President and Directors.

Annual general meeting of shareholders, and election of directors.

30. The stock, property, affairs and concerns of the Bank shall be managed by a Board of Directors, the number to be fixed as herein provided, who shall choose from among themselves a President and Vice-President; the Directors shall be natural born or naturalized subjects of Her Majesty, and shall be elected on such day in each year as may be or may have been appointed by the Charter or by any by-law of the Bank, and at such time of the day and at such place where the head office of the Bank is situate, as a majority of Directors for the time being shall appoint; and public notice shall be given by the Directors, by publishing the same at least four weeks in a newspaper of the place where the said head office is situate, previous to the time of holding such election; and the election shall be held and made by such of the shareholders of the Bank as have paid all calls made by the Directors and as shall attend for the purpose in their own proper persons or by proxy, such persons being or having been in either case holders of such shares for three months previous; and all elections for Directors shall be by ballot, and the said proxies shall only be capable of being held and voted upon by shareholders then present, and the persons, to the number to be fixed by by-law, as hereinbefore provided, who have the greatest number of votes at any election shall be Directors; and in case of a vacancy occurring in the number of Directors, then if the vacancy so created shall be that of a President or Vice-President, the Directors at the first meeting, after completion of their number, shall, from among themselves, choose a President or Vice-President who shall continue in office for the remainder of the year; provided that if it should happen at any election that two or more persons have an equal number of votes, then the Directors who shall have had a greater number or the majority shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to

Vacancies among directors: how filled.

Equality of votes.

complete the full number. And the said Directors, as soon as may be after the said election, shall proceed in like manner to elect by ballot two of their number to be President and Vice President; provided always, that no person shall be eligible to be or continue as Director, unless he shall hold, in his name and for his own use, stock in the said Bank to the amount hereinbefore provided.

Election of President, &c.

Proviso.

31. In case it should happen that an election of Directors should not be made on any day when it ought to have been made, the Corporation shall not for that cause be deemed to be dissolved but it shall be lawful on any other day to hold and make an election of Directors in such manner as shall have been by the by-laws of the shareholders in the Bank provided.

Failure of election: provision in case of.

32. At all meetings of the Directors of the Bank not less than three of them shall constitute a board or quorum for the transaction of business; and at the said meetings the President, or in his absence the Vice-President, or in their absence one of the Directors present to be chosen *pro tempore*, shall preside; and the President, Vice-President, or President *pro tempore* so presiding, shall vote as a Director, and if there be an equal division on any question shall have a casting vote.

Quorum of directors &c.

33. The Directors for the time being, or a majority of them, shall have power to make such by-laws and regulations (not repugnant to the provisions of this Act or the laws of the Dominion of Canada) as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of the Bank, and touching the duties and conduct of the officers, clerks and servants employed therein, and all such other matters as appertain to the business of a Bank, and shall also have power to appoint as many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them may seem meet; and they may also appoint a Director or Directors who shall each be the absolute owner of at least *twenty* shares in his own right, for any branch which they may establish; Provided always, that before permitting any Cashier, officer, clerk or servant of the Bank to enter upon the duties of his office, the Directors shall require him to give bond or other security to the satisfaction of the Directors, for the due and faithful performance of his duties; Provided also, that all by-laws of the Bank lawfully made before the passing of this Act, shall remain in force until they are repealed or altered by others made under this Act

Directors to make By-laws for certain purposes, and appoint officers, &c.

Proviso.

Proviso.

34. The Directors shall have power to make such calls of money from the several shareholders for the time being upon the shares subscribed for in the Bank by them respectively, as they may find necessary, and in the corporate name of the Bank, to sue for, recover and get in all such calls, or to cause and declare such shares to be forfeited to the Bank in case of non-payment of any such call; and an action may be brought to recover any money due on any such call, and it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is holder of one share or more, as the case may be, in the capital stock of the Bank, and is indebted for calls upon such share or shares to the Bank in the sum to which the call or calls amount, as the case may be, stating the amount and number of such calls, whereby an action hath accrued to Bank to recover the same from such defendant

Calls: and how enforced by action.

by virtue of this Act ; And it shall be sufficient to maintain such action, to prove by any one witness, a shareholder being competent, that the defendant, at the time of making such call, was a shareholder in the number of shares alleged, and to produce the by-law or resolution of the Directors making and prescribing such call, and to prove notice thereof, given in conformity with such by-law or resolution ; and it shall not be necessary to prove the appointment of the Board of Directors or any other matter whatsoever ; provided that each such call shall be made at intervals of not less than thirty days, and upon notice to be given at least thirty days prior to the day on which such call shall be payable ; and no such call shall exceed ten per cent. of each share subscribed.

Calls : and how enforced by forfeiture.

35. Provided also, that if any shareholder or shareholders refuse or neglect to pay any or either of the instalments upon his, her, or their shares of the said Capital Stock at the time or times appointed by such call, as aforesaid, such shareholder or shareholders shall incur a forfeiture to the use of the Bank of a sum of money equal to Ten per centum on the amount of such shares; and, moreover, it shall be lawful for the Directors of the Bank (without any previous formality other than thirty days' public notice of their intention), to sell at public auction the said shares, or so many of the said shares as shall, after the deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares and the amount of forfeitures incurred upon the whole ; and the President or Vice-President, or Cashier, of the Bank shall execute the transfer to the purchaser of the shares of stock so sold; and such transfer being accepted, shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; Provided always, that nothing in this section contained shall be held to debar the Directors, or the Shareholders at a general meeting, from remitting either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the nonpayment of instalments as aforesaid, or to prevent the Bank from enforcing the payment of any call or calls by suit in lieu of forfeiting the same.

Statement to be laid before annual general meeting by directors.

36. At every annual meeting of the shareholders for the Election of Directors, the out-going Directors shall submit a clear and full statement of the affairs of the Bank, containing on the one part the amount of the capital stock paid in, the amount of notes of the Bank in circulation and net profits made, and the balance due to other other banks and institutions, and the cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest, and on the other part, the amount of the current coin, the gold and silver bullion in the vaults of the Bank, the balances due to the Bank from other banks and institutions, the value of the real and other property of the Bank, and the amount of debts owing to the Bank, including and particularizing the amounts so owing upon bills of exchange, discounted notes, mortgages, and other securities,—thus exhibiting on the one hand the liabilities of, or the debts due by the Bank, and on the other hand the assets and resources thereof ; and the said statement shall also exhibit the rate and amount of the last dividend declared by the Directors, the amount of reserved profits at the time of declaring the said dividend, and the amount of debts due to the Bank, overdue and not paid, with an estimate of the loss which probably accrue thereon.

37. The books, correspondence and funds of the Bank shall at all times be subject to the inspection of the Directors; but no shareholder not being a Director shall be allowed to inspect the account of any person dealing with the Bank. Directors may inspect books, &c.

38. It shall be the duty of the Directors of the Bank to make half-yearly dividends of so much of the profits of the Bank as to the majority of them may seem advisable, and not inconsistent with the provisions of sections *eleven and twelve* of this Act; and to give public notice of the payment of such dividends at least thirty days previously. Dividends and notice thereof.

AMALGAMATION OF BANKS.

39. The Directors of the Bank may enter into an agreement with any other Banking institution or institutions for an amalgamation, and may determine upon the terms of such amalgamation and the relative values of the stock of the Bank and of such amalgamating Bank or Banks, and may agree upon such other terms for the conduct, management and general relations of the amalgamated institution as the Directors of the said Banks may think best, not however, being inconsistent with or in excess of the powers conferred by their respective Charters or by the Act of Parliament incorporating such amalgamating Bank or Banks; such agreement shall not, however, be valid until confirmed by a majority of such of the shareholders of each of the Banks as shall be present either in person or by proxy at any special general meeting of shareholders of each Bank called for that purpose. Agreement for amalgamation: how to be made.

40. The terms of the said agreement of amalgamation shall be set forth in a formal indenture of union executed by the said respective Banks, parties thereto, and upon the filing of a duplicate thereof in the office of the Secretary of State of Canada, such amalgamation shall be taken to be fully complete. And the said amalgamated Banks shall thereafter be deemed to be one corporation under such name, not being the name of any other Bank not entering into such amalgamation, as may be declared in such indenture, and shall possess all the corporate powers, rights and privileges theretofore held, enjoyed or possessed, by any or either of the said respective Banks, and the provisions contained in their respective Acts of incorporation shall apply to the said amalgamated Bank, which shall in all respects be subject to, and be regulated by the said provisions, except in so far as the same may be varied by the terms of the said indenture of union or this Act; and immediately after the filing of the said indenture in the office of the said Secretary of State, a copy of the same certified by the said Secretary shall be published at length in the *Canada Gazette* at the expense of the said Bank. Indenture of Union to be made and filed. Its effect. Publication thereof.

41. The production of the said indenture of union with the certificate thereon endorsed of the Secretary of State of Canada of the filing of the duplicate thereof in his office, or the production of a copy of such duplicate indenture certified by the said Secretary of State, or of a copy of the *Canada Gazette* in which the said indenture has been published under the last preceding section, shall be conclusive evidence in all courts and proceedings, of the execution and filing of the said indenture without further or other proof; and shall also be *primâ facie* evidence without further proof in all courts and proceedings, of the complete union and in- How proved, and its effect in evidence.

corporation into one corporation of the said amalgamated institutions.

Increase of stock of Amalgamated Bank.

42. The said amalgamated Bank may by-law or by-laws and upon the terms set forth in such by-law or by-laws, from time to time increase their capital stock; but the additions thereto shall not exceed the amount limited by this Act, and no such by-law shall be valid until confirmed by a majority of such of the shareholders as shall be present in person, or by proxy, at a special general meeting of the shareholders of the amalgamated Bank called for that purpose.

Head office—and removal thereof.

43. The indenture of union, hereinbefore mentioned, may provide for the place where the head or principal office of the amalgamated Bank shall be situate, and may also contain provisions for the removal of such principal office from time to time.

Legal effects of amalgamation.

44. Immediately upon the union or amalgamation of the said Banks taking place, the shareholders of the respective Banks so amalgamating shall (*ipso facto*) become the shareholders of the said amalgamated Bank in the amounts, and according to the relative values of the stocks of the amalgamated Banks, as provided for and set forth in the said indenture of union :

Votes.

2. Notwithstanding anything to the contrary contained in the several Acts of Incorporation or Charters relating to the said Banks, each share in the capital stock of the said united corporation shall entitle the holder thereof to one vote at all general meetings of the shareholders of the said Bank, unless he shall be in default in respect of any calls upon such share :

Property.

3. And thereupon also all the estate and effects, real and personal, rights, property, credits, choses in action, claims and demands of whatsoever nature or quality, or wherever situate of each of the amalgamating Banks, shall forthwith become vested in the said amalgamated corporation, its successors and assigns as for its own use and benefit absolutely, and it may in its own name sue for, collect, and get in any or any part of the said estate, rights, or effects :

Liabilities.

4. And the said amalgamated corporation shall forthwith also become subject and liable to pay and discharge all of the debts, obligations, bills, promissory notes, or other liabilities of each of the said amalgamated Banks, and may be directly sued and proceeded against in respect thereof, as fully and effectually as if the same were originally, and they shall be taken and construed so to be, the debts, obligations, promissory notes and liabilities of the said amalgamated corporation.

Not to affect obligations.

5. The amalgamation taking effect as hereinbefore provided shall in no way release, affect or discharge the liability or obligation or any surety to any or either of the amalgamating Banks, for in respect of any bill, debt, claim, service, employment, or matter or thing whatsoever, but the said liability and obligation shall continue in full force and effect, and shall be taken and construed to be a liability or obligation in favor of the said amalgamated corporation, as if the same had been originally and directly given to, or entered into with the said last mentioned corporation.

Power to hold real estate for occupation.

45. The Bank shall have the power to acquire and hold real and immovable estate for its actual use and occupation, and the management of its business, not exceeding in yearly value of *per cent. on the amount of its paid up capital*, and to sell or dis-

pose of the same, and other property to acquire in its stead, not exceeding the said value.

Business of the Bank defined.

46. The Bank shall not, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the Capital Stock of the Bank, or of any goods, wares or merchandize, except as authorized in this Act; nor shall the Bank, either directly or indirectly, raise loans of money, or deal in the buying and selling or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as a dealer in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as appertains to the business of banking.

POWERS AND OBLIGATIONS OF THE BANK.

Loans—Interest, &c.

Power to take mortgages as additional security.

47. The Bank may take, hold and dispose of mortgages and hypothèques upon personal as well as real property, by way of additional security for debts contracted to the Bank in the course of its business; and the rights, powers and privileges which the Bank is hereby declared to have or to have had in respect of real estate mortgaged to it, shall be held and possessed by it, in respect of any personal estate which may be mortgaged or hypothecated to it.

And to purchase lands mortgaged to it, if sold under execution, &c.

48. The Bank may purchase any lands or real estate offered for sale under execution at the suit of the Bank, or exposed to sale by the Bank under a power of sale given to it for that purpose, in cases where, under similar circumstances, an individual could so purchase, without any restriction as to the value of the lands which it may so purchase, and may acquire a title thereto as any individual purchasing at Sheriff's sale or under a power of sale, in like circumstances, could do, and may take, have, hold and dispose of the same at pleasure.

And to obtain an absolute title, by release, &c. of equity of redemption.

49. The Bank may acquire and hold an absolute title in or to land mortgaged to it in security for a debt due or owing to it, either by obtaining a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure in any Court of Chancery or of Equity, or by other means whereby, as between individuals, an equity of redemption can by law be barred.

May exercise power of sale, &c.

50. Nothing in any Charter, Act or law shall be construed as ever having prevented or as preventing the Bank from acquiring and holding an absolute title to and in any such mortgaged lands, whatever the value thereof may be, or from exercising or acting upon any power of sale contained in any mortgage given to it or held by it, authorizing or enabling it to sell or convey away any lands so mortgaged.

Bank may advance money on bills of lading, specifications, warehouse receipts, &c.

51. Notwithstanding any thing to the contrary in the Charter or Act of incorporation of any Bank in the Dominion, any bill of lading, any specification of timber, or any receipt given by a warehouseman, miller, wharfinger, master of a vessel, or carrier, for cereal grains, goods, wares or merchandize, stored or deposited, or to be stored or deposited in any warehouse, mill, cove, or other

place in Canada, or shipped in any vessel, or delivered to any carrier for carriage from any place whatever to any part of this Dominion, or through the same, or on the waters bordering thereon, or from the same to any other place whatever, and whether such cereal grains are to be delivered upon such receipt in species or converted into flour, may, by indorsement thereon by the owner of, or person entitled to receive such cereal grains, goods, wares or merchandize, or his attorney or agent, be transferred to any Bank in the Dominion, or to any person for such Bank, as collateral security for the due payment of any bill of exchange or note discounted by such Bank in the regular course of its banking business, and being so indorsed shall vest in such Bank from the date of such indorsement, all the right and title of the indorser to or in such cereal grains, goods, wares or merchandize, subject to the right of the indorser to have the same re-transferred to him, if such bill, note or debt be paid when due ; And in the event of the non-payment of such bill or note or debt when due, such Bank may sell the said cereal grains, goods, wares or merchandize, and retain the proceeds or so much thereof as will be equal to the amount due to the Bank upon such bill or note or debt, with any interest or costs, returning the overplus, if any, to such indorser.

May sell the goods in case of non-payment of money so advanced.

52. But no such cereal grains, goods, wares or merchandize, shall be held in pledge by such Bank for any period exceeding six months ; and no transfer of any such bill of lading, specification of timber or receipt, shall be made under this Act to secure the payment of any bill, note or debt, unless such bill, note or debt, be negotiated or contracted *on the faith* of the indorsement of such bill of lading, specification of timber or receipt ; and further, no sale of any cereal grains, goods, wares or merchandize, shall take place under this Act until or unless ten days' notice of the time and place of such sale has been given by registered letter transmitted through the Post Office, to the owner of such cereal grains, goods, wares or merchandize prior to the sale thereof.

Period of holding the same in pledge limited.

Notice of sale to be given.

53. Provided that where any person engaged in the calling of warehouseman, miller, wharfinger, master of a vessel or carrier, by whom a receipt may be given in such his capacity, as hereinbefore mentioned, for cereal grains, goods, wares or merchandize, is at the same time the owner of or entitled himself (otherwise than in his capacity of warehouseman, miller, wharfinger, master of a vessel or carrier,) to receive such cereal grains, goods, wares or merchandize,—any such receipt, or any acknowledgement or certificate intended to answer the purpose of such receipt, given and endorsed by such person, shall be as valid and effectual for the purposes of this Act, as if the person giving such receipt, acknowledgment or certificate, and indorsing the same, were not one and the same person.

Case of warehouseman, &c. being also owner of the goods.

54. All advances made on the security of any bill of lading, specification, receipt, acknowledgment or certificate, shall give and be held to give to the Bank making such advances, a claim for the re-payment of such advances on the grain, goods, wares or merchandize therein mentioned prior to and by preference over the claim of any unpaid vendor, any law, usage or custom to the contrary notwithstanding:

Advances to give a prior lien.

55. Notwithstanding anything to the contrary in the Charter or Act of Incorporation of any Bank in Canada,—any cove receipt, or any receipt given by a Cove-keeper or by the keeper of any

Advances on receipts of Cove-keeper, &c. for lumber.

wharf, yard, harbor or other place, for timber, boards, deals, staves or other lumber laid up, stored or deposited, or to be laid up, stored or deposited in or on the cove, wharf, yard, harbor or other place in Canada, of which he is the keeper,—or any bill of lading or receipt given by a master of a vessel, or by a carrier for timber boards, deals, staves or other lumber shipped in such vessel or delivered to such carrier for carriage from any place whatever, to any part of Canada, or through the same to any other place whatever,—may, by indorsement thereon, by the owner of or person entitled to receive such timber, boards, deals, staves or other lumber, or his attorney or agent, be transferred to any incorporated or chartered bank in Canada, or to any other person for such Bank, as collateral security for the due payment of any bill of exchange or note discounted by such Bank in the regular course of its banking business, and being so indorsed shall vest in such Bank, from the date of such indorsement, all the right and title of the indorser, to or in such timber, boards, deals, staves or other lumber, subject to the right of the indorser to have the same re-transferred to him, if such bill, note or debt be paid when due;—and in the event of the non-payment of such bill or note or debt when due, such Bank may sell the said timber, boards, deals, staves or other lumber, and retain the proceeds, or so much thereof as will be equal to the amount due to the bank upon such note or debt, with any interest or costs, returning the overplus, if any, to such indorser.

Effect of transfer of such receipts, &c.

Power to sell in case of non-payment of advances.

56. When any person engaged in the calling of Cove-keeper, or of keeper of any wharf, yard, harbor or other place, or of master of a vessel or carrier, by whom a receipt or bill of lading may be given in such his capacity, as hereinbefore mentioned, for timber, boards, deals, staves or other lumber, is at the same time the owner of or entitled himself (otherwis than in his capacity of Cove-keeper, or of keeper of a wharf, yard, harbor or other place, or of master of a vessel or carrier) to receive such timber, boards, deals, staves or other lumber, any such receipt or bill of lading, or any acknowledgement or certificate intended to answer the purpose of such receipt or bill of lading, given and indorsed by such person, shall be as valid and effectual for the purposes of this Act, as if the person giving such receipt or bill of lading, acknowledgment or certificate, and indorsing the same, were not one and the same person.

If the Cove-keeper, &c. be himself the owner of the lumber.

57. But no timber, boards, deals, staves, or other lumber, shall be held in pledge by such bank for any period exceeding twelve calendar months; and no transfer of any such receipt or bill of lading shall be made under this Act to secure the payment of any bill, note or debt, unless such bill, note or debt is negociated or contracted on the faith of the indorsement of such receipt or bill of lading; and further, no sale of any timber, boards, deals, staves or other lumber, shall be made under this Act, until nor unless thirty day's notice of the time and place of such sale shall have been given by registered letter transmitted through the Post Office, to the owner of such timber, boards, deals, staves, or other lumber, prior to the sale thereof; and every such sale shall be made by public auction after notice thereof by advertisement, stating the time and place thereof, for at least eight days consecutively, in at least *two* daily newspapers published in or nearest to the place where such sale is to be made; and if such place be in the Province of Quebec, then at least one of such newspapers shall be a newspaper published in the English language, and at least one other of such newspapers shall be a newspaper published in

Period of holding the lumber in pledge limited.

Notice of sale to be given.

the French language; and in all cases a daily newspaper shall be deemed to be published nearest to a place if no other daily newspaper be published in the same language in or nearer to such place, if in the Province of Quebec, or if no two other daily newspapers are published in or nearer to such place if in any other Province in Canada; and if in any place where such sale by auction is to be made, there be not any newspaper published daily in either language, but some newspaper or newspapers be published there in such language less often than daily, then such advertisement shall also be published in every issue of such local newspaper or of at least one of such local newspapers, during the time in which it would otherwise be published in daily newspapers.

Such advances to give priority of lien.

58. All advances made on the security of any such cove receipt or bill of lading, or receipt, acknowledgment or certificate as aforesaid, shall give and be held to give to the Bank making such advances, a claim for the repayment of such advances on the timber, boards, deals, staves or other lumber therein mentioned, prior to and by preference over the claim of any unpaid vendor or other creditor, save and except claims for wages of labor performed in making and transporting such timber, boards, deals, staves, or other lumber; any law, usage or custom to the contrary notwithstanding.

Bank to have lien on shares, &c. for debts due by shareholders.

59. The Bank shall not make loans, or grant discounts on the security of its own Stock, but shall have a privileged lien for any overdue debt on the shares and unpaid dividends of any of its debtors, and may decline to transfer the shares of any such debtor, until such debt is paid, and if such debt is not paid within thirty days after such debt is due, the Bank may, after giving ten days notice to the debtor, by mailing the same to his usual address, sell such stock, and the President or Vice-President or Cashier shall transfer the same to the purchaser thereof.

Not to make loans to foreign states, &c.

60. The Bank shall not directly or indirectly advance or lend to or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money, or any securities for money, and if such unlawful advance or loan be made, then and from henceforth the corporation of the Bank shall be dissolved, and all the powers and privileges granted by its charter shall cease.

Bank not liable to penalty for usury:—Rate of interest recoverable.

61. The Bank shall not be liable to incur any penalty or forfeiture for usury; and may stipulate for, take, reserve or exact any rate of interest or discount not exceeding seven per centum per annum, and may receive and take in advance any such rate, but no higher rate of interest shall be recoverable by any bank: any rate of interest whatever may be allowed by the Bank upon money deposited with it.

Rates of premium chargeable on notes, &c. discounted elsewhere than where payable, but at some branch of the Bank.

62. The Bank may, in discounting at any of its places of business, branches, agencies or offices of discount or deposit, any note, bill, or other negotiable security or paper payable at any other of its own places or seats of business, branches, agencies or offices of discount and deposit in Canada, receive or retain in addition to the discount, any amount not exceeding the following rates per centum, according to the time it has to run, on the amount of such note, bill or other negotiable security or paper, to defray the expenses attending the collection thereof; that is to say: under thirty days, one eighth of one per cent.—thirty days or over, but under sixty days, one fourth of one per cent.—sixty days and

over, but under ninety days, three eights of one per cent.—ninety days and over, one half of one per cent.

The same when payable elsewhere than at a branch of the Bank.

63. The Bank may, in discounting any note, bill or other negotiable security or paper, *bona fide*, payable at any place in Canada different from that at which it is discounted, and other than one of its own places or seats of business, branches, agencies or offices of discount and deposit in Canada, receive and retain in addition to the discount thereon, a sum not exceeding one half of one per centum on the amount thereof, to defray the expenses of agency and charges in collecting the same.

Total Liabilities—Bank Notes, Bonds, &c.

Total amount of liabilities limited.

64. The total amount of the debts which the Bank shall at any one time owe, whether by bond, bill, note or otherwise, shall not exceed the deposits made in the Bank in specie and Government securities for money, and three times the amount of its Capital Stock paid in; and in case of excess, or in case the total amount of the bills or notes of the Bank, of all values, in circulation, shall at any time exceed the amount herein before limited, the Bank shall forfeit its Charter, and all the privileges granted to it, and the Directors under whose administration the excess shall happen, shall be liable, jointly and severally, for the same in their private capacity, as well to the shareholders as to the holders of the bonds, bills or notes of the Bank; and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators or curators of them or any of them, and be prosecuted to judgment and execution according to law; but such action or actions shall not exempt the Bank or its lands, tenements, goods and chattels from being also liable for such excess; provided always, that if any Director present at the time of contracting any such excess of debt, do forthwith, or if any Director absent at the time of contracting any such excess of debt do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of the Bank his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published in the place where the head office of the Bank is situate, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors. administrators or curators from the liability aforesaid, anything herein contained or any law to the contrary notwithstanding; provided always that such publication shall not exonerate any Director from his liability as a shareholder.

Penalty on Bank, and liability of directors in case of excess.

How a director may free himself from such liability.

Bonds, obligations, &c. of the Bank, by whom to be signed, &c.

65. The bonds, obligations and bills obligatory or of credit of the Bank under its corporate seal and signed by the President or Vice-President and countersigned by a Cashier or Assistant cashier, which shall be made payable to any person or persons, shall be assignable by endorsement thereon; and bills or notes of the Bank signed by the President, Vice-president, Cashier or other officer appointed by the Directors of the Bank to sign the same, promising the payment of money to any person or persons, his, her, or their order, or to the bearer, though not under the corporate seal of the Bank, shall be binding and obligatory on it in like manner and with the like force and effect as they would be upon any private person, if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity; provided always that nothing in this Act shall be held to debar the Directors of the Bank from authorizing or deputing from time

to time any Cashier, Assistant-Cashier or officer of the Bank, or any Director other than the President or Vice-President, or any Cashier, Manager or Local Director of any branch or office of discount and deposit of the Bank, to sign the bills of the Bank intended for general circulation, and payable to order or to bearer on demand.

Bank notes may be signed by machinery.

66. All bank notes and bills of the Bank whereon the name or names of any person or persons entrusted or authorized to sign such notes or bills on behalf of the Bank, shall or may become impressed by machinery provided for that purpose by or with the authority of the Bank, shall be and shall be taken to be good and valid to all intents and purposes, as if such notes and bills had been subscribed in the proper handwriting of the person or persons entrusted or authorized by the Bank to sign the same respectively, and shall be and be deemed and taken to be bank notes and bills within the meaning of all laws and statutes whatever, and shall and may be described as bank bills or notes in all indictments and civil or criminal proceedings whatsoever, any law statute or usage to the contrary notwithstanding.

INSOLVENCY.

Suspension of payment for 90 days, to forfeit charter.

67. Any suspension by the Bank of payment of any of its liabilities as they accrue in specie or Dominion notes, shall, if it continues for ninety days, constitute the Bank insolvent and operate a forfeiture of its Charter, so far as regards the issue or reissue of notes and other Banking operations; and the Charter shall remain in force only for the purpose of enabling the Directors or the assignee or assignees, or other legal authority (if any be appointed in such manner as may by law be provided) to make the calls mentioned in the next following section of this Act and to wind up its business: And any such assignee or assignees or other legal authority shall, for such purposes, have all the powers of the Directors.

Liability of shareholders in case of insufficiency of assets to meet liabilities.

Calls on shareholders to meet such liability.

68. In the event of the property and assets of the Bank becoming insufficient to pay its debts and liabilities, the shareholders of the Bank shall be liable for the deficiency so far as that each shareholder shall be so liable to an amount (over and above any amount not paid up on their respective shares) equal to the amount of their shares respectively; and if any suspension of payment in full in specie or Dominion notes, of all or any of the notes or other liabilities of the Bank shall continue for six months, the Directors may and shall make calls on such shareholders, to the amount they may deem necessary to pay all the debts and liabilities of the Bank, without waiting for the collection of any debts due to it or the sale of any of its assets or property; such calls shall be made at intervals of thirty days and upon notice to be given thirty days at least prior to the day on which such call shall be payable; and any such call shall not exceed twenty per cent. on each share, and payment thereof may be enforced in like manner as for calls on unpaid stock, and the first of such calls shall be made within ten days after the expiration of the said six months; and any failure on the part of any shareholder liable to such call to pay the same when due, shall operate a forfeiture by such shareholder of all claim in or to any part of the assets of the Bank, such call and any further call thereafter being nevertheless recoverable from him as if no such forfeiture had been incurred. Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors

Proviso.

hereinbefore mentioned and declared: Provided, also, that if the Bank be *en commandite* and the principal partners are personally liable, then, in case of any such suspension such liability shall at once accrue and may be enforced against such principal partners, without waiting for any sale or discussion of the property or assets of the Bank, or other preliminary proceedings whatever, and the provision respecting calls shall not apply to such Bank.

If the bank be *en commandite.*

69. Persons who having been shareholders in the Bank have only transferred their shares or any of them to others or registered the transfer thereof within one month before the commencement of the suspension of payment by the Bank, shall be liable to calls on such shares under the as if they had not transferred them, saving their recourse against those to whom they were transferred; and any assignee or other officer or person appointed to wind up the affairs of the Bank, in case of its insolvhncy, shall have the powers of the Directors with respect to such calls. Provided that if the Bank be *en commandite,* the liability of the principal partners and of the *commanditaires* shall continue for such time after their ceasing to be such as may be provided in the Charter of the Bank, and the foregoing provisions with respect to the transfer of shares or calls shall not apply to such Bank.

Liability of shareholders who have transferred their stock within a limited time before suspension.

70. If at the expiration of six months from any such suspension of payment as aforesaid, all or any of the notes or other liabilities of the Bank shall continue unpaid, the Bank shall be liable to the operation of the Acts relating to Insolvency in the same manner and to the same extent as a private trader.

If suspension continue six months, Bank to be subject to Insolvent Act.

OFFENCES AND PENALTIES

71. If any Cashier, Assistant Cashier, Manager, Clerk or Servant of the Bank secretes, embezzles or absconds with any Bond, Obligation, Bill obligatory or of credit or other Bill or Note, or any security for money, or any money or effects entrusted to him as such Cashier, Assistant Cashier, Manager, Clerk or Servant, whether the same belong to the said Bank or belong to any person or persons, body or bodies, politic or corporate, or institution or institutions and be lodged with the said Bank, the said Cashier, Assistant Cashier, Manager, Clerk or Servant so offending and being thereof convicted in due form of law, shall be deemed guilty of felony, and shall be punished by imprisonment at hard labor in the Penitentiary for any term not less than two years, or by imprisonment in any Gaol or place of confinement for any term less than two years, in the discretion of the Court.

Embezzlement of bonds, &c. by officers of the Bank to be felony: and how punishable.

72. If any President, Vice-President, Director, Principal Partner *en commandite,* Cashier or other officer of the Bank wilfully gives or concurs in giving any creditor of the Bank any fraudulent, undue or unfair preference over other creditors by giving security to such creditor or by changing the nature of his claim or otherwise howsoever, he shall be guilty of misdemeanor, and shall further be responsible for all damages sustained by any party by such preference.

President, &c. giving undue preference to any creditor, to be guilty of misdemeanor.

73. The making of any wilfully false or deceptive statement in any account, statement, return, report or other document respecting the affairs of the Bank, shall, unless it amounts to a higher offence, be a misdemeanor, and every President, Vice-President,

Making false statement in Returns, &c. to be misdemeanor, &c.

Director, Principal Partner *en commandite*, Auditor, Cashier, or other officer of the Bank preparing, signing, approving or concurring in such statement, return, report or document or using the same with intent to deceive or mislead any party, shall be held to have wilfully made such false statement, and shall further be responsible for all damages sustained by such party in consequence thereof.

Directors refusing to make call under section 68, guilty of misdemeanor.

74. Any Director refusing to make or enforce, or to incur in making or enforcing any call under the *sixty-eighth* Section of this Act, shall be deemed guilty of a misdemeanor and shall be personally responsible for any damages suffered by such default.

Giving false receipts by warehousemen, millers, &c. under this Act to be a misdemeanor.

75. If any Miller, Warehouseman, Master of a vessel, Forwarder, Carrier, Warfinger, Keeper of a Cove, Yard, Harbor or other place for storing timber, deals, staves, boards or other lumber, Factor, Agent or other person, or any clerk or person in his employ, knowingly and wilfully gives to any person any writing purporting to be a receipt for or an acknowledgement of any cereal grain, timber, deals, staves, boards or other lumber, or other goods, wares, merchandize or property, as having been received in his Warehouse, Vessel, Cove, Wharf or other place, or in any such place about which he is employed, or as having been in any other manner received by him or the person in or about whose business he is employed, before the goods or property named in such receipt, acknowledgment or writing have been actually so received by or delivered to him or his employer, with the intent to mislead, deceive, injure or defraud any person or persons whomsoever, although such person or persons may be then to him unknown ; or if any person knowingly and wilfully accepts or transmits or uses any such false receipt, acknowledgment or writing, the person giving and the person accepting, transmitting or using such false receipt, acknowledgment or writing, shall severally be guilty of a misdemeanor.

False statements in receipts, &c. under section 53, to be misdemeanor.

76. The wilfully making any false statement in any such receipt, acknowledgment or certificate as in the *fifty-third* section of this Act mentioned, or the wilfully alienating or parting with, or not delivering to the holder or indorsee any cereal grain, goods, wares or merchandize mentioned in such receipt, acknowledgment or certificate, contrary to tho undertaking therein expressed or implied, shall be a misdemeanor.

Offences by members of partnership.

77. If any offence in either of the two next preceding sections mentioned be committed by the doing of anything in the name of any firm, company or copartnership of persons, the person by whom such thing is actually done, or who connives at the doing thereof, shall be deemed guilty of the offence and not any other person.

Punishment of misdemeanor under this Act.

78. Any person convicted of a misdemeanor under this Act shall, on conviction, be liable to be imprisoned in any gaol or place of confinement for any term not exceeding two years, in the discretion of the Court before which the conviction shall be had.

Chartered Bank only to issue notes intended for circulation.

79. No private person or party, except a Chartered Bank, shall issue or re-issue, make, draw, or indorse, any bill, bond, note, check or other instrument, intended to circulate as money, or to be used as a substitute for money, for any amount whatever; under a penalty of *four hundred dollars*, to be recovered with

costs, in any court having civil jurisdiction to the amount, by any party who will sue for the same; and one half of such sum shall belong to the party sueing for the same, and the other half to Her Majesty, for the public uses of the Dominion:

What shall be deemed such notes.

The intention to pass any such instrument as money, shall be presumed, if it be made for the payment of a less sum than twenty dollars, and be payable either in form or in fact to the bearer thereof, or at sight or on demand, or at less than thirty days thereafter, or be overdue, or be in any way calculated or designed for circulation, or as a substitute for money; unless such instrument be a check on some Chartered Bank, paid by the maker directly to his immediate creditor, or a promissory note, bill of exchange, bond or other undertaking, for the payment of money paid or delivered by the maker thereof to his immediate creditor, and be not designed to circulate as a substitute for money:

Proviso as to Halifax Banking Company.

Provided always, that the Halifax Banking Company may, until the end of the year 1874, continue to re-issue their notes now in circulation, but the whole of such notes shall, as far as practicable, be called in and withdrawn by the end of the said year.

NOTICES.

How notices under this Act shall be given.

80. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published at the place where the Head Office of the Bank is situate, and in the *Canada Gazette* or such other *Gazette* as shall be generally known and described as the *Official Gazette* for the publication of official documents and notices emanating from the Civil Government of this Dominion.

FUTURE LEGISLATION.

Bank to be subject to any General Winding-up Act.

81. The Bank shall be subject to such provisions of any general or special winding up Act to be passed by Parliament as may be declared to apply to Banks; and no special Act which Parliament may deem it right to pass for winding up the affairs of the Bank in case of its insolvency, shall be deemed an infringement of its rights or of the privileges conferred by its Charter.

And to any General Bank Act.

82. The Bank hall always be subject to any general provisions respecting Banks which Parliament may deem necessary for the public interest.

EXEMPTIONS.

What section shall apply to Bank of B. N. A.

83. The Bank of British North America, which, by the terms of its present Charter, is to be subject to the general laws of the Dominion, with respect to Banks and Banking, shall not issue or re-issue in Canada, any note for a less sum than four dollars, and any such note of the said Bank, outstanding shall be called in and redeemed as soon as practicable: and the provisions contained in the

sections of this Act, shall apply to the said Bank; those contained in the

sections shall not apply to it.

How Banks not in schedule may come under this Act.

84. This Act shall not apply to any Bank not mentioned in the schedule thereunto annexed, unless the Directors of such Bank shall, by special resolution, apply to the Treasury Board, that the provisions of this Act may be extended to such Bank, nor unless

the Treasury Board allowed such application, and upon publication in the *Official Gazette* of such resolution, and of the minute of the Treasury Board thereon, allowing such application, such Bank shall come under the provisions of this Act.

REPEALING CLAUSE.

31 V. c. 11, and 32, 33 V. c. 11, repealed.

85. The Act passed in the thirty-first year of Her Majesty's reign, chaptered eleven, and intituled, *An Act respecting Banks*, except and the Act passed in the thirty-third year of Her Majesty's reign, chaptered eleven, and intituled, *An Act respecting Banks and Banking*, shall be and the same are hereby repealed.

SCHEDULE.

Banks whose Charters are continued by this Act.

The Bank of Montreal.
The Quebec Bank.
The City Bank.
La Banque du Peuple?
The Niagara District Bank.
Molson's Bank.
The Bank of Toronto.
The Ontario Bank.
The Eastern Townships Bank.
La Banque Nationale.
La Banque Jacques Cartier.
The Merchants' Bank.
The Royal Canadian Bank.
The Union Bank of Lower Canada.
The Canadian Bank of Commerce.
The Mechanics' Bank.
The Bank of Brantford.
The Bank of Simcoe.
The St. Francis Bank.
The Bank of Northumberland.
The Bank of London.
Merchants' Bank of Halifax.

No. 53.

4th Session, 1st Parliament, 34 Victo

BILL.

An Act relating to Banks and Ba

Received and read First time, Tuesd
March, 1871.

Second reading, Friday, 17th March, 1

HON. SIR FRANCIS

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Ride
1871.

An Act to indemnify the Members of the Executive Government, and others, for the unavoidable expenditure of Public Money, in excess of the Parliamentary Grant, incurred in repelling the threatened invasion of the Fenians in 1870.

Preamble.

WHEREAS, it appears,—that by reason of the attack on the Frontier, and the threatened invasion of Canada by the Fenians in the year 1870, it became unavoidably necessary for the Executive Government to authorize the expenditure of the sum hereinafter mentioned, for the defence of the Dominion, and in repelling the said invasion, in excess of the Parliamentary grant for that purpose in the now last Session,—and that under the provisions of the thirty-fifth section of the Act passed in the thirty-first year of Her Majesty's Reign, Chapter five, and intituled: "*An Act respecting the collection and management of the Revenue, the auditing of Public Accounts, and the liability of Public Accountants*," upon the Report of the Minister of Militia and Defence, that the expenditure for the purposes aforesaid would exceed the sum appropriated for the same, and that an additional amount of two hundred thousand dollars was urgently required, and upon the Report of the Minister of Finance that no other Parliamentary provision was made for such additional expenditure, an Order in Council was passed, bearing date the 27th day of May, 1870, whereby His Excellency the Governor General was advised to issue a Special Warrant, signed by himself, for the sum aforesaid, and such Special Warrant was accordingly so signed and issued by His Excellency for the said sum which the Receiver-General was thereby directed to place to his credit, in a special account, to be called "The Protection of the Frontier Special Account," out of and against which, all warrants, duly signed and attested by the proper officers, and certified by them to be for the said service, were directed to be paid and charged; and it appears, further, that out of the said sum of two hundred thousand dollars, the sum of one hundred and ninety-eight thousand two hundred and eighty-nine dollars and thirty-five cents were so paid, charged and expended for the service aforesaid; and, whereas, full detailed accounts of the sums so expended up to the 30th day of June, now last, inclusive, have been laid before Parliament in the Public Accounts for the fiscal year ending on that day, and like accounts of the sums so expended after that day are included in the statement of the Auditor-General hereinafter mentioned; And, whereas, the Auditor-General, in obedience to the thirty-fifth section of the Act above cited, prepared a statement containing a copy of the said Order in Council, and of the said Special Warrant, and an account of the expenditure incurred in consequence thereof, and delivered the same to the Minister of Finance, who laid them before Parliament on the third day of the present Session, as required by the Act and section aforesaid, so that all the requirements of the law in the premises have been complied with; And, whereas, it is expedient, under the circumstances above mentioned,

31 Vic. c. 5, s. 35

Special warrant.

Advance made.

Accounts rendered.

Statement of Auditor-General.

to indemnify the several Members of the Executive Council, and the officers and persons concerned in advising and giving effect to the Order in Council above nentioned; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Indemnification clause.

1. The Members of the Executive Council of Canada, the Auditor-General, and all officers and persons concerned in advising or carrying out the Order in Council referred to in the Preamble to this Act, or in advancing or expending the sum of money therein mentioned, are hereby indemnified and exonerated from all liability therefor, and the said Order in Council and expenditure shall be held to have been lawfully made.

No. 54.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to indemnify the Members of the Executive Government, and others, for the unavoidable expenditure of Public Money, in excess of the Parliamentary Grant, incurred in repelling the threatened invasion of the Fenians in 1870.

Received and read, First time, Tuesday, 14th March, 1871.

Second reading, Friday, 17th March, 1871.

Hon. Sir F. Hincks.

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33 Rideau Street.

1871.

No. 55.] **BILL.** [1871.

An Act to provide additional facilities for depositing Savings at interest with the security of the Government, and for the issue and redemption of Dominion Notes.

Preamble.

WHEREAS, it is expedient to increase the facilities now available for depositing savings at interest with the security of the Government for the due repayment thereof, and to make further provision for the issue and redemption of Dominion Notes; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Assistant Receivers General may be appointed at Halifax and St John, N. B., and Agents under them. Their duties as regards savings banks in N. S. and N.B.

1. From and after the passing of this Act, the Governor may appoint at each of the Cities of Halifax and St. John, N. B., a proper person to be an Assistant to the Receiver General, and such Assistant Receivers General shall have the management of the head office of the Savings Banks to be established in the Provinces of Nova Scotia and New Brunswick respectively; and the Governor may establish Branch Savings Banks in any other places in the said Provinces, and may appoint proper persons as Agents for the management of such Branch Savings Banks; and such Assistant Receivers General and Agents respectively, shall, under such regulations as shall from time to time be made in that behalf by the Treasury Board, with the approval of the Governor in Council, receive deposits of money on account of the Receiver General, and repay the same with interest to the depositors as hereinafter provided; and the word "Agent" when hereinafter used shall include the Assistant Receivers General, unless the context requires a more restricted meaning: Provided, always, that such of the Collectors of Customs in the Province of New Brunswick as, at the time of the coming into force of this Act, are authorized to receive deposits of money as savings, shall continue to receive the same, unless or until other Savings Bank Agents are appointed in their stead respectively, and shall be subject to all the provisions of this Act as such Agents; and any money received by such Collectors before the coming into force of this Act shall be dealt with as moneys received by them under this Act.

Proviso: as to Collectors now receiving deposits of Savings in N. B.

Deposits, how made, entered and proved.

2. Every deposit received by any such Agent as aforesaid, shall by him be entered at the time in a book to be kept by him for that purpose, and shall at the same time be entered by him in a pass-book to be furnished to the depositor; and the entry in such pass-book, attested by the signature or initials of the Agent who so receives the deposit, or of his deputy or clerk, shall be evidence of the depositor's claim to the repayment thereof, with interest thereon, upon demand made by him on such Agent or his successor in office, such demand being made at the place and during the hours open for such business, subject to the provisions hereinafter mentioned, that is to say:—

Report to Minister of Finance.

Each Agent shall report to the Minister of Finance, at such times and in such form as may be prescribed by the regulations to be made under this Act, all deposits received by him:—

Monthly report, and its effect, as to deposit accounts.

At such times as may be prescribed by the regulations to be made under this Act, but not at less intervals than the beginning of each calendar month, the officer appointed thereto by the Minister of Finance shall send by mail to each depositor, to the address given by him, a notice stating the sums deposited by him since the statement of the same kind then last sent him (if any) and the total amount then at his credit, and the amount mentioned in such notice, and no more, shall be that for which the Government shall be liable, up to the last deposit therein mentioned, unless the depositor, within ——— days after the receipt of such notice, notifies the Minister of Finance in such manner as may be prescribed by the regulations then in force, that there is some error and what error, in the notice, in which case the true amount shall be ascertained, and the depositor notified accordingly,

Depositor to give his address, etc.

3. Every depositor, on making his or her first deposit, shall declare his or her name, residence, quality and occupation; but the persons engaged in the receipt or payment of deposits, shall not disclose the name of any depositor, or the amount deposited or withdrawn, except to the Minister of Finance, the Receiver-General, or such of their officers respectively as may be appointed to assist in carrying into operation the provisions of this Act.

Deposits to be paid into Bank, to credit of Receiver General; withdrawals how paid, etc.

4. Every Agent appointed as aforesaid to receive deposits, shall, at such times as may be prescribed by the Regulations then in force, pay in to the account of the Receiver General, at such Bank as he may be directed, all the moneys received by him on deposit, and he shall pay all withdrawals in such manner as by the said Regulations may be prescribed; and he shall also at such times as may be so prescribed, transmit to the Minister of Finance in such form as he shall be directed, a detailed account of the business of his office during the time that has elapsed since the transmission of his immediately preceding account.

Interests on deposits.

5. The interest payable to the parties making such deposits, shall be at such rate, not less than of four per centum per annum, as the Governor in Council may from time to time appoint; but such interest shall not be calculated on any amount less than one dollar or other than a dollar or the multiple of a dollar.

Interest added yearly to principal

6. On the thirtieth day of June in every year the interest accrued on deposits shall be added to and become part of the principal money.

Deposits may be received from persons under age &c.

7. It shall be lawful for the agents appointed to receive deposits as aforesaid, to receive deposits from any person or persons whomsoever, whatever be his, her, or their age, status or condition in life, and whether such person or persons be qualified by law to enter into ordinary contracts or not; and from time to time to pay any or all of the principal thereof, and the whole or any part of the interest thereon, to such person or persons respectively, without the authority, aid, assistance, or intervention of any person or persons, official or officials, being required, any law, usage, or custom to the contrary notwithstanding: Provided always, that if the person making any deposit, as aforesaid, could not under the law of the Province where the deposit is made, deposit and withdraw money in and from a Bank, then and in that case the total amount of deposits to be received from such person shall not exceed the sum of dollars.

Proviso: amount limited in such case.

Officers of Government not bound to see to trusts.

8. No officer of the Government shall be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any deposit made under the authority of this Act may be subject; and the receipt of the person in whose name any such deposit stands, or, if it stand in the name of more persons than one, the receipt of one of the persons shall be a sufficient discharge to all concerned for the payment of any money payable in respect of such deposit, notwithstanding any trust to which such deposit may then be subject, and whether or not the Agent sought to be charged with such trust, (and with whom the deposit may have been made), or his successor, had notice thereof; and no Agent or any other officer of the Government shall be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

Payments made *bonafide* documents to be valid.

9. Any payment made in good faith to any person or persons appearing *prima facie*, by the production of a declaration in writing and documents in support thereof, made under the provisions of this Act, to be entitled to any interest or deposit, shall be valid and shall discharge the Agent with whom the deposit may have been made, and his successors and all who might otherwise have been liable, from all or any further claim by any person whomsoever for such interest or deposit.

Governor in Council may make Regulations for carrying out this Act.

10. The Governor in Council, shall have power to make, and from time to time, to add to, alter, or revoke, such Regulations as to him may seem meet, for prescribing the mode of keeping and examining, inspecting and checking, and reporting the accounts of depositors, and of withdrawing deposits and interest, and the issuing of deposit certificates; and also respecting the payment or transmission thereof in case of infancy, or of death, bankruptcy, marriage, or other change in the circumstances of any depositor, and for prescribing how and in what manner any such payment or transmission shall be made, and what declaration, documents or other evidence shall be necessary and sufficient in proof of the same, and also respecting the duties and powers of Inspectors, appointed under the *fourteenth* section of this Act, and all other matters which the Governor in Council may deem incidental to the carrying of the provisions of this Act into effect: And all Regulations so made shall be binding on the parties interested in the subject matter thereof, to the same extent, and as fully to all intents and purposes, as if such Regulations formed part of this Act; and such Regulations, and all amendments thereof, shall be published in such way as the Governor in Council may direct, and copies thereof shall be laid before Parliament within fourteen days of its meeting next after the date of such Regulations; and any copy published as aforesaid shall be evidence thereof.

Regulations to be published and copies laid before Parliament.

Agents and officers to take an oath of office.

11. Every Agent, officer, clerk or servant, employed under this Act, who may be entrusted with and have the custody of any moneys or valuable securities, shall, before entering upon his duties, give such security for the faithful discharge of the same, and for the due accounting for all such moneys, as shall be required of him by the *Treasury Board*; and shall also take an oath or affirmation before a Justice of the Peace, faithfully to perform his said duties; which oath or affirmation any Justice of the Peace is hereby authorized to administer, and which shall be in the following form or in words to the same effect:

The oath.

"I, (A. B.,) of being duly sworn, swear, (*or* do solemnly affirm) that so long as I shall be employed in "assisting to carry out the provisions of the Act Victoria "Cap. , I will perform faithfully and to the best of my "ability the duties that may be assigned to me.

"And I have signed,

"Sworn at this day of "18 , before me, A. B.,

"*Justice of the Peace for the* ( ) *of*

Punishment of agents, &c., altering entries, embezzling money, &c.

12. If any Agent appointed to receive deposits as aforesaid, or any officer, clerk, or servant employed under the provisions of this Act defaces, alters, erases, or in any manner or way whatsoever changes the effect of the books of account that may be kept under the provisions of this Act, or any entry in the said books of account, for any fraudulent purpose; or if any such agent, officer, clerk, or servant secretes, appropriates, or embezzles any bond, obligation, bill or note, or any security for money, or any moneys or effects, entrusted to him, or in his custody, or to which he has obtained access as such Agent, officer, clerk, or servant, to whomsoever the said property may belong, the person so offending is guilty of felony, and on conviction thereof shall be liable to be punished by imprisonment for any term not less than two years in the Provincial Penitentiary, or by imprisonment in any other gaol or place of confinement for any time less than two years, in the discretion of the Court before whom he may be convicted; Provided always, that nothing herein contained, nor the conviction or punishment of the offender, shall prevent, lessen, or impair any remedy which Her Majesty or the Receiver General or any other person or party may have against such offender or his sureties, or against any other person or party whatsoever.

Proviso: other remedies not affected.

Punishment of persons pretending falsely to be owners of deposits.

13. Any person who falsely pretends to be the owner of any deposit made under this Act, or of the interest upon such deposit, or of any part or portion of such deposit or interest, and, not being such owner, with intent to defraud, demands or claims from the agent with whom such deposit has been made, or from any other party employed under this Act, the payment of such deposit or interest, or of any portion thereof, as the case may be, and whether he does or does not thereby obtain any part of such deposit or interest, is guilty of a misdemeanor and shall on conviction be punishable accordingly; Provided, that any offender against the provisions of this or the next preceding section, may be indicted and punished either under this Act or the Act respecting larceny and other similar offences, if his offence be one punishable under that Act, but he shall not be more than once punished for the same offence.

Proviso.

Inspectors of Savings Banks may be appointed. Their duties.

14. The Governor may appoint, and from time to time remove any Inspector or Inspectors, to investigate and report upon the business which may arise in carrying out the provisions of this Act, to whom the agents appointed to receive deposits and all others who may be employed under this Act shall be bound to afford all needful facilities for such inspection and investigation; and the duties and powers of such Inspectors shall be such as shall be assigned to them by the regulations to be made under the *tenth* section of this Act.

Savings Banks in

15. From and after the passing of this Act, the Savings' Banks established in the Province of New Brunswick under an Act

passed by the Legislature of that Province in the tenth year of Her Majesty's reign, and intituled, "*An Act relating to Banks for Savings*," or under an Act passed by the said Legislature in the twenty-fourth year of Her Majesty's reign, and intituled, "*An Act relating to Savings' Banks*," and the Savings' Bank in the Province of Nova Scotia established under the Act chapter thirty-nine of the Revised Statutes of that Province, intituled, "*Of the Treasury Notes, the Savings' Bank and Provincial Loan*," shall be subject to the provisions of this Act, in the same manner as if they had been first established as Savings' Banks under and by virtue of this Act.

Nova Scotia and New Brunswick to be subject to this Act.

16. The St. John's Savings Bank (New Brunswick) established under Acts of the Legislature of that Province, shall be and shall be held to have been since the 1st of July, 1867, a Government Savings Bank, under the control of the Governor in Council, and the property, assets, and liabilities thereof to have been then transferred to and assumed by the Dominion, subject always to a proper allowance for any surplus or deficiency of such property and assets, as compared with such liabilities, in the settlement of the accounts between the Dominion and the said Province.

St. John's Savings Bank New Brunswick.

17. The capital represented by deposits in the Savings Banks in Nova Scotia and New Brunswick, in deposit accounts as to which there have been no deposits or withdrawals since 1st July, 1867, shall not be charged against those Provinces respectively as part of the debt with which they entered the Union, but all such accounts shall be transferred to a Suspense Ledger, and if hereafter any deposit or withdrawal be made in any such account, it shall be removed from the Suspense Ledger, and the capital represented by such account and the interest accrued since 1st July, 1867, shall be charged against Nova Scotia or New Brunswick, as the case may be.

As to deposits in N.B., and N.S. untouched since 1st July, 1867.

18. The Governor may if he shall deem it expedient, appoint an Assistant Receiver-General at the City of Toronto, and at the City of Montreal or at either of them, or at any place in the Province of Manitoba, or in any other Province which may hereafter form part of the Dominion of Canada, and may establish a Savings' Bank at either of the said cities, or in any of the said Provinces, in like manner as he may under the provisions of the first section of this Act, at the City of Halifax or of St. John, N. B., and any such Assistant Receiver-General, and any such Savings' Bank, if so established, shall be subject to the provisions of this Act, which shall extend and apply to them, as fully as to any Assistant Receiver-General or Savings' Bank mentioned herein.

Assistant Receiver General may be appointed and Savings' Banks established in certain cities, &c.

19. Every Assistant Receiver General appointed under this Act shall be an Agent for the issue and redemption of Dominion Notes, and his office shall be a Branch Office of the Receiver General's Department, for that purpose, under the seventh section of the Act passed in the thirty-third year of Her Majesty's reign, and intituled "An Act to amend the Act 31 Victoria, chapter 46, and to regulate the issue of Dominion Notes," and every such Assistant Receiver General shall have the keeping of the Dominion Stock Books at the place for which he is appointed.

Assistant Receivers' General to be Agents for issue and redemption of Dominion Notes.

20. The Governor in Council may authorize the issue and sale of Dominion Stock, bearing interest at the rate of five per centum per annum, on the credit of the Consolidated Revenue Fund of

Governor in Council may authorize a 5

per cent. Dominion Stock.

Canada, and may direct Stock Books, for the issue and transfer of such stock, to be opened and kept at such places as he may think proper; subject always, to the provisions made in the next following section for preventing any permanent increase of the Public Debt by the issue of such Stock, *and to those of Section five of the Act* 31 *Vict., Chapter* 4.

Section 73, 75 of Post Office Act repealed and new provision made in lieu thereof.

21. Sections 73 and 75 of *The Post Office Act*, 1867, are hereby repealed; and if at the end of any month, by reason of the amount of deposits in the Savings Banks established under this Act, and in the Post Office Savings' Bank, and the issue and sale of the five per cent. Dominion Stock hereby authorized, or, by any of the said causes, the amount of the public debt authorized by Parliament be exceeded, it shall be the duty of the Auditor General to report such excess to the Treasury Board, who shall thereupon direct the Receiver General to purchase, to the extent of such excess, debentures of the late Dominion of Canada already issued, or debentures of the late Province of Canada, or of either of the Provinces of Nova Scotia or New Brunswick, issued before the first day of July, 1867, and such debentures shall then be cancelled, or may be held in reserve until there is authority to re-issue them.

Payments of deposits, &c., out of Consolidated Fund.

Accounts to Parliament.

22. All moneys and interest paid to depositors, and all expenses incurred in maintaining the Savings Banks to be established under this Act, or under *The Post Office Act*, 1867, shall be paid out of the Consolidated Revenue Fund, and the moneys received under this Act shall form part of the said fund; and an account of the whole expenses incurred, of the amount of deposits received and paid, and of the total amount due at the close of the financial year, to all depositors, under the authority of this Act, or of *The Post Office Act*, 1867, shall be laid before both Houses of Parliament within ten days after the commencement of the next following Session thereof.

