





Canada. Laws, Statutes, etc.

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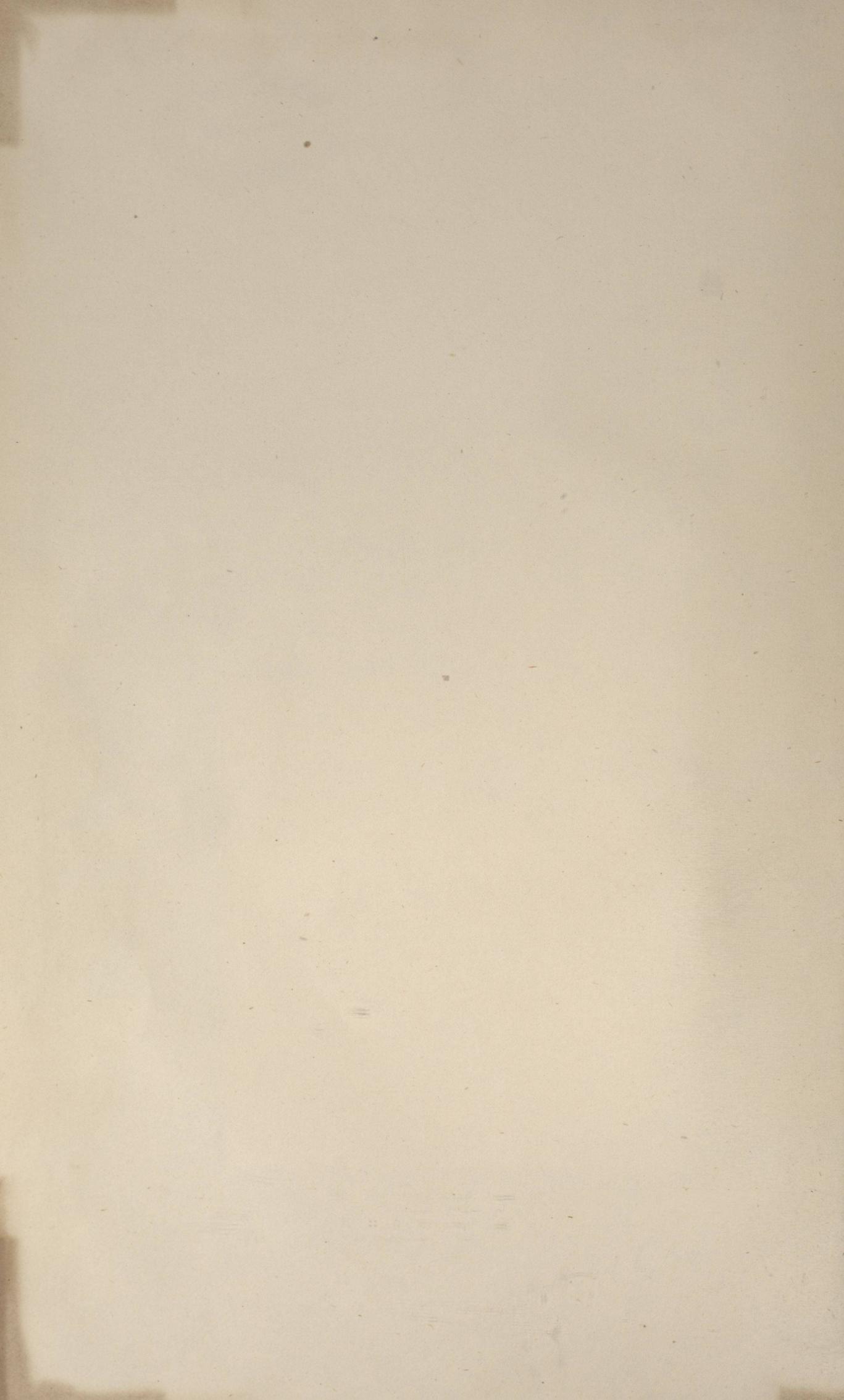
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