Monthly statements by Auditor General.

23. As soon as possible after the end of each month, the Auditor General shall prepare and insert in the *Canada Gazette* a statement of all moneys under this Act received in deposit or withdrawn during the preceding month, and of the total amount on deposit at the end of the month, and the rate of interest payable on the same.

All parties receiving Savings in deposit bound to make Returns, &c.

24. Every person, Corporation or Institution receiving money in small sums, on deposit at interest as savings, shall be bound to make such returns as to such deposits, and the investment thereof, as the Governor in Council may from time to time require, and to register with the Minister of Finance, and notify in such manner as the Governor in Council may direct, the name of the Institution, and that of the officer or person on whom process may be served in any suit or proceeding, and any wilful refusal or neglect to obey, and such Order in Council shall be a misdemeanor.

No. 55.

4th Session, 1st Parliament, 34 Victo

BILL.

An Act to provide additional fac
the deposit of Savings at Inte
the security of Government, an
issue and redemption of Domini

Received and read, First time, Wedn
March, 1871.

Second reading, Tuesday, 21st Marc

Hon. Sir FRANCIS

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, J
1871.

No. 56.] **BILL.** [1871.

An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec.

WHEREAS, it is expedient to repeal the Act first hereinafter mentioned, under which no Savings Bank has been established, and to amend the laws respecting certain Savings Banks in the Provinces of Ontario and Quebec, acting under temporary Acts, or Acts providing that such Banks shall be subject to the operation of any general law for the better regulation and management of Savings Banks in the said Provinces, and more especially to provide that the depositors in any such Savings Bank shall be secured by a certain amount of capital to be held by such Bank; Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Act forming the fifty-sixth chapter of the Consolidated Statutes of Canada, intituled "An Act respecting Savings Banks," is hereby repealed. Con. Stat. Can., c. 56 repealed.

2. The Act of the Legislature of the late Province of Canada, passed in the Session held in the fourth and fifth years of Her Majesty's reign, and intituled, "An Act to encourage the establishment of and to regulate Savings Banks in this Province;" and the Act of the said Legislature passed in the twenty-seventh year of Her Majesty's reign, intituled, "An Act to amend the Act of 1841, relating to Savings Bank," shall, as regards the Quebec Provident Savings Bank,—the *Caisse d'Economie de Notre Dame de Québec*, —the City and District Savings Bank of Montreal—the Northumberland and Durham Savings Bank,—and the Toronto Savings Bank, and in so far as the said Acts now apply to the said Institutions or any of them, remain in force and apply to the same Institutions respectively, until the end of the Session of Parliament commencing next after the first day of January, 1872, and no longer, subject always to the special provisions hereinafter made; Provided always, that if the assets and liabilities of any one of the said Savings Banks, be under this Act transferred to Her Majesty, or to any existing Chartered Bank, or to any Savings Bank chartered under this Act, the rights and liabilities so transferred shall remain the same as if the said Acts had not expired, and may be enforced by or against the party to whom they are so transferred; but all the provisions of the said Acts or of any Special Act, as to the organization of such Savings Bank, or in any wise inconsistent with this Act, shall cease to be in force from the time such transfer is completed; and provided also, that any offender against the said Acts, may be prosecuted, tried, convicted and punished, as if the said Acts had not expired. Acts 4 and 5 Vic. c., 32. 27 Vic., c. 6. Continued for a limited time. Proviso: in case the assets and liabilities of any Savings Bank are transferred under this Act.

3. At any time before the expiration of the Acts aforesaid, provision may be made for the transfer or continuance of the business of any of the said Savings Banks, in any one of the following ways, at the option of the Trustees or Managing Directors of the Bank, or a majority of them, that is to say:— Provision for such transfer.

1. The assets and liabilities of the Bank may be transferred to the Dominion Government; or

2. They may be transferred to any chartered Bank, having its chief seat of business or a branch office at the place where the Savings Bank is established; or

3. The Governor General may grant a charter to the Savings Bank in the manner and on the conditions hereinafter mentioned.

If the transfer be to the Government.

4. 1. If the Trustees or Managing Directors of the Bank, or a majority thereof, resolve that it is expedient to transfer the assets and liabilities thereof to the Dominion Government, they shall communicate such resolution to the Governor, and shall furnish him with such returns and information with respect to the business and affairs of the Bank as he may think proper to require, and shall permit any person whom he may appoint for the purpose, to have free access to the books, papers, and other documents necessary for the purpose of verifying or extending such information, and if the Governor be satisfied that it is expedient to give effect to the said resolution, an Order in Council may be made for that purpose.

Transfer to vest assets and liabilities in H. M. for the Dominion.

2. Upon, from, and after a day to be fixed by the Order in Council, all the assets and property, estates and effects, real or personal, *choses* in action, claims, rights and credits of the Bank, and all the powers of the Bank, or of the Trustees or Managing Directors with respect to the same, shall be by virtue of such Order in Council transferred to and vested in Her Majesty for the Dominion of Canada and the purposes of this Act; and the Dominion shall be charged with all the debts and liabilities of the Bank; and any suit, action or proceedings by or against the Bank, pending at the time of such transfer, with respect to any right or liability so transferred to Her Majesty or charged upon the Dominion, may be continued and completed in Her Majesty's name upon suggestion of this Act and the said Order in Council.

Business may be continued, and how.

3. The business of the Bank may be continued at the same place, as a Branch Savings Bank, under the provisions of the Act of the present Session, intituled, "An Act to provide additional facilities for the deposit of savings at interest, with the security of the Government, and for the issue and redemption of Dominion Notes," and under the management of an Assistant to the Receiver General.

Distribution of surplus assets over liabilities.

4. If it can be ascertained by estimate to the satisfaction of the Governor in Council, by what amount the assets of the Bank exceed its liabilities, he may direct a like amount to be invested by the Receiver General in five per cent. Dominion Stock, and out of the interest thereof, if sufficient, a like sum shall be paid over to each of the several charitable institutions, among which the surplus profits of the Bank were distributed in the then last year, as each of them then received, or if the interest be insufficient to pay the like sum, then a proportionate part thereof shall be paid to each such institution,—and if there be a surplus after paying such like sum, then such surplus shall be paid over yearly to the Corporation of the Municipality in which the business of the Bank was carried on, to be distributed by such Corporation for charitable purposes; or if such estimate cannot be so satisfactorily made, or if the Governor in Council should deem it more expedient, he may direct that accounts be kept during five years, of the proceeds of such assets, and that the excess of the proceeds over the liabilities assumed by the Government, as calculated from such accounts, be invested as aforesaid, and the interest distributed yearly for charitable purposes, in the manner and proportions aforesaid.

If the transfer be to a chartered Bank.

5. 1. If the Trustees or Managing Directors of the Bank or a majority of them, resolve that it is expedient that the assets and liabilities of them be transferred to a Chartered Bank, they may enter into an agreement with the Directors of such Chartered Bank for that purpose, as to the terms and conditions of such transfer, subject to the confirmation of such agreement by the Stockholders of the Chartered Bank, to a general meeting of whom the Directors shall submit such agreement accordingly, and if it is approved by the Stockholders at such meeting it shall be submitted to the Governor in Council for approval, and if approved, an Order in Council may be made confirming it, and it shall then have force and effect, as if embodied in and confirmed by this Act:

Transfer of assets and liabilities.

2. And at the time fixed for that purpose by such agreement, all the assets and property, estates and effects, real and personal, *choses* in action, claims, rights and credits of the Savings Bank party to such agreement, and all the powers of such Bank or of the Trustees or Managing Directors thereof with respect to the same, shall be by virtue of such agreement transferred to and vested in the Corporation of the Chartered Bank party to such agreement, which shall be charged with all the debts and liabilities of the Savings Bank, and any suit or proceeding by or against the Savings Bank pending at the time of such transfer with respect to any right or liability so transferred, may be continued and completed in the name of the Chartered Bank upon suggestion of this Act and of the said agreement:

Distribution of supplies of assets over liabilities.

3. The value of the assets and property so transferred by a Savings Bank to a Chartered Bank, and the amount of its liabilities assumed by the Chartered Bank shall be ascertained and stated in the agreement (and the Governor may require such estimate to be verified in any way he may think proper) and the interest on any excess of the estimated value of such assets and property over that of such liabilities, shall be distributed yearly by the Chartered Bank among the several charitable institutions among which the surplus profits of the Savings Bank were distributed during the then last year, and in the like proportion.

If the Savings Banks is continued under a charter. Capital. Petition to the Governor.

6. If the Trustees or Managing Directors of the Savings Bank, or a majority of them, resolve that it is expedient that the business of the Bank be continued under a Charter, they shall determine the amount of Stock which they consider it expedient that the Bank should have, which shall not be less than $200,000 nor more than $2,000,000, and the shares into which it shall be divided, which shall not be less than $400 each, and shall then communicate their said Resolution to the Governor by petition, praying that a Charter be granted incorporating them and such others as may be thereafter associated with them, to carry on the business of the Bank under this Act, and stating the amount of the stock and the shares into which it is divided, and any special provisions which they may desire with respect to those purposes for which it is hereby provided that provision may be made without prescribing what such provision shall be; and the Governor being satisfied that these requirements have been complied with, and that it is expedient that the Charter be granted, may grant the same: The Trustees or Managers so incorporated, shall be Provisional Directors to open a Stock-Book, and to call the first general meeting of the Stockholders, and to do all such things as may be required preliminary to such meeting:—And they shall open such Stock-Book accordingly, and receive the signatures of such of their number and other persons as shall be willing to

Stock book to be opened.

become Stockholders in the Bank, and whom the said Provisional Directors may think proper to accept as such; but no such subscription shall be accepted or held to be made unless the subscriber at the time of subscribing pays to the Provisional Directors for the Bank, ten per centum on the amount subscribed for, which shall be forthwith invested by the Provisional Directors in Dominion Stock, in trust for the Bank; and such payment and investment shall be certified to the Governor to his satisfaction;— and when the whole stock shall have been subscribed for, and ten per cent. paid thereon, the Stock-Book shall be closed; and if the whole stock be not subscribed for within one month after the granting of the Charter, the Stock-Book shall be closed, and the amount then subscribed for and in part paid as aforesaid, not being less than $200,000, shall be the Capital of the Bank, and when the Stock-Book is so closed the Provisional Directors shall call the first general meeting of the Stockholders for the election of Directors and other purposes, in the manner provided in the Charter;—

If the whole stock be not subscribed—amount subscribed to be the capital but not less than $200,000.

Donation and provisions of charter.

The Charter shall be granted for ten years; and shall make such provision on the following subjects as the petitioners may desire, and the Governor may deem expedient, that is to say:—

Name.

1. The name of the Bank, and the place at which its business is to be carried on:

First General meeting for election of Directors.

2. The calling and holding of the first general meeting of the stockholders for the election of Directors; the number of Directors, which shall not be less than *five* nor more than *ten*, and their general powers; the election of a President (and Vice-President if desired), the filling of vacancies in the office of Director occurring between the annual elections, the quorum of Directors and the mode of voting at their meetings, and who shall preside thereat, with or without a casting vote in case of equality of division; and the payment or non-payment of the President, Vice-President or other Director:

By-laws.

3. The making, altering or repealing by the Stockholders at their general meetings, of by-laws, rules and regulations not being inconsistent with this Act or the Charter, for the management of the affairs of the Bank, including the mode of transferring and disposing of the stock and profits thereof, and any matter not provided for by this Act or by the Charter:

General meetings.

4. The general yearly meetings and special general meetings of the stockholders, the powers thereof, and the proceedings thereat;

Officers.

5. The appointment of officers, and the security to be given by them:—

Dividends.

6. The making of dividends to the Stockholders on the profit of the Bank; but no dividend shall be made to impair the paid up Capital of the Bank;

Inspection of books, &c.

7. The inspection of the books, papers, and correspondence, as respects the right of the Directors and Stockholders respectively to make such inspection;

Loans to Directors.

8. The limiting of loans to, or on the security of any Director of the Bank;—

Returns to Government.

9. The returns to be made by the Bank to the Goverment or to Parliament, including certified lists of the Stockholders, the periods at which they shall be made, and what they shall shew, the verification of such returns, and the right of the Governor to require further information if he deems it expedient;—

Real estate.

10. The holding of real estate by the bank for its own occupation and use, and the value of the real estate to be so held;—

Other matters.

11. Such other matters and subjects not specially provided for in this Act, as may be deemed necessary for the management of

the affairs and business of the Bank and of the nature of those usual in Bank Charters:

Effect of Charter.

12. And all provisions made in such Charter on any of the subjects and matters aforesaid, not being inconsistent with this Act or with the law of Canada, shall have force and effect as if herein enacted; and the following provisions of this Act shall apply to such Bank without being inserted in its Charter.

Qualification of Directors.

7. The qualification of a Director shall be the holding of shares of Stock, and the Directors shall be elected annually at a general meeting of the Shareholders, and shall be eligible for re-election: and each stockholder shall, on all occasions on which the votes of the shareholders are to be taken, have one vote for each share held by him for at least three months before the time of voting: Stockholders may vote by proxy, but no person but a stockholder shall vote or act as such proxy: And no Cashier, Bank Clerk or other officer of the Bank shall vote either in person or by proxy or hold a proxy for that purpose.

Votes.

Proxies.

Transfer of rights and liabilities.

8. So soon as the first general meeting of the Stockholders, for the election of Directors and other purposes, hasbeen held and the Directors elected, all the assets and property, estates and effects, real or personal, *choses* in action, claims, rights and credits of the Savings Bank to be continued under such Charter, and all the powers of such Savings Bank or of the Trustees or Managing Directors thereof, with respect to the same, shall be *ipso facto*, and by virtue of the said Charter and of this Act, transferred to and vested in the corporation of the chartered Bank, and the Directors thereof, and such chartered Bank shall be charged with and liable for all the debts and liabilities of the Savings Bank; and any suit or proceeding by or against the Savings Bank, or the Trustees or Managing Directors thereof, pending at the time of such transfer, with respect to any right or liability so transferred, may be continued and completed in the name of the chartered Bank, upon suggestion of this Act and the said Charter.

Calling in Stock.

9. The Directors of the chartered Bank may call up the stock subscribed for and remaining unpaid, by calls not exceeding five cent. and at intervals of not less than three months, whenever it shall in their opinion be necessary or expedient to make such calls; but it shall be their duty to call up five per cent. of the stock every twelve months after the first election of Directors, until twenty-five per cent. of the whole stock shall have been paid up, and all stock when paid up shall be invested in Dominion Stock.

Recovery of calls.

10. The amount of every such call if not paid when due, may be recovered with interest by the Directors in the name of the Bank, in any Court having jurisdiction to the amount, and in any action for the recovery thereof, it shall be sufficient to allege and prove the Charter, and that the calls were made under this Act, and that the defendant is the holder of a share or shares in respect of which the amount is due, without alleging or proving any other matter or thing whatever, and the evidence of any officer of the Bank, cognizant of any fact required to be proved, shall be sufficient proof thereof, any copy of the Charter, purporting to be certified as a true copy thereof by the Secretary of the Province, shall be deemed authentic and shall be *primâ facie* evidence of the Charter and of the contents thereof.

Double liabil

11. The stockholders of the Bank shall, in the event of the

ty of stock-holders in case of deficiency of assets to meet claims.

property and assets thereof becoming insufficient to satisfy its debts and liabilities, be liable for the deficiency, so far as that each stockholder shall be liable to an amount (over and above any amount not paid upon their respective shares) equal to the amount of their shares respectively; and if the assets of the Bank should continue to be insufficient to meet the claims of depositors and other liabilities of the Bank, during months, the Directors may and shall make calls on the Shareholders to the amount they may deem necessary to pay all such claims and other liabilities, without waiting for the collection of any debts due to it, or the sale of any of its assets or property; such calls shall be made at intervals of thirty days, and upon notice to be given thirty days at least prior to the day on which the call shall be payable; and any such call shall not exceed twenty per cent. on each share, and payment thereof may be enforced in like manner as for calls on unpaid up stock; and the first of such calls shall be made within *ten* days after the expiration of the said months; and the failure on the part of any Stockholder liable to such call to pay the same when due, shall operate a forfeiture by such Stockholder of all claim in or to any part of the assets of the Bank, such call and any further call thereafter being nevertheless recoverable from him as if no such forfeiture had been incurred.

Calls in such case.

Liability after transfer of shares.

12. Persons who having been Shareholders in the Bank, have only transferred their shares or any of them to others or registered the transfer thereof, within one month before the commencement of the failure of the Bank to meet the claims of its depositors on demand, shall be liable to calls on such shares under the next preceding section, as if they had not transferred them, saving their recourse against those to whom they were transferred; and any Director refusing to make or enforce, or to concur in making or enforcing any such call, shall be deemed guilty of a misdemeanor and shall be personally responsible for any damages suffered by reason of such default; and any assignee or other officer or person appointed to wind up the affairs of the Bank, in case of its insolvency, shall have the powers of the Directors with respect to such calls.

Transfers of Stock.

13. The shares in the Bank shall be personal property, and transferable in the manner provided by the By-laws and regulations to be made as aforesaid; and the transferee shall have the rights and be subject to the liabilities of the original holder, but no share shall be divided, and if any shares be held by several persons jointly, one of them shall be appointed by the others to vote thereon, to receive dividends and to do all things that may require to be done in respect thereof, and his power to that effect shall be lodged with the Bank.

Bank may receive deposits and pay interest.

14. It shall be lawful for the Bank to receive deposits of money for the benefit of persons depositing the same, and to invest the same as hereinafter provided, and to accumulate the revenues and profits which shall be derived from the investment of so much thereof as shall not be required to meet ordinary demands by the depositors, and out of such accumulation to allow and pay to the depositors thereof such rate of interest on such deposits as shall from time to time be fixed by the Governor in Council, such rate not being less than four nor more than five per cent. per annum.

The rate.

Depositors to give name and address.

15. Every depositor, whether male or female, on making his or her first deposit in the said Bank, shall disclose and declare his or her name, residence, quality and occupation.

Deposits from minors and persons not otherwise able to enter into contracts.

16. It shall be lawful for the Bank to receive deposits from any person or persons whomsoever, whatever be his, her or their *status* or condition of life, and whether such person or persons be qualified by law to enter into ordinary contracts or not; and to pay any part of or all the principal thereof, and the whole or any part of the interest thereon, to such person or persons respectively, without the authority, aid, assistance or intervention of any person or persons, official or officials being required, any law, usage or custom to the contrary notwithstanding: Provided always, that if the person making any deposit in the Bank be not, by the existing laws of the Province where the Bank is established, authorized to do so, then the total amount of deposits made by such person shall not exceed the sum of two thousand dollars.

Investment of deposits to the amount of the Capital of the Bank.

17. It shall be lawful for the Bank to invest any moneys deposited therewith, to an amount not exceeding in any case its subscribed capital, in any debentures issued under the authority of any Act of the Parliament of the late Province of Canada, or in any other public security of the said Province, or in moneys payable as indemnity to Seigniors in the Province of Quebec, under the Seignorial Act, or in any debentures for the payment of the principal and interest of which the Dominion Government is responsible, or in the stock of any Bank chartered by any Act of the Parliament of Canada, or of the Legislature of either of the late Provinces of Lower or Upper Canada, or of the Province of Canada, or by Royal Charter, or in the manner provided in the two next following sections, and not otherwise, except only in the manner hereinafter provided as to deposits in excess of the amount of the capital of the Bank.

The same.

18. It shall also be lawful for the Bank to loan such moneys to the amount of its subscribed capital, and no more, upon the personal security of individuals, or to any corporate bodies, provided that collateral securities of the nature above mentioned, or any stock in incorporated Building Societies, or in bonds or debentures of any incorporated Institution or Company, be taken in addition to such personal or corporate security, with authority to sell such securities if the loan be not paid; but the Bank shall not make any loan directly or indirectly upon the security of real estate, or with any reference to the security of real estate, except that nothing herein contained shall prevent the Bank from taking security upon real estate in addition to such collateral securities, subsequently to the making of the loan, and subsidiary to the security originally taken therefor.

Enforcing payment of loans made by the Bank

19. In the event of the Bank making any loan under the two next preceding sections, upon personal securities with collateral security for the repayment thereof, if the repayment is not made upon such loans becoming due or payable, it shall be lawful for the Bank to cause such collateral securities to be exposed for sale in open market, and at the current rate, after notice thereof shall have been given to the borrower or party depositing such collateral security, by addressing and mailing to his residence, a letter containing such notice; and such sale may be so made, of whatever nature such collateral securities may be, whether consisting of stocks, bonds, debentures or negociable paper; and the Bank

shall only be bound to account to the person or persons indebted to them in the amount of such loan, for the actual net proceeds of the sale of such collateral securities, after deduction of all charges thereon; Provided always, that nothing herein contained shall prevent the Bank from collecting or realizing such debt, or any balance which may be due thereon, on such collateral securities, in any way that may have been agreed on with the borrower depositing the same or in any other lawful way that the Directors may deem for the interest of the Bank.

Proviso: Other recourse not affected.

Investments beyond the amount of subscribed capital, to be in Government securities.

20. Beyond the amount of its subscribed capital stock, the Bank shall make no investment of moneys deposited therewith, except only in Debentures of the late Province of Canada, or Debentures secured by the Government of Canada, or in Dominion Stock bearing interest at a rate greater by one per cent. per annum, than that which at the time of such investment the Bank is directed by the Governor in Council to pay to depositors; and such Stock the Receiver General may issue to the Bank at par in sums not less than $, on payment by the Bank of the nominal amount of such stock, which shall not be transferable, but shall be issued and redeemed, and the interest paid thereon, in such manner, and at such times, on such notice, in such sums, and shall in all respects be subject to such regulations, as may from time to time be prescribed by the Treasury Board and approved by the Governor in Council, the interest on such stock while unredeemed being paid to the Bank.

Not to prevent depos on call in a chartered Bank.

21. Nothing in the four next preceding sections shall prevent the Bank from depositing money in any of the chartered Banks carrying on the general business of banking in the same place, such money being so deposited on call, to be withdrawn at any time without notice, and whether with or without interest.

Excess of market value of securities over par, how to be dealt with.

22. Within after the election of Directors of any Savings Bank chartered under this Act, the Directors shall make out a statement of the affairs of the Bank, showing the value of its assets, (including any reserve fund), at par, and during five years from the date of such statement they may realize such assets at their market value, keeping an account of the proceeds thereof; and during such five years they shall distribute yearly to charitable institutions the same amount as the Trustees or Managing Directors of the Savings Bank for which such chartered Bank is substituted, so distributed during the year next preceding the granting of the charter; or at the end of such five years the amount ascertained to have been realized for such assets (and such reserved fund) over and above their nominal value at par, shall be invested in Dominion Stock by the Directors, and the interest thereof shall be distributed yearly by the Directors among charitable institutions.

Failure to elect Directors how remedied

23. No failure to elect Directors of any such Chartered Savings Bank shall operate any dissolution of the Corporation; but in case of such failure to elect, the required election shall be made as soon thereafter as may be, at a special meeting of the Stockholders, which the Directors are hereby authorized to call for that purpose; and until such subsequent election shall be made, the official acts of the Directors holding office shall be valid.

Director be-

24. Any Director of any such Bank who shall become openly and

notoriously insolvent, or shall have assigned his estate and effects for the benefit of his creditors, or shall absent himself without the consent of the Board for twelve consecutive months from the meetings of the Directors, or shall have been convicted of any felony, shall thereupon, *ipso facto*, cease to be a Director, and the vacancy so created shall forthwith be filled up in the manner provided by the Charter. coming insolvent.

25. If the interest in any deposit or share in any such Bank becomes transmitted in consequence of the death or bankruptcy of any depositor or shareholder, or in consequence of the marriage of a female depositor or shareholder, or by any other lawful means than by a transfer upon the books of the Bank, or by deed signified upon the Bank, such transmission shall be authenticated by a declaration in writing, which declaration shall distinctly state the manner in which and the party to whom such deposit shall have been transmitted, and shall be, by such party, made and signed; and every such declaration shall be, by the party making and signing the same, sworn to before a Judge or Justice of a Court of Record or Chief Magistrate of a City, Town, Borough or other place, or before a Public Notary, where the same shall be made and signed; and every such declaration so signed and sworn to, shall be left with the manager or other officer or agent of the Bank, who shall thereupon enter the name of the party so entitled to the same under such transmission, in the Books of the Bank, as proprietor of such deposit or share; and until such transmission shall have been so authenticated, no party or person claiming, by virtue of any such transmission, shall be entitled to receive such deposit or share or any part thereof or of any interest or dividend thereon; Provided always that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a deposit or share in the Bank, which shall be made in any other country than this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice-Consul or other accredited representative; And provided also, that nothing in this Act contained, shall be held to debar the Directors, Manager or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration; and that if payment be made to any depositor of any deposit or of any interest thereon, or of any dividend or any share after transmission thereof by any of the means mentioned in this section, but before such declaration is made and authenticated as aforesaid, such payment shall be valid and shall discharge the said Bank. Transmission of Shares or deposit otherwise than by regular transfer. Proviso : as to declaration made in a foreign country. Proviso : Bank may require further proof.

26. If the transmission of any deposit or share be by virtue of the marriage of a female depositor, the declaration shall be accompanied by a copy of the register of such marriage, and shall declare the identity of the wife with the holder of such deposit or share; and if the transmission have taken place by virtue of any testamentary instrument or by intestacy, or by the vacancy of the estate of a deceased depositor or shareholder, the probate of the will, or, if it be notarial, an authentic copy thereof or the letters of adminsiration or act of tutorship, or curatorship, or authentic certificates of birth, as the case may be, Transmission by marriage or by decease.

shall, together with such declaration, be produced and left with the Manager or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the books of the Bank.

Bank not bound to see to trusts.

27. The Bank shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any of the deposits or shares therein may be subject; and the receipt of the party in whose name any such deposit or share shall stand in the books of the Bank, or if it stands in the name of more parties than one, the receipt of one of the parties shall be a sufficient discharge to the said Bank for such deposit or share, interest or dividend thereon, or for any other sum of money payable in respect of such deposit or share, unless such deposit be made upon express conditions as to the person or persons to whom such deposit shall be paid, in which case such deposit shall be governed by such conditions; the whole notwithstanding any trust to which such deposit may then be subject, and whether or not the said Bank have had notice of such trust; and the said Bank shall not be bound to see to the application of the money paid on such receipt, any law or usage to the contrary notwithstanding.

Payments made in good faith on certain documents to be valid.

28. Any payment of interest or dividend, or of the whole or any part of any deposit, made in good faith to any person or persons appearing *primâ facie* to be entitled to such interest, dividend, or deposit, by the production of a declaration in writing, and of the documents in support thereof hereinbefore mentioned, shall be valid; and the discharge of such person or persons shall be sufficient, and shall discharge the Bank from all or any further claim by any person whomsoever for such interest, dividend or deposit.

Punishment of officers fraudulent altering books &c., or embezzling money of the Bank.

29. If any officer, clerk, or servant employed under the provisions of this Act, defaces, alters, erases, or in any manner or way whatsoever changes the effect of the books of account that may be kept under the provisions of this Act, or any entry in the said books of account, for any fraudulent purpose; or if any such officer, clerk, or servant secretes, appropriates, or embezzles any bond, obligation, bill or note, or any security for money, or any money or effects, entrusted to him, or in his custody, or to which he has obtained access as such agent, officer, clerk or servant, to whomsoever the said property may belong, the person so offending is guilty of felony, and on conviction thereof shall be liable to be punished by imprisonment for any term not less than two years in the Provincial Penitentiary, or by imprisonment in any other gaol or place of confinement, for any time less than two years, in the discretion of the Court before whom he may be convicted;

Proviso.

Provided always, that nothing herein contained, nor the conviction or punishment of the offender, shall prevent, lessen, or impair any remedy which Her Majesty, or the Receiver General, or any other person or party would otherwise have against any other person or party whatsoever.

Punishment for falsely pretending to own deposits.

30. Any person who falsely pretends to be the owner of any deposit made under this Act, or of the interest upon such deposit, or of any part or portion of such deposit or interest, and not being such owner, with intent to defraud, demands or claims from the Bank with which such deposit has been made, or from any party employed under this Act, the payment of such deposit or

interest, or of any portion thereof, as the case may be, and whether he does or does not thereby obtain any part of such deposit or interest, is guilty of a misdemeanor, and shall on conviction be punishable accordingly; Provided, that any offender against the provisions of this or the next preceding section, may be indicted and punished either under this Act or the Act respecting larceny and other similar offences, if his offence be one punishable under that Act, but he shall not be more than once punished for the same offence. Proviso.

31. The making of any wilfully, false, or deceptive statement in any account, return, report, or other document respecting the affairs of the Bank, shall, unless it amounts to a higher offence, be a misdemeanor; and any President, Vice-President, Director, Auditor, Cashier, or other officer of the Bank, preparing, signing, approving or concurring in such statement, return, report or document, or using the same with intent to deceive or mislead any party, shall be held to have wilfully made such false statement, and shall further be responsible for all damages sustained by such party in consequence thereof. Punishment for making false statements in any account or other document.

32. No Savings Bank chartered under this Act shall issue any Bank note, or note intended to circulate as money or as a substitute for money, or be deemed a Bank within the meaning of the Act respecting Banks and Banking. Savings Bank not to issue Bank notes.

33. This Act shall be subject to any general provisions which Parliament may deem it advisable to make for protecting the interest of depositors in any Savings Bank or of the public; and to those of any general winding up Act which may be declared to apply to Savings Banks acting under this Act; and no such provision, or any provision that may be made for carrying out the true intent and objects of this Act shall be deemed an infringement of the privileges of any Savings Bank or Bank acting as such under this Act. To be subject to any general Act.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec.

Received and read, First time, Wednesday, 15th March, 1871.

Second reading, Tuesday, 21st March, 1871.

Hon. Sir F. HINCKS.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33 Rideau Street.

1871.

No. 57.] **BILL.** [1871.

An Act to amend the Acts relating to Duties of Customs.

Preamble.

IN amendment of the Acts relating to Duties of Customs, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

The 5 per cent. added to duties by sec. 11 of 33 V. C. 9 repealed.

1. The eleventh section of the Act passed in the thirty-third year of Her Majesty's reign, intituled, "An Act to amend the Acts respecting Customs and Inland Revenue, and to make certain provisions respecting Vessels navigating the Inland Waters of Canada above Montreal," is hereby repealed, and such repeal shall be held to have taken effect on and after the sixteenth day of March in the present year, 1871.

Materials used in Canadian manufactures may be transferred to Free list.

2. The Governor in Council may, from time to time, transfer to the list of goods which may be imported into Canada free of duty, any or all articles, (whether natural products or products of manufactures,) used as materials in Canadian manufactures; and any such materials mentioned in any Order in Council in t[illegible] hall be free of Duties of Customs from the time therein appointed for that purpose.

Certain machinery may be admitted free.

3. The Governor in Council may authorize the admission, free of duty, of any machinery to be used in any Canadian manufactory, on satisfactory evidence that like machinery is not then manufactured in Canada.

Duties in North-Western Territory to be the same as in Manitoba.

4. The same duties of Customs which, under the twenty-seventh section of the Act passed in the thirty-third year of Her Majesty's Reign, intituled, "An Act to amend and continue the Act 32 and 33 Victoria, Chapter 3, and to establish and provide for the Government of the Province of Manitoba," are chargeable in the Province of Manitoba, shall be chargeable on goods imported into any part of the North Western Territory.

Interpretation.

5. This Act shall be construed as forming one Act with the other Acts relating to Duties of Customs, and all words and expressions therein shall have the same meaning as in the said Acts.

No. 57.

4th Session 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend the Acts relating to Duties of Customs.

Received and read First time, Wednesday, 15th March, 1871.

Second reading, Tuesday, 21st March, 1871.

Hon. Sir FRANCIS HINCKS.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, & 33, Rideau Street.

1871.

No. 3-8

An Act to extend to the Province of Manitoba certain of the Criminal Laws now in force in the other Provinces of the Dominion.

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

1. The following Statutes of the Parliament of Canada, passed in the Session held in the thirty-second and thirty-third years of the reign of Her Most Gracious Majesty, are and each of them is hereby extended to, and shall henceforth have the force and effect of Law within the Province of Manitoba, save and except in so far only as any provision of the said Statutes may therein be declared to be applicable to another Province only, that is to say :

Chapter eighteen, intituled "*An Act respecting offences relating to the coin.*"

Chapter nineteen, intituled "*An Act respecting Forgery.*"

Chapter twenty, intituled "*An Act respecting Offences against the person.*"

Chapter twenty-one, intituled "*An Act respecting Larceny and other similar offences.*"

Chapter twenty-two, intituled "*An Act respecting Malicious injuries to property.*"

Chapter twenty-three, intituled "*An Act respecting perjury.*"

Chapter twenty-four, intituled "*An Act for the Better Preservation of the public peace, in the vicinity of Public Works.*"

Chapter twenty-five, intituled "*An Act respecting certain Offences relative to Her Majesty's Army and Navy.*"

Chapter twenty-six, intituled "*An Act for the Better Preservation of Her Majesty's Military and Naval Stores.*"

Chapter twenty-seven, intituled "*An Act respecting Cruelty to Animals.*"

Chapter twenty-eight, intituled "*An Act respecting Vagrants.*"

Chapter twenty-nine, intituled "*An Act respecting Procedure in Criminal Cases, and other matter, relating to Criminal Law.*"

Chapter thirty, intituled "*An Act respecting the duties of Justices of the Peace out of Sessions, in relation to persons charged with indictable offences.*

2. The Court known as the General Court now and heretofore existing in the Province of Manitoba, and any Court to be hereafter constituted by the Legislature of the said Province, and having the powers now exercised by the said General Court, shall have power to hear, try and determine in due course of law all treasons, felonies and indictable offences whatsoever which may be committed in any part of the said Province.

3. Whenever any prosecuted party upon being arraigned before the said General Court, or before such court as may hereafter be constituted by the Legislature of Manitoba to supersede the sai General Court, demands a jury composed, for the one half at lea of persons skilled in the language of the defence, if such langua be either English or French, he shall be tried by a jury compos

for the one half at least of the persons whose names stand first in succession upon the general panel, and who, on appearing, and not being lawfully challenged, are found, in the judgment of the court to be skilled in the language of the defence.

4. Whenever from the number of challenges, or any other cause there is in any such case, a deficiency of persons skilled in the language of the defence, the court shall fix another day for the trial of such case, and the Sheriff shall supply the deficiency by summoning for the day so fixed such additional number of jurors skilled in the language of the defence as the court may order, and as are found inscribed next in succession on the list of petty jurors.

5. Whenever a person accused of treason or felony elects to be tried by a jury composed, one-half of persons skilled in the language of the defence, the number of peremptory challenges to which he is entitled shall be divided, so that he shall only have the right to challenge one-half of such number from among the English speaking jurors, and one-half from among the French speaking jurors.

6. All provisions of law heretofore in force in the country now constituting the Province of Manitoba, inconsistent with, or repugnant to the provisions of this Act, or inconsistent with or repugnant to any of the Statutes enumerated in the preamble to this Act, are hereby repealed.

7. In the absence of any Penitentiary Building, any common gaol, or other place of confinement, in the Province of Manitoba, shall be held to be a Penitentiary for the confinement and reformation of persons, male and female, lawfully convicted of crime before the Courts of Manitoba, and sentenced to confinement for life or for a term of not less than two years; and whenever any offender is punishable by imprisonment, such imprisonment, whether it be for life or two years, or for any longer term, shall be in any such common goal, or other place of confinement, according to the judgment of the Court.

No. 59.] **BILL.** [1871.

An Act to amend the Act incorporating the Quebec Marine and Fire Insurance Company.

Preamble.

WHEREAS, the Quebec Marine and Fire Insurance Company have by their Petition prayed for certain amendments to their Act of incorporation, and it is expedient to grant the prayer of their Petition; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Clause Ten repealed.

1. Clause ten of the Act Twenty-fifth Victoria, Chapter Seventy-one, is hereby repealed, and the following substituted therefor.

Annual General Meeting.

"10. The Annual General Meeting of the Company shall be held in the City of Quebec, on the last Monday in February in each year, for the purpose of electing Directors, and for transacting the general business of the Company, at which meeting, and at all General Meetings of the Company, eleven Shareholders shall form a quorum, and the President, or in his absence the Vice-President, or, in the absence of both, then one of the Directors shall preside; Each Stockholder shall be entitled to one vote for each share which he or she shall have held in his or her name, at least one month prior to the time of voting, and all votes given at any meeting may be given either personally or by proxy, the holders of such proxies being Stockholders authorised by writing under the hands of the Stockholders nominating such proxies, and any proposition at any such meeting shall be determined by a majority of the votes of the parties present, including proxies."

Quorum: Eleven Members.

Mode of Voting.

Clauses Three, Four and Five repealed.

2. Clauses Three, Four and Five of the Act to amend the Act incorporating the Quebec Marine Insurance Company, Twenty-ninth and Thirtieth Victoria, Chapter One hundred and twenty-eight, are hereby repealed.

No. 59.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend the Act incorporating the Quebec Marine and Fire Insurance Company.

PRIVATE BILL.

Hon. Mr. McGREEVY.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33 Rideau Street.

1871.

No. 60.] **BILL.** [1870.

An Act to incorporate the Dominion Telegraph Company.

Preamble. WHEREAS, the Dominion Telegraph Company, which has been incorporated under the General Law relating to Electric Telegraph Companies, has prayed for a special Act of Incorporation with extended powers, and it is desirable to grant the same; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated. 1. The Honorable John McMurrich, the Honorable William Cayley, the Honorable John Hillyard Cameron, the Honorable Matthew Crooks Cameron, John Michie and their associates, and all other persons who are now or may hereafter become stockholders in the Dominion Telegraph Company are hereby constituted a body politic and corporate by the name of the Dominion Telegraph Company; and the head office of the said Company shall be in the City of Toronto in the Province of of Ontario.

Company may construct lines of telegraph. 2. The said Company shall have power to establish, construct, purchase, lease or work any line or lines of Telegraph from and to any place or places in the Dominion of Canada, either by land or water, over which exclusive telegraph line rights do not now exist by any law of the Dominion or of any Province of the Dominion, and from and to any place or places without the Dominion of Canada, and to make connection with the line or lines of any telegraphic company in the United States of America or elsewhere, and to aid or advance money to build or work any such line in the said United States, and also to borrow such sum of money not exceeding the amount of the paid up capital of the Company, as the Directors shall deem necessary, and to issue bonds therefor which shall be a first charge upon the whole lines, works and plant of the Company, in such sums and at such rate of interest, and payable at such times, as the Directors shall determine, for the purpose of carrying out any of the objects or purposes of this Act.

Existing Company merged in Company hereby created. 3. The said Dominion Telegraph Company, incorporated under the General Law relating to Electric Telegraph Companies, is hereby merged in and declared to be The Dominion Telegraph Company incorporated by this Act, and all the properties, rights, credits, debts, and liabilities belonging or attached to the said first mentioned Company or any shareholder thereof, are hereby declared to belong and be attached to the said Dominion Telegraph Company incorporated by this Act, and to every such shareholder of the said last mentioned Company.

Powers for constructing the line. 4. The said Company may lay down, erect and maintain its line or lines of Telegraph along the sides of and across any public highways, bridges, water-courses or other such places, or under any navigable waters either wholly in Canada or dividing Canada from any other country, provided the said Company shall not interfere with the public right of travelling thereon, and may enter upon any lands or places, and survey, set off and take such

parts thereof as may be necessary for such line or lines of telegraph, and in case of disagreement between the said Company and any owner or occupier of lands which the said Company may take for the purposes aforesaid, or in respect to any damage done to the same by constructing the line or lines through or upon the same, the said Company and such owner or occupier, as the case may be, shall each choose an arbitrator, which two arbitrators shall choose a third, and the decision (on the matter in difference) of any two of them in writing, shall be final; and if the said owner or occupier, or the agent of the said Company neglects or refuses to choose an arbitrator within four days after the notice in writing, from the opposite party to him and upon proof of personal service of such notice, or if such two arbitrators when duly chosen, disagree in the choice of a third arbitrator, in any such case it shall be lawful for the Minister of Public Works, for the time being, to nominate any such arbitrator or such third arbitrator, as the case may be, who shall possess the same power as if chosen in manner above provided; Provided always, that nothing herein contained shall be construed to confer on the said Company the right of building a bridge over any navigable river in Canada.

Arbitration as to damages.

Proviso: as to navigable rivers.

Power to lease other lines or amalgamate with other Companies.

5. The said Company shall have power and authority to purchase or lease for any term of years any telegraphic line established or to be established either in Canada or in the territory in possession of the Hudson's Bay Company or in any other British Possession, or in the territory or territories of any foreign Power or State, connecting or hereafter to be connected with the line which the Company is authorized to construct, or to purchase or lease for any term of years, the right of any Company to construct any such telegraph line,—and shall also have power and authority to amalgamate with any Company, Board or persons possessing as proprietors any line of telegraphic communication connecting or to be connected with the Company's line, either in Canada, in the late possessions of the Hudson's Bay Company, in any other British Colony, or in the terrritory of any other Foreign State or Power, whether on the Continent of America or in any other part of the world.

Capital and shares. Increase of Capital.

6. The Capital of the said Company shall be Five Hundred Thousand Dollars, and shall be divided into shares of Twenty-five Dollars each ; and the said Company may be increased, from time to time, by resolution of the Central Board of Directors, by and with the consent of a majority in value of the Shareholers ; but such capital shall at no time be made to exceed One Million of Dollars.

Provisional Directors appointed.

7. The Honorable John McMurrich, the Honorable William Cayley, the Honorable J. H. Cameron, *James* Michie, Esquire, A. R. McMaster, Esquire, T. N. Gibbs, Esquire, M.P., P. T. Mackenzie, Esquire, A. Copp, Esquire, and S. Neelon, Esquire, are hereby constituted the Board of Directors of the said Company, and shall hold office as such until other Directors shall be elected by the Shareholders, in the manner hereinafter provided.

Power to open stock-books, and to adopt other preliminary measures.

8. The Directors of the Company shall have power and authority to open Stock Books and to procure subscriptions for the undertaking, to make calls upon the subscribers and to cause surveys and plans to be executed.

Subscribers to become members, on paying 10 per cent. of subscriptions.

9. Every subscriber to, or holder of any of the Stock of the said Company, shall thereby become a member of the said Company, and shall have the same rights and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company.

Central and local Board of Directors.

10. The concerns of the Company shall be managed by a Board of Directors, to consist of members, and each such Director shall be proprietor of at least ten shares in the stock of the Company, and they shall be elected and hold office as hereinafter provided.

Aliens: and limited liability of shareholders.

11. Aliens shall have equal rights with British subjects to take stock, to vote, and to be eligible to office in the said Company; and no Shareholder shall be liable beyond the extent of the stock subscribed by him, for any debt contracted by the Company.

President, Vice-President, &c.

12. The Directors shall appoint one of their number to act as President, and another to act as Vice-President; and may appoint such other officers and agents as they shall deem necessary; and the Directors may remove all officers appointed by them and appoint others in their places, and may fill all vacancies in the offices; three of the Directors shall form a quorum, and all questions shall be decided by a majority of votes of the Directors present, and upon every equal division the President or the Chairman for the time being, shall give his casting vote in addition to the vote previously given by him as one of the Directors, and the Directors may appoint Honorary or Local Directors, if they think proper so to do, at any time.

Quorum of Directors.

Stock-books may be opened in the United Kingdom and elsewhere:

Further powers of Directors.

13. The Directors of the said Company for the time being, may open, or cause to be opened, stock-books for the subscription of parties desiring to become shareholders in the Capital Stock of the said Company, in such places as they shall think fit, and may make such shares payable in such manner as they shall see fit, and may make the dividends thereon payable at such place or places as to such Directors shall from time to time seem fit, and from time to time may appoint agents of the said Company in or out of Canada, and may delegate to such agents such powers as to the Directors of the said Company shall from time to time seem fit, and may make such rules and regulations as to the Directors of the said Company shall from time to time seem fit, as to the issuing of shares, and as to the mode, time, place, or places of the transfer of such shares, and as to the mode, time, and place of paying the dividends from time to time to accrue thereon, and otherwise as shall be deemed requisite or beneficial, for giving full effect to the powers hereby vested in the Directors of the said Company in respect of issuing such shares.

Term of office.

Votes and proxies.

14. The said Directors shall hold office until the first annual meeting of the Stockholders of the Company after the passing of this Act, and at all meetings of the Stockholders each share shall entitle the holder to one vote, which may be given either in person or by proxy.

Triennial general meetings.

15. On the second Tuesday of the month of January, in every year, or on such other day as the Directors shall by any by-law, from time to time, appoint, there shall be held a general meeting for the election of Directors at the City of Toronto, and one month's notice of every such meeting shall be given by the Directors in one

or more newspapers published in the City of Toronto; and at every such general meeting the Directors in office, or any of them, may be re-elected.

Vacancies how filled.

16. Whenever one or more of any such Directors die or resign, the remaining Directors shall appoint a Director or Directors in lieu of the person or persons so dying or resigning.

Power to make By-laws and regulations.

17. The Directors may, from time to time, make, alter, amend or repeal such Regulations and By-laws as may be necessary for the management of the affairs of the Company generally.

Calling in stock and enforcing payment.

Notice.

18. The Directors may require payments of subscription to the said Capital Stock, at such times and in such proportions as they may deem proper, under the penalty of forfeiting all stock and previous payments thereon; and the said Company may sue for and recover all such subscriptions; notice of the times and places of such payments shall be published for four weeks previous to such times, at least once in each week, in the *Canada Gazette*, and in such other newspapers as the Directors may think proper.

Transfer of shares.

Proviso.

Proviso.

19. All and every the shares in the Capital Stock of the said Corporation, and all profits and advantages thereof, shall be deemed to be personal estate, and shall be transferable and transmissable as such; provided always, that no assignment or transfer of any share shall be valid or effectual until such transfer be entered and registered in a book to be kept for that purpose; and provided also, that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, such stockholder shall cease to be a member of the said Corporation.

Power to enter on lands' &c., and do certain work thereon.

20. The said Company, their deputies, servants, agents and workmen are hereby authorized and empowered to enter into and upon the lands, grounds and premises of any person or persons, bodies politic, corporate and collegiate, or communities whatsoever, and survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Telegraph, and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended Telegraph and other works, and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended Telegraph or other works, on or out of the lands adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended Telegraph or works incident or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this Act. and to build, erect and set up, in or upon such lands, such and so many station-houses and observatories, watch-houses and other works, ways, roads and conveniences, as and where the said Company shall think requisite and convenient for the purposes of the said Telegraph; And also from time to time to alter, repair, divert, enlarge and extend the same, and to construct, erect and keep in repair any bridges, arches and other works upon or across any non-navigable rivers or brooks for the making, using,

maintaining and repairing the said intended Telegraph; And to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said intended Telegraph and other works, in pursuance of and according to the true intent and meaning of this Act, and whensoever and wheresoever the said Telegraph shall pass through any wood, the trees and underwood may be cut down for the space of fifty feet on each side of the said Telegraph upon which such trees and underwood may be—they, the said Company, doing as little damage as may be, in the execution of the several powers to them hereby granted, and making satisfaction, wherever required so to do, to the owners or proprietors of or the persons interested in the lands, tenements, or hereditaments, water, water-courses, brooks or rivers, respectively, which shall be taken, used, removed or prejudiced, or woods in which trees or underwood shall be cut down, or for all damages to be by them sustained in or by the execution of all or any of the powers of this Act; Provided always that the said Company shall not cut down or mutilate any tree planted or left standing for shade or ornament or any fruit tree, unless it be necessary so to do for the erection, use, or safety of any of its lines.

Compensation for damages done.

Proviso: as to shade trees.

21. The said Company shall have full power and authority to set up posts for supporting the wires of the said Telegraph in and upon any public road, street or highway, and to make the necessary excavations in the same for placing such posts or poles, or for carrying the said wires under the surface thereof; or of any navigable or other water, and such posts, and wires and other apparatus therewith connected shall be the property of the said Company, as shall also all such posts or poles or apparatus as shall be set up or carried under the surface of land or water by the said Company for the purposes aforesaid, although the lands or waters on which the same are set up or carried under the surface be not the property of the said Company.

Powers to set up posts on roads, &c.

22. It shall be the duty of the Company (subject to the provision in the next following section) to transmit all despatches in the order in which they are received, under a penalty of not less than twenty nor exceeding one hundred dollars, to be recovered with costs of suit by the person or persons whose despatch is postponed out of its order; and the said Company shall have full power to charge for the transmission of such despatches, and to receive, collect and recover such rates of payment as shall be from time to time fixed by By-laws made by the Directors.

Company bound to transmt despatches in regular order.

23. Provided that any message in relation to the administration of Justice, the arrest of criminals, the discovery or prevention of crime, and Government Messages or despatches shall always be transmitted in preference to any other message or despatch, if required by any person connected with the administration of Justice or any person thereunto authorized by the Secretary of State of Canada.

Proviso as to Government Messages, &c.

24. Any operator of the said Telegraph Line, or person employed by the Telegraph Company, divulging the contents of a private despatch, shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding one hundred dollars, or to imprisonment not exceeding three months, or both, in the discretion of the Court before which the conviction shall be had.

Penalty on Operators divulging contents of despatches.

Punishment of persons injuring the works.

25. Any person who shall wilfully or maliciously injure molest or destroy any of the said lines, posts, piers or abutments or the material or property belonging thereto, or in any way obstruct the working of the said line of Telegraph, shall on conviction thereof, be deemed guilty of misdemeanor, and be liable to be punished in the manner by law provided for such offences.

No. 60.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

To incorporate the Dominion Telegraph Company.

Received and read, First time, Thursday, 16th March, 1871.

PRIVATE BILL.

Mr. CAMERON (Peel).

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1871.

No. 61.] **BILL.** [1871

An Act respecting Weights and Measures.

WHEREAS it is expedient to provide for uniformity of weights and measures throughout Canada, and for that purpose to define and establish standard measures of length, weight, and capacity, and to make provision for the inspection of weights and measures in general use; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

WEIGHTS AND MEASURES.

1. The "Imperial yard" shall be the standard measure of length, wherefrom all other measures of length, whether lineal, superficial or solid, shall be derived, computed and ascertained; and all measures of length shall be taken in parts, multiples, or certain proportions of the standard yard. Standard of length Imperial yard.

2. One-third part of the standard yard shall be a foot; the twelfth part of the foot shall be an inch; the pole or perch in length shall contain five standard yards and a half; the furlong two hundred and twenty standard yards, and the mile one thousand seven hundred and sixty standard yards; the chain shall be twenty-two standard yards, and the link shall be the one hundredth part of a chain. Measure of length.

3. The rood of land shall contain one thousand two hundred and ten square yards according to the standard, and the acre of land shall contain one hundred thousand square links or four thousand eight hundred and forty square yards. Measures of Superficies.

2. The "Imperial pound Avoirdupois" shall be the standard measure of weight from which all other weights and measures having reference to weight, shall be derived, computed and ascertained; and all weights and measures having reference to weight, shall be taken in parts, multiples, or certain proportions of the standard pound Avoirdupois. Standards of weights.

2. One sixteenth part of the standard pound Avoirdupois shall be an ounce, one sixteenth part of an ounce shall be a dram; one hundred standard pounds Avoirdupois shall be a hundredweight, and two thousand standard pounds Avoirdupois shall be a ton. Weights Avoirdupois.

3. The "Imperial Troy ounce" of four hundred and eighty grains Troy, shall be the standard measure of weight for gold, silver, platina, and precious stones, from which all other measures of Troy weight shall be derived, computed, and ascertained; and all measures of Troy weight shall be taken in parts, multiples, and certain proportions of the standard Troy ounce. Troy weights.

2. One twentieth part of the Troy ounce shall be a pennyweight, and the pennyweight shall consist of twenty-four grains Troy.

3. Seven thousand grains Troy, shall be equal to a pound Avoirdupois. Proportion of Avoirdupois and Troy.

4. But contracts and bargains made for, and sales of gold, silver, platina and precious stones by the Troy ounce, as ascertained and Proviso Decimal Division.

established by this section, and by any weights, being decimal parts or multiples of such ounce, shall be deemed to be good and valid.

Standard of liquid measure.

4. The gallon known as the "Old English wine gallon," containing two hundred and thirty-one cubic inches, or eight pounds and three thousand three hundred and eleven ten thousandth parts of a pound weight of distilled water, at a temperature of 62 degrees Fahrenheit, and the barometer standing at thirty inches, shall be the standard measure of capacity to be used for liquids, from which all other measures of capacity, in respect of liquids shall be derived, computed, and ascertained, and all such measures shall be taken in parts or multiples, or certain proportions of the standard gallon.

Division of gallon.

2. One fourth part of the standard gallon shall be a quart, and one eighth part of the standard gallon shall be a pint.

Standard of dry measures.

5. The bushel measure known as the "Winchester bushel," containing two thousand one hundred and fifty cubic inches and forty-two hundredths of an inch, shall be the standard measure of capacity for commodities sold by dry measure, from which all other measures of capacity in respect of such commodities shall be derived, computed, and ascertained, and all such measures shall be taken in parts or multiples, or certain proportions of the standard bushel.

Peck.

2. One fourth part of the Standard bushel shall be a peck.

Weight equivalent to a bushel of certain articles.

3. But in contracts for the sale or delivery of any of the articles in this section mentioned, the standard bushel shall be taken and intended to mean the weight of a bushel, as hereinafter mentioned, and not a bushel in measure, according to any greater or less weight, unless the contrary appears to have been agreed upon by the parties.

Wheat	Sixty pounds.
Indian Corn	Fifty-six pounds.
Rye	Fifty-six pounds.
Peas	Sixty pounds.
Barley	Forty-eight pounds.
Oats	Thirty-five pounds.
Beans	Sixty pounds.
Clover Seed	Sixty pounds.
Timothy Seed	Forty-eight pounds.
Buckwheat	Forty-eight pounds.
Flax Seed	Fifty pounds.
Hemp Seed	Forty-four pounds.
Blue Grass Seed	Fourteen pounds.
Castor Beans	Forty pounds.
Potatoes, Turnips, Carrots, Parsnips, Beets and Onions	Sixty pounds.
Salt	Fifty-six pounds.
Dried Apples	Twenty-two pounds.
Dried Peaches	Thirty-three pounds.
Malt	Thirty-six pounds.

Governor in Council may declare other multiples and divisions to be legal weights and measures.

6. The Governor in Council may, from time to time, by an an Order published in the Canada *Gazette*, declare any multiples or sub-multiples of any of the weights or measures hereinbefore mentioned, to be legal weights or measures for any or all purposes whatever, by such names as shall be assigned to them in such Order in Council.

Standards to be procured.

7. The Minister of Inland Revenue shall cause to be prepared three sets of Primary Standards of length and weight, each set consisting of—

1. The Standard Yard,
2. The Standard Pound Avoirdupois, and
3. The Standard pound and ounce Troy;

And shall cause the same to be duly verified and authenticated in such manner as he shall deem best.

And declare them Dominion Standards.

And the Governor upon being satisfied of the accuracy of the Primary Standards may, by Order in Council, declare the same to be the Legal and only Primary Standards of length and weight for Canada, under the name of "The Dominion Standards," and as such the units or standards of weight and measure from which all other weights and measures defined by this Act shall be computed and ascertained.

Custody of Standards.

8. One set of the Dominion Standards shall be placed in the custody of the , one set in the custody of and one set in the custody of the Minister of Inland Revenue.

Departmental or Secondary Standards.

9. The Minister of Inland Revenue shall also cause to be prepared two sets of Secondary Standards of the weights and measures defined and established by this Act and of the requisite multiples and proportions thereof; and the Governor in Council, upon the report of the Minister that the same have been duly verified and authenticated by comparison with the Dominion Standards, may declare such Secondary Standards to be Legal Secondary Standards of length, weight and capacity, under the name of The Departmental Standards.

Custody of Departmental Standards.

10. The Commissioner of Inland Revenue shall have the custody of the Departmental Standards, and shall conduct all comparisons, verifications, and other operations with reference to standards of length, weight and capacity, and generally shall have such powers and duties in relation thereto, as may be from time to time assigned to him by Order in Council,

Balances, &c.

11. The Minister of Inland Revenue shall also procure the necessary balances, apparatus and books for use in connection with, or relative to, the Dominion and Departmental Standards.

Proclamation declaring the day on which the Standards shall be the only legal weights and measures.

12. As soon as the Dominion and Departmental Standards have been received, legalized by the Governor in Council and deposited as above provided, and the necessary apparatus for use in connection therewith has been obtained by the Minister of Inland Revenue, the Governor may, by proclamation, fix a day giving not less than months previous notice, upon, from and after which all contracts, bargains, sales or dealings, made or had in any part of Canada, for work to be done, or goods, wares, or merchandise, or other things to be sold, delivered or agreed for by weight or measure, where no special agreement is made to the contrary, shall be deemed and taken to be made and had according to the standard weight and measures fixed and defined by this Act.

As to contain

13. Provided that in the Province of Quebec the measures of

French measures in Province of Quebec.

length, superficies and capacity hereinafter mentioned, may be used in any case by special understanding between the parties to any contract or agreement, and shall be understood to be intended when such contract or agreement relates to any of the purposes for which they are established by the laws of that Province, unless by the express terms or context of such contract or agreement, it appears that the parties intended standard measure ; and the ratio or proportion which such measures, with their subdivisions and multiples, shall bear to the standard measures, shall be as follows, that is to say:—

1. The foot—" French measure" or " Paris foot"—shall be held to contain twelve inches, and seventy nine hundredths of an inch standard measure.

Arpent, Perch.

2. The " Arpent," when used as a measure of length, shall be one hundred and eighty French feet; and when used as a measure of superficies, shall contain thirty-two thousand four hundred square French feet ; and the perch, as a measure of length, shall contain eighteen French feet, and as a measure of superficies three hundred and twenty-four square French feet.

Minot.

3. The " Canada minot" shall be held to contain two thousand three hundred and thirty-nine cubic standard inches: Provided that in contracts for the sale or delivery of any of the articles mentioned in Section four, the word " minot" shall be taken to mean the weight of a " bushel " as fixed by the said Section, and not a Canada minot of measure, or any greater or less weight than that fixed by the said Section as equivalent to a bushel, unless it appears that the parties must have intended a Canada minot of measure.

Duties to be calculated by Standards.

14. Upon, from and after the day fixed by proclamation as that upon which the weights and measures fixed and defined by this Act are directed to be used, the several duties of Customs and Excise, and other Her Majesty's revenues, shall be payable, collected and taken in accordance therewith.

Orders in Council, &c.

15. All Orders in Council and Proclamations under this Act shall be published in the Canada *Gazette*, and be laid before both Houses of Parliament at their then next Session.

DISTRICT INSPECTORS.

Appointment and duties.

16. The Governor may appoint one or more Inspectors of Weights and Measures for each Province, and assign them Inspection Districts, and their powers and duties shall be as defined by this Act and by the regulations made under it, and by instructions from the Minister of Inland Revenue.

Oath of Office and security.

17. Each Inspector, on appointment. shall take an oath for the faithful discharge of his duties, and shall give bonds in a sum to be fixed by Order in Council, for the safe custody and preservation of the standard weights and measures, and other apparatus entrusted to him, and for their delivery over to his successor, in his case of his resignation or removal from office.

Each Inspector to have Official Standards.

18. Each Inspector shall be furnished by the Minister of Inland Revenue with a set of Standards to be called " The Official Standards," carefully verified and authenticated by comparison with the Departmental Standards in the custody of the Minister of Inland Revenue, and with such apparatus as may

be requisite to enable him to perform his duties under this Act.

Copies for Deputy Inspectors.

19. The "Official Standards" and other apparatus shall be used by the Inspector into whose custody they are given, solely for the purpose of comparing and verifying the copies of the same to be used by the Deputy Inspectors hereinafter mentioned, unless otherwise directed by Order in Council, or by instructions from the Minister of Inland Revenue.

Duties of Inspectors.

20. The Inspector shall, within the limits of the Inspection District assigned to him, have the supervision of the Deputy Inspectors appointed therein;

1. He shall see that each Deputy Inspector is furnished with the Standards and other apparatus necessary for the faithful discharge of his duties;

2. He shall carefully compare such Standards with the Official Standards and apparatus, and shall certify to the correctness of the same by a suitable mark or stamp, or certificate, as may be directed by Order in Council;

3. He shall hear and determine any dispute that may arise between any Deputy Inspector and any other person in relation to any duties of inspection performed by such Deputy Inspector;

4. And generally shall have such other duties and powers as may be assigned to him by Order in Council for the more effectual nforcement of the provisions of this Act,

DEPUTY INSPECTORS.

Appointment

21. The Governor may appoint in each Inspection District such number of Deputy Inspectors and assign to them such inspection divisions as he may deem expedient.

Oath of office and security.

22. Each Deputy Inspector on appointment shall take an oath for the faithful and impartial discharge of the duties assigned to him, and shall be furnished by the Inspector of his District with the necessary Inspection Standards, being copies duly authenticated by the Inspector, of the Official Standards and other apparatus in his possession; he shall give bonds to an amount to be fixed by Order in Council for the safe custody and careful preservation of such standards and apparatus and for their delivery over to his successors in the event of his resignation or removal from office, and for the due accounting for all moneys received by him in the execution of this Act.

Periodical comparison of standards.

2. Once in every years at the least, and whenever required so to do by the Inspector, each Deputy Inspector shall present his Inspection Standards and other apparatus in his possession to the Inspector of his District for the purpose of ascertaining and establishing their accuracy by comparison with the Official Standards, and shall obtain from the Inspector a certificate of their accuracy.

Duties of Deputy Inspectors.

23. The Deputy Inspector shall perform all the duties incident to the regulating and adjusting of weights and measures and of beams, scales, steel-yards and other weighing machines, comparing and trying the same with the standard weights and measures, and other apparatus in his possession.

Examination of weights and measures, etc.

2. He shall at all proper times carefully examine and compare all weights and measures and all beams, scales, or weighing machines of any kind presented to him within his division, and when

found correct and just he shall mark, stamp, or brand the same in such manner as may be directed by the Minister of Inland Revenue.

Attendance for trial purpose.

24. Each Deputy Inspector shall, upon such day or days and at such place or places within his district as may be from time to time appointed by the Inspector of his District, attend with his Inspection Standards and other apparatus, for the purpose of inspecting all weights, measures and weighing-machines brought to him for that purpose.

Notice.

2. He shall give at least one month's notice in one or more newspapers in his division (if any is there published, and if not, then in some adjoining division) of the days and places so appointed.

Periods.

3. He shall attend in each place so appointed for inspection purposes at least once in each year.

Power of entry for examination.

25. The Deputy Inspector may, at all reasonable times, enter any shop, store, warehouse, stall, yard, or place whatsoever within his district, where any commodity is bought, sold, weighed, exposed, or kept for sale, and there examine all weights, measures, beams, scales, steel-yards or other weighing-machines, and compare and try the same with the Inspection standards of weights and measures in his possession.

Records of inspection to be kept.

26. The Deputy Inspector shall keep a book in which he shall enter minutes of all inspections made by him, and at the time of every inspection he shall deliver to the owner of any weights or measures, or weighing machines inspected, or to the person procuring their inspection, a certificate under his hand, setting forth the fact and date of such inspection, and enumerating the weights, measures, or weighing-machines inspected.

Periodical re-inspection.

27. Within two months after the expiration of years from the first inspection and stamping, and of each period of years thereafter, every weight, measure, and weighing-machine shall be again inspected and verified, and a new certificate of such inspection and verification obtained from the proper Deputy Inspector, and the production of the certificate shall be *primâ facie* evidence of the inspection and stamping or verification having taken place within the period prescribed by law.

PENALTIES.

Penalty for using uninspected or unjust weights or measures.

28. Every trader or manufacturer who, two months after the appointment of a Deputy Inspector for the Inspection Division in which he carries on his business, uses any weight or measure, or weighing machine which has not been duly inspected and stamped according to this Act, or which may be found light or otherwise unjust, shall on conviction forfeit a sum of not more than or less than dollars; and every light or unjust weight or measure so used, shall, on being discovered by the Deputy Inspector, be seized, forfeited, and broken up by him.

On Deputy Inspector stamping without verifying.

29. If any Deputy Inspector stamps or marks any weight or measure, or weighing-machine, without having first duly compared and verified the same with the standard or other suitable apparatus in his possession for the purpose, he shall, on conviction, forfeit a sum not exceeding dollars.

30. If any Deputy Inspector knowingly stamps any weight or measure, or weighing-machine, of any person residing within the limits of any Inspection Division for which another Deputy Inspector has been legally appointed, he shall forfeit a sum not exceeding *five dollars* for every weight or measure or weighing-machine so stamped. Stamping out of his proper division.

31. Any person who neglects or refuses to produce for inspection, when thereunto required, all weights, measures, beams, scales, or weighing-machines in his possession, shall, upon conviction, forfeit a sum not exceeding dollars for the first, and dollars for each subsequent offence. Refusing to allow inspection.

32. If any person counterfeits any stamp or mark used by any Deputy Inspector for inspection purposes, or in any manner whatever diminishes, augments, or alters any weight or measure, or weighing-machine, stamped or marked under this Act, or sells, barters, or exchanges any goods, or any things whatever, by any weight or measure, or weighing-machine, stamped or marked with any counterfeit stamp or mark, or diminished, or altered, or augmented as aforesaid, he shall, for the first offence, forfeit the sum of dollars, and for the second and each subsequent offence, he shall forfeit dollars, and suffer two months imprisonment. Counterfeiting inspection marks and altering weights inspected etc.

33. Any person who wilfully or knowingly makes or sells, or causes to be made or sold, any light, false, or unjust weight or measure, or weighing-machine, shall, on conviction, forfeit a sum not exceeding *fifty dollars*. Making false weights etc.

34. If any person obstructs or impedes any Deputy Inspector or other officer acting in execution of this Act, or of any Order of the Governor in Council thereunder, he and every person aiding and assisting therein shall be guilty of an offence against this Act, and the Deputy Inspector, or other officer, or any person whom he calls to his assistance, may seize the offender and detain him until he can be taken before a Justice, to be dealt with according to law. Obstructing inspection.

35. All penalties imposed by this Act, or by any regulation made under its authority, shall be recoverable, with costs, before any Justice of the Peace for the District, County, or place in which the offence was committed, upon proof by confession, or by the oath of one credible witness, and may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, by warrant, under the hand and seal of the Justice, by whom also any imprisonment to which the offender is liable may be awarded. Enforcing penalties and punishments.

2. One half of any penalty so recovered shall belong to the party suing for the same, not being the Deputy Inspector or any officer acting in pursuance of this Act, and the other half shall belong to Her Majesty, for the uses of the Dominion. Appropriation.

36. No action or prosecution shall be brought against any person for any fine or penalty by this Act imposed, unless the same is commenced within three months after the offence is committed. Limitation of proceedings.

MISCELLANEOUS.

37. No weight or measure, or weighing machine, duly stamped Inspector of

weights, &c., to be legal throughout Canada.

by any Deputy Inspector, or other person hereby legally authorized to examine and stamp the same, shall be liable to be re-stamped, although the same be used beyond the limits of the Inspection Division within which it was originally stamped, but shall be considered as a legal weight, or measure, or weighing machine, throughout Canada, unless found to be defective or unjust on any subsequent inspection, as provided by this Act, by the Deputy Inspector for the Division in which it may then be.

Remuneration of Inspectors and Deputies.

38. The Governor in Council may assign to each Inspector and Deputy Inspector appointed under this Act, a remuneration equal to such portion of the fees collected in his District as may be deemed expedient, and may also allow to each such Inspector or Deputy Inspector such further sum as will suffice to meet his actual expenses in the performance of his official duties, and such remuneration shall be paid or retained out of the fees so collected.

Officers of Inland Revenue may act.

39. The Governor may in his discretion appoint any officer of the Inland Revenue Department to the office of Inspector or Deputy Inspector under this Act, and such officer may discharge the duties assigned to him under this Act, in conjunction with and in addition to, his other official duties, anything in any Act or Law to the contrary notwithstanding.

Certain persons not eligible.

40. No maker or seller of weights, measures, or weighing machines, or person employed in the making or selling thereof, shall be appointed an Inspector or Deputy Inspector of weights or measures under this Act.

Weights to be of cased with hard metal.

41. From and after the day appointed by the Governor as that upon and after which the weights and measures in conformity with the standards by this Act established, shall alone be used throughout Canada, no weight made of lead or pewter, or any mixture thereof, shall be stamped or used, unless it be wholly and substantially cased with hard metal; but for the purpose of adjusting any weight, a plug of soft metal may be inserted, if found necessary and directed by the Deputy Inspector.

Governor in Council to make regulations.

42. The Governor in Council may, from time to time, make, repeal, or amend regulations consistent with this Act, for or concerning any or all of the subjects hereinafter mentioned:—

1. The guidance of the Inspectors or Deputy Inspectors in the performance of their duties.
2. The replacement and use of the standards.
3. The methods of verifying local standards of weights and measures, weighing machines and balances, and of certifying such verification.
4. The amount of error that may be tolerated in weights, weighing machines, balances, and measures.
5. The shapes, dimensions, and proportions to be required in weights, weighing machines. and measures, and the material of which they may be made.
6. The marking on weights and measures authorized under this Act of their several denominations.

Publications.

And such regulations shall be published in the Canada *Gazette*, any copy whereof shall be *primâ facie* evidence of such regulations, and that they are in force.

Governor in

43. The Governor in Council may, from time to time, make,

repeal, or amend a Tariff of Fees to be paid to the Inspectors for inspecting and stamping weights and measures, balances and other weighing machines, under this Act, such tariff being so made as to defray, as nearly as may be, the cost of carrying out this Act, and to provide for the sufficient remuneration of the Inspectors and Deputy Inspectors, and may also apportion such fees between the Inspectors and Deputy Inspectors, and the expenses incurred by the Government from time to time, in carrying out this Act, in such manner as shall to the Governor in Council seem equitable; and the Order in Council containing such tariff and regulations, and any repeal or amendment thereof, shall be published in the Canada *Gazette*, any copy whereof shall be *primâ facie* evidence of such order, and that it is in force under this Act; and the portion of the said fees accruing to the Crown, when received by the Inspectors, shall form part of the Consolidated Revenue Fund of Canada, and shall be accordingly paid over to the Receiver General, in such manner and under such regulations as the Governor in Council shall direct.

Council to make Tariff of fees, &c.

44. Such fees shall be paid at the time of the inspection, stamping or verification, to the Deputy Inspector, who shall affix to the certificate given by him an adhesive stamp or stamps to the amount of such duty, and shall at the time of affixing the same write or stamp thereon the date at which it is affixed, and no certificate shall be valid or avail for any purpose whatsoever, unless the requisite stamps have been duly affixed thereto and cancelled.

Payment of fees, and receipt for.

45. The Governor in Council may from time to time direct stamps to be prepared for the purposes of this Act, and bearing such device as he thinks proper, and may defray the cost thereof out of any unappropriated moneys forming part of the Consolidated Revenue Fund.

Stamps to be prepared.

46. The device on such stamp shall express the value thereof, that is to say: the sum at which it shall be reckoned in payment of the duty hereby imposed.

Devices.

47. Separate accounts shall be kept of all expenditure incurred and of all fees and duties collected and received under the authority of this Act, and a correct statement of the same up to the 30th day of June then last past shall be laid before Parliament within the first fifteen days of the then next Session thereof.

Accounts of fees, etc., to be laid before Parliament.

REPEAL—INTERPRETATION AND SHORT TITLE.

48. The Acts and parts of Acts described in the Schedule to this Act shall be repealed upon the day fixed by proclamation as that upon which weights and measures in conformity with the standards established by this Act shall alone be used throughout Canada.

Repeal.

49. The expression weighing machine, in this Act, includes any scales, beam, steel-yard, or other apparatus for weighing.

Interpretation.

50. This Act may be known and cited as "The Weights and Measures Act, 1871."

Short title.

SCHEDULE.

Con. Stat. Can. cap. 53.	An Act respecting certain Weights and Measures.	The whole.
Stat. Can. 28 Vic. cap. 6	An Act respecting the Weighing, Measuring and Gauging of certain articles of general consumption.	Section 21.
Con. Stat. U. C., cap. 58.	An Act respecting Weights and Measures.	The whole.
Con. Stat. L. C., cap. 62.	An Act respecting Weights and Measnres.	The whole, excepting sub-sections 4 and 6 of section 3.
Con. Stat. L. C., cap. 63.	An Act respecting the Measurement of Coal and the Weight of Hay and Straw.	The whole, excepting sections 8 and 9.
Revised Stat. New Brunswick, cap. 95.	Of Weights and Measures.	The whole.
New Brunswick, 30 Vic. cap. 7.	An Act relating to Weights.	The whole.
Nova Scotia Revised Stat. cap. 86.	Of Weights and Measures.	The whole.

No. 61.

4th Session, 1st Parliament, 34 Victor

BILL.

An Act respecting Weights and M

Received and read, First time, Thursd
March, 1871.

Second reading, Friday, 17th March, 18

HON. MR. M

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau
1871.

No. 62.] **BILL.** [1871

An Act to render permissive the use of the Metric or of the Decimal System of Weights and Measures.

Preamble.

WHEREAS, for the promotion and extension of the internal as well as the foreign trade of Canada, and for the advancement of science, it is expedient to legalize the use of the Metric System of Weights and Measures: 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 "Metric Weights and Measures Act, 1871."

The Metric or the Decimal System may be legally used.

2. Notwithstanding anything contained in any Act or Law now in force to the contrary, no contract or dealing shall be deemed to be invalid or open to objection, on the ground that the weights or measures expressed or referred to in such contract or dealing, are weights or measures of the Metric System, or on the ground that decimal subdivisions of legal weights and measures, whether Metric or otherwise, are used in such contract or dealing.

Table in schedule may be used in computations.

3. The tables in the schedule hereunto annexed shall be deemed to set forth, in terms of the standard weights and measures of Canada, the equivalents of the weights and measures therein expressed in terms of the Metric System; and such table may be lawfully used for computing, determining, and expressing, in weights and measures of Canada, weights and measures of the Metric System.

Governor in Council may procure Metric Standards.

4. Whenever the Governor in Council is of opinion that it has become necessary and desirable, he may direct Standards of Metric Weights and Measures to be procured and legalized, and verified copies of them to be provided, and may by Order in Council make regulations for authorizing and facilitating the use of the same, for the verification of Metric Weights and Measures in use in Canada.

SCHEDULE TO WHICH THIS ACT REFERS.

Tables of the values of the principal denominations of Measures and Weights on the Metric System, expressed in terms of the Standard Measures and Weights of Canada:—

1.—Measures of Length.

Metric Denominations and Values.		Equivalents expressed in terms of the Standard of Canada.		
——	Metres.	In Standard Yards and decimal parts of a Yard.	In feet and decimal parts of a foot.	In links and decimal parts of a link.
Miriametre ...	10000	10939·444444	32818·333333	49724·74747
Kilometre	1000	1093·944444	3281·833333	4972·47474
Hectometre ...	100	109·394444	328·183333	497·24747
Decametre	10	10·939444	32·818333	49·72474
Metre	1	1·093944	3·281833	4.97247
Decimetre ...	$\frac{1}{10}$	·109394	·328183	·49724
Centimetre ...	$\frac{1}{100}$	·010939	·032818	·04972
Millemetre	$\frac{1}{1000}$	·001093	·003281	·00497

2.—Measures of Surface.

Metric Denominations and Values.			Equivalents expressed in terms of the Standard of Canada.	
——		Square Metres.	In square yards and decimal parts of a square yard.	In square links and decimal parts of a square link.
Hectare	100 Ares.	10000	11967·1444	247255·0511
Decare.....	10 do	1000	1196·7144	24725·5051
Are.....	1 do	100	119·6714	2472·5051
Centiare	$\frac{1}{100}$ do	1	1·1967	24·7250

3.—Weights.

Metric Denominations and Values.		Equivalents expressed in terms of the Standard of Canada.	
——	Grams.	In pounds Avoirdupois and decimal parts of a pound.	In grains and decimal parts of a grain Troy.
Millier	1000000	2204·62125	
Quintal	100000	220·46212	
Myriagram	10000	22·046212	
Kilogram	1000	2·204621	
Hectogram	100	·220462	
Decagram	10	·022046	
Gram	1	·002204	15·4323487
Decigram	$\frac{1}{10}$	·0002204	1·5432348
Centigram.....	$\frac{1}{100}$	·0000220	·1543234
Milligram	$\frac{1}{1000}$	·0000022	·0154323

4.—Measures of Capacity.

Metric Denominations and Values.			Equivalents expressed in terms of the Standard of Canada.	
——	Cubic Metres.	Litres.	In wine gallons and decimal parts of a wine gallon.	——
Kilolitre	1	1000	264·2864	
Hectolitre.....	$\frac{1}{10}$	100	26·42864	
Decalitre.....	$\frac{1}{100}$	10	2·64286	
Litre	$\frac{1}{1000}$	1	·26428	
Decilitre	$\frac{1}{10000}$	$\frac{1}{10}$	·02642	
Centilitre.....	$\frac{1}{100000}$	$\frac{1}{100}$	·00264	

No. 62.

4th Session, 1st Parliament, 33 Victoria, 1871.

BILL.

An Act to render permissive the use of the Metric or of the Decimal System of Weights and Measures.

Received and read, First time, Thursday, 16th March, 1871.

Second reading, Friday, 17th March, 1871.

Hon. Mr. MORRIS.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1871.

No. 63.] **BILL.** [1871.

An Act to amend and consolidate, and to extend to the whole Dominion of Canada, the Laws respecting the Inspection of certain staple articles of Canadian produce.

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

GENERAL PROVISIONS.

1. The Governor in Council may, from time to time, designate the several cities, towns, and other places in Canada, at and for which respectively, it is expedient to appoint Inspectors of the several articles hereinafter mentioned, or any of them, and the Governor may from time to time appoint at and for each of such cities, towns, and places, an Inspector of any of the following articles, that is to say:— Governor may appoint Inspectors of certain articles.

Flour and meal;
Wheat and other grain;
Beef and pork;
Pot ashes and pearl ashes;
Fish and fish oil;
Butter, cheese and lard;
Leather and raw hides:—

Such Inspectors shall hold office during pleasure, and shall act respectively within such local limits as the Governor in Council may assign to them, and they and their Assistants shall be appointed only from among duly qualified persons, certified as such by the Examiners hereinafter mentioned.

2. The Board of Trade at each of the Cities of Quebec, Montreal, Toronto, and Kingston, the Chamber of Commerce at the City of St. John, N.B., may from time to time appoint in the said Cities respectively, and the Governor General may from time to time appoint in the City of Halifax, *three* fit and skilful persons for each class of articles to be inspected at such City, or in the Province in which it is situate, to examine and test the ability and fitness of applicants for the office of Inspector or Assistant Inspector of such articles, in such Province; and no person shall be appointed such Inspector or Assistant Inspector, who has not been examined by and received a certificate of qualification from the proper Board of Examiners: Provided always, that the Governor may in his discretion appoint as an Inspector under this Act without a new examination, any person who has been an Inspector of the same article under any Act hereby repealed. And such Board may at any such Examination permit the attendance of any person or persons, of experience and skill in the subject of such Examination, and allow them to propose questions pertinent thereto to the Examinee, in order to test his knowledge and skill. Board of Examiners of Inspectors, how appointed. Proviso.

3. Each such Examiner shall before acting as such, take before Examiner to

take oath. some Justice of the Peace, an oath in the following form or to the same effect:—

Oath. "I, A.B., do swear that I will not, directly or indirectly, personally or by means of any person or persons in my behalf, receive any fee, reward or gratuity whatever, by reason of any function of my office of Examiner of applicants for the office of Inspector or Assistant Inspector of
and that I will therein well and truly, in all things, act without partiality, favor or affection, and to the best of my knowledge and understanding. So help me God."

Which oath shall remain in the custody of the Justice administering it.

Inspector not to trade in article which he inspects. **4.** No Inspector or Assistant Inspector shall deal or trade in, or have any interest directly or indirectly, in the production of any article subject to inspection by him, or sell or buy any such article (except for the consumption of himself and his family) under a penalty of *two hundred dollars* for any offence against this section and the forfeiture of his office.

Inspector to take oath. **5.** Each Inspector or Assistant Inspector, shall, before acting as such, take and subscribe before some Justice of the Peace, an oath of office in the form or to the effect following:—

Oath. "I, A. B., do solemnly swear, that I will faithfully, truly and impartially, to the best of my judgement, skill and understanding execute and perform the office of an Inspector or Assistant Inspector; and that I will not directly or indirectly, by myself or by any other person or persons whomsoever, manufacture, or prepare, deal, trade in, or sell, or buy, except only for the consumption of myself and family, any (*insert the description of the articles he is to inspect*) on my account, or upon the account of any other person or persons whomsoever, while I continue such Inspector or (Assistant Inspector). So help me God."

And such oath shall remain in the custody of the Justice administering it.

Security to be given by Inspector. **6.** Each Inspector or Assistant Inspector, shall before acting as such, give security for the due performance of the duties of his office, in such sum as the Governor may direct, by bond to Her Majesty, with two sureties to the satisfaction of the Governor, to be bound jointly and severally with him, in the form and subject to the provisions prescribed by law relative to the security to be given by persons appointed to offices of trust in Canada, and such bond shall avail to the Crown, and to all persons aggrieved by any breach of the conditions thereof, and such bond shall remain in the custody of the Secretary of State of Canada, and any copy thereof certified by him shall be *primâ facie* evidence of such Bond and of the contents and tenor thereof, and such copy shall be furnished when required on payment of a fee of

Appointment of Assistant Inspectors. **7.** Each Inspector may, and shall when thereunto required by the Governor General, appoint an assistant or so many assistants as may be necessary for the efficient and speedy performance of the duties of his office, such assistants being duly examined, and sworn, and giving security as above provided; and they shall be held to be the deputies of the Inspector for all the duties of his office, and their official acts shall be held to be the official acts of the Inspector, and he shall be responsible for them as if done by himself; and each Assistant Inspector shall make such returns and

reports of his official acts as shall be required of him by the Inspector whose Assistant he is.

Duties, etc. of Assistant Inspector.

8. The said Assistants shall respectively be paid by and shall hold their offices at the pleasure of the Inspector; and no such Inspector shall allow any person whomsoever to act for him about the duties of his office, excepting only his sworn Assistant or Assistants appointed as aforesaid.

Returns or reports of official acts.

9. The Governor in Council may, from time to time, require any or every Inspector to make such Returns or Reports of his or their official acts to any Public Department or Officer, Board of Trade or Municipal authority, and in such form and containing such particulars and information as he may deem expedient, and may from time to time, by order in Council, make such regulations for the governance of Inspectors under this Act or any of them, and of parties employing them as such, as he may think proper, and may by such regulations impose penalties not exceeding on any person offending against them; and any copy of such regulations printed in the *Canada Gazette*, shall be *primâ facie* evidence of any such regulations, and that they are then in force, and such regulations not being contrary to or inconsistent with this Act shall be obeyed by such Inspectors and parties employing them, as if embodied in this Act, and any offence against them shall be deemed an offence against this Act and punishable as such.

Disputes how settled.

10. If any dispute arises between any Inspector or Assistant Inspector and the owner or possessor of any article by him inspected, with regard to the quality and condition thereof, or relating in any respect to the same, then upon application, by either of the parties in difference, to any Justice of the Peace for the place in which such Inspector or Assistant Inspector acts, such Justice of the Peace shall issue a summons to three persons of skill and integrity, one to be named by the Inspector or Assistant Inspector, another by the owner or possessor of the article in question and the third by such Justice of the Peace, (who failing the attendance of either of the parties in difference shall name for him) requiring such three persons forthwith to examine such article, and report their opinion of the quality and condition thereof under oath (which oath the Justice of the Peace shall administer) and their determination, or that of the majority of them, made in writing shall be final and conclusive, whether approving or disapproving the judgment of the Inspector or Assistant Inspector, who shall immediately conform thereto, and brand or mark such article, or the package containing the same (as the case may be) of the qualities or condition directed by the determination aforesaid; And if the opinion of the Inspector or Assistant Inspector be thereby confirmed, the reasonable cost or charges of re-examination (to be ascertained by the said Justice of the Peace,) shall be paid by the said owner or possessor of the article in question and if otherwise, by the Inspector or Assistant Inspector.

Costs.

Fees for re-examination.

11. The Council of the Board of Trade for each of the said Cities if there be one, and if not, the Governor in Council shall, from time to time, make a Tariff of the fees and charges to be allowed for such re-examination and all services and matters connected therewith, and may also establish rules and regulations for the government of the persons re-examining any article on appeal from the decision of the Inspector or Assistant Inspector.

In case of neglect or refusal of Inspector to act.

12. If any Inspector or Assistant Inspector, refuses or neglects on application to him made, personally or by writing, left at his dwelling-house, store, office, or warehouse, on any lawful day between sun-rise and sun-set, by any owner or possessor of any article which such Inspector or Assistant Inspector is appointed to inspect, (such Inspector or Assistant Inspector not being at the time of such application employed in inspecting elsewhere) forthwith, or within two hours thereafter to proceed to such inspection, he shall, for every such neglect or refusal, forfeit and pay to the person so applying, *twenty dollars*, over and above all the damages occasioned by such refusal or neglect to the party complaining, recoverable in a summary way before any one Justice of the Peace, on the oath of one credible witness other than such complainant.

As to fraudulent alteration, &c., of Inspector's marks.

13. Any person who, with a fraudulent intention, alters, effaces, or obliterates wholly or partially, or causes to be altered, effaced, or obliterated, any Inspector's brands or marks, on any article having undergone inspection, or on any package containing any such article, or counterfeits any such brand or mark, or brands, impresses or otherwise marks thereon any mark purporting to be the mark of any Inspector, or of the manufacturer or packer of such article, either with the proper marking instruments of such Inspector, manufacturer or packer, or with counterfeit imitations thereof, or empties or partially empties, any such package marked after inspection, in order to put into the same any other article (of the same or any other kind), not contained therein at the time of such inspection, or uses for the purpose of packing any article, any old package bearing inspection marks without effacing such marks before offering such article for sale,—or (not being an Inspector or Assistant Inspector of any article) brands or marks any package containing it, with the Inspector's marks, or give any certificate purporting to be a certificate of inspection of any article, and any person who being in the employ of any Inspector or Assistant Inspector, or of any manufacturer or packer of any article subject to inspection hires, or lends the marks or marking instruments of his employer to any person whatever, or connives at or is privy to any fraudulent evasion of this Act with respect to any such marks as aforesaid, shall for such offence incur a penalty of *two hundred dollars;* and any Inspector or Assistant Inspector who inspects or brands or marks any article out of the local limits for which he is appointed, or hires out or lends his marking instruments to any person whomsoever, or gives any certificate of inspection without having performed the inspection, or any wilfully false or untrue certificate, or connives at or is privy to any fraudulent evasion of this Act, shall, for each such offence, incur a penalty of *two hundred dollars*, and shall forfeit his office.

Penalty under $40, how recoverable.

14. Every penalty and forfeiture imposed by this Act, or by any regulation made under it, not exceeding *forty dollars*, may, except when it is otherwise herein provided, be recoverable by any Inspector or Assistant Inspector, or by any other person suing for the same, in a summary way before any two Justices of the Peace for the place, in their ordinary or other Sessions, and shall, in default of payment, be levied by warrant of distress, to be issued by such Justices, against the goods and chattels of the offender:

Penalty over $40. how recoverable.

2. And where such penalty or forfeiture exceeds forty dollars, it may be sued for and recovered by any such Inspector, Assistant Inspector, or other person, by bill, plaint, information or civil action, in any Recorder's Court or in any other Court having jurisdiction in civil cases to the amount, and may be levied by execution as in case of debt;

Application of penalties.

3. And the moiety of all such penalties (except such as may be herein otherwise applied) when recovered, shall belong to the Crown for the public uses of the Dominion, and the other moiety shall belong to and be paid to the Inspector or Assistant Inspector, or other person who shall sue for the same.

Limitation of time for commencing suits.

15. Any action or suit against any person for anything done, in pursuance of this Act, or contrary to its provisions, shall be commenced within six months next after the matter or thing done or omitted to be done, and not afterwards; and the defendant therein may plead the general issue and give this Act and the special matter in evidence, at any trial therein, and that the same was done under this Act; and if it appears so to have been done, then the judgment shall be for the defendant, and if the plaintiff is non-suited or discontinues his action after the defendant has appeared, or if judgement is given against the plaintiff, the defendant shall recover treble costs and have the like remedy for the same as defendants have in other cases.

By whom cost of Inspection shall be paid when article is sold subject to Inspection.

16. In all cases where any article is sold subject to Inspection, the person applying to the Inspector shall be entitled to reimbursement of the price of Inspection from the vendor, if such applicant be not himself the vendor, unless an express stipulation to the contrary is made at the time of the sale or of the agreement to submit to Inspection;—And such agreement to submit to Inspection shall imply a warranty that the article in question is of the quality for which it sold, and that all the requirements of this Act have been complied with as to such article and the packages in which it is contained, unless it be otherwise expressly stipulated.

Inspection not compulsory.

17. Nothing in this Act shall oblige any person to cause any article to be inspected, except in cases where such inspection is expressly declared to be compulsory, but if inspected, it shall be subject to the provisions of this Act, and shall not be branded or marked as inspected unless the said provisions have been in all respects complied with, with respect to such article and the packages in which it is contained.

Proviso.

When Act shall take effect.

18. This Act shall come into force and take effect upon, from and after the *first* day of *July* in the present year one thousand eight hundred and seventy-one, except that appointments, regulations and other preliminary arrangements may be made under it at any time after its passing, to take effect after the said day: and upon, from and after the said day the Acts and parts of Acts hereinafter mentioned shall be repealed; that is to say, the forty-seventh chapter of the consolidated statutes of the late Province of Canada, intituled "*An Act respecting the Inspection of Flour and Meal*," and the Act of the Legislature of the said Province, passed in the twenty-third year of Her Majesty's Reign, and intituled *An Act concerning the Inspection of Flour and Meal:* the forty-eighth chapter of the said Consolidated Statutes of Canada, intituled *An Act respecting the Inspection of Beef and Pork;* The forty-ninth chapter of the said Consolidated Statutes of Canada, intituled *An Act respecting the Inspection of Pot and Pearl Ashes*, and the Act of the Legislature of the said late Province, passed in the twenty-seventh year of Her Majesty's Reign, and intituled *An Act to amend the "Act respecting the Inspection of Pot and Pearl Ashes,"* The fiftieth chapter of the said Consolidated Statutes of Canada, intituled *An Act respecting the Inspection of Fish and Oil*, The fifty-first

Acts repealed.

C. S. C. cap. 47.

23 Vic., c. 26.

C. S. C., cap. 48.

C. S. C., cap. 49.

27 Vic., c. 7.

C. S. C., cap. 50.

C. S. C., cap. 51.

chapter of the said Consolidated Statutes, intituled, *An Act respecting the Inspection of Sole Leather*, and the Act of the Legislature of the said late Province passed in the twenty-fourth year of Her Majesty's Reign, and intituled, *An Act to amend the "Act respecting the Inspection of Sole Leather;* the Act of the said Legislature passed in the Session held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, and intituled, *An Act to regulate the Inspection of Raw Hides and Leather*, and the Act of the said Legislature, passed in the twenty-ninth and thirtieth years of Her Majesty's Reign, intituled *An Act to amend the law respecting the Inspection of Leather and Raw Hides*, and the Act of the Parliament of Canada, passed in the thirty-third year of Her Majesty's Reign, intituled *An Act to amend the law relating to the Inspection of Raw Hides and Leather*; the Act of the Legislature of the late Province of Canada, passed in the twenty-sixth year of Her Majesty's Reign, intituled "*An Act respecting the Inspection of Wheat and other Grain;* So much of the eighty-fifth chapter of the Revised Statutes of Nova Scotia, third series, intituled *Of the Regulation and Inspection of Provisions, Lumber, Fuel and other Merchandize*, as relates to the Regulation or Inspection of Fish and Oil, Flour or Meal, Beef and Pork, Grain Corn, or Sole Leather, or any other articles hereby made subject to inspection; The ninety-fourth chapter of the Revised Statutes of New Brunswick, intituled *Of the Inspection of Flour and Meal*; So much of the sixty-fourth chapter of the said Revised Statutes as relates to the Inspection of Dry and Pickled Fish, and the Act of the Legislature of the said Province, passed in the seventeenth year of Her Majesty's Reign, intituled *An Act to continue the Act relating to Dry and Pickled Fish*, and the Act thereby continued, passed in the fifth year of the Reign of King William the Fourth, intituled *An Act to regulate the Inspection of Dry and Pickled Fish for home consumption or for exportation*, and all other Acts or parts of Acts or of any charter or law now in force in the Dominion of Canada, or in any Province thereof, providing for the inspection or the appointment of Inspectors of any of the articles the inspection of which is hereby provided for, or which may be in anywise contrary to or inconsistent with this Act; Provided that all offences against the Acts or provisions hereby repealed, may be prosecuted and punished, and all bonds and securities given may be enforced, and all damages sustained may be recovered as if the same were not hereby repealed; and that if in any contract made before the coming into force of this Act it has been stipulated that any article therein mentioned shall be subject to inspection then unless the contrary be clearly expressed, the intended standard of quality of such article shall be understood to be that established by the laws in force at the date of such contract, and if the inspection is made after this Act is in force, it shall be made according to such standard.

24 Vic., c. 22.

27 and 28 Vic. cap. 21.

29 and 30 Vic. cap. 24.

33 Vic., c. 37.

26 Vic., c. 3.

R.S.N.S. cap. 80.

R.S.N.B. cap. 94.

17 Vic. (N.B.) cap. 10.

5 Wm. IV., c. 43.

Other inconsistent enactments.

Proviso.

PROVISIONS RESPECTING INSPECTION OF FLOUR AND MEAL.

Inspection of Flour and Meal.

19. The Inspector or Assistant Inspector shall examine and inspect every barrel and half barrel of Flour and Meal, on application being made for that purpose by the proprietor or possessor thereof, and shall ascertain the qualities and conditions thereof, by boring the head of each barrel or half barrel, and proving the contents to the whole depth of the cask, by an instrument (not exceeding five-eighths of an inch in diameter within its gauge or bore) for that purpose; and after inspecting such Flour or Meal, the In-

spector or Assistant Inspector, shall cause the hole bored in each barrel or half barrel for Inspection to be plugged; and such Inspection may be made either at the Store or Warehouse of such Inspector, or at some Store within the limits of the place for which the Inspector is appointed, at the option of the owner or possesssor of such Flour or Meal; and each Inspector shall provide and keep in some convenient situation in the place for which he is appointed, a proper Store or Warehouse for the reception and inspection of Flour and Meal.

Flour, etc. taken out, how disposed of.

20. Each Inspector or Assistant Inspector shall, if required, deliver all Flour or Meal taken from any barrel or half barrel with the instrument used for the purpose of Inspection, to the person requiring such inspection, and shall incur a penalty of *twenty dollars*, every time he fails in so doing.

Inspector's brands.

21. Each Inspector shall provide and have a sufficient number of iron or other metal brands, and every Inspector or Assistant Inspector shall, in the Inspection of Flour and Meal, observe the following rules:

Barrels to be branded.

1. He shall, immediately after inspection, brand on each and every barrel or half barrel of Flour or Meal, the words "Quebec" "Montreal," "Toronto," "Kingston," "Hamilton," or the name of any other place where the inspection is made, and the initial of the Christian name and the Surname at full length of the Inspector, with the quality of the Flour or Meal, as hereinafter directed;

Sour.

2. On each and every barrel or half barrel of Flour or Meal which may on inspection be found sour, without any other damage or unmerchantable quality, he shall brand the word "Sour" in letters as large as those upon the rest of the brand or mark, in addition to the brand or mark designating the quality;

Rejected.

3. In all cases where Flour or Meal is found to be of unsound or unmerchantable quality from other causes, he shall brand the word "Rejected" at full length, and in plain legible characters, in addition to the brand or mark designating the quality;

Incorrect brands to be erased.

4. In all cases where the quality of the Flour or Meal inspected appears to be inferior to the brand or other mark of the manufacturer, and not to be thereby properly designated, the Inspector or Assistant Inspector shall erase and correct the same; He shall also brand or mark on each barrel of Flour or half barrel of Flour or Meal inspected by him, the month and year in which it is inspected, with the quality of the Flour or Meal therein;

Where to be branded.

5 All the said brands and other marks shall be branded or marked on one head of the barrel or half barrel;

Fees.

6. For such inspection and branding or marking, the person who required the inspection thereof shall pay to the Inspector for each and every barrel and half barrel of Flour or Meal so inspected and branded or marked, the sum of *two cents* (exclusive of cooperage) before such Flour and Meal shall be removed;

Bill of inspection to be furnished.

7. As soon as any Flour or Meal is inspected, a Bill of inspection shall be furnished by the Inspector or Assistant Inspector without fee or reward, specifying neatly and legibly the quantity and quality ascertained by inspection, and the charges therefor, and the owner's or manufacturer's mark or marks, and the gross quantity of Flour or Meal taken by the Instrument used for the purpose of Inspection from the lot in respect of which such Bill of Inspection is given.

Penalty for giving false bill of inspection.

8. If any Inspector or Assistant Inspector, knowingly and wilfully gives, in any Bill of Inspection, an untrue and incorrect certificate of the quantity or quality of any Flour or Meal by

him inspected, or gives such Bill without a personal examination and inspection of such Flour or Meal, he shall incur a penalty of *eighty dollars*, for each offence, and be dismissed from his office and be disqualified from ever after holding the same;

Brands in case of re-inspection.

9. Provided always, that no Flour or Meal which has been so inspected, branded or marked in one month or year, and re-inspected and examined in another, shall bear any other brand or mark of the year and month than that originally affixed to it;

Name of packer to be marked on barrel.

10. Provided also that the Inspector or Assistant Inspector shall examine each and every barrel of Flour or Meal offered for Inspection, and shall in no case brand or mark the same, unless the name of the manufacturer or packer, the place of packing, and the quality of the Flour or Meal, and the tare and net weight, are branded or marked legibly thereon.

Provisions as to branding.

22. All the said brand marks shall be neat and legible, and each Inspector and Assistant Inspector shall govern himself, as far as may be possible, by one uniform standard of quality for each description of Flour or Meal, and shall brand or mark, within a space not exceeding fourteen inches long by eight inches broad, on every barrel and half barrel of Flour or Meal inspected by him, all brands and marks required by this Act, under a penalty of *twenty dollars* for each barrel or half barrel inspected and branded, or inspected and marked, otherwise than is required by this Act.

Penalty for contravention

Qualities of Flour.

23. In branding or marking the different qualities or descriptions of Flour, the same shall be designated as follows:

That of a very superior quality, by the words "Superior Extra";
That of the second quality, by the words "Extra Superfine";
That of the third quality, by the words "Fancy Superfine";
That of the fourth quality, by the word "Superfine";
That of the fifth quality, by the words "Superfine No. 2";
That of the sixth quality, by the word "Fine";
That of the seventh quality, by the words "Fine Middlings";
That of the eighth quality, by the words "Ship Stuffs", or "Pollards".

Farine entière

And the quality called *Farine entière* by the letters E. N. T., by which latter description of Flour shall be understood the whole produce of the wheat when ground, excepting the coarse Bran and Pollards:

Kiln dried.

When the wheat from which Flour of any of the qualities is manufactured was previously kiln dried, the same shall be branded or marked by the packer on each and every barrel or half barrel, either at length or by the mark "Kiln D";

Qualities of Meal.

And in branding or marking the different qualities of Rye Flour, Indian Meal, or Oatmeal, the words "Rye Flour—"Indian Meal"—or Oatmeal" (as the case may be), shall be plainly branded or marked on every barrel and half barrel, to designate the Grain from which the same is made;—and the qualities shall be designated as follows:

The superior quality of Rye Flour, by the word "Superfine";
The second quality, by the word "Fine";
The Superfine qualities of Indian Meal or Oatmeal, by the word "First";
The second quality, by the word "Second"; and
The third quality, by the word "Third."

Inspector to provide samples.

24. Every Inspector of Flour and Meal shall, at his own expense, provide sufficient Samples of each of the qualities here-

inbefore mentioned of Flour and Meal, such Samples to be approved by the *Board of Trade* for the City or place for which the Inspector is appointed, and in the City of Halifax by or if the Inspector be appointed for any other place for which there is no Board of Trade, then by and such Samples shall be renewed as often as may be requisite, by the Inspector, at his cost, and shall be kept by the Secretary of the said Board of Trade or , to be referred to as occasion may require, and shall be the Standards by which the Inspector shall be governed in establishing the several qualities of Flour and Meal;

Renewal of samples.

2, But whenever any of the Samples of the several qualities of Flour and Meal referred to in this section, and provided by the Inspector at any one of the Cities of Quebec, Montreal, Kingston, Toronto or Hamilton, St. John or Halifax, require to be renewed, the new sample or samples to be provided by the Inspector and referred to by him for his government in inspecting Flour and Meal, shall be such and such only as are approved by a majority of the Board of Examiners *of the City*, or , as truly representing the standard approved by the Board of Trade for the same; and the Board of Trade, or , for any of the said Cities shall not renew the samples of any quality of Flour or Meal, except only between the fifteenth day of August and the fifteenth day of October in any year.

How much barrels of flour and meal shall contain.

25. Every half barrel of Flour shall contain ninety-eight pounds net, and every barrel of Flour shall contain one hundred and ninety-six pounds net;

2. Every half barrel of Rye Flour shall contain ninety-eight pounds net, and every barrel of Rye Flour shall contain one hundred and ninety-six pounds net;

3. Every half barrel of Indian Meal shall contain ninety-eight pounds net, and every barrel of Indian Meal shall contain one hundred and ninety-six pounds net;

4. Every half barrel of Oatmeal shall contain one hundred and twelve pounds net, and every barrel of Oatmeal shall contain two hundred and twenty-four pounds net;

Packer to mark his name, etc., on the barrel.

5. And it shall be the duty of the Packer or Manufacturer to brand, paint or mark the initials of his Christian Name, and his surname at full length, and the name of his mill or place of packing, the quality and weight of the Flour or Meal therein contained, and the tare of the cask, on one end of each and every barrel or half barrel of Flour or Meal packed for sale, in a plain and distinguishable manner, and he shall incur a penalty of *forty cents*, for each and every barrel or half barrel offered for sale or Inspection, with regard to which the requirements of this section are not complied with.

How flour shall be packed.

26. All Flour packed in Canada for sale, shall be packed in good and strong barrels or half barrels of seasoned oak, elm or other hardwood timber, and made as nearly straight as may be, and the staves of such barrels shall be twenty-seven inches in length from croe to croe, and those of half barrels twenty-two inches in length from croe to croe, with heads of the same:— the diameter of the heads of the barrels shall be from sixteen and a half inches to seventeen inches, and of half barrels from thirteen and a half to fourteen inches; and such barrels and half barrels shall be well seasoned and bound with at least ten wooden hoops, of which three shall be at each end, with a lining hoop within the chimes; the whole well secured by nails; under the penalty of

forty cents for each cask of Flour offered for sale or exported, which shall not be one of the foregoing description of barrels or half barrels; such penalty to be incurred by the person offering such cask for sale or exporting it.

Inspector to verify weight.

27. The Inspector or Assistant Inspector shall ascertain by examination the weight of the Flour or Meal in every cask which he suspects not to contain the full weight required by this Act, and if it does not contain such full weight, he shall cause it to be filled up by the person requiring such Flour or Meal to be inspected. so as to contain the weight required by this Act, and he shall, when required, certify the expense thereby incurred :

Proportion of lots to be verified.

2. And the Inspector or Assistant Inspector shall weigh such proportion of every lot of Flour or Meal offered for inspection (being not less than ten per cent. of each lot) as is necessary to verify whether the contents come up to the weight required by Law; and if such lot, or any part thereof, is deficient in legal weight, then he shall make or cause the deficiency to be made good by or at the expense of the owner thereof, so that each and every barrel shall contain the weight required by Law, and the Inspector or Assistant Inspector, shall, when required, certify the cost and expense thereby incurred ;

Penalty for neglect.

3. And every Inspector or Assistant Inspector who neglects so to examine and ascertain and weigh such Flour or Meal, and to cause the casks to be weighed as required by this section, shall, for every such neglect, incur a penalty of *eighty dollars*, and shall be liable for all damages which the buyer or seller of such Flour or Meal suffers in consequence of such neglect.

If foreign matters are mixed with flour or meal.

28. If upon the inspection of any barrel or half barrel of Flour or Meal, the Inspector or Assistant Inspector discovers any foreign substance mixed or blended therewith, or packed therein, he shall forthwith seize and detain the same, and make report thereon to any Justice of the Peace, under Oath, and such Justice may, if he sees fit, authorize the detention of the same in some safe place until the suit to be instituted for the penalty thereby incurred is determined; and every person wilfully and fraudulently mixing or blending any Flour or Meal by him packed for sale or exportation with any foreign matter, shall, for each such offence incur a penalty not exceeding *eighty dollars*; but no prosecution, suit or action for the recovery of any such penalty, shall be commenced after the end of *one month* from the seizure and report so made by the Inspector or Assistant Inspector; and if such penalty be recovered, the Flouror Meal in respect of which it has been incurred, shall thereupon be forfeited to and belong to the Corporation of the place.

Penalty for undermarking tare.

29. Every manufacturer or packer of Flour or Meal who undermarks the tare of any barrel or half barrel, or puts therein a less quantity of Flour or Meal than is branded thereon, shall incur a penalty of *four dollars* for every barrel or half barrel so undermarked or deficient, unless such deficiency of weight appears to be occasioned by some accident unknown to such manufacturer or packer, and happening after the packing of the barrel or half barrel.

Penalty in case of offering for sale flour deficient in weight.

30. If any person knowingly offers for sale any barrel or half barrel of Flour or Meal upon which the tare is undermarked, or in which there is a less quantity of Flour or Meal than is branded thereon, he shall incur a penalty of *four dollars* for every cask so

undermarked or deficient, without prejudice to the civil remedy of any party aggrieved for any damage sustained by him.

31. Every Inspector shall, on Monday in every week, make out, sign, and transmit to the Secretary of the Board of Trade for the city or place for which he is appointed, or if there be no such Board, then to a statement of the quantity and quality of all Flour and Meal inspected or re-inspected by him or his assistants during the next preceding week, and of all Flour or Meal by him or them weighed during such week, and found deficient in weight, or in respect of which the tare was falsely marked, stating also the brand and manufacturers' names. Inspector to furnish statement to Board of Trade.

32. In the foregoing enactments respecting the Inspection of Flour and Meal, the word "Meal" includes Oatmeal. Meal defined.

PROVISIONS RESPECTING THE INSPECTION OF WHEAT AND OTHER GRAIN.

33. The following shall be the standards of Wheat and other Grain :— Qualities of grain.

Wheat.

Wheat.

No. 1 *White Winter*—Shall be sound, plump, and free from admixture of other Grain.

No. 2 *White Winter*—Shall be sound and good, but less free from other Grain than No. 1.

No. 1 *Red Winter*—Shall be sound, plump, and free from admixture of other Grain.

No. 2 *Red Winter*—Shall be sound and good, but less free from other Grain than No. 1.

Extra Spring—Shall be sound, plump, and free from admixture of other Grain, and weigh not less than 61 lbs. per Winchester bushel.

No. 1 *Spring*—Shall be sound, free from admixture of other Grain, and weigh not less than 59 lbs. per Winchester bushel, and shall consist of two grades—No. 1 bright, and No. 1.

No. 2 *Spring*—Shall be sound, but less free from other Grain than No. 1, and its weight shall not be less than 57 lbs. per Winchester bushel.

All unsound, damp, or very dirty Wheat of whatever kind, shall be classed "Rejected."

Peas.

Peas.

No. 1—Shall be clean, sound, and white.

No. 2—Shall be sound, mixed.

All unsound, damp, or very dirty Peas shall be classed "Rejected."

Corn.

Corn.

Pure White—*Pure Yellow*—*Mixed* and *Rejected*—Shall be classed according to its quality.

Oats.

Oats.

No. 1—Shall be clean and sound.
No. 2—Shall be sound, but too dirty for No. 1.
All unsound, damp, or very dirty Oats shall be classed as "Rejected."

Rye.

Rye.

No. 1—Shall be sound and well cleaned.
No. 2—Shall be such as is too dirty to be classed as No. 1.

Barley.

Barley.

No. 1—Shall be plump in the berry, well cleaned, sound, and bright in color.
No. 2—Shall be sound and clean.
All unsound, damp, or very dirty Barley shall be classed as "Rejected."

How grain is to be measured.

34. Wheat, or other Grain, shall be measured as follows for ascertaining whether it is of standard weight,—that is to say; the bushel, half-bushel, or quarter of a bushel, shall be placed on a flat floor, and filled with a scoop large enough to fill it at one time, and shall be struck with a roller $2\frac{1}{2}$ inches in diameter.

Inspector to determine quality.

35. The Inspector or Assistant Inspector shall determine and certify the quality of all Wheat or other Grain submitted to him for Inspection, in conformity to the standards hereinbefore prescribed.

Inspector to provide samples.

36. Each Inspector of Grain shall, at his own expense, provide sufficient samples of each of the qualities of the different kind of Grain, of which the standard is hereinbefore fixed; such samples to be approved by the Board of Examiners, and to be renewed as often as may be required by the said Board; and the same shall be deposited with the Secretary of the Board of Trade of the city for which the Inspector is appointed, or if there be no such Board then with
and kept by him as standard samples, by which the Inspectors shall be governed in establishing the several qualities of Wheat and other Grain.

Weight and color of grain.

37. The standard weight of each kind of Grain shall be fixed and unchangeable; and when the samples aforesaid are renewed, the color of the new samples shall be as near that of the original samples as possible.

Inspector's office.

38. The Inspector shall provide himself with an office in some place in the *city* or locality for which he is appointed, convenient for the trade, and shall keep a record of all his Inspections, which shall be open to the public.

Fees.

39. For such Inspection, the person who required the inspection thereof shall pay to the Inspector the fees payable for the service performed, under the Tariff made by the *Board of Examiners*, as hereinafter provided, and then in force.

Tariff of fees

40. The Board of Examiners, or a quorum thereof, shall make

a Tariff of the Inspectors' fees for the several services which may be required of them, and may from time to time, as circumstances may require, re-model and alter such Tariff. How made.

41. As soon as any Wheat or other Grain is inspected, a bill of Inspection (with a certificate to the shipper when required) shall be furnished by the Inspector or Assistant Inspector, without fee or reward, specifying the quantity and quality ascertained by inspection, and the charges thereon, with the name of the store, vessel, or number of the car wherein the Wheat or other Grain was when inspected. Bill of inspection to be furnished.

42. The Inspector shall, on Monday in every week, make out, sign, and transmit to the Secretary of the Board of Trade of the city for which he is appointed, or if there be no such Board, then to a statement of the quantity and quality of all Wheat and other Grain inspected or re-inspected by him, or his assistant, during the next preceding week. Inspector to make weekly statement.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF BEEF AND PORK.

43. The Inspector or Assistant Inspector shall cut up, salt, pack and cure, or if already packed, shall unpack and examine throughout, adding salt, if necessary, and coopering up the same according to the requirements of this Act, every barrel or half barrel, tierce or half tierce of Beef or Pork submitted to him for inspection; and such inspection may be made either at the store, shop or warehouse of the Inspector, or at some store within the limits of the city or place for which he is appointed, at the option of the owner or possessor of such Beef or Pork submitting it for Inspection; and every Inspector shall provide in some convenient position in the city or place for which he is appointed, a proper store or place for the reception and Inspection of Beef and Pork. Inspection of beef and pork.

44. Each Inspector and Assistant Inspector shall provide and have a sufficient number of iron or other metal brands for his use, and in inspecting Beef or Pork shall observe the following rules: Inspector's brands.

1. He shall brand immediately after inspection on each and every barrel or half barrel, tierce or half tierce of Beef or Pork, the words "Quebec," "Montreal," "Toronto" or "Kingston," or the name of the place for which he is appointed, as the case may be, and the initial of the christian name, and the surname at full length of the Inspector, with the quality as hereinafter directed; Brands.

2. Every barrel or half barrel, tierce or half tierce of Pork or Beef which may on inspection be found to be soft or still fed, although it may be in all other respects fat and of good quality, shall be branded with the word "Soft" in letters as large as those upon the rest of the brand, in addition to the brand designating the quality; Soft.

3. In all cases where Beef or Pork is found to be of unsound and unmerchantable quality, from other causes than those aforesaid, he shall brand the same with the word "Rejected" at full length and in plain legible characters; Rejected.

4. In all cases where the Beef or Pork appears inferior to the mark of the packer or of any former inspection, the Inspector, or Assistant Inspector, shall erase and correct the same: Incorrect remarks to be erased.

What shall be branded on barrels, etc.

5. He shall also brand upon each barrel or half barrel, tierce or half tierce of Beef or Pork inspected by him, the month and year in which it is inspected, with the net weight and quality of the Beef or Pork therein;

Fees.

6. For such inspection and branding, the Inspector shall be entitled to receive of and from the person submitting the same for inspection, for each and every barrel and half barrel, tierce or half tierce of Beef or Pork so inspected, salted, packed, pickled and branded, *twenty cents* for each barrel, *twelve and a half cents* for each half barrel, *thirty cents* for each tierce, and *eighteen cents* for each half tierce exclusive of cooperage and repairs, the charge for which said cooperage and repairs shall not exceed *ten cents* per barrel or half barrel, tierce or half tierce; In consideration of which charges, all barrels or half barrels, tierces or half tierces shall be delivered in good shipping order;

By whom payable.

7. Such fee or allowance shall be paid by the owner or possessor of such Beef or Pork before it shall be removed;

Bill of Inspection.

8. As soon as any Beef or Pork is inspected, a bill of Inspection shall be furnished by the Inspector or Assistant Inspector without fee or reward, specifying neatly and legibly the quantity of Beef or Pork so delivered to him, and the owner's mark or marks thereon, and the quantities and qualities ascertained by inspection, and the charges thereof;

Penalty for false certificate.

9. If any Inspector or Assistant Inspector knowingly and wilfully gives an untrue or incorrect certificate of the quantity or quality of any Beef or Pork by him inspected, or gives such certificate without a personal examination and inspection of such Beef or Pork, he shall thereby incur a penalty of *eighty dollars*, for each offence, and be dismissed from his office and incapable of ever after holding the same;

Date of inspection not to be changed in case of re-inspection.

10. No Beef or Pork inspected and branded in one month or year and re-inspected and repacked in another, shall bear any other brand of the year and month than that originally, affixed to it,—except that on the vessel containing any Beef or Pork re-inspected, the date of such re-inspection with the other particulars required in case of inspection, may be branded; but no preceding inspection brand or any part thereof shall be effaced, except in the case hereinbefore provided for; and every re-inspection which shall be made without complying with the requirements of this section, shall be held to be an inspection made contrary to this Act, and the person making it shall thereby incur the penalty aforesaid;

How casks shall be branded.

11. All the said brand marks shall be branded on one head of the barrel or half barrel, tierce or half tierce, and all such brand marks shall be large and legible, and all such marks shall be branded within a space not exceeding fourteen inches long by eight inches broad on each of the casks inspected, under a penalty of *eighty dollars* for each barrel or half barrel, tierce or half tierce inspected and not branded, or otherwise branded than is required by this Act;

By whom fees shall be payable.

12. In all cases where any Beef or Pork is sold subject to inspection the person applying to the Inspector to have the same inspected, shall be entitled to reimbursement of the price of inspection from the vendor, if such applicant be not himself the vendor, or unless an express stipulation to the contrary was made at the time of sale, or of the agreement to submit the Beef or Pork to inspection; and any such agreement shall imply a warranty that all the requirements of this Act have been complied with, as well with regard to Beef or Pork to which it relates, as to the vessels in which they are contained, and the marks upon such vessels.

Qualities of beef.

45. All Beef which the Inspector finds on examination to have been killed at a proper age and to be fat and merchantable, shall be cut into pieces as nearly square as may be, not more than eight nor less than four pounds weight, and shall be sorted and divided for packing and re-packing in barrels, half-barrels, tierces and half-tierces into four different sorts, to be denominated respectively, "*Mess*," "*Prime Mess*," "*Prime*" and "*Cargo*" Beef.

"Mess beef."

2. Mess Beef shall consist of the choicest pieces only, that is to say : Briskets, the thick of the Flank, Ribs, Rumps and Sirloins of Oxen, Cows or Steers, well fatted ; and each barrel or half-barrel, tierce or half-tierce containing Beef of this description, shall be branded on one of the heads with the words "*Mess Beef ;*"

"Prime Mess beef."

3. Prime Mess Beef shall consist of pieces of meat of the second class, from good fat cattle, without shanks or necks ; and barrels and half-barrels, tierces and half tierces containing beef of this description, shall be branded on one of the heads thereof with the words "*Prime Mess Beef ;*"

"Prime beef."

4. Prime Beef shall consist of choice pieces of fat cattle, amongst which there shall not be more than the coarse pieces of one side of a carcase, the houghs and neck being cut off above the first joint ; and barrels and half-barrels, tierces and half-tierces containing Beef of this description, shall be branded on one of the heads thereof with the words "*Prime Beef ;*"

"Cargo beef."

5. Cargo Beef shall consist of the meat of fat cattle of all descriptions of three years old and upwards, with not more than half a neck and three shanks (with the houghs cut off above the first joint,) and the meat otherwise merchantable; and barrels and half-barrels, tierces and half-tierces containing such Beef shall be branded on one of the heads "*Cargo Beef ;*"

What barrels, etc., shall contain.

6. Each barrel in which Beef of any one of the foregoing descriptions shall be packed or re-packed, shall contain two hundred pounds of Beef, and each half-barrel one hundred pounds, each tierce three hundred pounds, and each half-tierce one hundred and fifty pounds,

Qualities of pork.

46. All Pork which the Inspector finds on examination to be fat and merchantable, shall be cut in pieces as nearly square as may be, and not more than six nor less than four pounds weight and shall be sorted and divided into four different sorts, to be denominated respectively: "*Mess*," "*Prime Mess*," "*Prime*," and "*Cargo*" Pork :

"Mess pork."

2. Mess Pork shall consist of the rib pieces only, of good hogs not weighing less than two hundred pounds each ; and barrels and half barrels, tierces and half tierces containing such Pork, shall be branded on one of the heads, "*Mess Pork ;*"

"Prime Mess pork."

3. Prime Mess Pork shall consist of the pieces of good fat hogs not weighing less than one hundred and ninety pounds each, the barrel to contain the coarse pieces of one hog only, that is to say, two half heads (not exceeding together sixteen pounds in weight) with two shoulders and two hams and the remaining pieces of a hog,—the tierce to contain the relative proportion of heads, shoulders and hams, and the remaining pieces of one hog and a half hog, but when the pork under inspection is from hogs exceeding two hundred pounds each in weight, the Inspector shall make "Mess Pork" of such rib and side or flank pieces thereof, cut in the manner and of the weight above prescribed, as shall in his judgment be equal in quality on the average to Mess Pork, as above defined, and barrels and half barrels, tierces and half tierces, containing Pork of this description shall be branded on one of the heads "*Prime Mess Pork ;*"

"Prime pork"

4. Prime Pork shall consist of the pieces of good fat hogs, not weighing less than one hundred and fifty pounds each, the barrel to contain the coarse pieces of one hog and a half only,—that is to say,—three half heads, (not exceeding together twenty-four pounds in weight,) three hams and three shoulders, and the remaining pieces of a hog and a half a hog,—the tierce to contain the relative proportions of heads, shoulders and hams, and the remaining pieces of two hogs and a quarter of a hog;—And each barrel or half barrel, tierce or half tierce containing Pork of this description shall be branded on one of the heads "*Prime Pork*;"

"Cargo pork"

5. Cargo Pork shall consist of the pieces of fat hogs, weighing not less than one hundred pounds each;—the barrel to contain the coarse pieces of not more than two hogs, that is to say: four half heads, (not exceeding together in weight thirty pounds,) four shoulders and four hams, and the remaining pieces of two hogs, and to be otherwise merchantable Pork;—the tierce to contain the relative proportions of heads, shoulders and hams and the remaining pieces of three hogs; and the barrels and half barrels, tierces and half tierces containing Pork of this description shall be branded on one of the heads, "*Cargo Pork*;"

What parts to be cut off.

6. But in all cases the following parts shall be cut off, and not packed, namely,—the ears close to the head,—the snout above the tusks,—the legs above the knee joint,—the tail shall also be cut off, and the brains, tongue and bloody grizzle taken out;

What barrels, etc. shall contain.

7. Each barrel in which Pork of any of the foregoing descriptions may be packed or re-packed, shall contain two hundred pounds, and each tierce three hundred pounds,—and each half barrel or half tierce one half those quantities respectively,—of the several kinds and qualities of Pork, aforesaid, and shall be branded accordingly.

Rejected beef or pork.

47. On the head of every barrel or half barrel, tierce or half tierce containing any thin, rusty, measley, tainted, sour or unmerchantable Pork, or unmerchantable or spoiled Beef, branded "Rejected" in consequence of its being so, the true character both as to quality and condition of such Pork or Beef shall also be marked with black paint; and each Inspector shall certify, whenever required, the quality of any Beef or Pork by him inspected, the state and condition thereof, and the packages containing the same, specifying the extent of damage appearing on inspection, and the apparent cause thereof, whether exposure, injury in transportation, or originally defective packing or putting up, and also specifying the brands, or other marks, upon the casks or packages inspected, and the name of the owner or possessor thereof.

Quality and quantity of salt.

48. The salt used in packing aud re-packing Beef and Pork inspected and branded under this Act, shall be clean St. Ubes, Isle of May, Lisbon, Turks Island, or other coarse grained salt of equal quality; and every barrel of fresh Beef or Pork shall be well salted with seventy-five pounds, and every tierce with one-hundred and twelve pounds, of good salt, as aforesaid, exclusive of a sufficient quantity of pickle as strong as salt will make it;—and to each barrel of Beef or Pork shall be added four ounces, and to each tierce six ounces, of saltpetre; and each half barrel, or half tierce of fresh Beef or fresh Pork shall be salted with half the quantity of salt and saltpetre above mentioned, with a sufficiency of pickle; and in all cases of packing and re-packing Beef or Pork to be inspected and branded under the authority of this Act, the Inspector may use salt, saltpetre and pickle in his discretion.

49. Every barrel and half barrel, tierce or half tierce containing Beef or Pork inspected in Canada, shall be made of good seasoned white oak staves, and the heads shall not be less than three quarters of an inch thick; and each stave on each edge at the bilge shall not be less than half an inch thick when finished for barrels, nor less than three quarters of an inch thick when finished for tierces, and the wood of half barrels or of half tierces shall be in the same proportion to their size, and shall in all cases be free from every defect: How barrels, etc. shall be made.

2. Every barrel and half barrel, tierce or half tierce, shall be hooped and covered two-thirds of its length with good oak, ash or hickory hoops, leaving one-third in the centre uncovered; and each barrel or half barrel, tierce or half tierce, shall be bored in the centre of the bilge with a bit of not less in diameter than one inch, for the reception of pickle; Hoops, etc.

3. Each barrel shall not be less than twenty-seven inches nor more than twenty-eight inches and a half long; and the contents of each barrel in which Beef shall be packed or re-packed shall not be less than twenty-eight gallons, nor more than twenty-nine gallons, wine measure, and the contents of each barrel in which Pork shall be packed or re-packed shall not be less than thirty gallons nor exceed thirty-one gallons, wine measure; Length, etc. of barrels.

4. Each tierce shall not be less than thirty inches, nor more than thirty-one inches long; and the contents of each tierce in which Beef shall be packed or re-packed, shall not be less than forty-four gallons, nor exceed forty-five gallons, wine measure; and the contents of each tierce in which Pork shall be packed or re-packed shall not be less than forty-five gallons, nor exceed forty-six gallons, wine measure; Length, etc. of tierces.

5. Half barrels or half tierces in which Beef or Pork shall be packed and re-packed shall severally contain half the number of gallons above mentioned, and no more; Half barrels and half tierces.

6. And the Inspector shall examine carefully and ascertain the sufficiency of each barrel, and half barrel, tierce or half tierce, before branding the same, and shall brand none with regard to which the requirements of this Act have not been complied with. Inspector to examine barrels, etc.

50. Nothing in this Act shall prevent any Inspector of Beef and Pork, from furnishing salt, saltpetre, or barrels or half barrels, tierces or half tierces, if necessary, but it shall be optional with the proprietor or possessor of such Beef or Pork, to furnish such salt, saltpetre, barrels or half barrels, tierces or half tierces himself, if he sees fit, whether the same be for new packing or to replace unsound old packages, or bad salt, and whether the same be at the stores of the Inspector or of such proprietor or possessor. Furnishing of salt and other requisites.

51. No Inspector shall suffer any Beef or Pork, if left in his charge after it has been inspected, to be exposed to the heat of the sun or inclemency of the weather longer than six days, under the penalty of *forty dollars* for every such offence; and every Inspector who neglects to provide a suitable store in a convenient situation, shall incur a penalty of *four dollars* per day for every day he has neglected to provide himself with such store after his appointment as Inspector. Beef and pork to be protected from the weather.

52. No Inspector of Beef and Pork shall, when he inspects any Beef or Pork, at the store hereinbefore required to be kept by him for the purpose, charge any storage thereon, unless the same shall have been left in his store more than ten days after he As to storage.

has delivered to the owner or possessor thereof a notice of its having been inspected, or an inspection bill thereof.

Inspection to be made only by Inspector or Assistant.

53. No person other than an Inspector or Assistant Inspector under this Act, and who has previously complied with all the requirements thereof, or the actual owner of the Beef or Pork inspected shall inspect any Beef or Pork, or brand or mark any barrel or half barrel, tierce or half tierce, or cask or vessel of any kind, containing such Beef or Pork, or give any Certificate of Inspection, under a penalty of *forty dollars* for each barrel, half barrel, tierce or half tierce, cask or vessel of Beef or Pork so inspected or branded, or with regard to which such Certificate is given, to be recovered and applied in the manner provided by this Act with regard to penalties hereby imposed.

Penalty if packer neglects to mark his name on vessels.

2. And if any owner of any Beef or Pork brands any such vessel as aforesaid containing Beef or Pork, without affixing to his surname and the initial of his christian name, the date at which the same was branded, and the word "owner" or "owners," he shall be held to have inspected and branded the same contrary to the provisions of this Act, and shall incur the penalty aforesaid.

Inspection not compulsory under certain conditions.

54. Nothing in this Act shall prevent any person from packing for exportation or from exporting any Beef or Pork without inspection, provided such Beef or Pork be packed in tierces or half tierces, barrels or half barrels of the dimensions hereinbefore prescribed for such vessels, respectively, and be marked with black paint or branded on one end thereof with the name and address of the packer, the date and place of packing, the weight and the quality of the Beef or Pork contained in each package:

Rounds and briskets of beef, etc., excepted.

2. Nor shall any thing in this Act prevent any person from packing for exportation or from exporting without inspection any Rounds of Beef, Rounds and Briskets of Beef, the meat of young pigs called Pig Pork, the tongues of neat Cattle, the tongues of pigs, hams of pigs or pig's cheeks, or any smoked or dried meat of any description contained in tubs, casks, or barrels or other packages of any kind, provided each package be marked in the manner above mentioned;

Penalty for contravention

3. But every person who exports any meat of the kind last mentioned, not so marked as aforesaid, or Beef or Pork of any other kind not so marked or not packed in barrels or half barrels, tierces or half tierces of the dimensions hereinbefore prescribed shall thereby incur a penalty of *four dollars*, for each and every barrel or half barrel, tierce or half tierce, tub, cask or other package with regard to which the provisions of this section are contravened.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF POT AND PEARL ASHES.

Inspection of ashes

55. Every Inspector or Assistant Inspector, on proceeding to inspect any Pot or Pearl Ashes, shall either by emptying the whole of the Pot or Pearl Ashes out of the barrel, or by opening both ends of the barrel, and if necessary by scraping the barrel and cakes of Ashes, carefully examine, try and inspect and sort the same into three different sorts or qualities to be denominated *first sort, second sort* and *third sort*, determining the several sorts as follows:

Qualities of ashes.

First sort Pot Ashes, shall contain seventy-five per cent. of pure Alkali, at the least;

Second sort Pot Ashes, shall contain sixty-five per cent. of pure Alkali, at the least;

Third sort Pot Ashes, shall contain fifty-five per cent. of pure Alkali, at the least;

First sort Pearl Ashes, shall contain sixty-five per cent. of pure Alkali, at the least;

Second sort Pearl Ashes, shall contain fifty-five per cent. of pure Alkali, at the least;

Third sort Pearl Ashes, shall contain forty-five per cent. of pure Alkali, at the least;

Each quality shall be in all other respects, entitled to rank of the quality designated thereon;

Ashes to be repacked.

2, The Inspector or Assistant Inspector shall repack the Ashes into good and sufficient barrels of the size and description hereinafter specified, to be properly coopered and branded and shall weigh each barrel, and mark on the branded head, with black, the weight thereof including tare, and the weight of the tare under the same;

Branding.

3. He shall brand in plain letters and figures on each and every barrel by him inspected containing Ashes of the first quality, the words, *First sort*, of the second quality, the words, *Second sort*, and of the third quality, the words, *Third sort*, together with the words *Pot Ash*, *Pearl Ash*, as the case may be, with his own name and that of the place where the Ashes are inspected, and the year when such inspection is made;

Crustings and scrapings. How disposed of.

4. He shall also collect the crustings or scrapings of the barrels and cakes of Pot and Pearl Ashes (if any) of each separate lot, and deduct the value of the same from the inspection charges to be paid by the proprietor of such lot, or deliver them to him;

Adulterated ashes.

5. He shall mark the word "*unbrandable*" *No*, 1, (2, 3, 4 *or* 5,) according to its strength, on every barrel which he shall discover to contain Ashes so adulterated with stone, sand, lime, salt, or any other improper substance, as not to admit of their being classified as *first*, *second* or *third* sort;

Weigh note or bill.

6. He shall also make and deliver a separate Weigh Note or Bill of each quality of Ashes, whenever required so to do by the Owner thereof or his Agent.

Description of barrels.

56. No Pot or Pearl Ashes shall be inspected in barrels of any size or description other than the following: Pot Ashes, in barrels to be constructed of oak or white ash timber; and Pearl Ashes, in barrels to be constructed of oak, white ash, black ash, or elm timber;—and the said timber to be of the best description, and thoroughly seasoned, and the said barrels to be made perfectly tight, and to be well and completely hooped with, at least fourteen sound oak, ash, hickory, blue beech or elm hoops each; the said barrel shall not exceed thirty-two inches in length by twenty-two inches in diameter on either head, nor be less than thirty inches in length by twenty inches in diameter in either head, and the chime thereof shall not exceed one inch; and the Inspectors shall reject all barrels not constructed according to the foregoing directions, or which, in their opinion, are insufficient to resist the tear, wear and usage to which they are liable: And from the gross weight of the barrel when filled up, the actual weight of such barrel, as tare, shall be deducted; and every manufacturer of Ashes shall be bound to mark, in legible characters, on the end of each barrel, before the same is filled, the exact weight thereof,

Inspectors to provide warehouse.

57. In any place where there is an Inspector of Ashes, *except in the City of Montreal*, each Inspector shall provide himself with

suitable and convenient premises for the storage and inspection of Ashes, and shall keep all barrels of Ashes delivered to him for inspection, while in his possession, in some dry place safe from the injuries of the weather or of floods, and under a tight roof, and if in sheds, the same shall be good and sufficient and inclosed on every side; and any Inspector contravening this section shall forfeit *two dollars* for every barrel not stored as aforesaid, and forfeit and pay to the owner thereof, *two dollars*, besides the actual damages sustained by the owner.

Special provision as to the City of Montreal.

58. The Inspector (which word in this section includes the Joint Inspector) for the City of Montreal, shall provide suitable and convenient buildings for the storage and inspection of Ashes, to be furnished with metal gutters and spouts, and to be covered with metal or slate, and to be of that description of building commonly known as *first class*, or such as shall be approved of by the Council of the Board of Trade for that City;

Ashes to be insured.

2. Such Inspector at all times, and at his own cost and charges, shall keep the Ashes stored in the said premises, insured to an amount of notless than one hundred thousand dollars,—and shall deposit the Policies therefor with the Secretary of the said Board of Trade for the time being, and renew such policies from time to time as occasion requires, but such Insurance shall not be effected until after the name of the Company or Companies with whom he is desirous of effecting the same has been submitted to the Council of the said Board of Trade of the said City for their approval, and such approval has been signified to the Inspector in writing;

Further provision as to insurance.

3. And should the said Insurance, at any time, be less than the actual value of the Ashes stored in the said premises, the said Inspector shall, at his like cost and charges, and subject to the conditions above prescribed, effect additional Insurance sufficient to cover the extra value of the said Ashes during the time they may remain so stored as aforesaid; and the said Inspector shall be bound to deliver to the owner thereof, in good order, all Ashes received into the Inspection stores.

Fees for inspection, etc.

59. For all the services to be performed, as aforesaid, each Inspector may charge on the Inspection Bill as follows:

The sum of *seven cents* for every hundred weight of Pot or Pearl Ashes by him so inspected;

The actual cost for every barrel by him furnished;

The sum of *twenty cents*, for each new head so furnished, and the sum of *fifteen cents*, as and for cooperage and repairs on each barrel of Pot or Pearl Ashes by him so inspected, (the said cooperage to include nails and the end hoops of the barrel);

The sum of *twenty-five cents*, for putting in a barrel, partly filled with Pot or Pearl Ashes, the additional quantity thereof necessary to fill the same whenever duly required so to do;

The sum of *twenty-five cents* per barrel in all cases where lime, raw Ashes, damaged Ashes, or other trash have been packed or mixed with Pot or Pearl Ashes, for his services in extracting and separating the same;

In consideration of which charges all barrels shall be delivered in good shipping order, and charges shall be paid or allowed to the purchaser by the person offering such Pot or Pearl Ashes for inspection, or his agent.

Time for in-

60. Each Inspector shall have all Ashes sent to him for in-

spection inspected, and the Inspection Bills prepared for delivery, and the whole well and duly coopered and prepared for shipment, within a period not exceeding thirty-six working hours from the date such Ashes are received into the Inspection Stores ; and such Inspector shall further be entitled to receive *eight cents* per barrel, for the storage of each barrel of Ashes which remains stored with him as aforesaid more than ten days after the date of the Invoice, Weigh Note, or Inspection Bill, and *five cents* per barrel for each subsequent month they shall remain stored (reckoning the second month to commence forty days from and after the date of the Invoice, Weigh Note, or Inspection Bill), and such storage and all other charges shall be paid by the persons or persons receiving or shipping the said Ashes or by his or their agent ; but in no case shall any storage be paid or required when the Ashes shall not have remained stored as aforesaid during ten days from and after the date of the Invoice or Weigh Note.

spection limited.

Storage.

61. The Inspector of Ashes for the *City of Montreal* shall further be entitled to charge a sum not exceeding *two and a half cents* per barrel, as and for Insurance, on each barrel of Pot or Pearl Ashes sent to his premises for inspection and such Insurance shall be considered as chargeable from the day such barrel is received into the said premises, and the said Ashes shall be held to be insured from the period of such reception, but such rate shall cover all Insurance on the said Ashes during the whole period they may remain stored in the said premises ; and the said Insurance shall be charged by the Inspector in the Inspection Bill.

Fees for insurance.

62. The said Inspector for the City of Montreal shall, from time to time, make returns of the business of his office to the Council of Board of Trade of the said City of Montreal, whenever duly required so to do by the said Council.

Inspector to make returns.

63. Every Inspector or Assistant Inspector, who, during his continuance in office, permits any cooper or other person by him employed, to retain or keep any Pot or Pearl Ashes, or who brands any barrel of Ashes of any description or size other than is prescribed by this Act, or who dates any Weigh Note or Bill of Inspection otherwise than of the day when the Ashes where actually inspected, or who delivers out of his possession any such Weigh Note or Bill of Inspection without any date, or who does not conform to the provisions of this Act, shall, for every such offence, incur a penalty not exceeding *four hundred dollars*, and be for ever thereafter disqualified from holding and exercising the office of Inspector of Pot and Pearl Ashes, or of Assistant Inspector ; and any Inspector or Assistant Inspector or Clerk, or other person, who makes or causes to be made any false or fraudulent Bill of Ashes, shall be guilty of Felony, and shall be punishable by imprisonment in the Penitentiary for any term not exceeding seven years and not less than two years, or in any other gaol or place of confinement for any term less than two years.

Offences and penalties.

64. Nothing in this Act shall prevent any person from exporting Pot and Pearl Ashes, without inspection, provided that on one end of the barrel, containing the same, there be neatly and legibly branded or marked, the name and address of the manufacturer, the weight and tare of the barrel, and the quality of Ashes contained in it ; but any person who exports any Pot or Pearl Ashes not so marked as aforesaid, or wilfully marks any such barrel falsely, shall thereby incur a penalty of *twenty dollars*.

Inspection not compulsory under certain conditions.

None but Inspector of Ashes to inspect.

65. Any person not being duly authorized under this Act, who in any manner whatever assumes the title or office of Inspector of Pot and Pearl Ashes, or exercises any of the duties of such Inspector, or issues any bill, certificate or declaration purporting to establish the quality of any Pot Ashes or Pearl Ashes, shall, for every such offence, incur a penalty of *twenty dollars*, which may be recovered in the manner prescribed by the foregoing section, or by summary conviction before any Justice of the Peace, who in default of immediate payment, may issue a Warrant of Distress, or commit the offender to the common gaol until such penalty be paid.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF FISH AND FISH OILS.

Inspector to provide branding irons.

66. Every Inspector shall provide himself with proper branding irons, for the purpose of branding such casks, barrels and boxes as may by him be inspected pursuant to this Act; and it shall be the duty of each Inspector to know that all his Assistants are duly provided in this respect.

Inspecting etc., to be done in presence of Inspector.

67. The inspecting, culling, classing, weighing, packing, and branding, of any fish or oil shall be done in the immediate presence and sight of an Inspector or Assistant Inspector; and any Inspector or Assistant Inspector who brands any cask, barrel keg or box, or gives his official stamp or certificate to or for any description of fish or oil mentioned in this Act, the contents or bulk of which he has not inspected, according to the true intent and meaning of this Act, and any Inspector or Assistant Inspector, suffering the same to be done except in his immediate presence and sight, or who shall lend his branding irons or suffer the same to be taken and used, or taken to be used, in violation or evasion of this Act, shall be liable to a penalty not exceeding *forty dollars* for every offence, and be forthwith removed from office.

Duty of Inspector.

68. It shall be the duty of the Inspector or Assistant Inspector to see that all kinds of split, whole, pickled or salted fish, intended for packing or barrelling, and submitted to him for inspection, have been well struck with salt or pickle, in the first instance, and preserved sweet, free from taint, rust, saltburn, oil or damage of any kind: and all fish or oil intended for market or exportation, and branded as inspected and merchantable, shall be well and properly packed, in good, tight and substantial packages or casks, which shall be made of the materials and in the manner following:—

Tierces, barrels, etc. how to be made.

Tierces, barrels and half-barrels shall be made of sound, well-seasoned split or sawed staves, free from sap, and in no case to be of hemlock, and the heading shall be of hard wood, pine or spruce, free from sap, and planed on the outsides, and shall be at least three quarters of an inch in thickness. The staves shall be five-eighths of an inch in thickness. Staves for salmon and mackerel barrels shall be twenty-eight inches in length, and the heads between the chines seventeen inches. Staves for barrels for herring twenty-seven inches in length, and the heads between the chines shall be sixteen inches. The bung-stave of all packages shall be of hard-wood, and all casks shall be hooped one third of their whole length from each chine, with sound, good hoops of not less than one inch in width at the large end for all tierces and barrels, and in no case to be of alder. The makers of all tierces, barrels and half-barrels, shall brand the initials of their christian names and their whole

surnames at or near the bung staves, under a penalty of fifty cents for every package not so branded.

Pickled fish, etc. to be inspected.

69. All pickled fish cured for market or exportation, and all fish oils, codfish tongues and codfish sounds, shall be inspected, weighed, or gauged and branded, in accordance with this Act, and all green codfish, in boxes, packages, or in hulk, shall be inspected and culled, and a certificate of inspection for the latter, stating the quality and quantity thereof so inspected, and shipped on board any vessel, shall be granted by any Inspector or Assistant Inspector.

Qualities of fish.

70. The various kinds of fish and oils to be inspected under this Act shall be branded of the following denominations, respectively:

Salmon.

1. SALMON to be branded "No. 1" shall consist of the largest, or best and fattest kind, being well split, the blood being well washed out before being salted, well cured, in the best condition, and in every respect free from taint, rust, or damage of any kind.

Those to be branded "No. 2" shall comprehend the best salmon that remain after the selection of the first quality, and shall be good, sound fish, well split and cured, in the best condition, and in every respect free from taint, rust, or damage of kind.

Those to be branded "No. 3" shall consist of those that remain after the selection of the first two qualities, but must be good, sound fish, and in every respect free from taint, rust, or damage of any kind.

Mackerel.

2. MACKEREL to be branded "No. 1" shall consist of the best and fattest mackerel, being well split, having the blood well washed out before being salted, well cured, in the best condition, and free from taint, rust, or damage of any kind, and shall measure not less than fourteen inches from the extremity of the head to the crotch or fork of the tail.

Those to be branded "No. 2" shall comprehend the best mackerel that remain after the selection of the first quality, and shall be properly split and washed, well cured, and in every respect free from taint, rust, or damage of any kind, and shall measure not less than twelve inches from the extremity of the head to the crotch of the tail.

Those to be branded "No. 3" shall consist of good sound mackerel, properly washed, well cured, and free from taint, rust, or damage of any kind, and shall measure eleven inches and upwards from the extremity of the head to the crotch of the tail.

All mackerel under eleven inches in length, of good, sound quality, and free from taint and rust, or damage of any kind, shall be branded with the word "Small" in the place of a number.

All short, sunburnt or ragged mackerel, of whatever class, and not otherwise defective, shall be branded "No. 4."

Herring, etc.

3. HERRINGS, GASPEREAUX and ALEWIVES to be branded "No. 1" shall consist of the largest and best fish;

And those to be branded "No. 2" shall comprehend the best herrings that remain after the selection of the first quality.

All undersized herrings to be branded "No. 3," with the word "Small" in addition to the other brands.

All ripped herrings shall be branded with the word "split," in addition to other brands.

All gibbed herring shall be branded with the word "gibbed," in addition to other brands.

All herrings that are not gibbed or ripped shall be branded with the word "round," in addition to other brands.

All spring-caught herrings shall be branded with the word "spring," in addition to other brands.

The above shall be well cleansed and cured, and in every respect free from rust, taint or damage.

Smoked herrings.

4. Smoked herrings to be branded "No. 1" shall comprehend the best and fattest fish; and those to be branded "No. 2" shall consist of the poorer, smaller and inferior fish. Both of these qualities shall be well smoked, free from taint, and not burnt or scorched; and no red or smoked herrings shall be so branded unless they be well and sufficiently saved and cured, and carefully packed in good and substantial barrels, or half-barrels; and if in kegs or boxes, the same shall be of well-seasoned boards, the sides, top and bottom, of not less than half an inch in thickness, and the ends at least three quarters of an inch thick; and the inside measurement of each box shall be eighteen inches long, and nine inches broad and eight inches deep, well nailed, and the tops or covers smoothed.

Tainted, burnt, scorched and badly-smoked herrings, shall be considered "refuse," and may be branded as such without any other character.

Sea trout.

5. SEA TROUT to be branded "No. 1" shall consist of the largest, best and fattest kind, being well split, and in every respect free from taint, rust, or damage of any kind.

Those to be branded "No. 2" shall comprehend the best trout that remain after the selection of the first quality, and shall be good sound fish, free from taint, rust, or damage of any kind.

Lake and salmon trout.

6. LAKE and SALMON TROUT to be branded "No. 1 Lake" shall consist of the largest and fattest fish, and be free from taint, rust or damage.

Those to be branded "No. 2 Lake" to be the next best fish, free from taint, rust or damage.

White fish.

7. WHITE-FISH to be branded "No. 1" shall consist of the largest and fattest kind, cured in good condition, and to be in every respect free from taint, rust or damage.

"No. 2" shall consist of those that remain after the selection of the first quality, and to be free from taint, rust or damage.

Codfish, etc.

8. CODFISH, LING, HAKE, HADDOCK and POLLOCK, in packages and bulk, to be classed "Merchantable large," shall consist of the largest, best and fattest, well split and cleansed, well cured, in the best condition, and in every respect free from taint, saltburn, or damage of any kind, and shall measure at least twenty-four inches in length. "Merchantable" shall comprehend the best *codfish* that remain after the above selection, and shall be properly split and washed, well cured, and in every respect free from taint, salt-burn or damage of any kind. All that remains after may be classed as "West India."

Green codfish.

GREEN CODFISH in bulk, to be classed "Large No. 1," shall consist of the best and fattest, well cured, in the best condition, and in every respect free from taint, salt-burn, or damage of any kind, and shall measure at least twenty-four inches to the crotch of the tail.

Those remaining after selection of first quality, to be classed as "Medium," shall be sound, well cured fish, and free from taint, salt-burn, rust or damage of any kind, and shall measure at least twenty inches to the crotch of the tail.

Green codfish in barrels.

GREEN CODFISH in barrels, with or without pickle, to be classed "No. 1," shall consist of the best and fattest, being well split and cleansed, well cured, in first-rate condition, and in every respect free from taint, salt-burn, rust or damage of any kind, and shall measure at least fifteen inches to the crotch of the tail.

Those remaining after selection of first quality, to class "No. 2," shall be sound, well-cured fish, and free from taint, salt-burn, rust or damage of any kind.

Other fish.

9. All other kinds of fish not enumerated herein, and belonging to denominations specified by this Act, such as ling, hake, haddock, pollock, catfish, halibut, shad, bass, eels, codfish tongues and codfish sounds, in casks or barrels, shall be branded as such, and must be sound and well cured, free from taint, salt-burn, rust or damage of any kind.

Small fish.

10. Small fish, which are usually packed whole, with dry salt or pickle, shall be put into good casks, of the size and materials required by this Act for the packing of split pickled fish, and shall be packed close, edgewise in the cask, and properly salted with good, coarse, wholesome dry salt, and the casks shall be filled full with the fish and salt, and no more salt shall be put with the fish than is necessary for their preservation; and the casks containing such whole fish shall be branded with the denomination of the fish, and a like designation as is prescribed by this Act in respect of the qualities, &c., of other pickled fish.

Rusty and sour fish.

11. All rusty or sour fish, of whatever kind or class, shall be branded with the word "rusty" or "sour," in addition to the other brands.

Fish which shall not pass inspection.

12. No foul or tainted fish, or fish mutilated for the purpose of concealing marks and appearance of illegal capture, or unsizeable, shall pass inspection; and it shall be the duty of every Inspector or assistant inspector to seize, and any magistrate may confiscate to Her Majesty all fish found or exposed for sale having been killed or captured during prohibited seasons, or by unlawful means, and all fish at any time offered for sale or barter, or attempted to be exported, whilst in unwholesome condition.

Fish in bulk.

13. Fish known as pickled fish, that may be cured in bulk, if not thus inspected and certified, and afterwards packed in barrels, shall be branded with the word "bulk," in addition to other brands.

Packing of fish.

14. Each cask or package of fish shall contain fish of the same kind, or parts of the same kind and quality, properly packed in separate layers, and on every layer of fish so packed in the cask, a sufficient quantity of good, clean, suitable salt, free from lime, shall be regularly placed, and in like proportion for other packages, at the discretion of an Inspector, or Assistant Inspector; and after the cask shall have been properly packed and headed it shall be filled with clean pickle, strong enough to float a fish of the kind so packed.

Sound and unsound fish to be separated.

15. Should it appear to any Inspector, or Assistant Inspector, that a portion of the fish inspected by him is sound, and another portion unsound, he shall separate the sound from the unsound, re-pack the sound fish, and brand the same according to its quality; and such portion as the Inspector judges incapable of preservation he shall condemn as bad, and mark "refuse," in addition to other marks.

Re-packing to be in presence of Inspecto.

16. If any casualty renders it necessary to re-pack inspected fish it shall in all cases be done by and in presence of an Inspector or Assistant Inspector; and any other person attempting to re-pack or brand the same shall be liable to a penalty of not more than twenty dollars for every such offence.

Inspector may correct packing, etc. of Assistant Inspector.

17. When any fish branded by an Assistant Inspector, proves unequal in quantity or quality to that which may be indicated by the brand, or deficient in any way of the requisites prescribed by this Act, the Inspector may cause the same to be re-inspected; and if it appear that the defect arose from the condition of the fish, or

the bad quality of the cask, or the bad packing or pickling of the fish at the time of the inspection, he may recover the cost and charges of such re-inspection from the Assistant who branded the same.

Inspected fish not to be re-inspected.

18. Pickled fish, duly inspected, packed and branded, and oils, inspected and branded under this Act, at any place in the Provinces of Nova Scotia, New Brunswick, Quebec or Ontario, shall not be subject to re-inspection within the Dominion, except only in cases already provided for in this Act.

Contents of tierce, etc.

19. Each tierce shall be three hundred pounds, and each half tierce one hundred and fifty pounds; each barrel shall be two hundred pounds, and each half barrel one hundred pounds; each quintal shall be one hundred pounds; each draft shall mean two hundred pounds: and each box of herrings shall contain twenty-five pounds. In each of the above instances the weight shall be clear avoirdupois, exclusive of salt and pickle.

Brands.

20. There shall be branded on the head or butt of each cask of pickled or dry-salted fish and fish in boxes, in plain, legible letters, after the same has been inspected, culled, classed, weighed and packed, in accordance with this Act, the description of the fish, the weight and the quality contained in the package, the initials of the christian name or names and the whole surname of the Inspector or Assistant Inspector by whom the fish was inspected, and the name of the place where he acts as Inspector, and the month and the year of inspection.

Standards of fish oils, how kept.

71. The Boards of Examiners of Inspectors of fish and fish oils, shall fix and have in charge the standard for fish oils in Nova Scotia, New Brunswick, Quebec and Ontario, respectively; and the same shall be classified, per standard, as follows:—

Whale oil.

1. WHALE OIL shall be free from adulteration of every kind, and shall be branded as such, with the class according to quality appointed by standard: if No. 1, "Pale," if No. 2, "Straw," if No. 3, "Brown;"

Seal oil.

2. SEAL OIL shall be free from adulteration of every kind, and shall be branded as such, with the quality per standard: if No. 1, "Strictly Pale," if No. 2, "Pale," if No. 3, "Straw," if No. 4, "Brown," if No. 5, "Dark Brown."

Porpoise oil.

3. PORPOISE OIL shall be free from adulteration of every kind, and shall be branded as such, with the quality per standard: if No. 1, "Pale," if No. 2, "Straw," if No. 3, "Brown."

Cod oil.

4. COD OIL shall be free from adulteration, and be branded as such.

Other oils.

5. HERRING OIL and all other fish oils shall be branded as such.

Duties of Inspectors.

6. An Inspector or Assistant Inspector shall determine the gauge of each cask, and the outs thereof, and shall mark the same on the cask; and the barrels shall be in good order and condition, sound and staunch, and if any cask or casks be found to contain water or other adulteration, such, shall be drawn off by the Inspector or Assistant Inspector.

Brands.

7. Casks containing fish oils shall be branded with such quality, the month and the year when inspected, the initials of the christian name or names, and the entire surname of the Inspector, and also the place of inspection, and the words "Nova Scotia," "New Brunswick," "Quebec" or "Ontario" (*as the case may be*);

Definition of fish oils.

8. The designation "Fish Oils," in this Act, shall include whale, seal, porpoise, cod, herring, sturgeon, siskawitz, and all other kinds of oils derived from fishes and marine animals.

Fees.

72. Every Inspector or Assistant Inspector who shall inspect and brand any cask or package of pickled fish in bulk, or any fish oil, in accordance with the provisions of this Act, shall be entitled to fees

at the following rates, which shall be paid by the original owner, or person who employed him in the first instance :

1. For each tierce of salmon, salmon trout, or sea-trout, cents.
2. For each half-tierce of salmon, salmon-trout, or sea-trout, cents.
3. For each barrel of salmon, salmon-trout, or sea-trout, cents.
4. For each half-barrel of salmon, salmon-trout or sea-trout, cents.
5. For each tierce of mackerel, cents.
6. For each half-tierce of mackerel, cents.
7. For each barrel of mackerel, cents.
8. For each half-barrel of mackerel, cents.
9. For each tierce of herring, cents.
10. For each half-tierce of herring, cents.
11. For each barrel of herring, cents.
12. For each half barrel of herring, cents.
13. For each tierce of shad, cents.
14. For each half-tierce of shad, cents.
15. For each barrel of shad, cents.
16. For each half-barrel of shad, cents.
17. For each tierce of white-fish, cents.
18. For each half-tierce of white-fish, cents
19. For each barrel of white-fish, cents.
20. For each half-barrel of white-fish, cents.
21. For each barrel of pickled cod-fish, hake, haddock, or catfish, cents.
22. For each half-barrel of ditto, cents.
23. For each barrel of dry-salted codfish, hake, haddock, catfish, ling or pollock, cents.
24. For each half-barrel of ditto, cents.
25. For each barrel of bass, cents.
26. For each half-barrel of bass, cents.
27. For each barrel of codtongues, cod sounds, halibut or eels cents.
28. For each half-barrel of ditto, cents.
29. For inspecting, culling, classing, weighing, packing and branding, each box of smoked herrings, cents ; and for culling, classing, weighing and branding only, cents.
30. For inspecting, gauging and branding each puncheon of oil, cents.
31. For inspecting, gauging and branding each hogshead of oil cents.
32. For inspecting, gauging and branding each tierce of oil, cents.
33. For inspecting, gauging and branding each barrel of oil. cents.
34. For each cask or package intended to contain fish, cents.
35. For liming or whitewashing the heads or butts of any vessel, cents ; and for painting the same, cents each.
36. For each draft of green fish, cents.
37. For each package of ditto, cents.
38. The foregoing rates shall be reckoned exclusive of salt, pickle cooperage, storage, and labour employed in washing, rinsing, cleaning, nailing, screwing, or repacking and pickling any fish : Rates to be exclusive of salt, etc.

Provided always, that any person causing his fish or oil to be inspected, may employ, at his cost and charges, a cooper to attend upon and assist the Inspector or Assistant Inspector in the performance of his duty, in which case the Inspector or Assistant Inspector shall not be allowed any charge for cooperage, and the cooper so employed shall be governed and guided solely by the directions which he Proviso.

receives from the Inspector or Assistant Inspector with respect to any fish or oil by him inspected, and not by any other person whomsoever.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF BUTTER (*and Lard.*)

Inspection of butter.

73. No Inspector or Assistant Inspector of Butter shall brand, mark or certify any butter as inspected, unless it is packed in the manner hereinafter required; but any butter not so packed, submitted for inspection, shall, by the Inspector or Assistant Inspector to whom it is submitted be repacked in the manner hereby required, and the Inspector or Assistant Inspector shall receive the actual costs of such new packages as may be required for such repacking, and the further sum of *five cents* for each firkin or keg of butter so repacked as compensation for his time and labor.

How butter shall be packed.

2. All Butter branded, marked or certified as inspected shall be packed in firkins or kegs, made of the best seasoned white ash timber, and each bound with at least twelve wooden hoops, and being of the following sizes and dimensions, that is to say, the firkin to contain as nearly as possible fifty-six pounds of butter, the length of the staves from croe to croe, to be fourteen inches and a half, the diameter of the head to be eleven inches and a half, the thickness of the staves to be, as nearly as may be, three quarters of an inch, and the thickness of the head, as near as may be, half an inch, the package to weigh as nearly as possible, but in no case to exceed ten pounds when dry;—the keg to contain, as nearly as possible, eighty-four pounds of butter, the length of the stave, from croe to croe, to be seventeen inches, the diameter of the head to be thirteen inches, the thickness of the staves to be as nearly as may be, three quarters of an inch, and of the head, as nearly as may be, half an inch, and the package to weigh, as nearly as possible, but in no case to exceed thirteen pounds when dry;—and the weight of each package shall be branded on the outside of the firkin or keg, at the centre of the stave or bilge, with the name of the maker thereof, under a penalty of *one dollar* per package, upon any cooper contravening the requirements of this Act, as aforesaid:

Exemption.

3. But nothing herein contained shall apply to any packages other than those containing butter submitted for inspection.

Mode of Inspection.

74. In inspecting Butter, the Inspector or Assistant Inspector shall take out the head of each firkin or keg, and shall pass the taster through the butter, from end to end, and shall empty out and throw aside all salt or pickle which, in his judgment, is not necessary to the preservation of the butter, and after he has ascertained the quality of the butter, he shall replace so much thereof as he as taken out, and if there is in his judgement a deficiency of loose salt, so that he thinks the preservation and condition of the butter would be promoted by an additional quantity of salt, he shall add such quantity:

Brands.

2. He shall then have the package securely headed and coopered, and shall inscribe or brand on the head of the package the gross weight thereof in pounds *avoirdupois*, excluding fractional parts of a pound, and the tare, which shall include one pound weight for each firkin, and two pounds weight for each keg, for soakage over and above the cooper's tare; and he shall then brand on the head his own name, the month, year and place of inspection, and the quality of the butter as "first," "second," "third," or

"fourth," or as "grease," according to the quality of the butter, and adopting the standard of quality and system of classification in use in that portion of the United Kingdom called Ireland; first, removing all such marks (the distinguishing mark of the owner of the butter excepted) on the package as would interfere with the brands or marks of the Inspector.

Premises to be provided.

75. Each of the said Inspectors, shall provide himself and his Assistant with suitable and convenient premises for the storage and inspection of butter, and shall keep all packages of butter delivered to him for inspection, while they remain in his possession, in some place safe from the injuries of the weather or of floods, and under tight roof, and any Inspector or Assistant Inspector contravening this provision, shall forfeit and pay to the owner the sum of *one dollar*, for every package not stored as aforesaid, besides the actual damages sustained by such owner.

Fees.

76. For all the services to be performed as aforesaid, including unheading, weighing, salting, heading, tightening hoops, marking and branding, and ten days' storage, each Inspector shall be entitled to receive *ten cents* for every package of butter by him inspected as aforesaid,—and if re-inspected, *seven cents*, together with the actual cost or charge of any package by him furnished, or for *extra* cooperage or repairs done to packages containing butter by him inspected, and no more; the charge for which *extra* cooperage and repairs shall not in any case exceed *five cents* per package; in consideration of which all packages shall be delivered in good shipping order, and such charges shall be paid by the person offering such butter for inspection, or his agent:

Storage.

2. Each Inspector shall further be entitled to receive *two and a half cents*, per month, per firkin, and *two cents and a third cent* per keg, per month, for the storage of each package of butter, which remains stored with him as aforesaid more than ten days after the date of the invoice, weigh note or inspection bill, and such storage shall be paid by the person receiving or shipping the said butter, or his agent; but in no case shall any storage be paid or required when the butter has not remained stored as aforesaid during ten days from the date of the inspection bill;

When payable.

3. All the charges of inspection and storage shall be payable before the butter is re-delivered by the Inspector; and the Inspector shall furnish a bill of inspection signed by him, and specifying neatly and legibly the quantity and quality of the butter, the charges thereon, and the owner's name.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF RAW HIDES AND LEATHER.

Inspection of leather.

77. Every Inspector or Assistant Inspector, may examine and inspect any raw hides or leather on application being made to him for that purpose by the proprietor or possessor thereof, and ascertain the respective weights, qualities and conditions thereof.

Where inspection shall be made.

78. Such inspection shall be made either at the store or warehouse of such Inspector, which he is hereby required to keep in a convenient situation for that purpose in the city, town or place for which he is appointed Inspector, or if he thinks fit at the store or warehouse of the owner thereof: No charge for storage shall be made until twenty-four hours after such inspection; but all trouble

and expense attendant upon the loading, unloading or moving such raw hides or leather shall be borne and paid by the party at whose request the same was inspected.

Mode of inspection.

79. Every Inspector or Assistant Inspector shall mark or stamp on each hide the net weight of such hide; and such hides shall be inspected without the horns, muzzles, snouts or hoofs, and the Inspector, if he is required to do so, shall give a certificate of the net weight of such hide, without any charge for such certificate.

Powers of Inspector in respect of weight.

80. Every Inspector or Assistant Inspector shall subtract from the weight of each raw hide all dirt and parts injured by knife cuts, and any other thing which ought not to be computed in the weight of the hides, and may add to such weight all that such hides may have lost by drying, the whole at his discretion; he shall also classify them as number one, two, or damaged, as the case may be.

Fees.

81. Every Inspector shall be entitled for the inspection of such hides to a fee of *five cents* for each hide in lots under one hundred in number, and *four cents* for each hide in lots over one hundred in number.

Harness leather.

82. The Inspector or Assistant Inspector may inspect harness leather and certify the weight thereof, but he shall not be liable in damages on account of any deficiency or excess in the weight of any such harness leather, unless such deficiency or excess amounts to more than five per cent. of the whole weight of the leather.

Red or mocasin leather.

83. The Inspector or Assistant Inspector may also inspect leather known as red leather or moccasin leather, and certify to its weight, quality and condition.

Leather sold by the foot.

84. The Inspector or Assistant Inspector may inspect and measure all kinds of leather which are sold by the foot, and shall be entitled to charge *two cents* for each side or piece of such leather inspected and measured by him.

None but Inspector to stamp leather etc.

Exception.

85. Any person, except the Inspector or Assistant Inspector, who shall stamp or number any of the raw hides or leather above mentioned and shall expose them for sale, shall be liable to a fine not exceeding *twenty dollars*, but he shall be at liberty to mark on the said raw hides or leather in ordinary and legible figures the weights of the said raw hides or leather, and in such cases the words "Not Inspected" shall be marked above the said figures, in letters of the same dimensions and as legible as the said figures, and any person who shall expose for sale any raw hides or leather, the weights of which shall be so marked without the words "Not Inspected" as above prescribed shall be liable to a fine not exceeding *twenty dollars*.

Inspector to provide brands.

86. Each Inspector or Assistant Inspector shall provide and have a sufficient number of brands, stamps, or marking instruments, wherewith he shall brand, stamp or mark, or cause to be branded, stamped or marked, immediately after inspection on both sides of each hide or piece of leather the initials of the name of the Inspector.

How leather shall be branded.

87. All brand or stamp marks shall be neat and legible and shall be made at one end of the hide or piece of leather, within a

space not less than two inches long by one and one half inch broad.

88. Sole leather so inspected shall be divided as to quality, into three classes ; to be known as number one, number two, and number three ; number one representing the first or best quality, number two representing the second quality, number three representing the damaged and rejected articles. Qualities of sole leather.

And such leather as is ordinarily distinguished among dealers, by its comparative weight, shall also be divided into three classes, to be known as *heavy, middling,* and *light* weight; every piece or side of leather under fourteen pounds weight shall be considered *light,* every piece or side of leather of fourteen pounds weight and under twenty pounds weight shall be considered *middling,* and every piece or side of leather of twenty pounds weight and over shall be considered *heavy* or *over weight.*

89. Red leather or moccasin leather and harness leather shall, after inspection, be marked or branded, respectively, with the figures 1, 2, according to the quality thereof. Mocassin and harness leather.

90. The brand or mark may be fixed or attached to the raw hide or leather, by stamping, or by any other process that may render such brand or mark indelible ; each brand or stamp shall have the initials of the city or town where inspection is made, and the initials of the Inspector's name, and the weight of the raw hide or leather, as also the figure denoting the quality ; and may be in the form following : Brands defined.

1. 112 lbs.	2. 90 lbs.
T., J. B., I.	T., J. B., I.

The figure 1, representing the first quality, 112 lbs., the weight, T., Toronto, J. B., I., initials of Inspector's name and office.

The figure 2, designating second quality.

3. 60 lbs.
T., J. B., I.

The figure 3 designating a damaged or rejected article.

91. Every Inspector of Raw Hides and Leather shall keep a proper book or books which shall be open to public inspection, in which he shall, from time to time, enter a statement or account of all green, raw, and salted Hides and Leather inspected by him or any of his Assistant Inspectors, shewing the respective weight, quality, and condition thereof, how the same have been classified by him, for whom they have been inspected, and the amount paid for such inspection. Inspector to keep books.

92. Every such Inspector shall twice in each year, and not later than the tenth day of January and the tenth day of July, Inspector to make returns.

make a return to the *Board of Trade* of the city or town in respect to which he has been appointed, of the particulars mentioned in the next preceding section.

Penalty for giving false certificate.

93. If any Inspector or Assistant Inspector, knowingly and wilfully, gives, to any bill of inspection, an untrue and incorrect certificate of the weight or quality of any raw hide or leather by him inspected, or give such bill without a personal examination and inspection of such raw hide or leather, he shall incur a penalty of not more than *eighty dollars* for each offence, and be dismissed from his office, and be disqualified from ever after holding the same.

Penalty for neglect to keep books, etc.

94. Every Inspector who neglects or refuses to keep such a book as mentioned in the section of this Act, or to make the entries required to be made therein, or who neglects or refuses to make returns required by section of this Act, shall incur a penalty not exceeding *eighty dollars* for each offence, and be liable to be dismissed from his office, and be disqualified from ever holding the same.

No. 63.

4th Session, 1st Parliament, 34 Victoria

BILL.

An Act to amend and consolidate
extend to the whole Dominion of
the laws respecting the Inspect
certain staple articles of Ca
produce.

Received and read, First time, Thursd
March, 1871.

Second reading, Tuesday, 21st March, 18

Hon. Sir Francis H

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33 Rideau
1871.

No. 64.[**BILL.** [1871.

An Act to repeal the Insolvency Laws now existing in this Dominion.

WHEREAS, it is expedient to repeal the Acts herein after mentioned; 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 Insolvent Act of 1869, and the Act amending it passed in the thirty-third year of Her Majesty's reign, and intituled, "An Act respecting Official Assignees appointed under the Insolvent "Act of 1864, and to amend the Insolvent Act of 1869," shall be and is hereby repealed, and no Act repealed by the said Acts or either of them, or by the Insolvent Act of 1864, shall be thereby revived; provided always, that all proceedings under the said Acts of 1869, in cases in which an Assignee has been appointed before the passing of this Act, may be continued and completed, and shall have the same effect as if this Act had not been passed. Insolvent Acts repealed. Provided.

No. 64.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to repeal the Insolvency Laws now existing in this Dominion.

Received and read, First time, Friday, 17th March, 1871.

Second reading, Monday, 20th March, 1871.

Mr. COLBY.

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street.

1871.

No. 65.] BILL. [1871.

An Act to incorporate "The Mutual Insurance Company of Canada."

Preamble.

WHEREAS William Workman, President of the City Bank, F. P. Pominville, Q.C., John Grant, M. P. Ryan, M.P., Angus C. Hooper, Alexander Empey, George Smith, William Darling, Frederick W. Henshaw, Alexander Walker, the Honorable L. S. Huntington, M.P., Q.C., W. W. Ogilvie, of A. W. Ogilvie & Co., William Sache, John Cavan, John Ogilvy, and Edward Rawlings, all of the City of Montreal, in the Province of Quebec, have petitioned the Legislature of the Dominion of Canada, praying that a Company be incorporated under the name of "The Mutual Insurance Company of Canada," to enable the said petitioners and their associates to carry on the business of insurance, in the several branches usually known as Life Insurance, Guarantee of Fidelity Insurance, and Accident Insurance; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Company incorporated.

1. All such persons as now are or shall hereafter become members of the said Company, and their respective administrators, executors and assigns, shall be and are hereby constituted and declared to be a corporation, body politic and corporate, under the name of "The Mutual Insurance Company of Canada," and shall be legally authorized to effect contracts of insurance, with any persons or corporations, on life or lives, or on any event, loss, or risk in any manner dependent on life or lives; to grant, sell, or purchase annuities; to grant endowments; to purchase contingent rights, reversions, remainders, and generally to enter into any transaction dependent on the contingency of life and such as are usually transacted by Life Assurance Companies, including re-insurance.

Nature of business.

2. To effect contracts of insurance against any error, default, irregularity, misconduct, dishonesty, embezzlement, or malversation of agents, attorneys, clerks, depositaries, warehousemen, employés, or any person entrusted with or employed in the management of the affairs of others, whether as a public officer, or as acting for a Corporation or an individual, and in whole or in part entrusted with their moneys and effects, including re-insurance.

3. To effect contracts of insurance against all or any accident whatever to the person, as well as against loss through sickness or injury, and against loss and damage to property, by accident, either by land or water (except from risks generally distinguished as fire and marine risks), including re-insurance.

Life Assurance.

2. The business of Life Assurance and its accessories, as hereinbefore firstly described, shall be entered into, prosecuted and main-

tained by the Company as a distinct department, under the name and style of " The Mutual Insurance Company of Canada, Life."

Guarantee Insurance.

3. The business of Guarantee Insurance and its accessories, as hereinbefore secondly described, shall be entered into, prosecuted, and maintained by the Company as a distinct department, under the name and style of " The Mutual Insurance Company of Canada, Guarantee."

Accident Insurance.

4. The business of Accident Insurance and its accessories, as hereinbefore thirdly described, shall be entered into, prosecuted, and maintained by the Company as a distinct department, under the name and style of "The Mutual Insurance Company of Canada, Accident."

Separate accounts.

5. The Company shall maintain separate accounts of its general business as well as of the several departments, so that the same shall be kept separate and distinct in every respect, as if they were distinct Companies. Nothing however herein contained shall be held to prevent the Company from providing for the management of the three departments by one board, either with or without sub-boards, as may be found convenient, or from charging expenses which are for the benefit of two or more of the departments as general expenses, and apportioning the same equally among the separate departments.

Separate Funds.

6. The funds of each department shall be received, invested, and the accumulations and profits or liabilities and losses apportioned to the parties assured or investing in such department, nor shall the assets or profits of one department be in any way liable for, nor applied to the purposes of any other department than that in which the same originated or was invested, and the same shall be kept distinct, both as to losses, liabilities, claims, and expenses, as to assets, investments and profits.

Membership.

7. Any individual, corporation, or legal or beneficial holder of a policy of insurance, or certificate of guarantee deposit, as a subscriber of at least one thousand dollars to the guarantee fund hereinafter mentioned, and who shall have paid the calls thereon, shall be a member of the Company, and entitled to all the benefits thereof, under the provisions of this Charter and the by-laws of the Company.

Head Office and Agencies.

8. The head office of the Company shall be in the City of Montreal, in the Province of Quebec, but branch boards or agencies may be established, either within the Dominion of Canada or elsewhere, as well as sub-boards for the separate departments in such manner as the directors may from time to time appoint.

Conduct of business.

9. The Company is authorized to conduct its business on such principle and plan as the Board of Directors may from time to time determine.

By-laws for the management of the Company.

10. The Company shall enact by-laws to carry out the objects of this Act, and for the organization, maintenance and government of the Company, as hereinafter provided, and such by-laws shall in the first instance be submitted at a meeting of the members specially called for that purpose, after due notice, as hereinafter

provided, and may be adopted by a vote of the majority of the members present at such meeting, and may from time to time be altered and amended by the Directors, under the sanction of the majority of the members present at any meeting called for such purpose; and all such by-laws so legally made in accordance with the objects of this Act, and not inconsistent with law, shall be legal and binding, until altered, amended or repealed.

First Board of Directors.

11. The first Board of Directors of the Company shall consist of not less than seven nor more than twenty-one Directors, five of whom shall form a quorum, and one of such Directors shall be elected President by the other Directors. Such of the said petitioners hereinbefore named, or other persons necessary to complete the Board, who shall qualify themselves to act as Directors by a subscription of at least one thousand dollars to the guarantee fund (hereinafter provided for), and who shall apply for a policy of insurance in the Company, and subscribe to a declaration to that effect in a sum of at least two thousand dollars on a life policy, or of at least five thousand dollars on a guarantee or accident policy, shall be entitled to act as Directors of the Company on the first Board at the head office, and to continue to act as such for three years immediately subsequent to the organization of the Company, and shall prepare the by-laws for the management of the Company, as hereinbefore provided. The last named of the said petitioners shall, on qualification as a Director as aforesaid, be entitled to act as Managing Director of the Company for three years, and shall, under the direction of the Board, and on such terms as they may appoint, manage the affairs of the Company. The Board of Directors shall have the right to appoint all the officers of the Company, to appoint sub-boards and agents, and the same to remove and others in their place to nominate, in whatever manner a vacancy may arise.

Annual meeting. Annual statements. Special meetings.

12. A general meeting of the Company shall be called once in each year, as the Directors may appoint, after not less than ten days' notice in one or more newspapers published in the city of Montreal; at which meeting a statement of the affairs of the Company for the past year shall be submitted. Special general meetings may at any time be called by the Directors, specifying in the notice the object of such meeting.

Retiring Directors.

13. After the term of three years for which the first Board of Directors are appointed shall have expired, one-third of the Directors shall retire annually, by ballot among themselves, and the election of their successors shall be held at the annual meeting; nothing, however, shall prevent the retiring Directors from being re-elected.

Guarantee Fund.

14. The Company shall be authorized to establish a guarantee fund of not less than fifty thousand dollars in each or all of the said departments, and to pay to the subscribers thereof, out of the profits of such department to which the subscription is made applicable, not more than six per cent interest per annum on the amount actually paid up, together with not more than ten per cent. per annum of the profits, and to repay the principal in instalments of not less than twenty-five per cent. to the subscribers, out of the profits of the Company, so soon as the Company shall

have deposited a like sum in the hands of the Receiver General of the Dominion of Canada, under the provisions of the Act intituled "An Act respecting Insurance Companies," or any amendment thereto, to which last recited Act, and to all the provisions thereof the Company is declared subject.

Preliminary expenses, &c.

15. The guarantee fund, to the extent of twenty-five per cent. may, if necessary, be used and applied during the three years immediately succeeding the organization of the Company, in the payment of any losses which may occur, or in preliminary expenses, for the benefit of one or all of the several departments.

Commencement of business.

16. So soon as twenty persons shall have applied for policies of insurance in any one or all of the said departments, to the extent of at least fifty thousand dollars in the aggregate, and subscriptions shall have been made of at least fifty thousand dollars to the guarantee fund in the life department, and twenty-five per cent. paid thereon, as well as a license issued by the Receiver General, the Company may commence business in the Life Department.

Failure of one department.

17. The failure of one department shall not necessitate the suspension of the business of the other departments, nor subject the remaining department or departments to the provisions of the Act thirty-first Victoria, cap. forty-eight, as relates to their becoming insolvent.

No loans to officers of the Company.

18. No officer of the Company shall become a borrower of any portion of its funds, nor become surety for any other person, who shall become a borrower from the Company.

Corporate seal.

19. The Company may sue or be sued, but shall not require a corporate seal, although they may, if they see fit, adopt and use one.

Real estate securities.

20. The Company may hold such real estate as shall have been *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered, and it shall be lawful for the Company to invest its funds in the securities of the Dominion of Canada, or of any of the Provinces comprising the Dominion, and in the bonds, debentures and stock of any municipality or incorporated Company transacting business in any of the Provinces of the Dominion, or on mortgage of real estate; Provided always, that all real estate so mortgaged or conveyed in security as aforesaid, shall be sold and disposed of within ten years from the time of its becoming the absolute property of the Company.

Foreign securities.

21. The Company may invest or deposit such portion of its funds in foreign securities as may be necessary in the establishment or maintenance of any foreign branch.

Real estate.

22. The Company may hold real estate for its use and accommodation, as well as personal property, and may sell or mortgage the same; Provided that the real estate shall be of not more than the yearly value of twenty thousand dollars.

23. The Company may, with the consent of a majority of the members present at a meeting called for such purpose, acquire the business of other Insurance Companies, or amalgamate with them. Amalgamation, &c.

24. The shares of the subscribers to the guarantee fund shall be transferable under the sanction of the Company, and in accordance with the by-laws; but the Company shall not be liable for the execution of any trust, whether expressed, implied or constructive. Shares in Guarantee Fund transferable.

25. Sections twelve, fourteen, thirty-one, thirty-seven, and forty of "The Canada Joint Stock Companies Clauses Act, 1869," shall apply to this Act, and be incorporated therewith. Sections of Joint Stock Companies Act.

No. 65.

4th Session, 1st Parliament, 34 Vict., 1871.

BILL

An Act to incorporate the Mutual Insurance Company of Canada.

Private Bill.

MR. WORKMAN.

OTTAWA.

PRINTED BY HUNTER, ROSE & COMPANY.

No. 66] **BILL.** [1871.

An Act to continue in force the provisions of the several Acts respecting the Banque Jacques Cartier, with certain amendments.

Preamble.

WHEREAS, the Banque Jacques Cartier has by its petition prayed that its Charter may be continued in force with certain amendments, 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:—

An Act continued, 24 Vic., c. 90, 27 Vic., c. 43.

1. The provisions of the Act passed by the Legislature of the late Province of Canada, in the twenty-fourth year of Her Majesty's reign, chaptered ninety and intituled "An Act to incorporate *la Banque Jacques Cartier*," as amended by an Act passed in the twenty-seventh year of Her Majesty's reign, chaptered forty-three, and intituled "An Act to amend the Act respecting *la Banque Jacques Cartier*," and by this Act, are hereby continued in force and effect and shall continue in force and effect until the first day of the month of January, in the year of our Lord one thousand eight hundred and eighty-one, and from that day until the end of the then next Session of the Parliament of Canada; provided always, that this Act shall be subject to the provisions of any law respecting Banks and Banking now in force in the Dominion of Canada, and of any other law respecting Banks and Banking which may be passed in the course of the present Session of the Parliament of Canada, and shall be held to include such provisions in so far as may be applicable to Banks which are not *en commandite*, in the same manner and to the same extent and with the like advantages and privileges, as if the prolongation of the Charter of *la Banque Jacques Cartier* aforesaid, hereby enacted, had been in virtue of any section of such Act authorizing the Governor in Council to prolong and continue the Charters of Banks; and section twenty-seven of the Act in first instance above cited incorporating the said Bank is hereby repealed.

Section 27, 24 Vic., c. 90 repealed.

Bank may increase capital stock.

2. *La Banque Jacques Cartier* may at any time hereafter increase its capital stock to the amount of one million dollars, provided that such increase be first approved and authorized by a majority of the shareholders present at a meeting to be called for the purpose in the usual manner, and the amount constituting such increase of capital stock shall be divided into shares of fifty dollars each, which shares shall belong to the persons who shall subscribe for the same, their representatives and assigns; provided always, that the majority in number and in value of the said shareholders shall be British subjects; and such increase of capital stock shall be in the manner already provided in the Act incorporating the said Bank and shall be subject to the provisions of the said Act.

Proviso.

Bank not to recognise transfer of fractions of shares.

3. From and after the day when this Act comes into force *la Banque Jacques Cartier* shall not be bound to acknowledge as valid the transfer of any fractional part of a share of its capital stock, and shall not be bound to enter on its books any such transfer.

Proceedings when shares are divided.

4. In each and every case hereafter in which shares in the capital stock of the said Bank shall become divided into fractional parts, in consequence of the dissolution of a *communauté de biens* between man and wife, or of any partnership, or through any testamentary succession, or intestacy, no party having an interest in the shares so divided into fractional parts, shall be entitled to require that the portion or fractional part of such share belonging to him shall be entered in his name in the books of the Bank, but such shares so subjected to division and partition shall be sold by auction, and the profits or dividends accruing on such shares, so long as the same shall remain undivided, shall be retained by the Bank until the said shares producing such profits or dividends have been sold, after which such profits or dividends shall be paid to the parties entitled to the same.

4th Session, 1st Parliament, 34 Victoria, 1871

BILL.

An Act to continue in force the Charter of la Banque Jacques Cartier, and to make certain amendments thereto.

PRIVATE BILL.

Received and read, First time, Tuesday, 21st March, 1871.

Hon. Sir GEO. E. CARTIER.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, & 33, Rideau Street.

1871.

No. 67.] **BILL.** [1871.

An Act to Incorporate the Farmers' Bank.

Preamble.

WHEREAS, the persons hereinafter named, and others, by their petition have prayed that they may be incorporated for the purpose of establishing a Bank in the District of Bedford, in the Province of Quebec, and it is expedient to grant their prayer; therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. The Honorable Christopher Dunkin, the Honorable Asa Belknap Foster, the Hon. Thomas Wood, and George B. Baker, Nathaniel Pettes, Hiram Sewell Foster, James O'Halloran, Asa Frary, Frederick A. Cutter, S. H. C. Miner, Edmund L. Chandler, George C. V. Buchanan, George C. Dyer, George Henry Boright, William P. Carter, Joseph Lefebvre, Thomas A. Knowlton, Benjamin A. Haskell, Wm. Meade Pattison, Charles H. Boright, Thomas Selby, William S. Baker, and Jacob N. Galer, Esquires, and such others as shall become shareholders in the corporation hereby constituted, and their respective heirs, executors, administrators and assigns, shall be and they are hereby constituted a body corporate and politic in fact and in name, by and under the name, style and title of the "Agricultural Bank;" and as such shall have succession and a common seal, with power to break, change and alter the same at pleasure, and also with power to acquire and hold immoveable estate for the management of its business, not exceeding the yearly value of eight thousand dollars currency, and to sell and alienate the same and acquire other instead thereof, and also with all other powers incident to and necessary for the purposes hereinafter declared.

Capital stock.

2. The Capital Stock of the said Bank shall be four hundred thousand dollars, divided into eight thousand shares of fifty dollars each, which said shares shall be vested in the several persons who shall hereafter subscribe for or acquire the same, their heirs, legal representatives and assigns.

Stock books may be opened.

3. For the purpose of raising the amount of the said capital stock, the persons above-named, or the majority of them, may cause stock books to be opened at such times and places as they or such majority of them may deem expedient, and after four weeks' notice thereof in two newspapers published in or near to the said district of Bedford, to receive subscriptions for such stock; and so soon as at least one-half of the said stock shall be subscribed, and at least one-half of such subscribed stock paid in, a meeting of such subscribers shall be called in like manner for the election of Directors and for the organization of the said Bank. And at such meeting such subscribers shall proceed to elect directors; and the Bank may thereupon issue its notes and carry on business as such.

4. The Board of Directors of the Company shall be seven in number; but may be increased in number by By-law.

Chief place of business.

5. The chief place or seat of business of the said Bank shall be at Waterloo, or at such other place within the District of Bedford as the shareholders thereof at their first meeting may fix and determine.

No. 67.

4th Session, 1st Parliament, 33 Victoria, 1871.

BILL.

An Act to Incorporate the Farmers' Bank.

PRIVATE BILL.

Hon. Mr. DUNKIN.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1871.

No. 68.] **BILL.** [1871.

An Act to incorporate the Metropolitan Bank.

WHEREAS, Samuel Waddell, Maurice Cuvillier, M. P. Ryan, Henry Hogan, Adolphe Caron, and others, have, by their Petition, prayed that they might be incorporated for the purpose of establishing a Bank in the City of Montreal, in the Province of Quebec; and, whereas, it is desirable to grant the prayer of their Petition; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The several persons hereinbefore named, and such other persons as may become shareholders in the Corporation to be by this Act created, and their assigns shall be, and they are hereby created, constituted and declared to be a Corporation, body corporate and politic, by the name of the "Metropolitan Bank." Incorporation.

2. The Capital Stock of the said Bank shall be one million of dollars, divided into ten thousand shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns. Capital and Shares.

3. For the purpose of organizing the said Bank, and of raising the amount of the said Capital Stock, the persons hereinbefore mentioned shall be Provisional Directors thereof, and they or the majority of them may cause stock books to be opened after giving due public notice thereof; upon which stock books shall and may be received the signatures and subscriptions of such parties or persons as desire to become Shareholders in the said Bank; and such books shall be opened at Montreal aforesaid and elsewhere, at the discretion of the Provisional Directors, and shall be kept open so long as they shall deem necessary; and so soon as five hundred thousand dollars of the Capital Stock shall have been subscribed upon the said stock books, and one hundred thousand dollars thereof actually paid into some one of the present Chartered Banks in Canada, a public meeting shall be called of the subscribers thereof, by notice published at least two weeks in two newspapers of the said City of Montreal, such meeting to be held in Montreal aforesaid, at such time as such notice shall indicate; and at such meeting the subscribers shall proceed to elect seven Directors, having the requisite stock qualification, who shall from thenceforward manage the affairs of the said Corporation, shall take charge of the stock books hereinbefore referred to, and shall continue in office until the second Tuesday in March, which shall be in the year next after the year in which they are so elected, and until their successors in office shall be duly elected; and immediately upon such election being had the functions of the said Provisional Directors shall cease. Provisional Directors opening books &c. General meeting and election of Directors.

4. The chief place or seat of business of the said Corporation, shall be in the City of Montreal, but it shall and may be Chief seat of business, and branch offices.

lawful for the Directors of the said Corporation to open and establish in other cities or towns and places, in this Dominion, branches or offices of discount and deposit of the said Corporation, under such rules and regulations for the good and faithful management of the same, as to the Directors shall from time to time seem meet, and as shall not be repugnant to any law in force in Canada, to this Act, or to the By-Laws of the said Corporation.

Annual election of Directors.

5. For the management of the affairs of the said Corporation there shall be seven Directors, who shall be annually elected by the shareholders of the Corporation at a general meeting of them, to be held annually in the said City of Montreal, on the second Tuesday in March, beginning on the second Tuesday in March, which shall be in the year next after the first election of Directors, hereinbefore provided for.

Quorum at meeting of Directors. Who shall preside. Casting vote.

6. At all meetings of the Directors of the said Corporation, not less than four of them shall constitute a quorum for the transaction of business; and at the said meetings the President, or in his absence, the Vice-President, or in their absence, one of the Directors present, to be chosen *pro tempore*, shall preside; and the President, Vice-President, or President, *pro tempore*, so presiding, shall vote as a Director, and if there be an equal division on any question, shall have an additional or casting vote.

General Acts of present Session to apply.

7. The Act passed during the present session of Parliament, intituled An Act relating to Banks and Banking, and all the provisions thereof, shall apply to the Bank thereby incorporated in the same manner as if it were expressly incorporated with this Act, excepting so far as such provisions they relate to Banks already in existence, or to Banks *en commandite*.

Duration of this Act.

8. This Act shall remain in force until the first day of July, in the year of our Lord 1881.

No. 68.

4th Session 1st Parliament, 34

BILL.

An Act to incorporate the Bank.

Received and read First time, March, 1871.

PRIVATE BILL

MR.

OTTAWA:

Printed by I. B. Taylor 29, 31 and 33

1871.

No. 69.] **BILL.** [1871.

An Act to amend the Inland Revenue Act, 1868, and to alter the duties of Excise chargeable in the Province of Manitoba.

Preamble.

IN amendment of the Inland Revenue Act, 1868, and the Act passed in the Thirty-third year of Her Majesty's reign, and intituled "An Act to amend and continue the Act 32 and 33 Victoria, Chapter 3, and to establish and provide for the Government of the Province of Manitoba;" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 7 amended as to products from petroleum.

1. The following proviso shall be added to the seventh section of the Act first cited in the preamble to this Act.

"Parafine wax in a solid state, grease for lubricating purposes and being fluid, lubricating oil made from crude petroleum without being subjected to any process of distillation, tar and other refuse removed from the still without passing through the worm or condenser, and any article produced from such tar or refuse without further process of distillation, shall be exempt from any duty of excise."

Section 4 amended. Fire test of petroleum.

2. The eleventh section of the said Act is hereby amended, by substituting the words, "one hundred and five degrees,"—for the words "one hundred and fifteen degrees,"—as the *fire test* for refined petroleum.

Section 29 amended. Duties of Excise in Manitoba.

3. Notwithstanding anything to the contrary in the Twenty-ninth section of the Act secondly cited in the preamble to this Act, the Governor in Council may during the period of three years from the passing of the said Act, reduce the duties of excise payable in the Province of Manitoba on any or all articles subject to such duties, under any provisions of the laws of Canada respecting Inland Revenue which he may see fit to declare applicable to the said Province, to such rates as he may deem expedient in view of the duties of customs payable during that period on like articles imported into the said Province.

No. 69.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend the Inland Revenue Act, 1868, and to alter the duties of Excise chargeable in the Province of Manitoba.

Received and read, First time, Tuesday, 21st March, 1871.

Second reading, Wednesday, 22nd March, 1871.

H.on Mr. Morris.

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street.

1871.

No. 70.] **BILL.** [1871.

An Act to authorize the sale of the Oakville Harbor.

Preamble.

WHEREAS, by an Act of the Legislature of the late Province of Upper Canada, made and passed in the ninth year of the reign of His late Majesty King George the Fourth, chaptered nineteen, William Chisholm, therein mentioned, was authorised to construct a Harbor at the entrance of the Sixteen Mile Creek into Lake Ontario, in the Township of Trafalgar, in the then District of Gore, and to erect and build all such needful moles, piers, wharves, erections, buildings, and edifices, as should be useful and proper for the protection of the said Harbor, and for the accommodation of vessels entering and lying within the same, together with the right to demand or receive tolls, as in the said Act mentioned; *And it was* by the said Act, now in recital, further enacted that the said Act should continue in force for a space of fifty years from the time of the passing thereof, and, from thence, to the end of the then next ensuing session of Parliament, at which time the estate, right, title, tolls and rates, of the said Harbor, together with the piers, wharves, waters, and navigation thereof, should vest in His Majesty, His Heirs and Successors, to and for the public use of the said late Province of Upper Canada, and at the disposition of the Parliament thereof, unless otherwise provided for by any Act of the Legislature, for that purpose, at any time thereafter.

Act of Upper Canada 9 G. 4, c. 19.

Construction of Harbor authorized.

Conditions.

And Whereas, in and by an Act of the Legislature of the late Province of Upper Canada, made and passed in the first year of the reign of His late Majesty King William the fourth, chaptered twenty-four, and also by and under an Act of the Legislature of the said late Province of Upper Canada, made and passed in the third year of Her Majesty's reign chaptered fifty, the sum of two thousand five hundred pounds was loaned to the said William Chisholm, for the purpose of the completion of the Harbor at Oakville, being the same Harbor hereinbefore mentioned; *And it is*, by the last mentioned Act, provided that the said William Chisholm should execute an assignment, by way of mortgage, of the said Harbor, and the tolls thereof, to such persons as the Government might appoint in trust to receive the tolls, and to pay the interest and principal, when the same should become payable as therein mentioned.

Acts of U. C. 1 W. 4, c. 24 3 W. 4, c. 50.

Loan for completion and conditions.

And Whereas, in accordance therewith, by Indenture, bearing date on or about the twenty-sixth day of March, in the year one thousand eight hundred and thirty-one, the said William Chisholm granted, bargained, sold and demised unto John Henry Dunn, Receiver General of the late Province of Canada, the said Harbor and premises, and the tolls and profits thereof, to hold to and for the use of His Majesty, his heirs and successors, for the term of nine hundred and ninety-nine years, to secure the repayment of the sum of two thousand five hundred pounds, being the sum mentioned in the last above-mentioned Act.

To the Crown mortgage for the loan by Chisholm.

Transfer of Harbor to other parties.

And Whereas, the said Harbor and premises, together with the tolls thereof, have subsequently become vested in parties other than the said William Chisholm, subject nevertheless to the provisions hereinbefore mentioned.

Debt to the Crown.

And Whereas there is now due to Her Majesty, upon the security given by the said William Chisholm, under the two several Acts hereinbefore lastly above mentioned, large sums of money, for principal and interest thereunder secured.

Harbor would vest in the Crown in 1878 under 9 G. 4, c. 19.

And Whereas, under the provisions of the Act first hereinbefore recited, the Estate, right, title, tolls, and rates of the said Harbor together with the piers, wharves, waters, and navigation thereof, will, at the end of the Session of Parliament next ensuing the twenty-fifth day of March, in the year One thousand eight hundred and seventy eight (being fifty years from the time of the passing of the said first mentioned Act), vest in Her Majesty, her heirs, and successors, to and for the public use of Canada, and at the disposition of the Parliament thereof, unless otherwise provided for by any Act, for that purpose, to be enacted.

Sale expedient.

And Whereas it is expedient that the said Oakville Harbor, and its premises, and the right to impose tolls thereon, should be sold and disposed of, and the proceeds thereof, applied upon and towards the said principal sum and interest now due and secured thereupon, as hereinbefore mentioned.

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

Harbor and rights may be sold by the Crown clear of mortgage and equity of redemption.

Application of proceeds.

1. Her Majesty may, at any time hereafter, cause to be sold and disposed of, and may grant and convey, upon such terms as to payment, and security, as shall seem fit, all that the Oakville Harbor, situate on Lake Ontario, in the Township of Trafalgar, in the County of Peel, and Province of Ontario, together with the Estate, right, title, tolls, and rates thereof, and together with the piers, wharves, waters, and navigation thereof, as the same, respectively, would, at the expiration of the Session of Parliament next ensuing the space of fifty years from the time of the passing of the Act firstly hereinbefore recited, vest in Her Majesty, her heirs, and successors, under the provisions of the said Act, freed from the said principal sum and all interest thereupon secured by or under the provisions or in accordance with any of the Acts, or of the Indenture of Mortgage hereinbefore mentioned, and of any equity of redemption in respect thereof, and freed of and from the right of Her Majesty, her heirs and successors to the said Harbor and premises, under the Act herinbefore firstly above mentioned, and the proceeds thereof shall be applied to the principal and interest unpaid upon the Indenture hereinbefore recited, and to form part of the consolidated revenue of Canada; and if any balance of the purchase-money be left thereafter, then to pay over the same to the person entitled to the same.

Tariff of tolls to be subject to approval by Governor in Council.

2. The tolls to be imposed in respect of the use of the said harbor, piers, wharves, and appurtenances, shall be from time to time submitted to the Governor, and no toll shall be collected unless the rate be first approved by the Governor in Council.

No. 70.

4th Session, 1st Parliament, 34 Victoria, 1871

BILL.

An Act to authorize the sale of Oakvill Harbour.

Received and read, First time, Tuesday, 21 March, 1871.

Second reading, Wednesday, 22nd Marc 1871.

Hon. Sir FRANCIS HINCKS.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Stre

1871.

Respecting
(see next bill)

No. 71.] **BILL.** [1871.

An Act respecting Insurance Companies.

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

Interpretation clause. 1. The following terms and expressions whenever used in this Act, unless it be otherwise specially provided, or there be something in the context repugnant to, or inconsistent with such construction shall be construed and interpreted as hereinafter mentioned, that is to say:—

"Company" means and includes any Corporation, and any Society or Association, incorporated or unincorporated, and any partnership carrying on the business of Insurance other than that of Marine Insurance only ;

"Agent" means the principal agent of the Company in Canada, named as such in the Power of Attorney hereinafter referred to, by whatever name he may be designated ;

"Chief Agency" means the principal Office or place of business of the Company in Canada.

The expression "Canadian Policy," or "Policies in Canada," means all policies issued by any Company licenced to transact the business of Insurance in Canada, in favour of any person or party resident in Canada, and also as regards Fire Insurance, any policy of Insurance on any property in Canada.

What Insurance Companies must take out a licence to carry on business in Canada. 2. Except Companies transacting in Canada Ocean Marine Insurance business exclusively, it shall not be lawful for any Insurance Company to issue any Policy of Insurance, or take any risk, or receive any premium or transact any business of Insurance in Canada, or to prosecute or maintain any suit, action or proceeding, either by Law or Equity, or to file any claim in Insolvency, without first obtaining a Licence from the Minister of Finance to carry on business in Canada, under this Act, but the premiums to become due on Policies actually issued previous to the passing of this Act may continue to be received, and the losses arising thereon may be paid as if this Act had not been passed.

Securities to be deposited before licence issues. 3. The Minister of Finance shall issue such Licence as aforesaid, so soon as the Company applying for the same has deposited through him in the hands of the Receiver General, or elsewhere on behalf of the Receiver General, as the Treasury Board may direct, securities to the amounts hereinafter mentioned and required, and such Licence shall specify the business to be carried on by the Company.

Proviso, as to Foreign Companies. But no such Licence shall be issued to any foreign Company, unless such Company is possessed of at least one hundred thousand dollars of paid up and unimpaired Capital, or accumulated surplus Funds invested in good and sufficient securities, nor until statement under oath to that effect is filed with the Minister of Finance, sworn to by some one whose duty it is to know and who is personally cognizant of the fact sworn to ; Provided that the amount of the deposit of any Company then in the hands of the Receiver General shall be reckoned as part of its capital.

Amount of deposits before licence.

4. The deposit to be so made, as aforesaid, shall be as follows, to wit:—by every Life, Fire, Inland Marine, Guarantee or Accident Insurance Company, securities to the amount of not less than fifty thousand dollars, and such amount shall be deposited before the License is issued; and any Company incorporated by Act of the Parliament of Canada or of any of the Provinces now constituting the Dominion of Canada, which by the 4th section of the Act 31 Vict., cap. 48, might make its deposit in three annual instalments shall complete the deposit of fifty thousand dollars on or before the 1st day of August, 1871.

Provision as to Companies which, by 31 Vic., chap. 48, might deposit by instalments.

As to Companies carrying on more than one branch of Insurance.

5 When any Company carries on more than one description of Insurance business, it shall make a separate deposit as aforesaid for each branch of its business; provided that a Company combining Life and Accident Insurance, or Fire and Inland Marine Insurance, shall only be required to make one deposit for each such combination of two branches of business; and with respect to any insurance business other than those hereinbefore specified, the Treasury Board may prescribe the amount of deposit which shall be required.

Further deposit, after the issue of the licence, by Fire and Inland Marine Insurance Companies.

6. All Fire and Inland Marine Insurance Companies which by the preceding sections are required to make a deposit of securities to the amount of fifty thousand dollars before the issue of the licence, or which are required to have made such a deposit on or before the 1st day of August, 1871, shall make a further deposit of securities until the whole deposit has amounted to one hundred thousand dollars, or to one hundred and fifty thousand dollars in the case provided for by the 15th section of this Act; and all such Companies which at the time of the passing of this Act have a larger deposit than fifty thousand dollars shall continue to deposit ten thousand dollars annually, until the whole deposit amounts to one hundred thousand dollars or one hundred and fifty thousand dollars, as the case may be: and all Life Insurance Companies, in addition to the amount of their present deposit or to the amount they are required to deposit before obtaining a license, shall deposit annually securities to the amount of the increase of the re-insurance value of their outstanding risks in Canada since the date of their last annual return, or to such smaller amount as will make their whole deposit equal to the re-insurance value of all their outstanding risks; and if the increase of the re-insurance value during the year shall not be sufficient to bring the deposits up to the whole amount of the re-insurance value of all their outstanding policies, then such companies shall deposit ten thousand dollars annually in addition to the increase in the re-insurance value during the year until such time as the whole deposit shall be equal to the whole re-insurance value of all their outstanding policies; and the first such additional deposit shall be made on or before the 1st day of January, in the year 1872; and all such additional deposits, whether by Companies now licensed or hereafter to be licensed, shall be due and payable on the 1st day of January in each year.

And by Life Insurance Companies: to meet re-insurance value of Canadian policies.

In what securities such deposits may be made: and how the value shall be estimated.

7. All such deposits may be made by any Company in securities of the Dominion of Canada, or in securities issued before July 1st, 1867, by any of the Provinces of Canada, Nova Scotia, or New Brunswick, and by any Company incorporated in Great Britain, in securities of the United Kingdom, and by any Company incorporated in the United States, in securities of the United States; and the value of such securities shall be estimated

at their market value at the time when they are so deposited; if any securities other than those above named are offered as a deposit, they may be accepted, at such valuation and on such conditions as the Treasury Board may direct; and if the market value of any of the securities which have been deposited by any Company shall decline below that at which they were deposited, the Treasury Board may call upon the Company to make a further deposit, so that the market value of all the securities deposited by any Company shall be equal to the amount which they are required to deposit by this Act; and if the business of any Life Insurance Company in Canada shall be reduced so that the value of the securities deposited by it shall be in excess of the re-insurance value of all its outstanding policies, securities to the amount of such excess may, upon an application of the Company and a report of the Treasury Board thereon, be released by an Order of the Governor in Council.

Provision if the market value declines.

8. If any Company shall have made a deposit in cash, as provided by the 7th section of the Act 31 Vic., cap. 48, and such deposit has been invested in trust for the Company in Dominion Stock at par, such Stock shall for the purposes of the next preceding section be reckoned at par; and if such Company shall thereafter withdraw from business in Canada, or become insolvent, the amount so invested in Dominion Stock shall be repaid to the Company, or applied in liquidation of the claims against it, at par.

As to Companies having deposited cash, to be invested in Dominion Stock at par.

9. Except as herinafter provided, in case of the insolvency of a Company, the securities held in deposit shall not be lessened, disposed of, or surrendered to the Company, without an Order of the Governor in Council; but, except in the case of the insolvency of a Company, the interest or dividends upon such securities shall be payable to the Companies on account of which they were deposited; but if any Company wishes to withdraw any of the securities so held in deposit and to substitute others in their place, such withdrawal and substitution may at all times be permitted by the Treasury Board.

As to withdrawal or change of securities, and right to interest thereon.

10. Every Company obtaining such licence as aforesaid, shall, before the transaction of any business of insurance, file in the office of either of the Superior Courts of Law or Equity, in that one of the Provinces of Ontario, Nova Scotia or New Brunswick, in which it has its chief agency (if such chief agency be in one of those Provinces), or if such chief agency be in the Province of Quebec, then in the office of the Prothonotary of the Superior Court for the said Province, in the District within which such chief agency is established, a certified copy of the Charter, Act of Incorporation, or Articles of Association of the Company, and also a Power of Attorney from the Company to its Agent in Canada, under the seal of the Company (if it have a seal), and signed by the President and Secretary, or other proper officer thereof, and verified as to its authenticity by the oath of the Agent of such Company in Canada, or of some person cognizant of the facts necessary to its verification, which Power of Attorney must declare at what place in Canada the agency of the Company to which such power relates, is, or is to be established, and must expressly authorize such Agent to receive process in all suits and proceedings against such Company in the Province in which such agency is, or or is to be, established, for any liabilities incurred by the Company therein, and must declare that service of process for or in respect of such liabilities at such chief

Company to file certain documents in a Superior Court, in the Province where it has its chief agency.

agency, or personally on such Agent, at the place where such chief agency is established, shall be legal and binding on the Company to all intents and purposes whatever. And any Company having any agency in any Province, or in any District in the Province of Quebec, other than the Province or District in which its chief agency is situated, shall file in the office of the Court in which the documents aforesaid would be filed if the chief agency were in such Province or District, a power of attorney, executed as aforesaid, authorizing some agent in that Province or District to receive process as aforesaid, and with like effect, in all suits or proceedings against the Company on claims arising in such Province or District, or on policies issued therein. And the Company shall at the same time file in the office of the Minister of Finance, copies of the documents above named together with a copy of the terms (if any) on which the Company, if a Fire Company, reserves to it self the right of cancelling policies, and if a Life Company, a copy of the *data* by which it estimates the re-insurance values of policies.

And a power to receive process in in each Province, &c., where it issues policies.

And certain documents in the office of the Miuister of Finance.

Effect of the filing of documents required by Section 10.

11. After the certified copies referred to in the next preceding section, and the Power of Attorney, are filed as aforesaid, any process in any suit or proceeding against the Company, for any liability incurred in the Province (or District as the case may be) in which an agency is established and such power of attorney is filed, may be served on the Company at such agency, in the same manner as process may be served upon any Company incorporated in Canada, at the place appointed by law for the service of process on such Company, and all proceedings may be had thereupon to judgment and execution in the same manner and with the same force and effect as if such Company were incorporated in Canada; and any such document so filed, or any copy thereof certified as a true copy under the seal of the Court in which it has been filed, shall, as against the Company having filed it, be deemed authentic, and be received in evidence without further proof.

Company obtaining a licence to give public notice thereof.

12. Every Company obtaining such Licence as aforesaid, shall forthwith give due notice thereof in the Canada Gazette, and in at least one Newspaper in the County, City, or place where any Agency is established, and shall continue the publication thereof for the space of one calendar month, and the like notice shall be given when such Company shall cease, or notify that it intends to cease to carry on business in Canada.

Penalty for neglect to file documents required by Section 10.

13. Any person who shall deliver any Policy of Insurance or collect any premium, or transact any business of Insurance on behalf of any such Company as aforesaid, without such Licence as aforesaid, or if such Licence has been withdrawn, without the renewal thereof, or without filing the copy of the Charter, Act of Incorporation, or Articles of Association of the Company, and a Power of Attorney as hereinbefore provided, shall be liable to a penalty of *one thousand* dollars for each such contravention of this Act, which penalty may be used for and recovered on information filed in the name of the Attorney General of Canada, and shall be paid to the Crown, and in case of non-payment of such penalty in one month after such judgment, the person so offending shall be liable to imprisonment, in any gaol or prison in the jurisdiction where he is convicted, for the space of three months.

Insurance Inspector to be appointed.

14. The Governor shall appoint an officer to be called Insurance Inspector, whose duty it shall be to examine and report upon the business carried on by all Insurance Companies licensed to transact business in Canada. He shall visit the chief agency of

His duties and remuneration. Companies to pay certain sums towards defraying expenses.

every such Company at least once in every year, and oftener if he shall deem it expedient, or if he shall be instructed by the Minister of Finance to make such inspection. He shall have free access to all books and papers relating to the business of such Company in Canada, and he shall thoroughly inspect and examine all its affairs and make such inquiries as are necessary to ascertain its condition and its ability to meet its engagements, and whether it has complied with all the provisions of the law applicable to its transactions. He shall once in every year, as soon as may be after the close of the financial year of each Company engaged in Life Insurance, value all outstanding policies of Life Insurance of such Company. Towards paying the expenses of the Inspection above provided for, every Company licensed to transact business in Canada shall pay to the Receiver General *twenty dollars* annually, and if licensed for both Fire and Life business *thirty dollars*; and every such Life Company shall pay annually *ten dollars* additional if the total amount at risk in Canada, shall exceed one million dollars, and *twenty dollars* if it shall exceed two million dollars, and *ten dollars* for every additional million dollars; and every such Fire Company shall pay annually *five dollars* additional if the total amount at risk in Canada shall exceed one million dollars, and *five dollars* for every additional million.

Statements to be submitted annually by Companies to the Inspector: and laid before Parliament. Penalties for default by Company to submit them.

15. Subject to the exception in the following section, every Company so licensed shall submit annually, to the Insurance Inspector, a statement, verified by the oath of the President, Manager, or Agent of such Company, or any person cognizant of the facts, containing the particulars mentioned in the form of the Schedule to this Act applicable to the case, such statement to be made up to the First day of January next preceding, or to the usual balancing day of the Company, provided such balancing day be not more than twelve months in the case of Life Assurance Companies and six months in the case of other Companies before the filing of such statement, and a copy of such statement shall be published in the *Canada Gazette*; and the Insurance Inspector shall transmit such statement to the Minister of Finance with his report thereon. The Minister of Finance shall cause the statements or an analysis thereof to be laid before Parliament, within thirty days after the commencement of each Session thereof, and any Company failing to comply with the provisions of this section shall forfeit and pay to the Crown, the sum of *one thousand dollars*, to be recovered on information to be filed in the name of the Attorney General of Canada, in that behalf; and with respect to any kind of business not provided for in the said schedules, the Treasury Board may prescribe the form of return which shall be made, under the like penalty, and recoverable in the like manner; and the Minister of Finance may from time to time vary the forms in the said schedules, as far as regards the business done by any Company in Canada, or grant an extension of time for filing the same according as experience or the special constitution of any Company may require.

Exception as to certain British Companies.

16. No Insurance Company established in the United Kingdom, and which is not bound by the laws in force there to furnish or publish statements of its affairs, shall be liable to the obligation or to the penalty mentioned in the next preceding section, if it shall not make a return of its general business elsewhere than in Canada in the form provided by the schedules to this Act, provided such Company, if a Fire Insurance Company has deposited at least

one hundred thousand dollars, or such larger sum as shall be equal to its average yearly income in Canada during the three next preceding years, or if a Life Insurance Company has deposited, or is in course of depositing under the provisions of the 6th section of this Act securities to the amount of not less than one hundred and fifty thousand dollars; but every such Company shall submit annually to the Insurance Inspector in the same manner as is provided for the statements required in the next preceding section, a statement under oath of the Agent in Canada, containing the particulars mentioned in the Schedule for all its business in Canada.

They must make statement of business in Canada.

17. Mutual Fire Insurance Companies which receive no cash premiums whatever in lieu of premium notes, and act wholly and exclusively on the mutual principle, shall not be required to make any deposit under this Act, but all such companies doing business in any part of Canada shall register their names with the Minister of Finance, and shall make annual returns on oath in such form as may be prescribed by him under a penalty of dollars; and any such Mutual Fire Insurance Company receiving cash, or part cash premiums in lieu of premium notes or accepting risks other than from its members, shall be required to make deposits under this Act. But the Treasury Board may limit the amount of the securities to be deposited by them to a less amount than that required by this Act, provided that the securities so deposited shall never be less than the average amount of cash premiums received, or the average amount of the losses sustained, during the three years next preceding the date of the then last return.

Provision as respects Mutual Fire Insurance Companies.

18. In case of the insolvency of any Company, the securities held in deposit for such Company, and the interest or dividends accruing thereon shall be applied *pro rata* towards the payment of all claims duly authenticated against such Company, upon, or in respect of Canadian policies; and any such Company shall be deemed insolvent upon failure to pay any undisputed claim arising, or loss insured against, in Canada, for the space of thirty days after being due, or, if disputed, after final judgment and tender of a legal valid discharge, and (in either case) after notice thereof to the Minister of Finance. All claims against any Insurance Company may be prosecuted before the courts of the Province in which the claim has arisen and the loss has been sustained, but the distribution of the proceeds of the securities held in deposit shall be made by the court having jurisdiction in that Province (and that District if such Province be the Province of Quebec) where the chief Agency is situated, and such distribution may, if applied for in the Province of Ontario, or of Nova Scotia, or of New Brunswick, be made by order in Chancery, or in Equity; or, if applied for in the Province of Quebec, may be made, by judgment or order of distribution of the Superior Court within the district where the chief Agency is situated; Provided that in any case when a claim for loss is by the terms of the policy payable on proof of such loss, without any stipulated delay, the notice to the Minister of Finance under this section shall not be given until after a lapse of sixty days from the time when the claim becomes due.

Deposits to be applied in case of insolvency of the Company to the payment of claims in Canada.

Where such claims may be prosecuted, and such distribution made.

Proviso.

19. Upon the insolvency of any company the court having jurisdiction in the Province (or District if such Province be the Province of Quebec), where the chief agency in Canada of such company is situated shall appoint an Assignee or Assignees who

Court to appoint an Assignee in case of insolvency of Company:

shall forthwith call upon the insolvent Company to furnish a statement of all its outstanding policies in Canada. Upon the receipt of such statement, if the amount of the deposit, over and above what is enough to meet judgments against the Company or claims in course of prosecution, shall be sufficient, the Assignee or Assignees may insure all outstanding Canadian policies with some Company licensed to transact business in Canada, advertising for tenders to that effect; and if the amount of the deposit be not enough so to reinsure all policies to the full amount, the Assignees may insure them for such a percentage of the risks as the amount at their disposal may admit of; and the court having jurisdiction, as above provided, may order a sufficient amount of the securities to be sold to meet such re-insurance. If the Assignees are unable to re-insure in full or in part all outstanding Canadian policies as a whole, they shall appoint a competent Actuary, and shall ascertain, in the case of Fire Insurance Companies, the amount at which each policy might have been cancelled at the rates established by the Company, and for a Life Insurance Company the re-insurance value of each policy according to the tables which on the report of the Treasury Board may be sanctioned by the Governor in Council for that purpose, and such surrender or re-insurance value shall rank in the distribution of the assets with judgments obtained for claims established or losses incurred. And upon the completion of the schedule to be prepared by the Assignees, of all judgments against the Company and of all claims for re-insurance or for surrender of the policy as aforesaid, the court having jurisdiction, as above provided, shall cause the securities held by the Receiver-General for such Company, or any part of them, to be sold in such manner and after such notice and formalities as the court may appoint, and the proceeds thereof, after paying the expenses incurred, shall be distributed *pro rata* amongst the claimants according to such schedule, and the balance, if any, shall be surrendered to the Company. But if any loss shall be sustained or any claim shall arise after the statement of outstanding policies has been obtained from the Company, as hereinbefore provided, and before the final order of the Court for the distribution of the proceeds of the securities, or if the proceeds of the securities shall not be sufficient to cover in full all claims recorded in the schedule, the policy holders shall not be barred from any recourse they may have either in law or equity against the Company issuing the policy, other than that for a share in the distribution of the proceeds of the securities held for such Company by the Receiver-General.

Further proceedings in such case. Duties of Assignee.

Re-insurance and how effected or value computed.

Sale of securities and distribution of proceeds.

As to losses occurring thereafter.

20. When any Company has ceased to transact business in Canada and has given the notice required by this Act to that effect, before its securities can be given up to it, it must insure on behalf of its Canadian policy holders, all outstanding risks in some Company or Companies licenced in Canada, or obtain the surrender of the policies. Upon making application for its securities, the Company must file with the Minister of Finance a list of all Canadian policy holders who have not been so insured or have not surrendered their policies, and it must at the same time publish in the *Canada Gazette* a notice that it has applied to Government for the release of its securities on a certain day, not less than 30 days after the date of the notice, and calling upon its Canadian policy holders opposing such release to file their opposition with the Minister of Finance on or before the day so named; and after that day, if the Treasury Board is satisfied that the Company has ample assets to meet its

Provision in case of Companies withdrawing from business in Canada.

liabilities, all the securities may be released to it by an Order of the Governor in Council, or a sufficient amount of them may be retained to cover the value of all risks respecting which opposition has been filed, and the remainder may be released, and thereafter, from time to time, as such opposing risks may lapse or proof may be adduced that they have been satisfied, further releases may be made on the authority aforesaid; and after a Company has ceased to transact business in Canada after the notice hereby required, and its licence has in consequence been withdrawn, such Company may nevertheless continue to receive the premiums coming due on policies not re-insured or surrendered, and may pay the losses arising thereon as if such licence had not been withdrawn.

Provision in case of a Company failing to make any deposits at the time required by this Act, or whose deposits are reduced.

21. Whenever any Company, entitled to make the deposits required by this Act by instalments, fails to pay any such instalment when due, or whenever notice has been given to the Minister of Finance under the 18th section, so that the amount of the securities representing the deposit of such Company, is liable to be reduced by sale of any portion thereof, the licence of such Company shall *ipso facto* be null and void, and shall be deemed to be withdrawn; but such licence may be renewed, and the Company may again transact business, if it shall pay any instalment so in arrears, or if within sixty days after notice to the Minister of Finance of the Company's failure to pay any undisputed claim, or the amount of any final judgment, as provided in the said 18th section, all undisputed claims or final judgments upon or against the Company in Canada, are paid and satisfied.

As to securities and documents made or filed under former Act, 31 Vic., chap. 48.

22. All securities held by the Receiver General for any Company at the time of the passing of this Act, and all further securities which may be deposited with him under this Act shall be held liable for all claims against the Company, whether the same arose before the passing of this Act or after that date, and all copies of charters, powers of Attorney, or other documents formerly filed by Companies under the Act 31 Vict., cap. 48, shall, if the same fulfil the requirements of this Act, be held to have been filed under its provisions.

As to Fire Policies extending over more than one year.

23. From and after the passing of this Act if any Fire Insurance Company shall take any risk extending over more than one year, such risk, extending over more than one year, secured by a policy issued after the passing of this Act, shall be barred, in case of the insolvency of the Company, from any participation in the proceeds of the securities held for such Company by the Receiver General.

Act not to apply to Companies incorporated under Provincial Acts, and not doing business in more than one Province. But they shall make returns.

24. The provisions of this Act as to deposit and issue of licence shall not apply to any Insurance Company incorporated, or to be incorporated under any Act of any of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, so long as it shall not carry on business in the Dominion beyond the limits of that Province by the Legislature or Government of which it was incorporated; nor shall the provisions of this Act as to deposit and issue of licence apply to any Insurance Company incorporated by any Act of the Legislature of the late Province of Canada so long as it shall not carry on business in the Dominion beyond the limits of the Province in which its chief agency is situated; but all such Companies carrying on business in any part of the Dominion shall on or before the 1st day of January in each year, make a return to the Minister of Finance shewing to what Province their business is confined and the ground on which they are exempted from the

operation of this Act, and on failure to make such return such Company shall be liable to a fine of

25. The Minister of Finance shall publish quarterly, in the *Canada Gazette*, a list of Companies licenced under this Act, with the amount of deposits made by each, and with such statements the Minister of Finance shall publish a list of all Companies carrying on Insurance business in the Dominion which, by the returns made by them to him claim to be exempted from the provisions of this Act, as to licence and deposits. Quarterly statements to be published by the Minister of Finance.

26. This Act shall come into force on from and after which day the Act 31 Vict., cap. 48, shall be repealed except as regards penalties and liabilities incurred under it, and excepting as to clauses repealing other Acts contained therein. Commencement of this Act. Repeal of 31 Vic., chap. 48.

SCHEDULE—FORMS.

Form A.

Statement to be made by every Life or Accident Insurance Company, except Companies mentioned in Section fifteen.

(*Name of the Company.*)

GENERAL BUSINESS.

(*Date to which Return is made.*) $ cts.

Assets of the Company.....

Liabilities of do. at the last date at which such liabilities have been valued, stating the date of such valuation, and the *data* on which it is made .....

Amount of Capital Stock .....

Amount paid thereon.....

Of what the assets of the Company consist, viz.:—

(*Insert particulars.*)

Number and amount of risks at the beginning of the year

Do do insured during the year .....

Do do expired during the year .....

Do do outstanding at the end of the year

Amounts re-insured in other Companies .....

Total premiums received during the year .....

Amount of claims from death or accident during the year

Expenses of management, agency, &c.....

CANADIAN BUSINESS.

(*Date to which return is made.*)

Number and amount of risks at the beginning of the year

Do do insured during the year.....

Do do expired during the year.....

Do do outstanding at the end of the year

Amounts re-insured in other Companies .....

Number and amount of policies which have become claims during the year .....

Number and amount of claims paid.....

Do unpaid (stating reasons)

Total premiums received .....

Expenses of management, agencies, &c. .....

Value of securities under control of Receiver-General ...

Other assets in Canada .....

Premium reserve, or re-insurance value of all policies outstanding, showing the date of such valuation, and the *data* on which it is made .....

FORM B.

Statement to be made by a Fire or Guarantee Insurance Company (except Companies mentioned in Section fifteen), referred to in Section four.

(*Name of Company.*)

GENERAL BUSINESS.

(*Date to which Return is made.*)	$ cts.
Assets of the Company	
Liabilities of the Company	
Amount of Capital Stock	
Amount paid thereon	
Of what the assets of the Company consist:— (*Insert particulars.*)	
Number and amount of risks at the beginning of the year	
Do do insured during the year	
Do do expired during the year	
Do do outstanding at the end of the year	
Amounts re-insured in other Companies	
Total premiums received during the year	
Amount of losses adjusted during the year	
Expenses of management, agencies, &c.	

CANADIAN BUSINESS.

(*Date to which Return is made.*)	
Number and amount of risks at the beginning of the year	
Do do insured during the year	
Do do expired during the year	
Do do outstanding at the end of the year	
Amounts re-insured in other Companies	
Amount of losses paid during the year	
Amount of losses due and unpaid	
Losses adjusted and not due	
Losses in suspense and waiting further proof	
Losses, the payment of which is resisted, and for what cause	
All other claims against the Company	
Total premiums received during the year	
Expenses of management, agency, &c.	
Value of securities under control of Receiver General	
Other assets in Canada	

No. 71.

4th Session, 1st Parliament, 34

BILL.

An Act to amend the Act r
surance Companies.

Received and read, First time, February, 1871.

Second reading, Wednesday, 22nd

Hon. Sir FRANC

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 & 33
1871.

No. 71.] **BILL.** [1871.

An Act to amend the Act respecting Insurance Companies.

Re-printed as amended by the Standing Committee on Banking and Commerce.

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

1. In this Act and the Act hereby amended, the expression "Canadian Policy," or "Policies in Canada," means all policies issued by any Company licenced to transact the business of Insurance in Canada, in favour of any person or party resident in Canada at the time when such policies were issued, and also as regards Fire Insurance, any policy of Insurance on any property in Canada.

2. The seventh section of the Act respecting Insurance Companies, passed in the thirty-first year of Her Majesty's reign, and chaptered forty-eight, is hereby repealed, and the following section is substituted therefor, and shall hereafter be read as the seventh section of the said Act:—

"7. All such deposits may be made by any Company in securities of the Dominion of Canada, or in securities issued by any of the Provinces in the Dominion of Canada, and by any Company incorporated in Great Britain, in securities of the United Kingdom, and by any Company incorporated in the United States, in securities of the United States; and the value of such securities shall be estimated at their market value at the time when they are so deposited; if any securities other than those above named are offered as a deposit, they may be accepted, at such valuation and on such conditions as the Treasury Board may direct; and if the market value of any of the securities which have been deposited by any Company shall decline below that at which they were deposited, the Treasury Board may call upon the Company to make a further deposit, so that the market value of all the securities deposited by any Company shall be equal to the amount which they are required to deposit by this Act."

And wherever it is provided in the aforesaid Act that a Company shall deposit any amount in money with the Receiver General, it shall be held to imply that the Company shall deposit securities with the Receiver General equivalent in value to such amount: and wherever it is provided that the Receiver General shall invest in Dominion Stock the interest accrued on any securities deposited by a Company, it shall be held to imply that he shall pay such interest to the Company upon its depositing with him securities of equivalent value.

3. If any Company shall have made a deposit in cash, as provided by the 7th section of the Act 31 Vic., cap. 48, and such deposit has been invested in trust for the Company in Dominion

Stock at par, such Stock shall for the purposes of the next preceding section be reckoned at par; and if such Company shall thereafter withdraw from business in Canada, or become insolvent, the amount so invested in Dominion Stock shall be repaid to the Company, or applied in liquidation of the claims against it, at par.

4. Upon the insolvency of any company, the court having jurisdiction in the Province (or sitting in the District if such Province be the Province of Quebec), where the chief agency in Canada of such company is situated, shall appoint an Assignee or Assignees, who shall forthwith call upon the Company to furnish a statement of all its outstanding policies in Canada, and upon all policy holders to file their claims; and upon the filing of the claims before the Assignees, the parties interested shall have the same right of contestation, and the Assignees shall have the same powers in respect thereof, subject to the same right of appealing from their decision to the same tribunals, as is provided for in similar cases by the Insolvent Act of 1869; and in case of any Fire Insurance Company becoming insolvent, the parties insured shall be entitled to claim for a part of the premium paid proportionate to the unexpired period of their policies respectively, and such return premium shall rank with judgements obtained and claims accrued, in the distribution of the assets; and in the case of a Life Insurance Company the Assignee or Assignees may insure all outstanding Canadian policies with some Company licenced to transact business in Canada, advertising for tenders to that effect; and if the amount of the deposit be not enough so to re-insure all policies to the full amount, and to meet all judgements against the Company, and claims accrued, the Assignees may insure them for such a percentage of the risks as the amount at their disposal may admit of, such re-insurance ranking *pro rata* with judgements and claims accrued; and the court having jurisdiction, as above provided, may order a sufficient amount of the securities to be sold to meet such re-insurance. If the Assignees are unable to re-insure in full or in part all outstanding Canadian policies as a whole, they shall appoint a competent Actuary, and shall ascertain the re-insurance value of each policy according to the tables which on the report of the Treasury Board may be sanctioned by the Governor in Council for that purpose; and upon the completion of the schedule to be prepared by the Assignees, of all judgments against the Company and of all claims for reinsurance or for surrender of the policy as aforesaid, the court having jurisdiction, as above provided, shall cause the securities held by the Receiver General for such Company, or any part of them, to be sold in such manner and after such notice and formalities as the court may appoint, and the proceeds thereof, after paying the expenses incurred, shall be distributed *pro rata* amongst the claimants according to such schedule, and the balance, if any, shall be surrendered to the Company. But if any loss shall be sustained or any claim shall arise after the statement of outstanding policies has been obtained from the Company, as herein-before provided, and before the final order of the Court for the distribution of the proceeds of the securities, or if the proceeds of the securities shall not be sufficient to cover in full all claims recorded in the schedule, the policy holder shall not be barred from any recourse they may have either in law or equity against the Company issuing the policy, other than that for a share in the distribution of the proceeds of the securities held for such Company by the Receiver-General.

5. When any Company has ceased to transact business in Canada and has given the notice required by this Act to that effect, before its securities can be given up to it, it must insure on behalf of its Canadian policy holders, all outstanding risks in some Company or Companies licenced in Canada, or obtain the surrender of the policies. Upon making application for its securities, the Company must file with the Minister of Finance a list of all Canadian policy holders who have not been so insured or have not surrendered their policies, and it must at the same time publish in the *Canada Gazette* a notice that it has applied to Government for the release of its securities on a certain day, not less than 30 days after the date of the notice, and calling upon its Canadian policy holders opposing such release to file their opposition with the Minister of Finance on or before the day so named; and after that day, if the Treasury Board is satisfied that the Company has ample assets to meet its liabilities, all the securities may be released to it by an Order of the Governor in Council, or a sufficient amount of them may be retained to cover the value of all risks respecting which opposition has been filed, and the remainder may be released, and thereafter, from time to time, as such opposing risks may lapse or proof may be adduced that they have been satisfied, further releases may be made on the authority aforesaid; and after a Company has ceased to transact business in Canada after the notice hereby required, and its licence has in consequence been withdrawn, such Company may nevertheless continue to receive the premiums coming due on policies not re-insured or surrendered, and may pay the losses arising thereon, as if such licence had not been withdrawn.

No. 71.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act respecting Insurance Companies.

Reprinted as amended by the Standing Committee on Banking and Commerce.

Hon. Sir FRANCIS HINCKS.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 & 33 Rideau Street.

1871.

No. 72.] **BILL.** [1871

An Act to provide for taking the Polls by Ballot at Election of Members to serve in the House of Commons of Canada.

Preamble.

WHEREAS it is expedient to amend the mode of voting and of taking the poll now in force at elections of members to serve in the House of Commons of Canada; and to provide for voting and taking the poll at such elections by ballot; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title and commencement of Act.

1. This Act shall be cited for all purposes as "The Ballot Act, 1871," and shall commence and take effect from the date of the passing thereof, and the word "Election," whenever it occurs in this Act, shall mean an election of a member or members to serve in the House of Commons of Canada.

Ballot cards to be provided.

2. Before the day fixed for taking the poll at any election, the returning officer acting in respect of such election, shall cause to be prepared and printed ballot cards according to the form and directions in the schedule (A.) to this Act annexed, on which ballot cards the names of the several candidates at such election shall be printed in strict alphabetical or dictionary order, and in separate and distinct colors; and shall, before the opening of the poll at such election, supply to the deputy returning officer appointed to each separate polling booth so many of such ballot cards as shall correspond with the number of voters entitled to vote in such booth; And every such deputy returning officer shall account for the ballot cards so supplied to him, to the returning officer, at the close of the poll.

Balloting compartments to be provided in each polling booth.

3. At every contested election, the returning officer shall, before the opening of the poll, cause to be fitted up or provided in each polling booth one or more balloting compartments, with all necessary conveniences and materials for the purpose of enabling each voter who shall vote in such booth, to mark a ballot card as hereinafter provided; and every such compartment shall be so constructed that each such voter may so mark his ballot card, alone and secretly, without any interference or interruption.

Persons who may be present in any booth.

4. From and after the opening of the poll in any polling booth until the close of all proceedings relating thereto, no person shall be entitled or permitted to be present in such booth, other than the returning officer, the deputy returning officer, the poll clerk, and the inspectors of the several candidates (to be appointed as hereinafter provided), and such voters as shall for the time being be actually voting; and every person, other than the persons aforesaid, who shall wilfully enter or intrude into such booth shall be guilty of a misdemeanor; Provided that it shall at all times be lawful for the deputy returning officer acting in any booth to have present or to summon to his assistance in such booth any police constable or peace officer, acting within the jurisdiction in

Proviso: for preserving order.

which such booth is situate, for the purpose of maintaining order, or of preserving the public peace or preventing any breach thereof, or of removing any person or persons who may, in the opinion of such deputy returning officer, be obstructing the polling or wilfully violating any of the provisions of this Act.

Ballot box to be provided in each booth.

5. The returning officer shall cause to be provided at and for each polling booth a ballot box, with lock and key thereto, and having a narrow cleft or opening therein, capable of admitting a ballot card when folded as herein-after provided; which box shall be open for inspection and examination by the deputy returning officer, the poll clerk, and the inspectors appointed to and present in such booth, immediately before the opening of the poll, and shall then be locked and sealed, in their presence, by such deputy returning officer, for the reception of the ballot cards. And during the polling such box shall remain so locked and sealed, and shall stand upon a table in the booth at which such deputy returning officer, poll clerk and inspectors shall sit or be placed, and the key of such box shall remain and be in the sole custody of such deputy returning officer, who shall be responsible for the safe keeping thereof.

Mode of voting at elections.

Ballot cards to be delivered to every voter, previously initialled by deputy returning officer, &c.

Number of voter voting to be marked on the ballot card.

6. At every such election, the deputy returning officer acting in any polling booth, shall deliver to every voter entitled to vote in such booth, (and not having previously voted at such election), who shall present himself for the purpose of voting, a ballot card; and, at the time of the delivery of such ballot card, such deputy returning officer shall, on the back thereof, legibly initial the same with his own initials, and such deputy returning officer shall also, in like manner, inscribe thereon, with invisible ink made of a solution of chloride of cobalt (to be provided for that purpose by the returning officer), the number of such voter on the voter's list; and thereupon, such deputy returning officer, or his poll clerk, shall place a mark or his initials against the name of such voter, upon a certified copy of the list of voters entitled to vote in such booth, which mark or initials shall be *primâ facie* evidence of the identity of the person voting with the voter whose name shall be so marked or initialled, and of such voter having voted in such booth: Provided that such deputy returning officer, or his poll clerk, may, and shall, if required, explain to any such voter the mode of voting, and the order and colours in which the names of the candidates are printed upon the ballot card. Every voter, immediately upon receiving a ballot card, shall retire alone to one of the balloting compartments, and shall there erase or strike out from his ballot card the name or names of the candidate or candidates for whom he does not intend to vote, and forthwith fold the same across, in such manner as to conceal the names of the candidates; and shall then deliver such ballot card, so folded, to the deputy returning officer, who shall, without unfolding the same or in any way disclosing the names of the candidates or the erasures made by such elector, verify his initials upon the back thereof, and forthwith deposit the same in the ballot box, publicly in the presence of all persons entitled to be present and then present in such booth.

Proviso.

Voter to strike out names of candidates for whom he does not vote.

Ballot card to be folded and delivered to returning officer, &c., and deposited in ballot box.

No person to be allowed to be in any balloting compartment with any voter.

7. Whilst any voter is in any balloting compartment preparing his ballot card, no other person shall be allowed to enter such balloting compartment, or to be in any position where he can observe which name or names such voter shall erase or strike out from his ballot card.

Provisions in case of voters blind or physically incapacitated from marking the ballot card.

8. Provided that in case any voter shall be blind, or shall satisfy the deputy returning officer that he is physically incapacitated from marking the ballot card, then such deputy returning officer shall accompany such voter to one of such compartments as aforesaid, and shall there assist such voter to erase or strike out from his ballot card the name or names of such candidate or candidates as such voter shall desire to have struck out, and to fold the same as hereinbefore directed; and such voter shall deliver his ballot card, so folded, to the deputy returning officer, who shall verify the initials thereon and deposit it in the ballot box, in manner hereinbefore directed.

Persons omitted from register may tender their votes.

Persons tendering votes in respect of qualifications already voted upon.

Tenders to be received.

9. Provided also, that at every such election, any person whose name shall have been omitted from the voters' list, in consequence of the decision of the person or persons who shall have revised the lists from which such list shall have been formed, may tender his vote at such election; and in case such tender shall be made, or in case the vote of any person duly registered shall have been received, and any other person shall afterwards tender his vote in respect of the same qualification, and shall duly answer the questions authorized by law to be put to any voter at the time of tendering his vote, then and in every such case, the person so tendering his vote shall be permitted to vote in manner hereinbefore provided; but the deputy returning officer, upon receiving the ballot card of the person so permitted to vote, and before depositing it in the ballot box, shall enclose such ballot card in a sealed envelope, and shall inscribe thereon the name and address, or the number upon the register, of the person so permitted to vote, and also the word "tender."

Rejection of ballot cards.

10. Every ballot card which shall contain a greater number of names unerased or not struck out than the number of persons for whom each voter is legally entitled to vote, or which is so marked as to render it uncertain which name or names the voter intended to erase or strike out, or which is not duly initialled as hereinbefore provided, shall be rejected at the close of the poll.

Votes to be examined and counted up in each booth at close of the poll.

11. In every polling booth, the deputy returning officer shall, immediately after the closing of the poll, in the presence of his poll clerk, if any, and also of such of the inspectors appointed to act in such booth as shall be present, open the ballot box, and examine the ballot cards therein deposited, (except such as shall have been inclosed in sealed envelopes in manner hereinbefore provided); and shall count up and make a written statement, in words as well as figures, of the number of votes given for each candidate, and the number of the ballot cards inclosed in sealed envelopes as aforesaid, and of the ballot cards which have been rejected as hereinbefore provided; which statement shall then and there be signed by such deputy returning officer, and countersigned by his poll clerk, if any, and by such inspectors; and such deputy returning officer shall forthwith securely seal up all the ballot cards which shall have been used in such booth, and shall, with the least possible delay, cause the same, so sealed, together with such written statement as aforesaid, and also his certified list of voters, and all books and papers officially kept by him or his poll clerk during the polling, and the unused ballot cards and the ballot box, to be delivered to the returning officer; Provided that, in case the deputy returning officer acting in any booth, and the inspectors who shall be present in such booth as aforesaid, are unable to agree as to the written statement to be made by such deputy returning officer, as hereinbefore directed, such deputy returning officer shall thereupon

Ballot cards to be sealed up and transmitted with statement and voter's list, &c., to the returning officer.

Proviso: if the deputy returning officer and inspector do not agree.

deposit the ballot cards in the ballot box and lock and reseal the same; and shall, together with his poll clerk and such inspectors, forthwith attend upon the returning officer and deliver to him the ballot box so locked and resealed: And the said returning officer shall then and there, in the presence of such deputy returning officer, poll clerk, and inspectors, open such ballot box and examine the ballot cards therein deposited (except as aforesaid), and shall count up and make and sign such written statement, as hereinbefore is mentioned, of the number of votes given for each candidate, and the number of the ballot cards or tenders inclosed in sealed envelopes, and of the ballot cards which have been rejected as hereinbefore provided; and shall forthwith securely seal up the ballot cards which have been so examined and counted up.

Provisions as to deputy returning officers to apply to returning officer.

12. All the provisions in this Act contained, relating to the duties and powers of a deputy returning officer, shall apply to and be observed and exercised by every returning officer who shall preside and act in any polling booth at any election.

Declaration of the poll.

13. At every election, the returning officer, as soon as possible after he shall have received from every deputy returning officer at such election, the sealed ballot cards and such statements as aforesaid of the number of votes given in each booth, shall cast up the total number of votes for each candidate, from such statements, without opening any sealed ballot cards; and shall, thereafter, openly declare the state of the poll, and make proclamation of the member or members chosen, in manner provided by the statutes in that behalf now in force.

Provisions for the safe custody of the sealed ballot cards. Proviso.

14. All statutory provisions, at the time of the passing of this Act existing and in force, for or relating to the transmission and safe custody and preservation of the poll books at elections, shall extend and apply respectively to the sealed ballot cards of every election under this Act; Provided that such ballot cards shall be kept and preserved so sealed as aforesaid, and shall not be opened, examined, or inspected by any person whomsoever, save and except as next hereinafter mentioned: Provided also, that in case any question shall at any time hereafter arise touching the number of votes given or alleged to have been given at any election, or touching the validity of any such votes, or of any votes tendered at such election in manner hereinbefore provided, the ballot cards relating to such election shall and may be produced before any committee of the House of Commons, for the time being having jurisdiction to hear and decide such questions, and shall be by such committee opened, examined, and received in evidence; but such committee shall not permit any ballot card to be identified unless and except the vote or votes thereby given shall have been previously adjudged and declared by such committee to be invalid.

Proviso:

Candidates may appoint an inspector in each booth.

15. At every election, it shall be lawful for any candidate, previous to the day fixed for the taking the poll at such election, to nominate and appoint an inspector on his behalf to attend in each or any of the polling booths at such election, for the purpose of detecting personation and of seeing whether the poll be duly taken according to the provisions of this Act; and such candidate shall give notice in writing, under his hand, to the deputy returning officer acting in each booth, of the name and address of the person so appointed by him to attend in such booth.

Persons charged with personation may be taken into custody.

16. If at the time any person tenders his vote at such election, or after he has voted, and before he leaves the polling booth, any such inspector so appointed as aforesaid shall declare to the deputy returning officer, acting in such booth, that he verily believes and undertakes to prove that the said person so voting is not in fact the person in whose name he assumes to vote, or to the like effect, then and in every such case it shall be lawful for such deputy returning officer, and he is hereby required immediately after such person shall have voted, by word of mouth to order any police constable or peace officer to take the said person so voting into his custody, which said order shall be a sufficient warrant and authority to the said constable or peace officer for so doing; Provided that nothing herein contained shall be construed or taken to authorize such deputy returning officer to reject the vote of any person who shall answer in the affirmative the questions authorized by law to be put to him at the time of tendering his vote, and shall take the oaths or make the affirmations authorized and required by law to be taken or made by him; but such deputy returning officer shall cause the words "protested against for personation" to be placed against the name of the person so charged with personation in the certified copy of the voters' list.

Vote not to be rejected if questions answered in the affirmative.

Returning officers and others to make a solemn declaration.

17. Every returning officer, deputy returning officer, poll clerk, and inspector, acting at any election under the provisions of this Act, shall, after his appointment and before the day fixed for the polling at such election, make and subscribe, before some justice of the peace acting within the district, county, or place in and for which such election is held, a solemn declaration in the form of the schedule B, to this Act annexed; and such solemn declaration shall be in addition to the oaths or declarations now by law required to be made and taken by any returning officer, and shall be in substitution for and in place of the oaths or declarations now by law required to be made and taken by any deputy returning officer or poll clerk.

Certain offences to be misdemeanors, &c., punishable by fine and imprisonment.

18. If, before, during, or after any election under the provisions of this Act, any person shall wilfully forge or imitate any ballot card, or vote or attempt to vote by means of any forged ballot card, or shall abstract, purloin, or take and carry away out of any polling booth any ballot card before the same shall have been marked by any voter as herein-before provided, or shall alter, deface, destroy, abstract, or purloin any ballot card after the same shall have been so marked, or shall make any mark, sign, or distinction on the back of the ballot card of any voter by means of which such ballot card may or can be afterwards recognized or identified (except as hereinbefore provided), or shall interfere or tamper with any ballot box during the hours of polling, or with any sealed ballot cards after the same have been so sealed as aforesaid, or (being a voter) shall wilfully display the names of the candidates upon his ballot card, or the erasures made by him on such ballot cards, he shall be guilty of a misdemeanor.

Repeal of laws, statutes, &c., inconsistent with this Act.

19. All laws, statutes, customs, and usages now in force relating to elections shall be and the same are hereby repealed, in so far only as they may be in any way inconsistent with the provisions of this Act, but in all other respects they shall remain in full force and effect, and this Act shall be read and construed along with the tenor thereof.

SCHEDULES to which this Act refers.

SCHEDULE A.

Form of Ballot Card.

ELECTORAL DISTRICT

OF

MONTREAL CENTRE.

NOVEMBER 18th, 1871.

Names of the Candidates.

.....

S. A. BEAUMONT.

T. K. SANDERSON.

The card to be made of unglazed white card-board, and to be perforated across the middle thereof, as shown by the dotted line. The names of the candidates to be printed in the strict alphabetical or dictionary order of their surnames, and in separate and distinct colours.

SCHEDULE B.

FORM OF SOLEMN DECLARATION.

Election.

I., *A.B.*, being duly appointed to act as at this election of a Member to serve in the House of Commons of Canada for the
to be held on the day of
do hereby solemnly, sincerely, and truly declare and affirm, that I will well and truly assist in such my office at such election, and that I will not disclose to any person the names or numbers upon the voters' list of the persons who have voted, and that I will not

in any way whatsoever attempt to ascertain for whom any elector shall vote or has voted, and will not by word or action or otherwise howsoever, directly or indirectly, aid in or be party or privy to the discovery of the same; and that I will keep secret all knowledge of the person or persons for whom any elector has voted, which may come to me in the exercise of such my office.

Made and declared before me, this day of

C. D.

A Justice of the Peace acting in and for

No. 72.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to provide for taking the Poll by Ballot at Elections of Members to serve in the House of Commons of Canada.

Received and read First time, Wednesday, 22nd March, 1871.

Second reading, Thursday, 23rd March, 1871.

Mr. TREMBLAY.

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street

1871.

No. 73.] **BILL.** [1871.

An Act to amend the Act incorporating the Sun Insurance Company of Montreal:

Preamble.

WHEREAS the Sun Insurance Company of Montreal have by their petition prayed that the Corporate name of the said Company may be changed, and it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name changed.

1. The Corporate name of the said Company shall hereafter be the Sun Mutual Life Insurance Company of Montreal.

Rights and liabilities not affected.

2 The said change of name shall not in any manner affect the rights, claims, assets or liabilities of the said Company, all of which shall remain vested in or obligatory upon the Company by its new name, in the same manner and to the same extent as they were vested in and obligatory upon the said Company by the Corporate name originally conferred upon it.

Powers of Company.

3. The powers of the said Company are hereby restricted to Life and Accident Insurance.

Inconsistent enactments repealed.

4. All provisions of the Act of Incorporation of the said Company, and of the Act amending the same, which are inconsistent with the provisions of this Act, are hereby repealed.

No. 73.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend the Act incorporating the Sun Insurance Company of Montreal.

Received and read, First time, Wednesday, 22nd March, 1871.

PRIVATE BILL.

Mr Workman.

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street.

1871.

No. 74.] **BILL.** [1871.

An Act to prolong, for a certain time, the term allowed for the redemption of rents reserved on certain Indian lands in the Township of Dundee.

Preamble.

WHEREAS, it is expedient to prolong, for a limited time, the term allowed by the second section of the Act of the Legislature of the late Province of Canada, passed in the session held on the twenty-seventh and twenty-eighth years of Her Majesty's reign, intituled, "An Act to change the tenure of the Indian lands in the Township of Dundee, in the County of Huntingdon," for the redemption of the rents therein mentioned; Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for redemption of rents extended.

1. The term of five years from the passing of the Act cited in the Preamble to this Act, limited by the second section of the said Act for the redemption of the reserved rents therein mentioned, shall be, and is hereby extended to the end of two years from the passing of this Act, up to which period such redemption may be made on the same terms and with the same effect, as if made within the five years limited by the said section.

Sale of lands to lessee.

2. If any lessee or assignee of a lessee of lands in the said Township of Dundee, for a term exceeding thirty years, desires to acquire by Patent a title to such land in fee simple, the Superintendent General of Indian Affairs may make a sale of such lands to such lessee or assignee, for such price as he may deem sufficient, but excepting from the valuation thereof, the increased value arising from the improvements made thereon, and upon payment of the purchase money a Patent in fee simple shall issue.

No. 74.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to prolong for a limited time, the term allowed for the redemption of rents reserved on certain Indian lands in the Township of Dundee.

Received and read, First time, Wednesday, 22nd March 1871.

Second reading, Thursday, 23rd March, 1871.

Hon. Mr. Howe.

OTTAWA:

Printed by I. B. Taylor, 29, 31, and 33, Rideau Street.

1871.

No. 75.] **BILL.** [1871.

An Act to Incoporate the Western Bank.

Preamble.

WHEREAS, Samuel M. Ryerson, Thomas Killam, John Young, Benjamin Killam, Nathan Moses, Samuel Killam, and Byron P. Ladd, have, by their Petition, prayed that they may be incorporated for the purpose of establishing a Bank in the Town of Yarmouth; and, whereas, such establishment would greatly promote the commercial and manufacturing interests of the said locality; and, whereas, it is just that the said persons, and others who may associate with them, should be incorporated for the said purpose; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Corporation and Chief Offices.

1. Samuel M. Ryerson, Thomas Killam, John Young, Benjamin Killam, Nathan Moses, Samuel Killam, Byron P. Ladd, and such other persons as may become shareholders in the Company to be by this Act created, shall be and are hereby created, constituted and declared to be a Corporation, body corporate and politic, by the name of "The Western Bank," and the chief office of the Bank shall be in Yarmouth, in the Province of Nova Scotia.

Capital Stock.

2. The Capital Stock of the Bank shall be five hundred thousand dollars of lawful money of Canada, divided into five thousand shares of one hundred dollars each.

Provisional Directors and Election of First Directors, Stock books, &c.

3. The above mentioned Samuel M. Ryerson, Thomas Killam, John Young, Samuel Killam, and Byron P. Ladd shall be Provisional Directors, for the purpose of organizing the said Bank, and they, or the majority of them, may cause stock books to be opened, after giving public notice thereof, upon which stock books may be recorded the subscriptions of such persons as desire to become shareholders in the said Bank, and such books shall be kept open at Yarmouth and elsewhere, at the discretion of the said Provisional Directors, as long as they deem necessary; and as soon as three hundred thousand dollars of the Capital Stock is subscribed, it shall be lawful for the said Provisional Directors, on giving due notice thereof in one or more newspapers published in Yarmouth, and one newspaper published in the city of St. John, N. B., to call a meeting of the subscribers to be held, at some place to be named in such notice, in the Town of Yarmouth, for the purpose of electing Directors and for other purposes connected with the said Bank, and such election shall be made then and there by a majority of shares voted upon, by ballot; and the Directors shall in like manner elect a President and Vice-President from among themselves for which purpose each Director shall be entitled to one vote only.

Bank to be subject to any general Act.

4. The Bank shall be subject to any general regulations respecting Banking, now in force or which may hereafter be made by the Parliament of Canada, and shall have such powers and privileges as may be conferred by such regulations.

No. 75.

4th Session, 1st Parliament, 34th Victoria, 1871.

BILL.

An Act to incorporate the Western Bank.

Received and read, First time, Thursday, 23rd March 1871.

PRIVATE BILL.

Mr. KILEAM.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, and 33, Rideau Street.

1871.

No. 76.] **BILL.** [1871

An Act to amend the Insolvent Act of 1869."

Preamble

WHEREAS, it is expedient to amend "The Insolvent Act of 1869;" Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sections of Insolvent Act 1869 repealed.

1. Sections 2, 68, 70, 71, 78, 97, 101, 109, 121 and 135 of "The Insolvent Act of 1869" are hereby repealed.

New section in place of section 2.

2. For section two of "The Insolvent Act of 1869," the following shall be substituted, viz.:—

"2. Any debtor unable to meet his engagements, and desirous of making an assignment of his estate, and any debtor who is required to make an assignment, as hereinafter provided, shall make an assignment of his estate and effects to any official assignee resident within the County or place wherein the insolvent has his domicile, or if there be no official assignee therein then to an official assignee in the County or place nearest to the domicile of the insolvent wherein an official assignee has been appointed, and the official assignee to whom such an assignment is made shall be known as the interim assignee; and forthwith upon the execution of the deed of assignment to him, a meeting of the creditors of the insolvent for the appointment of an assignee, shall be called by the interim assignee to be held at the place of business of the insolvent or at the office of the interim assignee, as the interim assignee calling the same may deem most expedient in such case, on the earliest day after notice as required by Section 117."

New section in place of section 68.

3. For Section 68 of "The Insolvent Act of 1869," the following shall be substituted, viz.:—

"68. So soon as a dividend sheet is prepared, notice thereof (Form M) shall be given by advertisement, and all dividends which have not been objected to within the time limited in such notice, shall thereafter be paid."

New section in place of section 70.

4. For Section 70 of "The Insolvent Act of 1869" the following shall be substituted, viz.:—

"70. If any claim be objected to at any time, or if any dividend be objected to within the time limited in the notice of dividend, and any dispute arises between the creditors of the insolvent, or between him and any creditor, as to the amount of the claim of any creditor, or as to the ranking or privilege of the claim of any creditor upon such dividend sheet, the assignee shall proceed thereon as hereinafter provided, shall hear and examine the parties and their witnesses under oath, (which oath the assignee is hereby empowered to administer), shall take clear notes in writing of the parole evidence adduced before him, shall examine and verify the statements submitted to him, by the books and accounts of the

insolvent, and by such evidence, vouchers and statements as may be furnished to him, and shall make an award in the premises and as to the costs of such contestation, which award shall be deposited in the Court, and shall be final, unless appealed from within three days from the date of its communication to the parties to the dispute."

New section in place of section 71.

5. For Section 71 of "The Insolvent Act of 1869" the following shall be substituted, viz. :—

"71. The assignee shall not receive or notice any objection to any claim, dividend or collocation, unless such objection shall be filed before him in writing, stating distinctly the grounds of such objection; the assignee shall thereupon notify the claimant of such objection, and the claimant shall have three days after receipt of said notice to answer such objection, which time, however, may be enlarged by the assignee, with a like delay to the contestant to reply; and upon the completion of an issue upon such objection the assignee shall fix a day for proceeding to take evidence thereon, and shall thereafter proceed therewith from day to day, unless he shall otherwise order, until the making of the award in the premises."

New section in place of section 78.

6. For Section 78 of "The Insolvent Act of 1869" the following shall be substituted, viz. :—

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

New section in place of section 97.

7. For Section 97 of "The Insolvent Act of 1869" the following shall be substituted, viz.:—

"97. If the insolvent procures and deposits with the assignee a deed of composition and discharge, duly executed as aforesaid, the assignee shall immediately give notice of such deposit by advertisement; and if opposition to such composition and discharge be not made by a creditor within the time named in such notice, which shall be at least three days after completion of the notice by advertisement required by Section 117, by filing with the assignee a declaration in writing that he objects to such composition and discharge, the assignee shall act upon such deed of composition and discharge according to its terms; but if opposition be made thereto within the same period, or if made, be not withdrawn, then he shall abstain from taking any action upon such deed until the same has been confirmed, as hereinafter provided."

New section in place of section 101.

8. For Section 101 of "The Insolvent Act of 1869" the following shall be substituted, viz. :—

"101. An insolvent who has procured a consent to his discharge

on the execution of a deed of composition and discharge, within the meaning of this Act, may file in the office of the Court the consent or deed of composition and discharge, and may then give notice (Form N) of the same being so filed, and of his intention to apply by petition to the Court in the Provinces of Quebec or Nova Scotia, or in the Provinces of Ontario and New Brunswick to the Judge, on a day named in such notice (which, however, shall not be before the day on which a dividend may be declared under this Act), for a confirmation of the discharge effected thereby; and such notice shall be given by advertisement in the *Official Gazette* for one month, and also for the same period, if the application is to be made in the Province of Ontario, New Brunswick or Nova Scotia, in one newspaper, and if in the Province of Quebec, in one newspaper published in French and in one newspaper published in English, in or nearest the place of residence of the insolvent; and the insolvent or person giving such notice shall also address notices thereof to all creditors and to all representatives of foreign creditors within Canada, and shall mail the same with the postage thereon paid, at the time of the insertion of the first advertisement, and upon such application, any creditor of the insolvent or his assignee under the authority of the creditors, may appear and oppose such confirmation, either upon the ground of fraud or fraudulent preference within the meaning of this Act, or of fraud or evil practice in procuring the consent of the creditors to the discharge, or their execution of the deed of composition and discharge, as the case may be, or of the insufficiency in number or value of the creditors consenting to or executing the same, or of fraudulent retention and concealment by the insolvent of some portion of his estate or effects, or of the evasion, prevarication or false swearing of the insolvent upon examination as to his estate and effects, or upon the ground that the insolvent has not kept an account book shewing his receipts and disbursements of cash, and such other books of account as are suitable for his trade, or, that having at any time kept such book or books, he has refused to produce or deliver them to the assignee, or that he is wilfully in default to obey any provision of this Act, or any order of the court or judge: and if any of the said grounds be proved, the confirmation of his discharge shall be refused and such discharge set aside and annulled; but in the Provinces of Ontario and Quebec, the omission to keep such books before the coming into force of the Insolvent Act of 1864, and in the Provinces of New Brunswick and Nova Scotia, such omission previous to the coming into force of this Act, shall not be a sufficient ground for contesting the confirmation of the discharge of an insolvent; and, provided, further, that any act on the part of the insolvent, which might be held to be an act of fraud or fraudulent preference within the meaning of the Insolvent Act of 1864, or this Act, but which would not amount to fraud if the said Act or this Act had not been passed, shall not be a ground for contesting the confirmation of the discharge of any insolvent, if such act was done by the insolvent, in the Province of Ontario or Quebec, before the coming in force of the Insolvent Act of 1864, or in the Province of Nova Scotia or New Brunswick, before the coming into force of this Act."

Words added to section 103.

9. The following words shall be added at the end of Section 103 of "The Insolvent Act of 1869," "and may refuse to the insolvent the costs of his application."

New section in place of section 109.

10. For section 109 of "The Insolvent Act of 1869" the following shall be substituted, viz.:—

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

New section in place of section 121.

11. For section 121 of "The Insolvent Act of 1869" the following shall be substituted, viz.:—

"121. If the first meeting of creditors which takes place after the appointment of an assignee be called for the ordering of the affairs of the estate generally, and it be so stated in the notices calling such meeting, all the matters and things respecting which the creditors may vote, resolve or order, or which they may regulate under this Act, may be voted, resolved or ordered upon and may be regulated at such meeting, without having been especially mentioned in the notices calling such meeting, notwithstanding anything to the contrary in this Act contained, due regard being had, however, to the proportions of creditors required by this Act for any such vote, resolution, order, or regulation."

New section in place of section 135.

12. For section 135 of "The Insolvent Act of 1869" the following shall be substituted, viz.:—

"135. The costs of the proceedings in insolvency up to and inclusive of the notice of the appointment of the assignee, shall be paid by privilege as a first charge upon the assets of the insolvent; the disbursements necessary for winding up the estate shall be the next charge on the property chargeable with any mortgage, hypothec, or lien, and upon the unincumbered assets of the estate respectively in such proportions as may be justified by the nature of such disbursements, and their relation to the property as being incumbered or not as the case may be; and the remuneration of the assignee and the costs of the judgment of confirmation of the discharge of the insolvent, or of the discharge if obtained direct from the court, and the costs of the discharge of the assignee, being first taxed by the judge at the tariff, or if there be no tariff, at the same rate as is usual for uncontested proceedings of a similar character, after notice to the inspectors, or to at least three creditors, shall also be paid therefrom as the last privileged charge thereon. The costs of the discharge of the insolvent shall be reserved by the assignee at the rate usual for uncontested proceedings not to exceed twenty-five dollars, and if the insolvent does not apply for his discharge at the expiration of one year from the date of the assignment, or from the date of the issue of a writ of attachment, as the case may be, or before the declaration of the final dividend, the insolvent shall forfeit his right to be paid the cost of his discharge and the amount so reserved shall form part of said final dividend."

No. 76.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend The Insolvent Act of 1869.

Received and read, First time, Thursday, 23rd March, 1871.

Second reading, Monday, 27th March, 1871.

Mr. Magill.

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33 Rideau Street.

1871.

No. 77.] **BILL.** [1871.

An Act to make provision for the detention of female convicts in Reformatory Prisons in the Province of Quebec; and for other purposes relating to prisons in that Province.

Preamble.

WHEREAS, it appears that the Government of the Province of Quebec has made arrangements for the establishment of Reformatory Prisons for female convicts, either in separate buildings, or in separate portions of the Common Gaols for the districts of Montreal and Quebec respectively; and it is expedient to authorize the detention of female convicts therein, in the cases hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

When Reformatory Prisons are established in the Province, certain female convicts may be sentenced to be detained therein.

1. Whenever, after the coming into force of this Act, the Lieutenant Governor of the Province of Quebec shall have declared by Proclamation in the Official Gazette of that Province, that suitable arrangements have been made in any district in that Province, for the detention and proper government and discipline of female convicts in any separate building or separate portion of the Common Gaol in such district as a Reformatory Prison for such convicts, and that such separate building or portion of a Common Gaol shall be a Reformatory Prison for the purposes of this Act,—then whenever any female person shall thereafter be convicted in the said Province of any felony not capital, and for which she would without this Act be punishable by imprisonment for any term exceeding two years but not exceeding *seven* years, then such female convict shall be punishable by imprisonment in the Female Reformatory Prison for any term less than *seven*, but not less than *five* years, and she may be sentenced to such imprisonment accordingly, although without this Act she might not be liable to imprisonment in the Penitentiary for so long a term as that for which she may be so sentenced to imprisonment in the Female Reformatory Prison.

And certain others after two covictions or by their own consent.

2 And if after such Proclamation as aforesaid, any female person shall be convicted of any felony or misdemeanor punishable, without this Act, by imprisonment but not for any term so long as two years, or of any offence against the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's Reign, and intituled *An Act respecting Vagrants*, then, unless it be proved that she has been previously convicted and imprisoned twice or oftener (each of such convictions being for some such felony, misdemeanor or offence, as aforesaid) such convict shall be asked, by the Judge, Recorder, Judge of a County Court, Judge of the Sessions of the Peace, Commissioner of Police, District or Police or stipendiary Magistrate, Mayor, Warden, or the two Justices of the Peace, or other functionary before whom the conviction shall be had, whether she consents, instead of the imprisonment to which she may be otherwise liable,

to be sentenced to imprisonment for a term of *five* years, in the Female Reformatory Prison; if she refuses to give such consent, sentence shall be passed upon her as if this Act had not been passed, but if she gives such consent, or it be proved that she has been twice convicted as aforesaid, the fact shall be duly recorded or entered on the proceedings in the case, and she shall be sentenced accordingly to imprisonment in the Female Reformatory Prison for a term of five years.

Sentence to include hard labor.

3. Every sentence to imprisonment in the Female Reformatory Prison, shall include hard labour, whatever it be or be not mentioned in the sentence; and if at the time of the passing of any such sentence, there be more than one Female Reformatory Prison in the said Province of Quebec, then the imprisonment under such sentence shall be in that one of such Reformatory Prisons which shall be in the same district as the place at which the sentence is passed, or if there is no Reformatory Prison in such district, then in the Reformatory Prison nearest to such place; but if there be not more than one such Reformatory Prison in the Province, then such imprisonment shall be in it; and in any case the Sheriff of the district in which the sentence is passed, or any person thereunto by him deputed, shall have the like powers for conveying the convict to the Reformatory Prison in which she is to be imprisoned, as any Sheriff has to convey any convict to the Penitentiary.

Such Prison to be a House of Correction, &c.

4. Each such Female Reformatory Prison as aforesaid shall be a House of Correction and Public Reformatory Prison, within the meaning of the sixth sub-section of the ninety-second section of the British North America Act, 1867, and subject to such laws as the Legislature of the Province of Quebec may make with respect to the establishment, maintenance and management thereof.

Convicts in common gaols may be employed outside the same.

5. And whereas it may be found expedient in the Province of Quebec, and to employ convicts sentenced to hard labour being males, out of the walls or precincts of the prison in which they may have been sentenced to be confined: therefore, it is hereby provided and enacted that it shall be lawful for any Sheriff or Gaoler in the said Province being thereunto authorized by the Lieutenant Governor thereof, or in such manner as any Act of the Legislature of the Province may provide, and under such regulations as the said Legislature may make or authorize to be made in that behalf, to employ any male convicts sentenced to hard labour in such prison, at hard labour outside the walls or precincts of such prison, and to exercise the same powers of restraint and discipline, and for preventing escape while they are so outside of the said walls or precincts, as if they were inside the same, and whether their labour be so employed directly by the Government of the said Province, or by any contractor to whom such labour shall have been let or hired out by the said Government or by any competent authority; and the sentence of any such male convict, whether pronounced before or after the passing of this Act, shall be understood to include such employment as aforesaid, and any time during which a convict shall be so employed, shall be reckoned as part of the term for which he was sentenced to be confined in such prison.

6. Every Common Gaol in the Province of Quebec, shall be (and shall be held to have been) a House of Correction, Reformatory Prison, and Place of Detention. All Gaols in the Province Province to be Houses of Correction.

7. This Act shall come into force and take effect upon, from and after the first day of January, in the year one thousand eight hundred and seventy-two. Commencement of Act.

No. 77.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

AN ACT to make provision for the detention of female convicts in Reformatory Prisons in the Province of Quebec.

Received and read first time, Thursday, 23rd March, 1871.

Second reading Monday, 27th March, 1871.

MR. IRVINE.

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street.

1871.

No. 78.] **BILL.** [1871.

An Act to incorporate "The Canada Pacific Railway Company."

Preamble.

WHEREAS the construction of a line of railway through British Territory across the continent of North America, which, in conjunction with existing railways, would afford uninterrupted railway communication between the Atlantic and Pacific seaports of the Dominion of Canada, is a work of vast importance, not only to the political and commercial interests of Canada, as tending to the closer union of its several provinces, but also to the British Empire at large, as affording rapid and direct communication through British Territory with her Australian and Asiatic possessions, and opening up for colonization an almost unlimited extent of fertile country; and whereas the persons hereinafter named, have formed themselves into an association for the purpose of constructing the said line of Railway, and a line of Electric Telegraph in connection therewith, and have prayed, by petition, to be incorporated as a Company, and to be invested with the powers necessary for the purpose, and it is expedient to grant the prayer of their petition: Therefore, Her Majesty, by and with the advice of the Senate and House of Commons of Canada, enacts as follows:

Certain persons incorporated.

1. Alfred Waddington, Esquire, William Kersteman, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and they are hereby constituted a body corporate and politic by the name of the "Canada Pacific Railway Company," and the words "the Company" when used in this Act, shall mean the Canada Pacific Railway Company hereby incorporated.

Railway Act to apply.

2. "The Railway Act, 1868," shall apply to the Corporation hereby constituted, and the words "this Act," when used herein, shall be understood to include the clauses of the Railway Act, 1868, as varied or modified by any of the provisions hereinafter contained.

Power to build Railway.

3. The Company and their servants shall have full power and authority to lay out, construct, make and finish at their own costs and charges a double or single iron railway and telegraph line, with the appurtenances, namely: beginning at a point in the Province of Ontario, where the river Mattawan unites with the river Ottawa, and thence north and west within the territory of the Dominion of Canada, by the most eligible railroad route that shall be determined by the Company, to the summit of the Yellow or Leather Head Pass, in the Rocky Mountains, on the eastern boundary of British Columbia, with authority to continue the said railway to Bute Inlet, on the Gulf of Georgia, or any other suitable seaport in British Columbia, whenever that colony shall be admitted to the Dominion of Canada, in pursuance of the British North America Act, 1867.

Sub-section 11 of section 8 of Railway Act not to apply.

4. Sub-section eleven of section eight of the Railway Act, 1868, shall not apply to any portion of the railway which may be constructed over any lands of the Crown, not surveyed at the time of the location of the line.

Capital Stock.

5. The Capital Stock of the Company shall not exceed, in the whole, the sum of one hundred millions of dollars, to be divided into 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 shareholders in the said Stock; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the railway and telegraph line, and all the rest and remainder of such money shall be applied towards making, completing, and maintaining the said railway and telegraph line, and other purposes of this Act.

Company may receive, land, &c.

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

Provisional Directors.

7. Alfred Waddington, William Kersteman,

of whom

shall constitute a quorum for the transaction of business, shall be and are hereby constituted, a Board of Provisional Directors of the Company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders, and shall have power and authority to fill vacancies occurring therein, to open stock books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of shareholders for the election of other directors as hereinafter provided, and generally to do all such other acts as such Board, under the Railway Act, may lawfully do.

Stock books.

8. The said directors are hereby empowered to take all necessary steps for opening the stock-books for the subscriptions of parties desirous of becoming shareholders in the Company; and every person whose name shall be written in such books as a subscriber to the said undertaking, and who shall have paid, within ten days after the closing of the books, into any of the banks appointed by the directors, or into any of their branches or agencies, to the credit of the Company, ten per centum of the amount so subscribed for, shall thereby become a member of the Company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as members of the company.

Recital.

First general meeting.

9. And whereas it is desirable to commence and proceed with the work as soon as possible, and to make the road in sections, it is enacted that when and so soon as one-fifth part of the capital stock shall have been subscribed and ten per centum paid thereon, and deposited in one of the Chartered Banks of Canada or Great

Britain appointed by the Directors, for the purposes of the Company, it shall be lawful for the said directors or a quorum of them, to call a meeting of the shareholders at such time and place as they may think proper, giving at least one month's notice in the Canada Gazette, the Official Gazettes of the several Provinces of Canada, in the London Times, and in such other newspapers as the Directors may think proper, at which general meeting, and at the annual general meetings, in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect thirteen directors, in the manner and qualified as hereinafter provided, which said thirteen directors shall constitute a board of directors, and shall hold office until others are elected in their stead.

Annual general meeting.

10. On the first Tuesday in May in each year thereafter, or on such other day as may be appointed by by-law of the Company, at the principal office of the Company, there shall be held a general meeting of the shareholders of the Company, at which meeting they shall elect a like number of thirteen directors for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual meeting and election shall be given one month before the day of election in the manner hereinbefore provided; for the first meeting of shareholders for the election of directors. The election of directors shall be by ballot; and the persons so elected shall form the board of directors.

Proportion of Directors in England.

11. Not less than one-third of the whole number of directors may be English directors, of whom the Company, at any meeting of the shareholders called for that purpose in the usual manner, may form a Board in London, England, for such purposes as they may by by-law from time to time provide; but none of the powers to be so given shall be inconsistent with the provisions of this Act.

Directors may appoint proxies.

12. Any director resident beyond the limits of Canada may appoint another director to be his proxy, and to vote for him at meetings of the Board, but no director shall act as proxy for more than two other directors; the appointment may be as follows, or to the like effect:

"I appoint one of the directors of the Canada Pacific Railway Company to be my proxy as a director of that company, and as such proxy to vote in my name and stead at meetings of the directors of the Company and generally to do all that I could myself do as such director if personally present at such meetings.

Dated this day of 18

(Signed) A. B.

Witness,
C. D.

Agent in England.

13. The Directors of the Company may, subject to regulations from time to time made by the Board, appoint an agent in the City of London, England, with power to pay dividends, to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates, and thereupon shares may be transferred from the Canada office to the London office in the names of the transferees, in the same manner as shares may be transferred in the former office, and *vice versa*, and shares originally taken and subscribed for in Great Britain may be entered in the Books at the London Office, and scrip certificates so

issued to the secretary or other officer of the company in Canada, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in Canada; and thereupon the same shall be binding on the Company as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the Company in Canada.

Transfer of shares in England.

14. Whenever any transfer shall be made in England of any share of stock of the Company, the delivery of the transfer duly executed to the agent of the Company for the time being in London, or to the secretary of the London Board, if formed, shall be sufficient to constitute the transferee a shareholder in the Company in respect of the share so transferred, and such agent shall transmit an accurate list of all such transfers to the secretary of the Company in Canada, who shall thereupon make the requisite entries in the register; and the directors may, from time to time, make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock, 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, shall be valid and binding.

Stock and Debenture Registers.

15. The Company shall, from time to time, cause the names of the several parties interested in the stock or debentures of the Company, and the amount of interest therein of such parties respectively, to be entered in books to be called "The Stock Register," and "The Debenture Register," respectively; and duplicates of all registers of shares, debentures, and stock of the Company, and of the shareholders thereof, which shall at any time be kept at the principal office of the Company in Canada (such duplicates being authenticated by the signature of the secretary of the Company) may be transmitted to and kept by the agent for the time being of the Company in London, or, in case of the formation of a London Board, by the secretary to such board.

Special general meeting.

16. Whenever it shall be deemed expedient by the Board of Directors that a special general meeting of the shareholders shall be convened, either for the purpose of increasing the capital or forming a London board, as aforesaid, or for any other purpose, the directors may convene such meeting by advertisement, in manner hereinbefore mentioned, in which advertisement the business to be transacted at such meeting shall be expressly stated; and such meeting may be held at the Company's chief office in Canada, or such other place in Canada as the directors shall appoint.

Votes.

17. In the election of directors under this Act, and in the transaction of all business at general shareholder's meetings, each shareholder shall be entitled to as many votes as he holds shares upon which the calls have been paid up, and which he shall have held in his own name two weeks prior to the time of voting, and he shall be entitled to vote either in person or by proxy.

Calls.

18. The Directors may, at any time, call upon the shareholders for such instalments upon each share which they, or any of them, may hold in the Capital Stock of the Company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per cent. on the subscribed capital, and that sixty days'

notice of each call shall be given in such manner as the Directors shall think fit.

19. All deeds and conveyances of lands to the Company for the purposes of this Act, in so far as circumstances will admit, may be in the form of Schedule A, to this Act subjoined, or in any other form to the like effect; and for the purposes of due enregistration of the same, all registrars in their respective counties are required to register in their registry books such deeds and conveyances, upon the production and proof of the due execution thereof, without any memorial, and shall minute the enregistration or entry on such deed; and the Registrar shall receive from the Company, for all fees on every such enregistration, and for a certificate of the same, fifty cents and no more, and such enregistration shall be deemed to be valid in law, any statute or provision of law to the contrary notwithstanding. Form of deed.

20. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed, or any such bill of exchange drawn, accepted 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 of a quorum of 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, until the contrary be shewn, and in no case shall it be necesasry to have the seal of the Company affixed to such promissory note or bills of exchange, nor shall the President or Vice-President or the Secretary and Treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors, as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the Company to issue any notes or bills of exchange payable to bearer, or intended to be circulated as moneyor as the notes or bills of a bank. Company may become party to Promissory notes. Proviso.

21. The Directors of the Company are hereby authorized and empowered to issue bonds or debentures which shall be and form a first charge on the undertaking, lands, buildings, tolls and income of the Company, or any, either, or all of them, as may be expressed by the said bonds or debentures, without the necessity for any enregistration thereof; and such bonds or debentures shall be in such form, and for such amount, and payable at such time and places as the Directors, from time to time, may appoint and direct, and the payment to the treasurer to the Company, or to any other person appointed for the purpose, by any *bona fide* purchaser of any of the lands in the sixth section of this Act mentioned, of the purchase money thereof, and the acquittance by such Treasurer, or other person so appointed, of such purchase money, shall operate as a discharge of such charge in respect of the lands so paid for; and until other provisions be made therefor, the Treasurer of the Company, or other person so authorized shall keep all moneys so received separate and apart from the ordinary funds of the Company, and the moneys so received shall be used in buying or purchasing all or any outstanding bonds or debentures of the Company; provided that the same can be obtained at a rate not exceeding 10 per cent. premium, but in case the same cannot be obtained at such rate, the said May issue bonds. Application of funds. Proviso.

moneys so received shall be invested, from time to time, in Government securities, or in the stock of some solvent and well-established Chartered Bank in Canada, for the formation of a fund for the redemption of the bonds at maturity. The said bonds or debentures shall be signed by the President, Vice-President, and shall have the corporate seal of the Company affixed thereto, provided that the amount of such bonds or debentures shall not exceed *forty thousand* dollars per mile, to be issued in proportion to the length of railway under contract or to be constructed under and by virtue of this Charter.

Arrangements with other railways.

22. The Directors of the Company, elected by the Shareholders, in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other Chartered Railway Company, for the purpose of making any branch or branches to facilitate a connection between this Company and such other Chartered Railway Company.

Amalgamation.

23. The Company are also hereby authorized and empowered to contract and agree with any incorporated Railway Company for the purchase, transfer, or amalgamation of their line of railway or undertaking, with the appurtenances and privileges thereto belonging, or in any manner appertaining: upon such terms and conditions, and with such restrictions as the Directors may deem expedient, subject to the approval of the Shareholders at a special general meeting, to be called for that purpose.

Aliens may hold stock, &c.

24. Any Shareholder in the Company, whether a British subject or alien, or a resident of Canada or elsewhere, shall have a right to hold stock in the Company, and to vote on the same and to be eligible to office in the Company.

Recital.

25. And, whereas, it may be necessary for the Company to possess gravel pits and quarries and lands containing deposits of gravel, stone or brick clay as well as lands for stations and other purposes at convenient places along their line of railway, for constructing and keeping in repair, and for carrying on the business of the said railway, and as such gravel pits, quarries or deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found; it is, therefore, enacted that it shall be lawful for the said Company, and they are hereby authorized, from time to time, to purchase, have, hold, take, receive use and enjoy, along the line of the said railway, or separated therefrom, and if separated therefrom, then, with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty, or any person or persons or bodies politic, to give, grant, sell or convey unto, and to the use of, or in trust for the said Company, their successors and assigns, and it shall and may be lawful for the said Company to establish stations or workshops on any of such lots or blocks of land, and, from time to time, by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portions of such lands, not necessary to be retained for gravel pits, quarries, sidings, branches, wood-yards, station grounds or work-shops, or for effectually repairing, maintaining and using, to the greatest advantage, the said railway and other works connected therewith.

Company may acquire lands for certain purposes.

Subscription of Stock to be within two years.

26. Unless the Company shall obtain *bona fide* subscriptions to their stock, to the amount of twenty millions of dollars, with ten

per centum paid within two years after the passage of this Act, this Act shall be null and void.

Provision extended to branch lines.

27. All the franchises, grants and stipulations of this Act, in relation to the main line described in the 3rd section shall be extended to branch lines connecting the main line through the Province of Ontario with Neepigon Bay or Thunder Bay, on Lake Superior, or with the Lake of the Woods, and through the North West Territory with some point of junction with the railroads of the United States in Minnesota or Dakota, on routes to be determined by the Company, and the Company is hereby authorized to construct and maintain such branches on the terms and with the benefits in this Act contained.

Schedule.

SCHEDULE A.

Form of Deed of Sale.

Know all men by these presents, that I, A.B., in consideration of paid to me by the Canada Pacific Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Canada Pacific Railway Company, their successors and assigns, all that tract or parcel of land (*describe the land*) to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my hand and seal this day of one thousand eight hundred and

Signed, Sealed and Delivered in presence of } A. B. L.S.

C. D.
E. F.

[*The following clauses are to be submitted to the Privy Council, with whom any proposition to Parliament for grants of land, guarantee or other aid from the Crown to the Company must originate.*]

Grants of land in aid of Railway.

28. For the purpose of aiding the construction of the said Railway and Telegraph Line, and to promote the speedy completion of continuous Railway communication between British seaports on the Atlantic and Pacific Oceans, it is enacted, that for each and every mile of the said railway which passes through any of the public lands of Canada, which are the property of or under the jurisdiction of the Government of Canada, there shall be granted to the said Company twenty-four thousand acres of the ungranted lands of the Crown, to be selected in alternate blocks or sections, adjacent to the line of the said Railway, under the direction of the Governor in Council.

When to take effect.

29. The grants of land above mentioned shall take effect so soon as the line of the Railway or of sections thereof of at least one hundred miles each shall have been definitely located, and triplicate maps and profiles thereof shall have been deposited in the office of the Minister of Public Works, as prescribed by the Railway Act, 1868, and approved by the Governor in Council.

If local Government refuse lands, other lands to be granted.

30. In case the Governments of Ontario, Manitoba and British Columbia, or either of them, shall refuse or omit within one year

after the final location of the Railway or section thereof, as above mentioned, to make similar grants of land in respect of those portions of the Railway passing through public lands under their jurisdiction respectively, then the Company shall be entitled to have and receive from the Government of Canada a grant of lands within the limits of Rupert's Land, as defined by the "Rupert's Land Act, 1868," and as nearly as possible contiguous to the railroad, in the proportion of twenty-four thousand acres for each mile of their Railway located within the limits of the said Provinces of Ontario, Manitoba and British Columbia, or either of them, so refusing or omitting to make such grant.

Grants to be made on completion of sections.

31. So soon as the Railway Committee shall report to the Governor in Council that twenty-five miles of the Railway and Telegraph line have been completed in a good and substantial manner, and in accordance with the provisions of the Railway Act, 1868, in that respect, then patents of the lands so granted as aforesaid shall be issued to the Company in the ratio above provided, confirming the Company in their right and title to the said lands adjacent to and co-terminus with the said completed section of twenty-five miles, and so, from time to time, upon the completion af additional sections of twenty-five miles, and upon the report of the Railway Committee as aforesaid, patents shall be issued to the Company, confirming them in their right and title to grants of lands adjacent to such sections, and in the ratio above mentioned.

Sale to actual settlers.

32. Provided that all lands so conveyed and remaining unsold after the expiration of five years from the completion of the entire line of railway, shall be sold to actual settlers, at rates not exceeding three dollars per acre.

Indian claims.

33. The Government making to the Company any of the grants of land above mentioned, shall, previous to the issue of the patents in that behalf, extinguish any Indian claim or title affecting the same.

Subsidy of $10,000 per mile.

34. In view of the great facility of said Railroad the Dominion of Canada will, moreover, grant to the Company a subsidy of ten thousand dollars per mile, to be paid on the completion of each section of twenty-five miles, and so, from time to time, on the completion of additional sections of twenty-five miles, as soon as so reported by the Railway Committee.

Gauge.

35. The gauge of the Railway shall be five feet eight and one-half inches.

Time for commencement and completion of raod limited.

36. Unless the Company shall commence the work on their Railway within one year from the passage of this Act, and shall complete not less than fifty miles per year after the second year, and shall complete, furnish and equip the whole of their Railway by the *first* day of July, one thousand eight hundred and eighty-one, then this Act and all the rights, powers and privileges therein contained, shall lapse, cease and determine, and all grants of land thereunder shall be inoperative, null and void, but such forfeiture shall only relate to and affect such portions of the Railway as remain unfinished at the periods above mentioned.

No. 78.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to incorporate the Canada Pacific Railway Company.

PRIVATE BILL.

Mr. GRANT.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1871.

No. 79.] **BILL.** [1871.

An Act concerning the Vaudreuil Railway Company.

WHEREAS the Vaudreuil Railway Company have by their Petition represented that by their Act of Incorporation they were empowered to construct a line of railway "from Vaudreuil to Vankleek's Hill, and thence to the nearest practicable point of intersection with any railway which may be constructed to Bytown or Kemptville, or to any intermediate place," or, "to construct a junction branch from Vaudreuil uniting with any other railway already constructed or which may hereafter be constructed in the direction of Bytown," and also "to unite and form a junction with other Railway Companies either to Montreal and Kemptville or Bytown,"—That under the provisions of the said Act the said Company made a careful survey of the whole line from Vaudreuil to Bytown (now the city of Ottawa), with maps, plans, and books of reference:— 16 Vic., c. 134. Sec. 3. Sec. 29.

That by the Act passed in 1856 "to provide for and encourage the construction of a railway from Lake Huron to Quebec," it is provided that "the Montreal and Bytown Railway Company and the Vaudreuil Railway Company shall be entitled each to make half the railway from opposite Grenville to the city of Ottawa, dividing such railway between them; the Montreal and Bytown Railway Company taking the half nearest to Grenville;—and that "if within three years the said Montreal and Bytown Railway Company shall not have raised their share of the funds, and commenced their share of the said road from the Ottawa to Lake Huron, it shall in that case be lawful for the said Vaudreuil Railway Company to take and complete alone the said share, &c., for that part of the road which lies between Hawkesbury and the city of Ottawa":— 19, 20 Vic., c. 112, Sec. 2. Sec. 20.

That by the Act passed in 1861 "to incorporate the Canada Central Railway Company, and to amend the Act intituled 'An Act to provide for and encourage the construction of a railway from Lake Huron to Quebec',"—providing for the construction of a railway "from Lake Huron to the city of Ottawa by way of Pembroke and Arnprior, and from the city of Ottawa to the city of Montreal,"—it was enacted, that "in the event of the Canada Central Railway Company failing to construct the portion of the said railway between the city of Ottawa and Vaudreuil or any part thereof within five years from the passing hereof, the Vaudreuil Railway Company, under its Act of Incorporation, which shall continue to be in force, shall have the right to construct the same, and thereupon shall have all the privileges hereby conferred upon the Canada Central Railway Company in respect of the said portion thereof:— 24 Vic., c. 80. Sec. 4. Sec. 6.

29 Vic., c. 89.

That by the Act passed in 1865, "To extend the time for the completion of the Canada Central Railway," it was provided that nothing herein contained shall infringe upon or in anywise vary or diminish the rights of the Vaudreuil Railway Company, under the provisions of section 6 of the Act 24 Victoria, Chapter 80, incorporating the Canada Central Railway Company":—

29, 30 Vic., c. 94.

That the Act passed in 1866, "To amend the Acts incorporating the Canada Central Railway Company," provided that "the line of the railway from Vaudreuil to Ottawa shall be as enacted by the Act incorporating the Vaudreuil Railway Company":—

33 Vic., c. 52.

That the Act passed in 1870 "respecting the Canada Central Railway Company," extended the time for depositing the maps, plans, and books of reference by the said Company to two years, and for completion of the railway to five years from 1st. September 1870,—and provided "that the portion of the projected line of the said railway between Hawkesbury and Vaudreuil may at any time during the said five years, from any point in West Hawkesbury to Vaudreuil be constructed by the Vaudreuil Railway Company,—which Company, as to the said line, shall have the full exercise of all powers conferred upon it by the several Acts concerning the same":—

And whereas the Vaudreuil Railway Company have further represented that they have been unable to construct the portion of the line between Vaudreuil and Hawkesbury, in consequence of the failure of other Companies to construct that portion between Hawkesbury and Ottawa, as it has been found impracticable to organize a railway from Vaudreuil to Hawkesbury without the power of extending the same to the city of Ottawa or to some railway in operation to that city;—and further, that the Canada Central Railway Company, which now possesses a right to construct a railway upon the route in question, has publicly declared that the said Company does not intend to construct the same; and in consequence of such declaration, a new line of railway has been projected, from the line of the Grand Trunk Railway near Coteau Landing to the City of Ottawa, but not passing through the County of Prescott; and it is essential to the interests of that County that the Vaudreuil Railway Company should be relieved from any doubt that might arise in consequence of the powers conferred on the Canada Central Railway Company in reference to that portion of the line lying between Hawkesbury and Ottawa, recently abandoned by the last mentioned Company; and the said Vaudreuil Railway Company have prayed that the powers conferred upon them by the Acts above recited in reference to the section between Hawkesbury and Ottawa aforesaid, may be confirmed and renewed; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Powers of Company with regard to whole line from Vaudreuil to Ottawa.

1. That portion of a proposed line of railway between Vaudreuil and the City of Ottawa, lying between Hawkesbury and Ottawa, which the Vaudreuil Railway Company, in conjunction with other Companies, has been authorised to construct, in part or in whole, under the Acts recited in the preamble, may at any time during five years next after the passing of this Act, be con-

structed by the said Company, heretofore known as the Vaudreuil Railway Company, from any point in West Hawkesbury to any point in the City of Ottawa; which Company, as to the said line, shall have the full exercise of all powers conferred by the several Acts concerning the same.

Name change 1.

2. The name of the Vaudreuil Railway Company is hereby changed to the "Ottawa, Vaudreuil, and Montreal Railway Company."

Gauge.

3. The said Company may construct the whole line of railway between Vaudreuil and Ottawa, upon such gauge as they may see fit.

Increase of capital stock.

4. The said Company may increase their capital stock to such an amount as may be found necessary for the construction and equipment of the said Railway, in the manner prescribed by section 7, sub-section 19, of "The Railway Act, 1868."

Company may take grants.

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

Company may issue debentures.

6. The Directors of the said Company are hereby authorised and empowered to issue bonds or debentures which shall be and form a first charge on the undertaking, lands, buildings, tolls and income of the Company, or any, either, or all of them, as may be expressed by the said bonds or debentures, without the necessity for any enregistration thereof; and such bonds or debentures shall be in such form and for such amount and payable at such times and places, as the Directors from time to time may appoint and direct. The said bonds or debentures shall be signed by the President or Vice-President, and shall have the corporate seal of the Company affixed thereto; Provided always, that the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway under contract or to be constructed under and by virtue of this Charter.

No. 79.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act concerning the Vaudreuil Railway Company.

PRIVATE BILL.

MR. SHANLY.

No. 80.] **BILL.** [1871.

An Act to incorporate the Board of Trade of the Town of Windsor, (Ontario).

Preamble.

WHEREAS James Dougall, Donald Cameron, John Thorburn, Alexander Bartlett, Thomas C. Sutton, D. Fletcher, John McCrae, William McGregor, W. Buchan, Edmund L. Neveux, S.G. Treble, John Richards, James Fraser, James Lambie, George Cheyne, B. Reaume, J. W. Drake, A. W. Joyce, William Raiff, Henry Kennedy, Albert Hutton, George Shipley, J. W. Blackader, Thomas Dow, Joel Langlois, residents in the Town of Windsor, in the Province of Ontario, have by their Petition represented that they have, as a Board of Trade, associated themselves together for some time past for the purpose of promoting such measures as they have deemed important towards developing the general trade and commerce of Canada and the Town of Windsor (Ontario) in particular, and have further represented that the said Association would be more efficient in its operations should an Act of Incorporation conferring certain powers on them and their successors be granted; and, whereas, it is expeeient that the prayer of the said Petition should be granted; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enact as follows:—

Incorporation.

1. The said James Dougall, Donald Cameron, John Thorburn, Alexander Bartlett, Thomas C. Sutton, D. Fletcher, John McCrae, William McGregor, W. Buchan, Edmund L. Neveux, S. G. Treble, John Richards, James Fraser, James Lambie, George Cheyne, B. Reaume, J. W. Drake, A. W. Joyce, William Raiff, Henry Kennedy, Albert Hutton, George Shipley, J. W. Blackader, Thomas Dow, Joel Langlois, and such other persons, residents in the Town of Windsor, in the Province of Ontario, or in the vicinity of the said Town, as are or shall be associated with the persons hereinbefore named, for the purposes of this Act, in the manner hereinafter provided, and their successors, shall be and are hereby constituted a body politic and corporate, by the name of "The Windsor (Ontario) "Board of Trade," for the purposes mentioned in the preamble, and may, by that name, sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law and equity, and all other places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and by that name they and their successors shall have perpetual succession, and may have a common seal, and the same may make, alter, and change at their will and pleasure; and they and their successors by their corporate name shall have power to purchase, take, receive, hold and enjoy any estate whatsoever real or personal, and alienate, sell, convey, lease or otherwise dispose of the same or any part thereof, from time to time, and as occasion may require, and other estate real or personal to acquire instead thereof; Provided always, that the clear annual value of the real estate held by the said Corporation at one time shall not exceed five thousand dollars, And provided also, that the said Corporation shall not have, or exercise any corporate powers whatsoever, except such as are

Name.

General powers.

Real and personal property.

Proviso.

Proviso.

expressly conferred on them by this Act, or may be necessary for carrying the same into effect according to its true intent and meaning.

Objects of the Corporation.

2. The funds and property of the said Corporation shall be used and applied to and for such purposes only as may be calculated to promote and extend the lawful trade and commerce of this Dominion generally, and of the Town of Windsor in particular, or as may be necessary to attain the objects for which the said Corporation is constituted, according to the true intent and meaning of this Act.

Legal domicile.

3. The usual place of meeting of the said Corporation shall be held to be the legal domicile thereof, and service at such place of any notice, or process of any kind, addressed to the said Corporation, shall be held to be sufficient service of such notice or process on the Corporation.

Council of the Corporation.

4. For the management of the affairs and business of the said Corporation, there shall be a Council to be called "The Council of the Board of Trade," which shall, from and after the first election hereinafter mentioned, consist of a President, two Vice-Presidents, Secretary-Treasurer, and seven other members of the said Council, all of whom shall be members of the said Corporation, and shall have the powers and perform the duties hereinafter mentioned and assigned to the said Council.

First officers and councillors.

5. The said James Dougall shall be President; Henry Kennedy, First Vice-President; Donald Cameron, Second Vice-President; J. W. Blackader, Secretary-Treasurer; and William McGregor, William Raiff, W. Buchan, Edmund L. Neveux, Thomas C. Sutton, James Lambie, and Joel Langlois, the other members of the Council, until the first election to be had under the provisions of this Act: and the Council hereby appointed shall, until the said election, have all the powers assigned to the Council by this Act.

General meetings.

6. The members of the said Corporation shall hold a general meeting every three months, that is to say, on the first Thursday in January, April, July, and October, at some place within the Town of Windsor, of which notice, naming the time and place, shall be given by the Secretary-Treasurer of the Council, for the for the time being, at least three days previous to such meeting, through one newspaper or otherwise, as may be thought necessary by the said Council; and at the general meeting on the first Thursday in the month of January the members of the said Corporation, or a majority of them, shall then and there elect in such way as shall be fixed by the by-laws of the Corporation, from among the members of the Corporation, one president, two vice-presidents, and secretary-treasurer, and seven other members of the Corporation, who, with the president, vice-presidents, and secretary-treasurer shall form the Council of the said Corporation, and shall hold their offices until others shall be elected in their stead at the next general meeting in the month of January, as aforesaid, or until they shall be removed from office, or shall vacate the same under the provisions of any by-law of the said Corporation; Provided always, that if the said election shall not take place on the first Thursday in the month of January, as aforesaid, the said Corporation shall not thereby be dissolved, but such election may be had at any general meeting of the said Corporation, to be called in the manner herein-

Election of officers and councillors and term of office.

Proviso: in case of failure of election.

after provided, and the members of the Council in office, shall remain members until the election shall be had.

Case of death or resignation of a Councillor provided for.

7. If any member of the said Council shall die or resign his office or be absent for four months continuously from the meetings of the said Council, without the cause of sickness or leave of absence obtained from the President or Vice-Presidents, it shall be lawful for the said Council, at any meeting thereof, to elect a member of the said Corporation, to be a member of the said Council, in the place of the member so dying, or resigning or being absent, and such new member shall be so elected by a majority of the members of the said Council present at any meeting of the same, in case there is a quorum present at such meeting, and the member so elected shall hold office until the next annual election and no longer, unless re-elected.

Majority to decide at general meetings.

8. At any annual or general meeting of the said Corporation, whether for the purpose of electing members of the Council or for any other purpose, a majority of members present at such meeting, shall be competent to do and perform all acts, which, either by this Act or by any by-law of the said Corporation, are or shall be directed to be done at any such general meeting.

Member of Corporation retiring.

9. Any member of the said Corporation intending to retire therefrom, or resign his membership, may at any time do so, upon giving to the Secretary-Treasurer in writing ten days' notice of such intention, and discharging any lawful liability which may be standing upon the books of the said Corporation against him at the time of such notice.

By-laws of Corporation, how to be made.

10. It shall be lawful for the said Corporation, or the majority of the members present at any general meeting, to make and enact such by-laws, rules and regulations for the government of the said Corporation, providing for the admission and expulsion or retirement of the members, and for the management of its Council, officers and affairs, and all other by-laws, in accordance with the requirements of this Act, or the laws of Canada, as such majority shall deem advisable; and such by-laws shall be binding on all Members of the said Corporation, its officers and servants, and all other persons whomsoever lawfully under its control: provided that no by-law shall be made or enacted by the said Corporation without notice in writing thereof having been given by one member and seconded by another member at a previous general meeting, and duly entered in the Books of the said Corporation as a Minute of the said Corporation.

Who may become members of the Corporation, and how.

11. Each and every person then resident in the Town in Windsor, Ontario, and its vicinity, and being or having been a merchant, trader, mechanic, Manager of a Bank, or Insurance Agent, shall be eligible to become a Member of the said Corporation; and at any general Meeting of the said Corporation it shall be lawful for any member of the said Council or of the said Corporation to propose any such person as aforesaid as a candidate for becoming a member of the said Corporation, and if such proposition shall be carried by a majority of two-thirds of the members of the said Corporation then present, he shall thenceforth be a member of the said Corporation, and shall have all the rights and be subject to all the obligations which the other members possess or are subject to; provided always, that any person not being a merchant or trader, mechanic, manager of a bank, or insurance agent, shall be

eligible to become a member of the said Corporation in manner aforesaid, in case such person shall be recommended by the Council of the said Board of Trade at any such meeting.

Special general meetings, how called.

12. It shall be lawful for the said Council or a majority of them, by a notice inserted in one or more newspapers published in the said Town of Windsor, at least one day previous to the said meeting, or by a circular letter signed by the Secretary-Treasurer of the said Corporation, addressed to each member, and mailed at least one day previous to the said meeting, to call a general meeting of the said Corporation for any of the purposes of this Act.

Meetings of the Council.

Powers of Council.

Quorum.

Who to preside.

13. It shall be competent for the said Council to hold meetings from time to time and to adjourn the same when necessary, and at the said meetings to transact such business as may by this Act or by the by-laws of the Corporation be assigned to them, and such meetings of the Council shall be convened by the Secretary-Treasurer at the instance of the President, or upon the request of any two members of the Council, and the said Council shall in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-law of the Corporation, except only the power of enacting or altering any by-law or admitting any member, which shall be done in the manner provided for by this Act and in no other; and any five or more members of the Council lawfully met (and of whom the President or a Vice-President shall be one, or in case of their absence any five or more members lawfully met) shall be a quorum, and any majority of such quorum may do all things within the power of the Council; and at all meetings of the said Council, and at all general meetings of the said Corporation, the President, or in his absence the first or second Vice-President or if they be absent any member of the Council then present who may be chosen for the occasion shall preside, and shall in all cases of equality of vote upon any division have a casting vote.

Council to frame by-laws and submit them to general meeting.

14. It shall be the duty of the said Council, as soon as may be after the passing of this Act, to frame such by-laws, rules and regulations as shall seem to the Coucil best adapted to promote the welfare of the said Corporation and the purposes of this Act, and to submit the same for adoption at a general meeting of the said Corporation called for that purpose in the manner hereinbefore provided.

Payment and recovery of subscriptions, &c.

15. All subscriptions of members due to the said Corporation, under any by-law, all penalties incurred under any by-law, by any person bound thereby, and all other sums of money due to the said Corporation, shall be paid to the Secretary-Treasurer thereof, and in default of payment may be recovered in any action brought in the name of the said Corporation, and it shall only be necessary in such action to allege that such person is indebted to the said Corporation in the sum of money, the amount of such arrears, on account of such subscriptions, penalty, or otherwise, whereby an action hath accrued to the said Corporation by virtue of this Act.

Proof in any action for such subscriptions, &c.

16. On the trial or hearing of any such action, it shall be sufficient for the said Corporation to prove that the Defendant at the time of making such demand was or had been a member of the said Corporation, and that the amount claimed by such subscription, penalty or otherwise, was standing unpaid upon the books of the said Corporation.

Meetings to be open, and proceedings recorded.

17. The meetings of the Members of the Council shall be open to all Members of the said Corporation who may attend at the same, but they shall take no part in any proceedings thereat; and minutes of the proceedings at all meetings, whether of the said Council or the said Corporation, shall be entered in books to be kept for that purpose by the Secretary-Treasurer of the said Corporation; and the entry thereof shall be signed by the President of the said Council, or such other person as at the time shall preside over any such meeting; and such books shall be open at all reasonable hours to any Member of the said Corporation free from any charge.

Council to appoint Boards of Examiners, of Inspectors, &c.

18. From and after the passing of this Act, it shall be lawful for the Council of the said Corporation to appoint five persons to constitute a Board of Examiners for the Town of Windsor for the year commencing on the first day of January then next, and ending on the thirty-first day of December following, to examine applicants for the office of Inspector of Flour and Meal, or of any other article subject to inspection, and the said Council may do all such other Acts, matters and things connected with the inspection of flour and meal or any other article, and shall have as full power and be subject to the same conditions as those conferred upon and required of the Council of any Board of Trade, by virtue of any Act respecting the inspection of flour and meal, or of any other article subject to inspection; and the said examiners and inspectors shall also be subject to all conditions, requirements, oaths, matters, and things (touching their offices), set forth in the said Acts.

Oaths and affirmations.

19. Any person who may by law, in other cases, make a solemn affirmation, instead of taking an oath, may make such solemn affirmation in any case where by this Act an oath is required; and any person hereby authorized to administer an oath may in such cases as aforesaid, administer such solemn affirmation; and any person who shall wilfully swear, or affirm falsely, in any case in which an oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful perjury.

Her Majesty's rights, &c., saved.

20. Nothing in this Act shall affect any rights of Her Majesty, Her Heirs or Successors, or of any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to incorporate the Board of Trade of the Town of Windsor, (Ontario).

PRIVATE BILL.

Mr. O'Connor.

OTTAWA :

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street.

1871.

Item: Bill No. 81. not printed

No. 82.] **BILL.** [1871.

An Act to Incorporate the Bank of Liverpool.

Preamble.

WHEREAS James Collie, John G. Moreton, Charles E. Moreton, Sylvanus Moreton, John D. McClearn, Thomas W. Spencer, Thomas Rees, John H. Mulhall, B. O. DeWolf, and others, have, by their Petition, prayed that they may be incorporated for the purpose of establishing a Bank in the Town of Liverpool; and, whereas, such establishment would greatly promote the commercial and manufacturing interests of the said locality; and it is just that the said persons, and others who may associate with them, should be incorporated for the said purpose; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Corporation and Chief Offices.

1. James Collie, John G. Moreton, Charles E. Moreton, Sylvanus Moreton, John D. McClearn, Thomas W. Spencer, Thomas Rees, John H. Mulhall, B. O. DeWolf, and such other persons as may become shareholders in the Company to be by this Act created, shall be and are hereby created, constituted and declared to be a Corporation, body corporate and politic, by the name of "The Bank of Liverpool," and the chief office of the Bank shall be at Liverpool, in the Province of Nova Scotia.

Capital Stock.

2. The Capital Stock of the Bank shall be two hundred thousand dollars of lawful money of Canada, divided into two thousand shares of one hundred dollars each.

Provisional Directors and Election of First Directors, Stock books, &c.

3. The above mentioned James Collie, Sylvanus Moreton, John D. McClearn, Thomas W. Spencer, John H. Mulhall, John G. Moreton, B. O. DeWolf shall be provisional Directors, for the purpose of organizing the said Bank, and they, or the majority of them, may cause stock books to be opened, after giving public notice thereof, upon which stock books may be recorded the subscriptions of such persons as desire to become shareholders in the said Bank, and such books shall be kept open at Liverpool aforesaid and elsewhere, at the discretion of the said Provisional Directors as long as they deem necessary; and as soon as the whole of the said capital stock shall have been subscribed, and one hundred thousand dollars thereof paid in, it shall be lawful for the said Provisional Directors, on giving due notice thereof in one or more newspapers published in Liverpool, and one newspaper published in the city of Halifax, to call a meeting of the subscribers, to be held at some place to be named in such notice, in the town of Liverpool, for the purpose of electing Directors and for other purposes connected with the said Bank, and such election shall be made then and there by a majority of shares voted upon, by ballot.

Bank to be subject to any general Act.

4. The Bank shall be subject to any general regulations respecting Banking, now in force or which may hereafter be made by the Parliament of Canada, and shall have such powers and privileges as may be conferred by such regulations.

Limitation of Act.

5. This Act shall remain in force until the first day of July, 1881.

No. 82.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to Incorporate the Bank of Liverpool.

Received and read, First time, Thursday, 27th March, 1871.

PRIVATE BILL.

MR. FORBES.

No. 83] **BILL.** [1871.

An Act to remove doubts as to the legality of certain Marriages therein mentioned.

WHEREAS, certain persons appointed as Issuers of Marriage Licences, in the Province of Ontario, or in that part of the late Province of Canada, now forming the said Province of Ontario, or in the former Province of Upper Canada, did previous to the first day of January, one thousand eight hundred and seventy-one, issue certain writings or documents, authorizing or purporting to authorize qualified Ministers or Clergymen to solemnize Marriage, which said writings or documents were not under the hand and seal of His Excellency the Governor General, or of any Lieutenant Governor, or of any Deputy appointed to sign Marriage Licences, according to the statute in such case made and provided: Preamble.

And whereas certain ministers or clergymen duly qualified to solemnize marriage, have performed or celebrated marriage under the authority or supposed authority of such writings or documents, and it is necessary to remove all doubts as to the legality of said marriages: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriages celebrated by duly qualified Clergymen, under certain irregular documents issued by issuers of Marriage Licences, declared valid.

1. Every marriage celebrated previous to the first day of January, one thousand eight hundred and seventy-one, under the authority or supposed authority of any such document or writing as aforesaid, issued by any Issuer of Marriage Licences, authorizing or purporting to authorize the celebration of marriage, by any Minister or Clergyman of any Church, or religious denomination in the Province of Ontario, or in that part of the late Province of Canada, now forming the said Province of Ontario, or in the former Province of Upper Canada, duly ordained or appointed and legally qualified so to do, shall be and the same is hereby declared to be as legal, valid, and binding as if such marriage had been duly authorized by Licence issued under the hand and seal of His Excellency the Governor, or Lieutenant Governor, or of any Deputy appointed for the purpose of signing Marriage Licences, any act, law, usage, or custom to the contrary notwithstanding.

No. 83.

4th Session, 1st Parliament, 34th Victoria, 1871.

BILL.

An Act to remove doubts as to the legality of certain Marriages therein mentioned.

Received and read, First time, Monday, 27th March 1871.

Seocnd reading, Tuesday, 28th March 1871.

M. Bowell.

OTTAWA:

Printed by I. B. Taylor, 29, 31, and 33, Rideau Street.

1871.

No. 84.] **BILL.** [1871.

An Act to Incorporate the Sault St. Mary Railway and Bridge Company.

Preamble.

WHEREAS the persons hereinafter-named and others have petitioned for incorporation as a company to construct a Railway from the Village of Sault Ste. Mary, in the District of Algoma, to connect with the projected railways in the Province of Ontario, at or near Lake Nipissing, and to extend a branch therefrom to connect with the Toronto, Simcoe, and Muskoka Junction Railway, at or near Bracebridge, in the County of Victoria, with power to construct a Railway Bridge across the River St. Mary, at or near the Sault St. Mary, to connect with the railways in the State of Michigan, one of the United States of America; and, whereas, the construction of such a Railway and Bridge would be a work for the general advantage of Canada, and it is expedient to grant the prayer of the petitioners; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. James Laurin McMurray, Frederick W. Cumberland, John Beverley Robinson, Samuel Bickerton Harman, Angus Morrison, Wemyss M. Simpson, Anson G. P. Dodge, Eli Clinton Clark, Selwyn E. Marvin, John McIntyre, John M. Hamilton, James Bennett, Walter McCrae, T. W. Herrick, John J. Vickers, Esquires, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be, and are hereby constituted a body corporate and politic by the name of the "The Sault St. Mary Railway and Bridge Company," and shall have all the powers incident to railway corporations in general, and the powers and privileges conferred on such corporations by *The Railway Act*, 1868, subject, however, to the provisions hereinafter contained.

Power to build Railway.

2. The said Company and their agents and servants may lay out, construct, and finish a double or single iron railway of such width or gauge as the company see fit, from the Sault Ste. Mary, in the District of Algoma, to connect with the projected railways at or near Lake Nipissing and extend a branch therefrom to connect with the Toronto, Simcoe, and Muskoka Junction Railway at or near Bracebridge, in the County of Victoria, and construct a Railway Bridge across the River St. Mary, at or near the Sault St. Mary, to connect with the Railways in the State of Michigan, one of the United States of America.

Bridge to be available for other Railways.

3. The Railway Bridge, to be built under the authority of this Act, across the River St. Mary, shall or may be used by any other Railway Company on such terms as may be mutually agreed on, and in the event of dispute the terms shall be settled by arbitration, each disputing party to select an arbitrator, and the two so chosen to select a third, a majority of whom shall decide. Should either disputing party, after ten days' demand in writing, neglect or refuse to appoint an arbitrator, then upon application to the Judge of the District of Algoma, accompanied by an affidavit of

an officer of the Company, that the opposite party so refuses to appoint an arbitrator, the Judge shall appoint an arbitrator for the party so refusing.

Arrangements with other Companies.

4. The said Company shall have power to invite any other company incorporated, or which may be incorporated by the laws of the State of Michigan, one of the United States of America, in building the said Bridge over the St. Mary River, and to enter into any contract or agreements with said company respecting the construction and maintenance thereof. The said Company shall have power to make running arrangements with railway lines in the Province of Ontario, situated upon the line hereby authorized to be constructed, or crossing or continuing the same, or to amalgamate with any such railways upon terms to be approved by the shareholders at a special meeting called for that purpose.

Ferry over St. Mary River.

5. The said Company shall have power to construct, charter, and navigate for the purpose of crossing the said St. Mary River until the Bridge over the river shall be completed, scows, boats, sail or steam vessels for the purpose of carrying passengers and goods across the said river to and from any railway on the opposite side of the river in the State of Michigan, and shall also have power to construct, purchase, charter, and navigate steam vessels and other water crafts on any lake, river, or stream near to or touched by this railway, or any of its branches for the purposes of traffic in connection with the railway or any of its branches.

Capital Stock.

6. The Capital Stock of the said Company shall not exceed, in the whole, the sum of Ten Million Dollars, to be divided into shares of one hundred dollars each, which stock shall be raised by the persons hereinbefore named, and such other persons and Corporations as may become shareholders in the said Stock; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements for the procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the Railway; and all the rest and remainder of such money shall be applied towards making, completing, and maintaining the said Railway, and other purposes of this Act.

Company may receive lands, &c.

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

Provisional Directors.

8. James Laurin McMurray, Frederick W. Cumberland, John Beverley Robinson, Samuel Bickerton Harman, Angus Morrison Wemyss M. Simpson, Anson G. P. Dodge, Eli Clinton Clarks, and Selwyn E. Marvin, John McIntyre, John M. Hamilton, James Bennett, Walter McCrae, T. W. Herrick, John J. Vickers, shall be, and are hereby constituted, a Board of Directors of the said Company, and shall hold office as such until other Directors shall be appointed, under the provisions of this Act, by the shareholders, and shall have power and authority to fill vacancies occurring therein, to associate with themselves therein not more than three other persons, who shall thereupon become and be Directors of the Company equally

with themselves, to open Stock Books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of Shareholders for the election of other Directors as hereinafter provided, and generally to do all such other acts as such Board under the Railway Act may lawfully do.

Stock books.

The said Directors are hereby empowered to take all necessary steps for opening the Stock Books for the subscription of parties desirous of becoming Shareholders in the said Company, and all parties subscribing to the capital stock of the said Company, shall be considered proprietors and partners in the same.

First general meeting.

9. When and so soon as one-tenth part of the capital stock shall have been subscribed as aforesaid, and one-tenth of the amount so subscribed paid in, 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 or more newspapers published at Sault St. Mary, Bracebridge and Toronto, at which said general meeting, and at the annual general meetings in the following sections mentioned, the Shareholders present, either in person or by proxy, shall elect nine Directors in the manner and qualified as hereinafter provided, which said Directors shall constitute a Board of Directors, and shall hold office till the first Tuesday in September, in the year following their election.

Annual general meeting.

10. On the said first Tuesday in September in each year thereafter, at the principal office of the said Company, there shall be held a general meeting of the Shareholders of the Company, at which meeting the said Shareholders shall elect a like number of not less than five nor more than seven Directors for the then ensuing year, in the manner and qualified as hereinafter provided : and public notice of such annual meeting and election shall be published one month before the day of the election, in one or more newspapers in Sault St. Mary, Bracebridge and Toronto, and the election of Directors shall be by ballot, and the persons so elected, shall form the Board of Directors, but no person shall be so elected as first mentioned unless he shall be the absolute owner of at least twenty shares of the stock of the company upon which all calls made by the company have been paid up.

Directors and their qualification.

11. A majority of the Directors shall form a quorum for the transaction of business, and the said Board of Directors may employ one or more of their number as paid Director or Directors, provided however that no person shall be elected a Director unless he shall be the holder and owner of at least ten shares of the stock of the said Company and shall have paid up all calls upon the stock.

Calls.

12. The Directors may at any time call upon the Shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said Company, in such proportion 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.

Promissory Notes.

13. The said Company shall have power and authority to become parties to Promissory Notes and Bills of Exchange, for sums not less than one hundred dollars, and any such Promissory Note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a majority of a quorum of

the Directors, shall be binding on the said Company; and every such Promissory Note or Bill of Exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to such Promissory Note or Bill of Exchange, nor shall the said President, or Vice-President, or the Secretary and Treasurer, be individually responsible for the same, unless the said Promissory Notes or Bills of Exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorise the said Company to issue Notes or Bills of Exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Bonds and Debentures.

14. The Directors of the said Company, are hereby authorized and empowered to issue bonds or debentures, which shall be and form a first charge on the undertaking, lands, buildings, tolls, and income of the company, or any, either, or all of them, as may be expressed by the said bonds or debentures; and such bonds or debentures shall be in such form, and for such amount, and payable at such times and places as the Directors from time to time may appoint and direct. The said bonds or debentures shall be signed by the President or Vice-President, and shall have the corporate seal of the Company affixed thereto; provided that the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway under contract or to be constructed under and by virtue of this Charter.

Branch Railways.

15. The Directors of the said Company, elected by the Shareholders, in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other Chartered Railway Company, for the purpose of making any branch or branches to facilitate a connection between this Company and such other Chartered Railway Company.

Power to transfer Railway.

16. The said Company is also authorized and empowered to contract and agree with any incorporated Railway Company for the purchase or transfer, by deed of assignment, of their line of railway or undertaking, with the appurtenances and privileges thereto belonging or in any manner appertaining thereto; and the Company, hereby incorporated, may assign, transfer, or lease their railway or any part thereof, or any rights or powers acquired under this Act, and the surveys, plans, work, plant, stock, machinery, or other effects belonging thereto, to any other incorporated Company, person, or persons, or Corporations, upon such terms and conditions, and with such restrictions as the Directors may deem expedient.

Stock and debentures free from taxation.

17. The stock and debentures of the said Company issued under the authority of this Act shall be free and exempt from taxation.

Aliens may hold stock, &c.

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

Form of deed.

19. Any deed of conveyance of land to the said Company may be in the form of Schedule A to this Act annexed, and may be

enregistered at full length upon the affidavit of one of the witnesses to the execution thereof, made before the officers usually authorized to receive the same, and a deed in such form, or in words of like import, shall be a legal and valid conveyance of the land and immovables therein mentioned to all intents and purposes.

Time for making road limited.

20. The powers given by this Act shall be exercised by the commencement of the said Railway or Bridge, within three years after the passing of this Act, and its completion, within eight years therefrom.

Short title.

21. This Act shall be known and cited as the "Sault St. Mary Railway and Bridge Act."

SCHEDULE A.

Form of Deed of Sale.

Schedule.

Know all men by these presents, that I, A. B., in consideration of paid to me by the Sault St. Mary Railway and Bridge Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, and convey unto the said the Sault St. Mary Railway and Bridge Company, their successors and assigns, all that tract or parcel of land (*describe the land*), to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my hand and seal, this day of one thousand eight hundred and

Signed, Sealed, and Delivered, in presence of } A. B. L.S.

C. D.
E. F.

No. 84.

4th Session 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to incorporate the Sault St. Mary Railway and Bridge Company.

PRIVATE BILL.

MR. SIMPSON (Algoma).

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33 Rideau Street.

1871.

No. 85.] **BILL.** [1871.

An Act further to amend the Acts respecting the improvement and management of the Harbor of Quebec.

Preamble.

WHEREAS, the power of the Quebec Harbor Commissioners of borrowing sums of money and issuing debentures is limited by the fourth section of the Act of the Parliament of Canada, 31 Victoria, Chapter 79, to the amount of eight hundred thousand dollars in the whole, and whereas they have issued such debentures to the amount of six hundred and eight-four thousand six hundred dollars, and whereas the said Commissioners have by their petition represented that it would be favorable to the reduction of the rate of interest payable by the said Commissioners, if they were authorized to issue, out of the amount they are authorized to issue as before mentioned, preferential bonds or debentures for an amount not exceeding one hundred thousand dollars at a rate not exceeding six per cent. *per annum*, 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 :—

Commissioners may issue debentures for $100,000.

1. The said Commissioners are hereby authorized to issue under the hands of three of the said Commissioners, debentures, to be countersigned by the Secretary of the said Corporation, for a sum not exceeding in the aggregate one hundred thousand dollars, and to make the same payable to the bearer thereof for such amounts, and at such time as may be agreed on, with interest payable semi-annually, not exceeding six per cent *per annum*, with coupons for such interest annexed, signed by one of the Commissioners, and countersigned by the said Secretary, and such debentures may be recalled and others issued in their stead as aforesaid with coupons; provided that no such issue of preferential debentures shall take place, before such issue has been duly approved by a majority of the bondholders of the said Corporation present at a special general meeting of the said bondholders called for that purpose by the said Quebec Harbor Commissioners.

Proviso.

Payment of debentures.

2. The said debentures and coupons to be issued under the preceding section shall be paid out of the revenue arising from the dues, tolls, duties, and other revenues and profits collected and received by the said Commissioners, and shall rank immediately after the payment of expenses of collection and other prior charges authorized by law, but shall have precedence over the other debentures and coupons of said Corporation.

Certificates in place of coupons.

3. The said Commissioners are also authorized to issue certificates to replace the coupons or part of the coupons for arrears of interest on the debentures previously issued, which certificates shall be binding in the same manner as the coupons so replaced, but shall create no privilege or preference.

Existing rights saved.

4. Nothing in this Act contained shall affect or diminish any

rights of any existing creditors of the Corporation others than a bondholder as aforesaid, or any right of any bondholder founded on any judgment obtained or on any suit pending before the passing of this Act.

This Act to be one with 22 Vic., c. 32.

5. This Act shall be construed as one Act with the Act of the Parliament of the late Province of Canada, 22 Victoria, Chapter 32, intituled "An Act to provide for the Improvement and Management of the Harbor of Quebec, and the Acts amending the same."

No. 85.

4th Session, 1st Parliament, 34 Victoria, 1871

BILL.

An Act further to amend the Acts respecting the Improvement and Management of the Harbor of Quebec.

Received and read, First time, Tuesday 28th March, 1871.

Second reading, Wednesday, 29th March 1871.

Hon. Mr. LANGEVIN.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, & 33, Rideau Street.

1871.

No. 86.] **BILL.** [1871.

An Act to amend *The Railway Act*, 1868, so as to ensure equal facilities to all incorporated Express Companies on Railways heretofore constructed, as well as on those hereafter to be constructed.

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

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

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

No. 86.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend the Railway Act, 1868, so as to ensure equal facilities to all incorporated Express Companies on Railways heretofore constructed, as well as on those hereafter to be constructed.

Received and read, first time, Thursday, 30th March, 1871.

Second reading, Saturday, 1st April, 1871.

Mr. A. MORRISON,
Niagara.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33 Rideau Street.
1871.

A 89

An Act to extend to the Province of New Brunswick, the operation of the Act of the Legislature of the late Province of Canada, concerning the Synod of the Church of England, in Cauada.

WHEREAS, an Act was passed by the Legislature of the late Province of Canada, in the Session thereof held in the Nineteenth and Twentieth years of Her Majesty's reign, chaptered 141, intituled, "*An Act to enable the Members of the United "Church of England and Ireland, in Canada, to meet in Synod;*" And whereas, application has been made for an Act to empower the Provincial Synod of Canada to admit the Representatives of the Diocese of Fredericton, in the Province of New Brunswick, and it it expedient to comply with the same and to enable the Members of the Church of England, throughout the Province of New Brunswick, if they shall see fit, to assimilate their laws and practice to those, and to manage their affairs under a system uniform with that already in force and operation elsewhere in Canada; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Synod of the Church of England, now constituted or which shall hereafter be constituted in conformity with the provisions of the said Act, in the Diocese of Fredericton, and Province of New Brunswick, may adopt the said Act, and, with the consent of the Synod of the United Church of England and Ireland, in Canada, may unite with the Members of the said Church in other Provinces of the Dominion of Canada, in General Assembly, by their Representatives, as fully and in the same manner, to all intents and purposes, as if they had been included in the Province of Canada at the time of the passing of the aforesaid Act; Provided always, that nothing herein contained shall be held to authorize any interferenee with the right of presentation to Rectories secured to the Parishioners by Act of Assembly of the Province of New Brunswick, made and passed in the Thirty-second year of the reign of Her present Majesty, intituled, "*An Act relating to "presentations to Rectories of the Church of England in the Province "of New Brunswick*" or any interference whatever with the property whether real or personal, which may now, or which may hereafter belong to the several and respective Parishes or Church Coporations in the said Diocese, or other rights secured to such Parishioners by the Revised Statutes of New Brunswick, Title XXVIII, chapter 107 "of the Church of England," or by any Acts of Assembly of the Province of New Brunswick regulating the sale and disposal of Church Glebe Lands of the Church of England in the said Province.

always open, on lawful days, from nine a.m. till six p.m., during

the season of navigation, and from ten a.m., till two p.m., during the remainder of the year, and shall have a seal of office, and the necessary books, in which all his acts as Port Warden, and those of his deputies, with their fees of office, shall be recorded in such manner as the Board of Examiners shall direct.

Duties as to stowage of cargo, &c.

7. It shall be the duty of the Port Warden or his deputy, on being notified and requested by any of the parties interested, to proceed in person on board of any vessel for the purpose of examining the condition and stowage of cargo; and if there be any goods damaged on board such vessel, he shall inquire, examine, and ascertain the cause or causes of such damage, and make a memorandum thereof, and enter the same in full on the books of his office.

Duties of Masters of vessels.

8. The master of any vessel which has broken bulk for the purpose of lightening or other necessary purpose, previous to her arrival in the harbor of Quebec, shall, immediately on the discovery of any damaged cargo, proceed to hold a survey on the same in the manner herein prescribed, before the same shall be moved out of the place in which it was originally stowed; and if, after the arrival in port of any vessel from beyond the seas, which has not had occasion to lighten, break bulk, or otherwise discharge any portion of her cargo before coming into the harbour, the hatches of such vessel shall be first opened by any person not a Port Warden, and the cargo or any part thereof shall come from on board such ship in a damaged condition, these facts shall be *primâ facie* evidence that such damage occurred in consequence of improper stowage or negligence on the part of the persons in charge of the vessel, and such default shall, until the contrary be shewn, be chargeable to the owner, master, or other person interested as part owner or master of the said vessel.

Inspecting damaged goods.

9. The Port Warden shall, when required, proceed to any ship, steamer or other vessel, warehouse, dwelling or wharf, and examine any merchandize, vessel, material, produce or other property, said to have damaged on board any vessel, and enquire, examine, and ascertain the cause of such damage, make a memorandum thereof, and of such property, and record in the books of his office, a full and correct statement thereof.

Inspecting vessels.

10. The Port Warden shall, when required, be surveyor on any vessel which may have suffered wreck or damage, or which shall be deemed unfit to proceed on her voyage, he shall examine the hull, spars, rigging, and all appurtenances thereof, shall specify what damage has occurred, record in the books of the office a full and particular account of all surveys held on such vessel; he shall call to his assistance, if necessary, in such survey, one or more carpenters, sail-makers, riggers, shipwrights, or other persons skilled in their profession, who shall each be entitled to a fee not exceeding five dollars, to aid him in the examination and survey, but no such surveyor shall be interested in the case; the Port Warden shall also, if required, be surveyor of the repairs necessary to render such vessel seaworthy, and his certificate that these repairs have been properly made shall be evidence that the vessel is seaworthy.

Surveys of vessels and cargoes.

11. The Port Warden shall have cognizance of all matters relating to the surveys of vessels and their cargoes, arriving in port damaged, and when requested shall, on payment of the regular fee, give certificates of such surveys.

Duties of masters and of Port Warden as to vessels taking grain in bulk.

12. The master of any vessel intending to load grain in bulk for any port not within the limits of inland navigation, nor within the Dominion of Canada, shall, before taking in any of such grain, notify the Port Warden from time to time, while the different chambers are being prepared, to survey and inspect the said vessel as well as the dunnage and lining boards, the Port Warden in such case shall ascertain whether such vessel is in a fit state to receive and carry the cargo intended for her to its destination; he shall record in his books the condition of the vessel; if he finds she is not fit to carry the cargo in safety, he shall state what repairs are necessary to render her seaworthy; before beginning to load each chamber he shall be careful to see that it is properly dunnaged and lined, and provided with shifting boards, and that the board and plank used for these purposes have been properly seasoned; he shall examine the pumps and see that they are properly lined and dunnaged; he shall enter in the books of his office all particulars connected with these surveys, and grant the necessary certificates.

Duties as to dunnage.

13. It shall be the duty of the Port Warden, when required, to decide what amount of dunnage is necessary below cargo, and also between wheat and other grain, and the flour to be stowed over it, and his certificate that such dunnage has been used, shall be *primâ facie* evidence of the good stowage of the cargo so far as these points are concerned.

As to seaworthiness of vessels.

14. The Port Warden, if requested by any person having shipped cargo on board of a vessel, and at the expense of such person, shall proceed on board of such vessel and examine whether she is in a fit state to proceed to sea or not; if she is found unfit the Port Warden shall state in what particular, and shall notify the master not to leave the port until the required conditions have been fulfilled.

Value or measurement of vessels.

15. The Port Warden shall, when required, estimate the value and measurement of any vessel, when the same is in dispute or otherwise needed, and shall record the same in the books of his office.

Auctioneers selling vessels &c., to report to Port Warden.

16. It shall be the duty of every auctioneer making a sale of any vessel condemned, or ships' materials, or goods damaged on board a ship or vessel, whether sea-going or of inland navigation, sold for benefit of underwriters or others concerned, in the harbor or City of Quebec, to file a statement of the same at the office of the Port Warden within ten days after such sale; no underwriters' sale shall take place until after at least two days' public advertisement in not less than two English and one French newspapers in the City of Quebec, and such sale shall not be at an hour earlier than eleven, nor later than three o'clock in the day.

Disputes between master and consignee.

17. It shall be the duty of the Port Warden, when required in writing, by all parties in interest, to hear and arbitrate upon any difficulty or matter in dispute between the Master or Consignee of any vessel, and any proprietor, shipper or consignee of the cargo, and to keep a record thereof.

Survey before sale of damaged vessel.

18. No goods, vessels or other property shall be sold as damaged for account of underwriters, unless a regular survey and condemnation has previously been had, and the Port Warden shall in all such cases be one of the surveyors.

Notice to parties.

19. Before proceeding to act in any case in the performance of his duties, the Port Warden shall give reasonable notice to all parties interested or concerned in the case.

Time for notice.

20. All notices, requests, or requirements to, or from the Port Warden, must be given in writing and a reasonable time before action is required.

Certificates.

21. On the demand of any party interested, the Port Warden shall furnish certificates in writing, under his hand, of any matters of record in his office; he shall also furnish when required, copies of any entries in his books, or documents fyled in his office.

Copies of regulations.

22. On application, the Port Warden shall supply, to any master of a vessel arriving in the Port of Quebec, a copy of the regulations, relating to the office of Port Warden, once in each year.

Lloyd's regulations to apply.

23. In all matters regarding surveys, &c., the Port Warden shall conform to, and be governed by the regulations of Lloyd's, so far as they are applicable to the Port of Quebec, and to the circumstances of the case.

Disputes, how decided.

24. Should any dispute arise between the Port Warden and any party interested, in any case where his presence has been required, either party may appeal to the Council of the Quebec Board of Trade, and it shall be the duty of the Secretary of the said Board of Trade, on a requisition being presented to him to that effect, to summon forthwith a meeting of the said Council, who, or not less than three of them, shall immediately investigate and report on the case submitted to them, and their determination or that of a majority of them, made in writing, shall be final and conclusive.

Costs.

25. The party against whom the Council of the Board of Trade decide shall pay all the expenses, and the Council shall determine the amount of fees or charges payable in each case, which shall never exceed twenty dollars.

Certificates to be evidence.

26. All certificates issued under the hand of the Port Warden or his Deputy, and sealed with the seal of his office, referring to matters recorded in his books, shall be received as *primâ facie* evidence of the existence and contents of such record, in any court in Canada.

Tariff of fees.

27. The Council of the Board of Trade for the City of Quebec may, from time to time, establish a tariff of fees to be paid to the Port Warden for services performed by him and his deputies, by the masters or owners of sea-going vessels, and by others in respect of whom the duties of the said Port Warden are required to be performed; which tariff, being first approved by the Governor in Council, shall be in force until repealed or altered by the said Governor in Council, or by the said Council of the Board of Trade, as it may be at any time, with the approval of the Governor in Council; but such fees shall not exceed the rates hereinafter mentioned, that is to say:—

Maximum fees.

Survey and certificate.

1. For every survey and the certificate thereof by the Port Warden and his assistant, of the hatches and cargo of any vessel, or of the hull, spars and rigging thereof, or the survey of damaged goods, a fee, including the certificate thereof, not exceeding *eight*

dollars (*each,*) and such further sum, not exceeding five dollars, as may be payable to shipwrights, or other skilled persons employed by him.

Valuation and inspection.

2. For every valuation of a vessel for average, and every inspection of a vessel intended to load, a fee to be graduated according to the tonnage of such vessel, but not in any case to exceed *ten* dollars,

Settling disputes.

3. For hearing and settling disputes, of which the Port Warden is authorized to take cognizance, and for the fees on appeal to the Council of the Quebec Board of Trade, a sum to be graduated according to the value of the thing or the amount in dispute, but in no case to exceed *twenty* dollars.

Fees may be altered.

4. The foregoing maximum rates, comprehending the fees for the incidental proceedings, certificates and copies, may be altered and apportioned, and the particular service distinguished, and the fee therefor assigned, and the person by whom the same shall be paid, may be indicated in such way as the Council of the Board of Trade may from time to time appoint; and all rates and fees so established shall be subject to the approval of the Governor in Council, who shall have power from time to time to reject or modify and alter such fees and rates.

Must be approved by Governor in Council.

Board of Trade may fix salary.

28. The Council of the Board of Trade may, if they see fit, at any time, fix and appoint a salary to the Port Warden, to include his own remuneration and that of his deputies and his expenses of office or otherwise, as may be arranged, and for any period during which the Port Warden shall be paid by salary, such balance as may appear by his certified annual return, to be in his hands over and above his salary (or over and above his salary, that of his deputies and his expenses of office, if the same are not included in his salary), shall be forthwith paid by the said Port Warden to such person as the Board of Trade shall depute to receive the same.

Penalty for contravention.

29. The penalty for any and every infraction or breach of the twelfth section of this Act, shall be the sum of Forty dollars; and for every infraction or breach of the sixteenth section of this Act, the sum of Twenty dollars; and any and every such penalty as aforesaid, shall be recoverable in the manner prescribed by the Interpretation Act, in cases where penalties are imposed, and the recovery is not otherwise provided for.

Books, &c., and yearly report.

30. The Port Warden shall keep such books and accounts, and shall report yearly to such department or officer, and at such time in each year, and in such form, and with such accounts and details, as the Governor may, from time to time, direct.

No. 89.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to provide for the appointment of a Port Warden for the Harbor of Quebec.

Received and read, First time, Friday, 31st March, 1871.

Second reading, Saturday, 1st April, 1871.

Hon. Sir Francis HINCKS.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33 Rideau Street.

1871.

No. 90.] **BILL.** [1871.

An Act to amend the Act 33 Vict., cap. 40, respecting the settlement of the affairs of the Bank of Upper Canada.

Preamble. 33 Vic., c. 40, cited.

IN amendment of the Act passed in the thirty-third year of Her Majesty's Reign, chaptered forty, and intituled, "An Act to vest in Her Majesty, for the purposes therein mentioned, the property and powers now vested in the Trustees of the Bank of Upper Canada;" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Not exceeding $250,000 dollars placed at the disposal of the Governor in Council to pay off certain claims on the Bank of Upper Canada.

1. A sum not exceeding two hundred and fifty thousand dollars, out of any unappropriated money forming part of the Consolidated Revenue Fund of Canada, is hereby placed at the disposal of the Governor in Council, for the purpose of paying of any claims on the Bank of Upper Canada settled and adjusted under the fourth section of the Act herein above cited, any such payment being made on the certificate of the Treasury Board, that there is ample security for the re-imbursement out of the assets of the Bank of the sum so paid for any such claim.

Accounting clause.

2. A detailed account of the sums expended under the authority of this Act, shall be laid before the House of Commons of Canada, during the first fifteen days of the then next Session of Parliament.

No. 90.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to amend the Act respecting the settlement of the affairs of the Bank of Upper Canada.

Received and read first time, Friday, 31st March, 1871.

Second reading, Saturday, 1st April, 1871.

Hon. Sir FRANCIS HINCKS.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, and 33 Rideau Street.

1871.

No. 91.] **BILL.** [1871.

An Act respecting the Loan authorized by the Act 32 & 33 Vict., cap. 1, for the purpose of paying a certain sum to the Hudson's Bay Company.

Preamble. 32, 33 V., c. 1.

In amendment of the third section of the Act passed in the session held in the Thirty-second and Thirty-third years of Her Majesty's reign, chaptered one, and intituled "An Act for granting to Her Majesty certain sums of Money required to defray certain Expenses of the Public Service, for the Financial Years ending respectively the 30th June, 1869, and the 30th June, 1870, and for other purposes relating to the Public Service;" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Loan under that Act: how to rank on the Con. Rev. Fund of Canada, &c.

1. The payment of the principal and interest of the loan authorized by the third section of the Act cited in the Preamble to this Act, for the purpose of paying a like sum to the Hudson's Bay Company, for the purposes set forth in the said section, shall be the next charge on the Consolidated Revenue Fund of Canada, after any charge thereon created or to be created, under the Act passed in the Thirty-first year of Her Majesty's reign, and chaptered forty-one, for any loan for fortifications.

Such sums as may be required to form a sinking fund at the rate of one per centum per annum on the entire amount of the said loan, shall be payable out of the Consolidated Revenue Fund of Canada, and shall form the next charge thereon after the principal and interest of the said loan:

Imp. Act, 32, 33 V., c. 101.

Any sum issued out of the Consolidated Fund of the United Kingdom under the Act of the Imperial Government, known as "The Canada (Rupert's Land) Loan Act, 1869," shall be the next charge on the Consolidated Revenue Fund of Canada, after the sinking fund of the said loan:

Provision as to Sinking Fund.

The money raised by the said fund shall be paid to four trustees nominated from time to time, two by the Treasury of the United Kingdom, and two by the Government of Canada, and such money shall be applied under the direction of those trustees:

The annual sums for the sinking fund shall be remitted to the Treasury of the United Kingdom by equal half-yearly payments, in such manner as the said Treasury may from time to time direct, for the investment and accumulation thereof, under the direction and in the names of four trustees nominated from time to time, two by the said Treasury, and two by the Government of Canada, and the investment and application of the said sinking fund shall be made in the manner provided by The Canada (Rupert's Land) Loan Act, 1869, hereinbefore cited.

Accounting clause.

A detailed account of all money paid out of the Consolidated Revenue Fund of Canada under the authority of this Act or of the Act of Parliament of Canada first above cited, shall be laid before the House of Commons of Canada, within the first fifteen days of the then next Session of the Parliament of Canada.

No. 91.

4th Session, 1st Parliament, 34 Victoria, 1871

BILL.

An Act respecting the Loan for the purpose of paying a certain sum to the Hudson's Bay Company, and to make other provisions with respect to such loan.

Received and read, First time, Friday, 31st March, 1871.

Second reading, Saturday, 1st April, 1871.

Hon. Sir FRANCIS HINCKS.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, & 33, Rideau Street.

1871.

No. 92.] **BILL.** [1871.

An Act further to amend the Act respecting fishing by foreign vessels.

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

1. The fifth section of the Act *respecting fishing by foreign vessels*, passed in the thirty-first year of Her Majesty's reign, chapter sixty-one, is hereby repealed, and the following section is hereby enacted in its stead. 31 Vict., c. 61, s. 5, repealed.

"5. Goods, ships, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo seized as liable to forfeiture under this Act, shall be forthwith delivered into the custody of such fishery officer, or customs officer, or other person as the Minister of Marine and Fisheries may from time to time direct, or retained by the officer making the seizure in his own custody if so directed by the Minister, in either case to be secured and kept as other goods, ships, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo seized are directed by the laws in force in the Province, in which the seizure is made, to be secured and kept." New section.

2. The sixth section of the said Act is hereby repealed, and the following section is hereby enacted in its stead. Section 6 repealed.

"6. All goods, vessels and boats, and the tackle, rigging, apparel, furniture, stores and cargo condemned as forfeited under this Act, shall be sold by public auction, by direction of the officer having the custody thereof, under the provisions of the next preceding section of this Act, and under regulations to be from time to time made by the Governor in Council, and the proceeds of every such sale shall be subject to the control of the Minister of Marine and Fisheries, who shall first pay therefrom all necessary costs and expenses of custody and sale, and the Governor in Council may from time to time apportion three-fourths, or less, of the net remainder, among the officers and crew of any Queen's ship, or Canadian Government vessel, from on board of which the seizure was made, as they may think right, reserving for the Government, and paying over to the Receiver General, at least one-fourth of such net remainder, to form part of the Consolidated Revenue Fund of Canada; but the Governor in Council may, nevertheless, direct that any goods, vessel, or boat, and the tackle, rigging, apparel, furniture, stores and cargo, seized and forfeited shall be destroyed, or be reserved for the public service." New section.

3. This Act shall be construed as one with the Act hereby amended; and the sixth section of the said Act, as contained in the second section of this Act, shall apply to all goods, vessels, and boats, and the tackle, rigging, apparel, furnitures, stores and cargo, condemned under the said Act before the passing of this Act, and to the proceeds of the sale thereof, remaining to be applied and paid at the time of the passing of this Act. Act to be one with amended Act.

No. 92.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act further to amend the Act respecting fishing by Foreign Vessels.

Received and read First time, Friday, 31st March, 1871.

Second reading, Saturday, 1st April, 1871.

Hon. Mr. Tupper.

OTTAWA:

Printed by I. B. Taylor, 29, 31 & 33 Rideau Street.

1871.

No. 93.] **BILL.** [1871.

An Act to authorize the sale or lease of the Rockwood Asylum to the Province of Ontario.

Preamble.

WHEREAS, it may be found expedient to sell or lease Rockwood Asylum and its appurtenances to the Province of Ontario; and it appears that the Commissioner of Public Works for that Province has been authorized to treat for the purchase or lease thereof: Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Negotiation for sale or lease of Asylum authorized.

1. The Governor in Council may authorize and instruct the Minister of Public Works, to treat with the Commissioner of Public Works for the Province of Ontario, for the sale or lease of Rockwood Asylum, and the land appurtenant thereto, and if the said Minister and Commissioner agree upon the terms of such sale or lease, and such terms are approved by the Governor in Council, the necessary measures may be adopted for giving effect to such agreement, subject to the approval of Parliament at its then next session.

No. 93.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to permit of the sale or lease of the Rockwood Asylum.

Received and read first time, Friday, 31st March, 1871.

Second reading, Saturday, 1st April, 1871.

Hon. Mr. MORRIS.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, and 33 Rideau Street.

1871.

No. 94.] **BILL.** [1871.

An Act to incorporate the Dominion Construction Company.

WHEREAS, Francis Shanly, John Gordon, Charles Douglas Fox, John Shedden, George Laidlaw, Edmund Wragge, and William Henry Beatty, have by their Petition prayed that they and others may be incorporated for the purpose of constructing, maintaining and working Railways within the Dominion of Canada, and it is expedient to grant the prayer of the said petitioners; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The said Francis Shanly, John Gordon, Charles Douglas Fox, John Shedden, George Laidlaw, Edmund Wragge and William Henry Beatty, and such other persons, firms and corporations as shall or may become Shareholders of the Company hereby incorporated, are hereby constituted and declared to be a body politic and corporate, by the name of the Dominion Construction Company for the purposes and with the powers herein set out. Certain persons incorporated.

2. The said Company shall have power to enter into, execute and perform contracts and agreements from time to time for the construction, maintenance, equipment and working or management, or any or either of such works or services, of or for any railway or railways now existing, or now or hereafter at any time to be constructed, within the Dominion of Canada, and for such purposes and to enable the said Company to perform all or any of such services, the said Company may in any such contract provide or agree with the Railway Company making the same, for the exercise by the said Company hereby incorporated of all the Parliamentary powers of such Railway Company, and such provision shall be valid, and shall, for the purposes of such contract, confer upon the said Company hereby incorporated such Parliamentary powers; Provided, that no such agreement or provision shall affect, alter, lessen or interfere with the rights or remedies of the Crown or of any person or corporation as against any Railway Company making the same. Powers of the Corporation.

3. The Capital Stock of the said Company shall be one hundred thousand dollars, with power to increase the same from time to time, to such amount or amounts as they may deem expedient, not to exceed five hundred thousand dollars, by the decision of any Special General Meeting of the Shareholders called for such purpose, and such Capital Stock shall be divided into shares of one hundred dollars each, and the same shall and may be applied, by the Provisional Directors hereinafter named, in paying the expenses of and attending the procuring of the passing of this Act, and of and attending the organizing of the said Company. Capital Stock.

4. The Head Office of the said Company shall be at the City of Toronto. Head office.

Board of Directors.

5. The affairs of the said Company shall be managed by a Board of Directors to be appointed as hereinafter mentioned, and until such Directors are appointed, the said Francis Shanly, John Gordon, Charles Douglas Fox, John Shedden, George Laidlaw, Edmund Wragge and William Henry Beatty, shall be the Provisional Board of Directors of the said Company, and shall have power to fill vacancies occurring therein, and to associate with themselves such other persons not more than three in number as they may see fit, who shall, if and when so named, be Provisional Directors of the said Company equally with themselves; and the Provisional Board of Directors shall also have power to open Stock Books and allot Stock, and to make a call upon the Stock subscribed, and to call a General Meeting of the Shareholders for the purpose of electing Directors, and organizing the said Company, and shall also have such other powers as may be necessary and lawful for the organizing of the said Company.

Provisional Directors.

Payment of first instalment.

6. Upon the subscription for shares of the said Capital Stock, each subscriber shall pay to the Directors for the purposes set out in this Act, ten per centum of the amount subscribed; such ten per centum upon Stock subscribed and any calls so made may be recovered by the Company by suit in any Court of Law or Equity having competent jurisdiction, against the Subscriber or Shareholder by whom the same may be payable, together with interest from the time the same is payable.

Forfeiture of shares.

7. Any share, on which any call is overdue and unpaid for the space of three months, may be declared to be forfeited by the resolution of any General Meeting, and shall then become the property of the Company,

Subsequent calls.

8. Thereafter calls may be made by the Directors for the time being as they shall see fit; Provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and that no call shall be made sooner than two months after the time for payment of the preceding call, and such calls shall and may be made by notice published weekly, in one newspaper in the City of Toronto, for at least four weeks preceding the day fixed for the payment thereof.

First general meeting of shareholders.

9. As soon as shares to the amount of Twenty thousand Dollars of the Capital Stock of the said Company shall have been subscribed, and ten per centum thereof paid into some Chartered Bank having an office in the City of Toronto, (which shall on no account be withdrawn therefrom unless for the service of the Company or for the purposes herein provided), the Directors shall call a General Meeting of the Subscribers to the said Capital Stock, who shall have so paid up the ten per centum thereof, for the purpose of electing Directors of the said Company.

Provision in case Directors fail to call meeting.

10. In case the Provisional Directors neglect to call such Meeting for the space of three months after such amount of the Capital Stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any three of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than one thousand dollars of the said Capital Stock and who have paid up all calls thereon.

Notice of meeting.

11. In either case notice of the time and place of holding such General Meeting shall be given by publication in the Ontario and Canada

Gazettes, and in one newspaper in the City of Toronto, once in each week, for the space of at least four weeks, and such meeting shall be held in the City of Toronto, at such place therein, and on such day as may be named by such notice; at such General Meeting the Subscribers for the Capital Stock assembled, either in person or by proxy who shall have so paid up ten per centum thereof, shall choose seven persons to be the Directors of the said Company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided that they be not inconsistent with this Act. Election of Directors.

12. Thereafter the General Annual Meeting of the Shareholders of the said Company shall be held in such place in the City of Toronto, and on such day and at such hours as may be decided by the By-laws of the said Company, and public notice thereof shall be given at least four weeks previously in the Ontario and Canada Gazettes, and once a week in one newspaper published in the City of Toronto. Annual general meeting.

13. Special General Meetings of the Shareholders of the said Company may be held at such places in the City of Toronto, and at such times and in such manner, and for such purposes, as may be provided by the By-laws of the said Company. Special general meetings

14. It shall be competent for any Annual or Special General Meeting to adjourn from the day fixed for the same to any other day and so from time to time as may be expedient, subject to any provisions regulating such power of adjournment which may at any time be made by By-laws of the Company passed by a General Meeting of the Shareholders. Adjournment

15. Every Shareholder of one or more shares of the said Capital Stock shall, at any General Meeting of the Shareholders, be entitled to one Vote for every share held by him, and such voting may be by proxy or power of attorney, and no Shareholder shall be entitled to vote on any matter whatever, unless all calls due on the Stock upon which such Shareholder seeks to vote shall have been paid up at least one week before the day appointed for such Meeting. Votes.

16. No person shall be qualified to be elected as such Director by the shareholders, unless he be a Shareholder holding at least ten shares of Stock in the Company, and unless he has paid up all calls thereon. Qualification of Directors.

17. The Directors shall hold office from the time of their appointment until the next General or Annual Meeting of the Company, or until their successors are elected. Term of office.

18. Four of the Directors shall be a quorum, and the act of the majority of the Directors present at any Meeting of the Directors regularly called, shall be deemed to be the Act of the Board of Directors. Quorum.

19. The Directors shall, at their first Meeting, or at any adjournment thereof, but before proceeding to other business, elect one of their number to be the President, and one to be the Vice-President of the Company, and at all Meetings of the Directors the President shall be Chairman, or if he be absent, the Vice-President shall be Chairman, or if both be absent, the Directors present President and Vice-President.

may elect a Chairman for the time being, and on all questions considered by the Board of Directors the Chairman shall have a casting vote.

Vacancies, how filled.

20. In case any vacancy occur in the Board of Directors, the remaining members of the Board may choose a duly qualified Shareholder to fill such vacancy, who shall continue in office for the residue of the term of the Director in whose place he is appointed.

Directors to to be subject to general meeting.

21. The Directors shall be subject to the Order and direction of the Shareholders at any General meeting, and shall not have power to perform any act contrary to or inconsistent with any resolution of the Shareholders, passed at any General Meeting, except so far as the Company may be bound by any act done or resolution passed by the Directors, previous to any such resolution of the Shareholders.

By-laws.

22. The Shareholders, at any Annual or Special General meeting, may make By-laws for the ordering of the affairs of the said Company with respect to Shares therein, and the Transfer, Calls, General Meetings, Dividends, the Duties of the Officers of the Company, and the affairs and business thereof generally, provided such By-laws be not inconsistent with anything contained in this Act; and the Board of Directors shall have a like power of making, altering, varying and repealing By-laws, and may alter, vary and repeal any of the By-laws of the Company, but the Board of Directors shall not have the power of altering, varying, or repealing or otherwise revoking any By-law made, or act done in altering, varying and repealing By-laws by the Shareholders.

Liability limited.

23. No Shareholder shall be held individually liable for any act, default, debt, engagement, or liability of the Company, or for any engagement, payment, claim, loss, injury, or transaction, matter or thing whatsoever connected with the said Company, excepting to an amount equal to the amount (if any) not paid up on the Stock subscribed by him, and such liability shall attach to no shareholder unless and until the goods and lands of the Company shall have been exhausted, and an execution against the same returned unsatisfied.

Power to hold lands.

24. The said Company may purchase, take, and hold lands whensoever they may require the same, or portions thereof, for the purpose of performing any of the works which they may contract to perform, or for the purpose of procuring timber, stone, brick, gravel, earth, or any other material for use in performing any such works, and may, if they see fit, sell and convey such lands or any portion thereof.

May become parties to promissory notes.

25. The said Company shall have power and authority to become parties to Promissory Notes and Bills of Exchange, for sums not less than one hundred dollars, and any such Promissory note or Bill of Exchange made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a quorum of the Directors, shall be binding on the said Company, and every such Promissory Note or Bill of Exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to

such Promissory Note or Bill of Exchange, nor shall the President or Vice-President, or the Secretary and Treasurer, be individually responsible for the same, unless the said Promissory Notes or Bills of Exchange have been issued without the sanction or authority of the Directors, as herein provided and enacted; Provided, however, that nothing in this section shall be construed to authorize the said Company to issue any Note or Bill of Exchange payable to bearer or intended to be circulated as money, or as the Notes or Bills of a Bank. Proviso.

No. 94.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

Act to Incorporate the Dominion Construction Company.

Received and read First time, Saturday, 1st April, 1871.

PRIVATE BILL.

Mr. CURRIER.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 & 33 Rideau Street.

1871.

No. 95.] **BILL.** [1871.

An Act respecting the force and effect of the Acts of the Parliament of Canada, in and in relation to the Province of Manitoba, and the Colony of British Columbia, when it becomes a Province of the Dominion.

WHEREAS, it is expedient to make certain provisions respecting the force and effect of the Acts of the Parliament of Canada, in and in relation to the Province of Manitoba, and the Colony of British Columbia when it becomes a Province in the Dominion of Canada; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

MANITOBA.

1. Subject to the exceptions and limitations in the following sections of this Act, or in the Schedule hereunto annexed, all the enactments and provisions contained in the Acts of Parliament of Canada, passed in first, second and third sessions thereof, held respectively in the thirty-first, the thirty-second and thirty-third, and the thirty-third years of Her Majesty's Reign, and applying equally to the whole Dominion of Canada as then constituted, and not limited to any particular Province or Provinces thereof, or to any territorial division in any one or more of them, shall have the same force and effect in and in relation to the Province of Manitoba, from and after the passing of this Act, as they then have in and in relation to all the other Provinces of Canada.

2. In the seven next following sections of this Act the words "the said Acts" mean the Acts passed in the said first, second, and third sessions of the Parliament of the Dominion of Canada, which are not mentioned in the Schedule to this Act as being declared wholly inapplicable to the Province of Manitoba.

3. In construing the said Acts, the words "Canada," "the Dominion," "the Dominion of Canada," "the Provinces of Canada" or other like expressions wherever they occur therein, shall, from and after the passing of this Act, be held to include the Province of Manitoba, provided the subject matter and the context will fairly admit of their being so construed, in order to carry out the intent of this Act.

4. Nothing in this Act shall be construed as a declaration that any of the said Acts, or any part thereof had not, or has not or would not have without the passing of this Act, force or effect in and in relation to the Province of Manitoba.

5. In case any of the said Acts, or any enactment or provision therein has force or effect in relation to one of the Provinces composing the Dominion at the time of its passing, in a sense peculiar to that Province, and different from the sense in which it

has force and effect in relation to all the said Provinces as a whole, such Act, enactment or provision shall have force and effect within and in relation to the Province of Manitoba in the last mentioned sense only.

6. Nothing in this Act shall be construed so as to give a retroactive effect to any of the said Acts, or to any enactment or provision therein.

7. Nor shall anything in this Act be construed as relating to or in any way affecting the Act passed in the thirty-third year of Her Majesty's reign, chapter three, "*to amend and continue the Act "32 and 33 and 33 Victoria, chapter 3, and to establish and pro-"vide for the government of the Province of Manitoba,*" but the said Act shall have and continue to have the same force and effect, within and in relation to the Province of Manitoba as if this Act had not been passed: Provided that in construing the twenty-seventh section of the said Act, the Customs duties thereby continued shall be deemed to be duties imposed by the Parliament of Canada, for the purposes of the Act 33 Vict., chapter eight, (respecting the remission of duties and penalties in certain cases), and other Acts relating to the Customs and Revenue.

8. Nor shall anything in this Act prevent the effect, in or in relation to the Province of Manitoba, of any Act passed during the present Session, relating specially to the said Province.

9. Every law in force in the Province of Manitoba at the time of the passing of this Act, inconsistent with or repugnant to any of the enactments or provisions of any Act of the Parliament of Canada, which will be in force in the said Province, or making any provision for any matter provided for by any of the said enactments or provisions, other than such as is thereby made, is hereby repealed; but this repeal shall not affect the past operation of any such law, or the validity of anything already done, or any right, title, obligation or liability already accrued, or penalty or forfeiture already incurred, thereunder.

BRITISH COLUMBIA.

10. All the enactments and provisions of the Acts of the Parliament of Canada, passed in the first, second and third Sessions thereof aforesaid, or in the present Session, relating to the Executive Government and the several departments thereof, and the Civil Service of the Dominion, the Legislature and Legislation, the Senate and House of Commons, and the proceedings therein, the independence of Parliament, and the qualification or disqualification of Members of the last mentioned House, the vacating of seats therein and the filling of vacancies, the Public works of the Dominion, and the Postal service shall, in so far as they may not be inconsistent with the provisions of any Order of the Queen in Council, made under the authority of the 146th section of the British North America Act, 1867, have the same force and effect in and in relation to the Colony of British Columbia after its admission into the Union under such Order in Council, as they then have in and in relation to all the other Provinces of Canada.

11. Such provisions of the Customs Laws of Canada (other than such as prescribe the rates of duty), as may be from time to time declared by the Governor in Council after its admission into the

Union, applicable to the Province of British Columbia, shall apply thereto, and be in force therein accordingly.

12. Such provisions of the laws of Canada respecting the Inland Revenue, including those fixing the amount of duties, as may be from time to time declared by the Governor in Council applicable to the Province of British Columbia, after its admission into the Union as aforesaid, shall apply thereto and be in force therein accordingly.

SCHEDULE A.

Acts of the Parliament of Canada which will not under the foregoing Act apply to the Province of Manitoba, or the application of which to the said Province, is limited in the manner and to the extent hereinafter mentioned.

Acts passed in the First Session 31st Victoria, 1867–1868.

CHAP.	TITLE.
6	An Act respecting the Customs. *Except such provisions thereof as may be declared applicable by Order in Council, under* 33 *Vict., cap.* 3, *s.* 28.
7	An Act imposing duties of customs with the Tariff of duties payable under it.
8	An Act respecting the Inland Revenue. *Except such provisions thereof as may be declared applicable by Order in Council, under* 33 *Vict., cap.* 3, *s.* 29.
42	An Act providing for the organization of the Department of the Secretary of State of Canada, and for the management of Indian and Ordnance Lands. *Except only so much as relates to the Organization of the Department.*
44	An Act to amend the Act of the present session, intituled, "An Act imposing duties of Customs, with the Tariff "duties payable under it." *Except such provisions thereof as may be declared applicable, by Order in Council, under* 33 *Vict., cap.* 3, *s.* 28.
45	An Act respecting the Currency.
50	An Act to increase the Excise duty on Spirits, to impose an Excise duty on refined petroleum, and to provide for the inspection thereof. *Except such provisions thereof as may be declared applicable by Order in Council, under* 33 *Vict., cap.* 3, *s.* 29.
51	An Act for better securing the payment of the duty imposed on Tobacco manufactured in Canada. *Subject to the exceptions made with respect to cap.* 50.

Acts passed in the Second Session, 32 33 Victoria, 1869.

CHAP.	TITLE.
6	An Act for the gradual enfranchisement of Indians, the better management of Indian Affairs, and to extend the provisions of the Act 31st Victoria, chapter 42.
16	An Act respecting Insolvency. *This Act shall not apply to Insolvents resident in Manitoba, except in the case of composition and discharge, mentioned in Sections* 94 *to* 108 *both inclusive, in which "the Court" shall mean the General Court of the Province of Manitoba, and "the Judge" shall mean the Judge of that Court.*
31	An Act respecting the Duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders. *This Act shall not be in force in the Province of Manitoba until the first day of July in the present year,* 1871, *on and after which it shall be in force there, subject to the amendments made in chapter* 36 *of the same Session, and to those of* 33 *Vict., chapter* 27.
32	An Act respecting the prompt and summary Administration of Justice in certain cases.
33	An Act respecting the Trial and Punishment of Juvenile Offenders.

Acts passed in the Third Session, 33 Victoria, 1870.

9	An Act to amend the Act respecting Customs and Inland Revenue; and to make certain provisions respecting Vessels navigating the Inland Waters of Canada above Montreal. *This Act shall not apply to Manitoba, except in so far only as it may be declared applicable thereto under Sections* 28 *and* 29 *of chapter* 3 *of the same Session.*

No. 95.

4th Session, 1st Parliament, 34 Vict

BILL.

An Act to extend to the Province
toba and to British Columbia,
it shall become a Province of
minion, certain Acts and parts
the Parliament of Canada.

Received and read, First time, Wed
April, 1871.

Second reading, Thursday, 6th April,

Hon. Sir GEORGE E

OTTAWA:
Printed by I. B. TAYLOR, 29, 31 and 33 Ri
1871.

No 96

An Act to authorize the Governor in Council to exempt Railway Companies in certain cases from the obligation to build drawbridges over navigable rivers.

WHEREAS, drawbridges in lines of railways are dangerous, and often occasion great disasters and the loss of great numbers of lives, and it is expedient to do away with them as much as possible; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Wherever any Railway Company is desirous of building a stationary bridge, instead of a drawbridge, over any navigable river in the line of its railway, the Company may apply for authority to do so to the Governor in Council, who upon proof of two months' continuous notice to that effect having been given in the *Canada Gazette*, and in one newspaper in each language, English and French, in the Province of Quebec, or in English only in any other Province, such newspapers or a newspaper published nearest to the site of the proposed bridge, may, if he sees fit, grant such application, and shall in that case settle the conditions upon which such bridge may be erected and especially those as to height and mode of construction, which shall be such as not to interfere with the navigation of the river, nor with the free passage of timber and saw logs, or cribs, or rafts of timber, lumber or deals; nor shall anything in this Act contained, be held to confer upon any Railway Company who may avail themselves of the provisions of this Act, any right to indemnity in the event of any future legislation of the Parliament of Canada, taking place in the interest of the public which shall necessitate the removal or change in construction of any bridge constructed over a navigable river.

No. 97

An Act respecting certain officers of the Trinity House of Quebec.

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

1. So much of the Act passed by the Legislature of the late Province of Canada in the twelfth year of Her Majesty's reign, chapter one hundred and fourteen, intituled: "*An Act to consolidate the laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes,*" as enacts that the offices of Clerk and Treasurer of the said Corporation shall be held by separate persons, and so much of the said Act, or of any other Act passed by the Legislature of the said late Province of Canada as provides for or requires the appointment of two Superintendents of Pilots for and below the Harbor of Quebec, or of a Bailiff of the Trinity House of Quebec, or any other officer appointed to make such service, or prescribes that any duty be performed by such Bailiff, is hereby repealed.

2. The offices of Clerk and Treasurer of the said Corporation shall hereafter be held by one and the same person, who shall be called the Secretary-Treasurer of the Trinity House of Quebec, and shall be appointed by the Governor.

3. This Act shall commence and be in force upon, from and after the first day of July next; but Commissions under it, to take effect upon, from and after that date, may be issued by the Governor at any time after the passing of this Act, and before its commencement.

No 98

An Act for more effectually preventing the desertion of Seamen in the Port of Quebec.

IN order to provide more effectually for the prevention of the desertion of Seamen in the Port of Quebec; Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Any person convicted of any offence under either the first or the second section of the Act forming chapter forty-three of the Consolidated Statutes of Canada, entitled: "An Act for more effectually preventing the desertion of Seamen," may be imprisoned with or without hard labor for any period not exceeding six months nor less than three months in lieu of any penalty incurred by such offence under such section.

2. The penalty and imprisonment mentioned in the third section of the said Act shall be incurred by any person found loitering near any vessel in the port of Quebec, and not giving a satisfactory account of his business there, whether such person be or be not at the time in a boat or other water craft.

3. Any person convicted of any offence under the fifth section of the above mentioned Act, may be imprisoned with or without hard labor for any period not exceeding sixty days nor less than thirty days, in lieu of any penalty incurred by such offence under such section.

No. 99.] **BILL.** [1871.

An Act in relation to the Library of Parliament.

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

Library, &c., vested in Her Majesty.

1. All books, paintings, maps, and other effects at the time of the passing of this Act in the joint possession of the Senate and House of Commons of Canada, or which shall hereafter be added to the existing collection, shall vest in the Queen's Majesty for the use of the two Houses of Parliament, and shall be kept in a suitable portion of the Parliament Buildings to be appropriated for that purpose.

Direction and control thereof in whom to be.

2. The direction and control of the Library of Parliament, and of the officers and servants connected therewith, shall be vested in the Speaker of the Senate and the Speaker of the House of Commons for the time being, assisted during each Session by a Joint Committee to be appointed by the two Houses.

Power to make orders, &c.

3. The Speakers of the two Houses of Parliament, assisted by the Joint Committee, shall have power, from time to time, to make such orders and regulations for the government of the Library, and for the proper expenditure of moneys to be voted by Parliament for the purchase of books, maps, or other articles to be deposited therein, as to them shall seem meet; subject to the approval of the two Houses of Parliament.

Officers, clerks, and messengers, and their salaries.

4. The officers and servants of the Library of Parliament shall consist of a Librarian, an Assistant Librarian, two Clerks and two Messengers, who shall be appointed by the Crown, and who shall hold office during pleasure, and who shall respectively be paid the salaries mentioned in Schedule A to this Act annexed, and no additions shall be made to the number of such officers or servants, nor changes made in the salaries by this Act attached to their respective positions, save upon the resolutions of both Houses of Parliament: Provided always that nothing in this Act or in the schedule annexed thereto, shall operate to diminish the salary of any officer or servant now employed in the Library.

Proviso: No salary diminished by this Act.

Responsibility of officers, &c.

5. The Librarian, Assistant Librarian, and other officers and servants of the Library of Parliament shall be responsible for the faithful discharge of their official duties, as the same may be defined by regulations to be agreed upon, as aforesaid, by the Speakers of the two Houses, assisted by the said Joint Committee on the Library.

Salaries, &c., how payable.

6. The salaries of the officers and servants of the Library of Parliament, and any casual expenses connected therewith, shall be paid out of funds to be provided by Parliament for that purpose.

Stationery, how supplied.

7. The supply of stationery required for the use of the Library shall be furnished by the stationery office of the Government, and charged against the Houses of Parliament.

Commencement of Act.

8. This Act shall commence and take effect upon and after the 1st July, 1871.

SCHEDULE A.

Librarian	$2,500
Assistant Librarian	1,800
First Library Clerk (under five years' service)	800
do do (over five years' service)	1,200
Second Library Clerk	800
Messengers (under five years' service)	400
do (over five years' service)	500

No. 99.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act in relation to the Library of Parliament.

Received and read, First time, Thursday, 6th April, 1871.

Second reading, Saturday, 8th April, 1871.

Hon. Sir GEORGE E. CARTIER.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33 Rideau Street.

1871.

No. 100.] **BILL.** [1871.

An Act to continue for a limited time the Acts therein mentioned.

Preamble.

WHEREAS it is expedient to continue for a limited time the Acts hereinafter mentioned, which would otherwise expire at the end of the present Session; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Act of the late Province of Canada, 4 and 5 V., c. 32, continued for one year.

1. The Act of the Parliament of the late Province of Canada, passed in the Session thereof held in the fourth and fifth years of Her Majesty's Reign, intituled: "An Act to encourage the establishment of and regulate Savings Banks in this Province," shall be and is hereby continued and shall remain in force as regards the Savings Banks now established and in operation under its provisions, until the first day of January, one thousand eight hundred and seventy-two, and from thence until the end of the next ensuing Session of the Parliament of Canada, and no longer.

Act 32, 33 Vict., cap. 3, continued for one year, subject to certain provisions.

2. The Act of the Parliament of Canada passed in the Session held in the thirty-second and thirty-third years of Her Majesty's Reign, chaptered three, and intituled "An Act for the temporary government of Rupert's Land and the North-Western Territory, when united with Canada," as amended by and subject to the provisions of the Act of the said Parliament, passed in the Session held in the thirty-third year of Her Majesty's Reign, chaptered three, and intituled "An Act to amend and continue the Act 32 and 33 Victoria, chapter 3, and to establish and provide for the government of the Province of Manitoba" is hereby continued to the first day of January, one thousand eight hundred and seventy-two, and from thence to the end of the then next ensuing Session of the Parliament of Canada, and no longer.

Not to effect any Act of the present Session, &c.

3. Nothing herein contained shall prevent the effect of any Act passed during the present Session, repealing amending, rendering permanent, or continuing to any further period than that herein appointed, the Acts hereinbefore mentioned and continued, nor shall continue any provision or part of the Acts in this Act mentioned, which may have been repealed by any Act passed during the present Session or in any previous Session.

No. 100.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act to continue for a limited time the Acts therein mentioned.

Received and read first time, Saturday, 8th April, 1871.

Second reading Monday, 10th April, 1871.

Hon. Mr. GRAY.

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street.

1871

No 108

An Act to continue for a limited time the Acts therein mentioned.

WHEREAS it is expedient to continue for a limited time the Acts hereinafter mentioned, which would otherwise expire at the end of the present Session; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Act of the Parliament of the late Province of Canada, passed in the Session thereof held in the fourth and fifth years of Her Majesty's Reign, intituled: "An Act to encourage the establishment of and regulate Savings Banks in this Province," shall be and is hereby continued and shall remain in force as regards the Savings Banks now established and in operation under its provisions, until the first day of January, one thousand eight hundred and seventy-two, and from thence until the end of the next ensuing Session of the Parliament of Canada, and no longer.

2. The Act of the Parliament of Canada passed in the Session held in the thirty-second and thirty-third years of Her Majesty's Reign, chaptered three, and intituled "An Act for the temporary government of Rupert's Land and the North-Western Territory, when united with Canada," as amended by and subject to the provisions of the Act of the said Parliament, passed in the Session held in the thirty-third year of Her Majesty's Reign, chaptered three, and intituled "An Act to amend and continue the Act 32 and 33 Victoria, chapter 3, and to establish and provide for the government of the Province of Manitoba" is hereby continued to the first day of January, one thousand eight hundred and seventy-two, and from thence to the end of the then next ensuing Session of the Parliament of Canada, and no longer.

3. Nothing herein contained shall prevent the effect of any Act passed during the present Session, repealing amending, rendering permanent, or continuing to any further period than that herein appointed, the Acts hereinbefore mentioned and continued, nor shall continue any provision or part of the Acts in this Act mentioned, which may have been repealed by any Act passed during the present Session or in any previous Session.

No. 101.] **BILL.** [1871.

An Act for granting to Her Majesty certain sums of money required to defray certain expenses of the Public Service, for the financial years ending respectively, the 30th June, 1871, and the 30th June, 1872.

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency the Right Honorable John, Baron Lisgar, Governor General of the Dominion of Canada, and the Estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of the Dominion not otherwise provided for, for the financial years ending respectively, the thirtieth day of June, one thousand eight hundred and seventy one, and the thirtieth day of June, one thousand eight hundred and seventy two, and for other purposes connected with the Public Service: May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. From and out of the Consolidated Revenue Fund of Canada, there shall and may be applied a sum not exceeding in the whole one million ninety-nine thousand two hundred and sixty-three dollars and seventy-one cents, towards defraying the several charges and expenses of the public service of the Dominion, from the first day of July, in the year of our Lord one thousand eight hundred and seventy, to the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-one, not otherwise provided for and set forth in Schedule A to this Act, and also for the other purposes in the said Schedule mentioned, and relating as well to the public service of the financial year aforesaid, as to that ending on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-two.

2. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole sixteen million three hundred and ninety-nine thousand eight hundred and fifty-six dollars and ten cents, towards defraying the several charges and expenses of the Dominion, from the first day of July, in the year our Lord one thousand eight hundred and seventy-one, to the thirtieth day of June, in the year of Lord one thousand eight hundred and seventy-two, not otherwise provided for and set forth in the Schedule B to this Act, and for other purposes in the said Schedule mentioned.

3. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada, during the first fifteen days of the then next Session of Parliament.

SCHEDULE A.

SUMS granted to Her Majesty by this Act, wholly or partly, for the Financial Year ending 30th June, 1871, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
PUBLIC WORKS AND BUILDINGS.		
(Chargeable to Income.)		
Penitentiary, near Montreal	120,000 00	
Surveys and Inspections	10,000 00	
Rebuilding East Pier, Port Dalhousie, Welland Canal (Revote) (the unexpended balance to be carried forward to the fiscal year ending 30th June, 1872)	13,400 00	
Mabou Harbor (to be extended to 30th June, 1872, as in the above vote)	12,000 00	
Lighthouse, Cape Jourimain	500 00	
Removal of Snow, Public Buildings, Ottawa	2,000 00	
Rent, Custom House Buildings, St. John, N.B.	3,150 00	
Dredge Vessel, New Brunswick	2,500 00	
		163,550 00
CIVIL GOVERNMENT.		
To pay Four Civil Servants of the Military Branch, Department of Militia and Defence, the increases which would have accrued under the old Civil Service Act, for the year 1867–68	160 00	
To pay Clerk in Paymaster's Office, Halifax, Nova Scotia, to 30th November, 1870, at $800, Canadian currency, per annum	333 33	
		493 33
LEGISLATION.		
To pay the St. Lawrence and Ottawa Railway Company, for balance due to them for the extra train run on that road during the last Session of Parliament		799 98
ARTS, AGRICULTURE, AND STATISTICS.		
To meet expenses in connection with the taking of the Census, in anticipation of the Vote for 1871-72, the unexpended balance to be carried forward		100,000 00
OCEAN AND RIVER STEAM SERVICE.		
To pay amount required for repairs and outfit of Steamers *Napoleon* and *Druid*	7,600 00	
Maintenance of Dominion Steamers, occasioned while doing Marine Police Duty	12,000 00	
		19,600 00
MILITIA.		
Extraordinary.		
Barrack Accommodation, to meet the probable estimate of repairs, &c., of buildings vacated by Imperial troops	12,000 00	
Pay, Maintenance and Equipment of Two Batteries of Garrison Artillery, from 1st May to 30th June, 1871	12,500 00	
To re-imburse the Imperial Government for Stores supplied to Nova Scotia by Imperial Government before Confederation, £135 13s. 11d. Sterling	660 38	
		25,160 38
Carried forward		309,603 69

SCHEDULE A.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			309,603 69
LIGHTHOUSES AND COAST SERVICE.			
Quebec.			
Keeper's Dwelling and Buildings in connection with Fog Whistle, South Point Anticosti	$3,000 00		
Erecting Oil Stores, &c., at Lighthouses, and other requirements and outfit for the completion of Light Ship, &c.	9,500 00		
Maintenance of New Lights for Year ending 30th June, 1871	6,180 00		
		18,680 00	
Above Montreal.			
Maintenance of New Lights, for year ending 30th June, 1871		800 00	
Nova Scotia.			
Buildings, &c., for Fog Whistle, Cranberry Island		1,500 00	
New Brunswick.			
To complete Light, at Cox's Point, Grand Lake; Beacon Block, St. Andrews; Beacons at Fox's Island; and Observatory at St. John.		1,850 00	
			22,830 00
FISHERIES.			
To cover expenditure required for Fishery Services, as under:—			
Ontario	500 00		
New Brunswick	2,000 00		
Nova Scotia	3,000 00		
		5,500 00	
Additional for the protection of the Fisheries (Marine Police), to 30th June, 1871, in advance for the Vote for 1871-72		16,000 00	
			21,500 00
MISCELLANEOUS.			
To pay Dame Angelique Leduc, widow of the late J. Bte. Normand, for damages to certain property held by her, occasioned by the construction of the Dam at the head of the Beauharnois Canal		187 00	
To pay the representatives of the late Mrs. T. D. McGee, the equivalent to one year's Pension formerly paid to her		1,200 00	
To pay the widow of the late Henry Traill, formerly a guard of the Kingston Penitentiary, who was murdered, whilst in execution of his duties, by two convicts, Smith and Mann		1,000 00	
To pay Mrs. Moylan, widow of the late G. T. Moylan, Railway Mail Clerk, who died from injuries received from a fall from a Post Office car on the Grand Trunk Railway, between Grafton and Cobourg, whilst in execution of his duties		600 00	
To pay balance of expenses of the Civil Service Commission		3,269 53	
To pay the family of the late Captain O'Brien of the Schooner *Ocean Traveller*, lost in October last, whilst on the Sable Island Humane Establishment Service		600 00	
To pay the families of the crew of the *Ocean Traveller*		1,000 00	
To re-imburse Messrs. Gibbons, Burchill, & Connell, of Sydney, Cape Breton, expenses incurred by them in procuring medical aid for three men employed in the month of December, 1869, in carrying supplies to Flint Island Lighthouse, but who were carried out to sea, and suffered exposure for nine days		350 00	
Carried forward		8,206 53	353,933 69

SCHEDULE A.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	
Brought forward	8,206 53	353,933 69
MISCELLANEOUS.—*Continued.*		
To pay the three men mentioned in the above vote, two of whom were so severely frost-bitten, that their limbs had to be amputated, and who are consequently cripples for life	600 00	
To pay the Customs Department amount paid by the Collector, Halifax Nova Scotia, for Boatmen's services, in connection with the Board of Health, Halifax, for half year ended 31st December, 1867.	1,104 00	
To pay the estimated cost of removing depreciated Coin in the Province of Nova Scotia (the unexpended balance of the Vote to be carried forward to 1871-72)	40,000 00	
To provide for compensation to sufferers by the Insurrection in Rupert's Land in 1869-70, claims for loss of property, or for imprisonment, or for forced emigration from the Territory, to be proved before the Recorder of Manitoba, or any Commissioners appointed for that purpose by theGovernor, and afterwards referred to the Treasury Board, and approved by Order in Council (the unexpended balance to be held over till 1871-72)	40,000 00	
To pay Messrs. Gooderham & Worts, of Toronto, refund of duties paid by them on Whiskey shipped to Halifax prior to Confederation, but which remained in Bond until after the Union	2,309 34	
To pay costs and damages awarded by Sheriffs' Jury in the case of Kinnear Bros. *v.* Robinson, Collector of Customs, St. John, N.B.	8,436 41	
To pay the estimated expenses of the Canal Commission	10,000 00	
To pay amount further required in connection with the North West Territories	200,000 00	
		310,656 28
COLLECTION OF REVENUE.		
CUSTOMS.		
To pay the Contingencies of the Port of Halifax, Nova Scotia, for the fiscal year ending 30th June, 1868	2,032 58	
To pay the salaries of Preventive Officers and expenses at Port Hawkesbury, Nova Scotia, for the three years, 1867-68, 1868-69, 1869-70.	661 16	
To pay the salary of the Seizing Officer, Canada Creek, Port of Cornwallis, Nova Scotia, from 1st July, 1867, to 30th June, 1871, at $40 per annum	160 00	
To pay the salary of the Preventive Officer, Tusket Wedge, Nova Scotia, for 1868-69, and 1869-70, at $60 per annum	120 00	
		2,973 74
INLAND REVENUE.		
To pay the cost of Standard Weights and Measures, and other expenses consequent on assimilation of Weights and Measures (the unexpended balance to be carried forward to the fiscal year, 1871-72)	50,000 00	
To pay Collectors allowances, N.S. and N.B., on duties collected by them, estimated at	2,700 00	
		52,700 00
POST OFFICE.		
To pay for Mail Service in the Province of Manitoba, and for payment to the United States Post Office of Transit Rates for the conveyance of closed mails to and from Manitoba		6,000 00
PUBLIC WORKS.		
European and North American Railway Extension, Working Expenses	8,000 00	
Maintenance, Salaries of Staff, &c., for the month of June, 1871	15,000 00	
		23,000 00
Carried forward		749,263 71

SCHEDULE A.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		749,263 71
SURVEYS IN MANITOBA.		
To meet the expenses of the above service for the current year (the balance to be carried forward to 1871–72		100,000 00
PUBLIC WORKS AND BUILDINGS.		
(*Chargeable to Capital.*)		
Survey of Pacific Railway (balance unexpended to be carried on to 1871-72		250,000 00
Total		1,099,263 71

SCHEDULE B.

SUMS granted to Her Majesty by this Act for the Financial Year ending 30th June, 1872, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CIVIL GOVERNMENT.	$ cts.	$ cts.
Governor General's Secretary's Office	6,755 00	
The Department of the Privy Council	11,933 33	
The Department of Justice	7,700 00	
The Department of Militia and Defence	27,930 00	
The Department of the Secretary of State	22,827 50	
The Department of the Secretary of State for the Provinces	16,630 00	
The Department of the Receiver General	15,950 00	
The Finance Department	36,307 50	
The Customs Department	21,940 00	
The Inland Revenue Department	18,150 00	
The Department of Public Works	40,040 00	
The Post Office Department	52,520 00	
The Department of Agriculture	21,900 00	
The Department of Marine and Fisheries	16,725 00	
The Treasury Board Office	3,000 00	
The Finance Offices, Nova Scotia and New Brunswick	7,500 00	
The Marine and Fisheries Offices, Nova Scotia and New Brunswick	8,100 00	
Departmental Contingencies	150,000 00	
Stationery Office for Stationery	15,000 00	
To meet the possible amount for increases under the Civil Service Act, or for possible new appointments required by an extension of the staff, or other change	25,000 00	
		525,908 33
ADMINISTRATION OF JUSTICE.		
Miscellaneous	10,000 00	
To provide for the Administration of Justice for Manitoba and the North West Territory	10,000 00	
		20,000 00
POLICE.		
Police of the Dominion	25,000 00	
Water Police, Montreal	10,000 00	
River Police, Quebec	10,348 00	
		45,348 00
LEGISLATION.		
Senate.		
Salaries and Contingent Expenses of the Senate	43,245 00	
House of Commons.		
Salaries and Contingencies, per Clerk's Estimate	79,590 00	
Salaries and Contingencies, per Sergeant-at-Arms' Estimate	40,268 75	
Miscellaneous.		
Grant to Parliamentary Library	6,000 00	
Printing, Binding and distributing the Laws	10,000 00	
Printing, Printing paper and Bookbinding	35,000 00	
Contingencies of the Clerk of the Crown in Chancery	1,000 00	
Miscellaneous Printing	2,000 00	
To pay costs of Maps for Railway Committee	1,250 00	
		218,353 75
Carried forward		809,610 08

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		809,610 08
GEOLOGICAL SURVEYS AND OBSERVATORIES.		
Observatories.		
Observatory, Quebec	2,400 00	
do Toronto	4,800 00	
do Kingston	500 00	
do Montreal	500 00	
do Halifax (Revote $750)	1,500 00	
do New Brunswick	1,000 00	
Repairs and Alterations to Time Ball Apparatus, Quebec	1,000 00	
Grant for Meteorological Observatories including Instruments	5,000 00	
		16,700 00
ARTS, AGRICULTURE, AND STATISTICS.		
Salaries and contingent expenses of Statistical Office, Halifax	3,890 00	
Salaries of 316 Deputy Registrars, Province of Nova Scotia, and allowance for getting Marriage Returns	1,880 00	
To meet the possible amount required in the fiscal year ending 30th June, 1872, for the taking of the Census	260,000 00	
To meet possible amount required for the Census beyond the limits of Ontario, Quebec, Nova Scotia, and New Brunswick	50,000 00	
		315,770 00
IMMIGRATION AND QUARANTINE.		
Salaries of Immigration Agents and Employés	18,212 00	
Medical Inspection, Port of Quebec	2,600 00	
Quarantine, Grosse Isle	12,000 00	
Do St. John, N.B	3,900 00	
Do Halifax	4,460 00	
Travelling Expenses and Contingencies, Europe and Canada	14,000 00	
To meet possible expenses of Immigration	45,000 00	
Towards obtaining and disseminating information, and meeting other requirements of Immigration Agencies	7,500 00	
		107,672 00
MARINE HOSPITALS.		
Marine and Emigrant Hospital, Quebec	21,000 00	
Marine Hospitals, New Brunswick and Nova Scotia, Hospital at St. Catherines, and Maintenance &c., of Shipwrecked and Sick and Distressed Seamen at the several Ports of the Dominion	18,000 00	
		39,000 00
PENSIONS.		
Samuel Waller, late Clerk, House of Assembly	400 00	
L. Gagné, Messenger do	72 00	
John Bright do do	80 00	
Mrs. Antrobus	800 00	
New Militia Pensions.		
Mrs. Caroline McEachern, and four children	292 00	
Jane Lakey	146 00	
Rhoda Smith	110 00	
Janet Alderson	110 00	
Margaret McKenzie	80 00	
Mary Ann Richey, and two children	336 00	
Mary Morrison	80 00	
Louise Prud'homme, and two children	130 00	
Carried forward	2,636 00	1,288,752 08

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
New Militia Pensions.—Continued.			
Brought forward		2,636 00	1,288,752 08
Virginie Charron, and four children		150 00	
Paul M. Robbins		146 00	
Charles T. Bell		73 00	
Alex. Oliphant		109 50	
Charles Lugsden		91 25	
John White		109 50	
Thomas Charters		91 25	
Samuel McCrag		109 50	
Charles T. Robertson		110 00	
Percy G. Routh		400 00	
Richard S. King		400 00	
George A. McKenzie		73 00	
Edward Hilder		146 00	
Fergus Scholfield		73 00	
John Bradley		109 50	
Richard Penticost		91 25	
James Bryan		109 50	
Jacob Stubbs		73 00	
Mary Connor		110 00	
Mary Hodgins, and three children		191 00	
John Martin		110 00	
A. E. Marchand		110 00	
A. W. Stevenson		110 00	
Mrs. J. Thorburn		150 00	
Mrs. P. T. Worthington, and children		378 00	
Mrs. J. H. Elliott, and children		130 00	
Mrs. George Prentice, and children		400 00	
Ellen Kirkpatrick, and three children		266 00	
COMPENSATION TO PENSIONERS.			
In lieu of land		9,000 00	16,056 25
PUBLIC WORKS AND BUILDINGS.			
(*Chargeable to Capital.*)			
DOMINION RAILWAYS.	$ cts.	$ cts.	
Intercolonial Railway			6,000,000 00
Nova Scotia Railway			31,100 00
European and North American, New Brunswick and Eastern Extension Railways, viz.:			
Increased accommodation, St. John		157,700 00	
do do Pointe Duchêne		48,000 00	
Construction between Painsec and Amherst		8,100 00	
			213,800 00
Extension of Railway Terminus to Halifax			150,000 00
CANALS.			
Lachine Canal—			
Supply Weir at head (Revote)	29,000 00		
Culvert, River St. Pierre do	13,000 00		
		42,000 00	
Regulating Weir, St. Gabriel		20,000 00	
Carried forward		62,000 00	6,394,900 00 1,304,808 38

SCHEDULE B.—*Continued.*

SERVICE.			Amount.	Total.
			$ cts.	$ cts.
Brought forward		62,000 00	6,394,900 00	1,304,808 33
CANALS.—*Continued.*				
Welland Canal—				
Deepening to Lake Erie Level (Revote $25,000)	25,000 00			
Waste Weir at Dunville (Revote)	18,000 00			
Removal Banks Deep Cut above water level	200,000 00			
Superintendence and Contingencies	4,000 00			
Extending & deepening Harbor, Port Dalhousie, (Revote $10,000)	20,000 00			
do do do Port Colborne	20,000 00			
		287,000 00		
Carillon and Grenville Canal (Revote $125,000)		275,000 00		
Towards raising the banks of the Welland Canal		200,000 00		
Towards enlargement of Grenville Canal Lock		150,000 00		
Towards improving channel of River St. Lawrence, between Kingston and Montreal		100,000 00		
Completion of survey of Sault Ste. Marie Canal		10,000 00		
			1,084,000 00	
HARBORS AND PIERS.				
(Revote $77,000 00)			326,000 00	
LIGHTHOUSE.				
Protection to Little Hope Lighthouse, N. S. (Revote)			5,000 00	
PUBLIC BUILDINGS.				
Ottawa Parliament and Departmental Buildings (Revote)		40,000 00		
do do Buildings, Library		50,000 00		
do do Tower, Railway, Grounds, &c.		207,000 00		
Post Office, Custom House, and other Public Buildings, Halifax, or for the payment of such amount not exceeding $66,385, as may be awarded as justly due to the Province of Nova Scotia, in case the New Province Building is made available for those purposes		200,000 00		
Towards the construction of a new Post Office, Montreal		40,000 00		
			537,000 00	
Total chargeable to Capital				8,346,900 00
PUBLIC WORKS AND BUILDINGS.				
Railway Subsidies chargeable to Provinces.				
Western Extension, New Brunswick				10,000 00
PUBLIC WORKS AND BUILDINGS.				
(*Chargeable to Income.*)				
Slides, and Booms, and Works, necessary to facilitate the descent of Timber, viz:—				
St. Maurice River New Works		10,000 00		
do do at mouth		43,000 00		
Ottawa River		15,300 00		
Dumoine River		18,000 00		
Miscellaneous		15,000 00		
			101,300 00	
Carried forward			101,300 00	9,661,708 33

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		101,300 00	9,661,708 33
Improvement of Rivers :—			
St. John River, N.B., Little Current and Devil's Nose, Lake Huron		6,000 00	
Roads and Bridges :—			
Bridge, Portage du Fort	8,000 00		
Miscellaneous for expenditure on Metapedia Military Road only if required	5,000 00		
Bridge over Rideau Canal, at Wellington Village (the local authorities furnishing an equal amount)	6,000 00		
		19,000 00	
Surveys and Inspection		25,000 00	
Arbitrations and Awards		10,000 00	
Miscellaneous Works not otherwise provided for		10,000 00	
Rents, Repairs, Furniture	45,000 00		
Heating Public Buildings, Ottawa	30,000 00		
Rents, Repairs, &c., Custom House, St. John, and other Public Buildings	15,000 00		
		90,000 00	
Public Buildings :—			
London Custom House	35,000 00		
Halifax Quarantine Station (Revote $4,000)	6,000 00		
Ottawa Post Office	40,000 00		
St John do	50,000 00		
Toronto Custom House and Savings Bank	150,000 00		
Emigration Buildings, Point Levis and Montreal	18,000 00		
Grosse Isle	10,000 00		
Partridge Island, St. John	4,000 00		
New Post Office, Montreal, cost of site	150,000 00		
Toronto, Quebec, and London Post Offices (revote)	120,000 00		
Toronto and Kingston Immigrant Sheds	5,500 00		
Public Buildings generally	20,000 00		
Removal of snow, Public Buildings, Ottawa	2,000 00		
		610,500 00	
Harbors and Piers :—			
Richibucto Harbor	2,800 00		
House Harbor (Revote)	2,000 00		
Bathurst Harbor (Revote)	2,000 00		
Two Steam Dredges (Revote $36,000)	52,000 00		
Dredging	30,000 00		
Dredge Vessels, New Brunswick	2,500 00		
Towards completion of Piers, Kincardine, Lake Huron	8,000 00		
Harbor of Refuge, Liverpool, N.S., (estimated cost $80,000)	25,000 00		
Quaco, N. B., Harbor of Refuge	13,500 00		
Pier, Maitland, Shubinacadie River, N. S. (Local authorities furnishing $3,000 00)	3,000 00		
Margaretville, N.S., repairs of pier	1,650 00		
Digby, N. S., completion and repairs of pier	1,650 00		
Port Hood, Cape Breton, repairs of pier	1,650 00		
MacNairs Cove, Harbor	11,000 00		
Arisaig, repairs to pier	2,200 00		
Amherst Harbor (Magdalen Islands)	2,500 00		
Cap de Chatte	800 00		
Rivière du Loup en haut (Local authorities furnishing an equal amount)	4,000 00		
Presqu'ile Harbor, Lake Ontario	10,000 00		
		176,250 00	
Carried forward		1,048,050 00	9,661,708 33

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		1,048,050 00	9,661,708 33
Rideau Hall Heating Apparatus and Water Supply		8,000 00	
Canals :—			
Dwelling Lock Master, Port Robinson, Welland Canal	2,000 00		
St. Ann's Lock, improving channel above and below lock	5,000 00		
Chambly Canal, Lock keepers' houses	1,800 00		
Rideau Canal, increase of water supply (Revote)	5,000 00		
Miscellaneous Works	15,200 00		
		29,000 00	
Total chargeable to Income			1,085,050 00
OCEAN AND RIVER STEAM AND PACKET SERVICE.			
DOMINION STEAMERS.			
Maintenance of Steamers *Napoleon III, Lady Head* and *Druid*		62,500 00	
SUBSIDIES.			
Moiety payable to Inman Line between Halifax and Cork		39,541 00	
Steam Communications between Quebec and Maritime Provinces		15,000 00	
Steam Communication between Prince Edward Island and the Ports of the Dominion		3,000 00	
Packet Communication between Pictou and the Magdalen Islands		400 00	
Steam Communication between New Brunswick and Prince Edward Island		1,000 00	
Steam Communication Halifax and St. John *via* Yarmouth		10,000 00	
Communication from St. John to Ports in Basin of Minas		2,000 00	
Tug Service, Upper St. Lawrence.			
Between Montreal and Kingston		12,000 00	
			145,441 00
PENITENTIARIES.			
Penitentiary, Kingston, Ontario		117,091 27	
Rockwood Asylum do		82,734 25	
Penitentiary, Halifax, N. S.		21,136 00	
do St. John, N. B.		43,170 00	
Directors of Penitentiaries		9,000 00	
To provide for the estimate of cost of testing system of gratuities payable to Convicts on discharge		2,000 00	
Kingston Buildings, &c.			
Timber for Cribwork on Water Front, and to raise New Wharf	1,500 00		
Penal Prison and Warden's House, &c.	2,500 00		
Steam Boiler for heating water and steam cooking range	1,500 00		
		5,500 00	
To meet expenses for organising and maintaining Montreal Penitentiary		14,000 00	
			294,631 52
MILITIA.			
Ordinary Services.			
Salaries of Military Branch and District Staff		35,440 00	
do Brigade Majors, including three Brigade Majors for Manitoba and British Columbia		30,000 00	
Carried forward		65,440 00	11,186,830 85

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	65,440 00	11,186,830 85
MILITIA—*Continued.*		
Ordinary Service—Continued.		
Allowances for Drill Instruction, to extend to 1st November, 1872, it being impossible to get in all the claims under this head before the expiration of the financial year	47,000 00	
Military Schools, including the pay of Chief Iustructor in Gunnery, and the Superintendent and his Clerk	65,000 00	
Ammunition	139,109 00	
Clothing	130,000 00	
Military Stores and Storage	85,683 00	
Public Armories and care of arms, including the pay of storekeepers and caretakers, storemen, and the rent, fuel, and light of Public Armories, to extend to the 1st November, 1872, it being impossible to get in all the claims under this head before the expiration of the financial year	60,000 00	
Drill pay and camp purposes, and all other incidental expenses connected with the Drill and Training of the Militia, to extend to the 1st November, 1872, it being impossible to get in all the claims under this head before the expiration of the financial year	500,000 00	
Contingencies and general service not otherwise provided for, including assistance to Rifle Associations and Bands of efficient Corps	75,000 00	
Targets	5,000 00	
Drill Sheds and Rifle Ranges	20,000 00	
Extraordinary Services.		
Barrack accommodation	12,000 00	
Military survey	2,607 00	
To meet the expense of any damage to Arms	5,000 00	
Gunboats	25,000 00	
Care and Maintenance of properties transferred from the Ordnance	12,500 00	
For improved Fire Arms (Henry-Martini and Snider Rifles) (Revote $40,000)	142,055 00	
Ordnance and Equipment for Field Batteries and Garrison Batteries of Artillery	33,606 00	
Pay, Maintenance, and Equipment of two Batteries of Garrison Artillery for Garrison Duty	75,000 00	
		1,500,000 00
LIGHTHOUSES AND COAST SERVICE.		
Construction of Lighthouses, Fog Trumpets, &c	79,700 00	
QUEBEC.		
Salaries of Lighthouse Keepers, &c. 23,007 00		
Maintenance of Lighthouses, &c. 18,929 00		
	41,936 00	
BETWEEN QUEBEC AND MONTREAL.		
Salaries of Lighthouse Keepers, &c. [illegible]		
Maintenance, &c., of Lighthouses. [illegible]		
Steamer "Richelieu" [illegible]		
	14,755 00	
TRINITY HOUSE, QUEBEC.		
Salaries and Contingencies	7,925 00	
Carried forward	144,316 00	12,686,830 85

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
Brought forward		$ cts. 144,316 00	$ cts. 12,686,330 85
TRINITY HOUSE, MONTREAL.			
Salaries and Contingencies		7,614 00	
LIGHTHOUSES, &c., ABOVE MONTREAL.			
Salaries and allowances	24,591 00		
Maintenance	30,970 00		
		55,561 00	
NOVA SCOTIA.			
Salaries and allowances	28,854 00		
Maintenance	32,045 00		
		60,899 00	
NEW BRUNSWICK.			
Salaries and allowances	11,447 00		
Maintenance	10,760 00		
Buoys and beacons	4,600 00		
		26,807 00	
Sable and Seal Islands Humane Establishments		8,000 00	
Cape Race Light		500 00	
QUEBEC.			
New light at Coteau Landing	150 00		
Lights, near and at Saguenay	1,000 00		
Carleton Port, Baie de Chaleur, Cape D'Espoir, County Gaspe	2,000 00		
		3,150 00	
ONTARIO.			
Lighthouse, Salmon Point, Lake Ontario		1,000 00	
NEW BRUNSWICK.			
Light at Alnwick	800 00		
Houses for light keepers at Portage and Fox Islands	1,000 00		
		1,800 00	
NOVA SCOTIA.			
Light at Mahone Bay	600 00		
,, Chebucto Head	2,000 00		
Fog whistle, St. Paul's Island	6,000 00		
Beacon light, Sydney Harbor	800 00		
Buoys off Nova Scotia coast	600 00		
Steam fog whistle, Briars' Island	5,000 00		
		15,000 00	
			324,647 00
FISHERIES.			
Maintenance and repairs of Schooner *La Canadienne*		9,000 00	
Salaries and disbursements of Fishery Overseers and Wardens :—			
Ontario		6,000 00	
Quebec		7,000 00	
New Brunswick		7,000 00	
Nova Scotia		7,000 00	
Fishways and Oyster Beds and for Fish Breeding		7,500 00	
Additional for the protection of the Fisheries (Marine Police)		70,000 00	
			113,500 00
Carried forward			13,124,977 85

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		13,124,497 85
CULLING TIMBER.		
Salaries and Contingent Expenses of the Cullers' Office		73,400 00
STEAMBOAT INSPECTION.		
To defray expenses of Steamboat Inspection		8,500 00
INDIANS.		
Annual Grant to Indians, Quebec	400 00	
do do Nova Scotia	3,300 00	
do do New Brunswick	3,200 00	
To Purchase Blankets for aged and Infirm Indians, Ontario and Quebec	1,200 00	
		8,100 00
MISCELLANEOUS.		
Printing Canada "Gazette"	2,500 00	
Postage do	1,200 00	
Miscellaneous Printing	5,000 00	
Unforeseen Expenses: Expenditure thereof to be under Order in Council, and a detailed account thereof to be laid before Parliament, during the first fifteen days of the next Session	75,000 00	
Expenses connected with ascertaining correct time at Ottawa and firing of noon gun	400 00	
Expenses of Investigations relating to Wrecks	1,000 00	
Commutation in lieu of remission of duties on articles imported for the use of the Army and Navy, to be apportioned by Order in Council	40,000 00	
To provide for examination and classification of Masters and Mates (Mercantile Marine)	6,200 00	
To provide one half of the British Share of the Expenditure in reference to Surveys of the Boundary Line, between Canada and the United States of America, on the 49th parallel of North Latitude	50,000 00	
To provide for purchase and maintenance of Life Boats, Life Preservers, and for rewards for saving life	3,600 00	
For opening up communication with North-West Territory Unexpended balance (Revote)	400,000 00	
To pay expenses connected with organizing and carrying on Government in British Columbia (in addition to revenue received therein)	125,000 00	
To pay one-half of the cost of surveying boundary line between Ontario and the North West Territories	15,000 00	
Cost of printing Proclamations and Orders in Council to carry out laws	5,000 00	
		729,900 00
COLLECTION OF REVENUES.		
CUSTOMS.		
Salaries and contingent expenses of the several Ports, viz.:—		
In Province of Ontario 164,426 00		
do Quebec 165,145 25		
do New Brunswick 68,812 75		
do Nova Scotia 92,702 25		
do Manitoba and North West 6,500 00		
Salaries and contingent expenses of Inspectors of Ports 9,750 00	507,336 25	
Contingencies at Head Office, covering Printing, Stationery, Advertising, Telegraphing, &c., for the several Ports of Entry	15,000 00	
To provide for Special Officers and Services	3,000 00	
		525,336 25
Carried forward		14,470,214 10

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			14,470,214 10
INLAND REVENUE.			
Salaries of Outside Officers and Inspectors of Excise		111,000 00	
Travelling expenses, rent, fuel, stationery, postage, furniture, &c		28,500 00	
Preventive Service		3,000 00	
To provide for additions to the Outside Service of the Excise Department as may be found necessary		4,900 00	
To pay Collectors in Nova Scotia and New Brunswick, allowances on duties collected by them estimated at		2,700 00	
			150,100 00
POST OFFICE.			
Ontario and Quebec Mail Service :—			
Grand Trunk Railway	167,000 00		
Great Western Railway	45,000 00		
Other Railways	50,000 00		
Steamboat Service	40,000 00		
Ocean Mail Service	10,000 00		
Military and Naval Postage refunds	3,000 00		
Salaries of Outside Services: Inspectors, Railway Clerks, &c.	100,000 00		
Payments for ordinary Mail Contract Service	230,000 00		
Miscellaneous	30,000 00		
On Account Money Order Branch	3,000 00		
Post Office Savings Bank	5,000 00		
		683,000 00	
Nova Scotia Mail Services		90,000 00	
New Brunswick Mail Services		75,000 00	
Manitoba Mail Services		10,000 00	
To pay for Steamboat Mail Service on the Upper Lakes, between Collingwood and Fort William		12,500 00	
			870,500 00
PUBLIC WORKS.			
Maintenance and Repairs.			
Ontario and Quebec		355,800 00	
Nova Scotia Railways		339,000 00	
European and North American Railway and Eastern Extension, Working Expenses		165,000 00	
Salaries and Contingencies of Canal Officers		27,070 00	
Collection of Slide and Boom Dues		12,172 00	
			899,042 00
MINOR REVENUES.			
Amount required in connection with Minor Revenues			10,000 00
Total			16,399,856 10

No. 101.

4th Session, 1st Parliament, 34 Victoria, 1871.

BILL.

An Act for granting to Her Majesty certain sums of money required to defray certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1871, and the 30th June, 1872.

First Reading Wednesday, 12th April, 1871.

Second Reading Thursday, 13th April, 1871.

Hon. Sir FRANCIS HINCKS.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33 Rideau Street.

1871.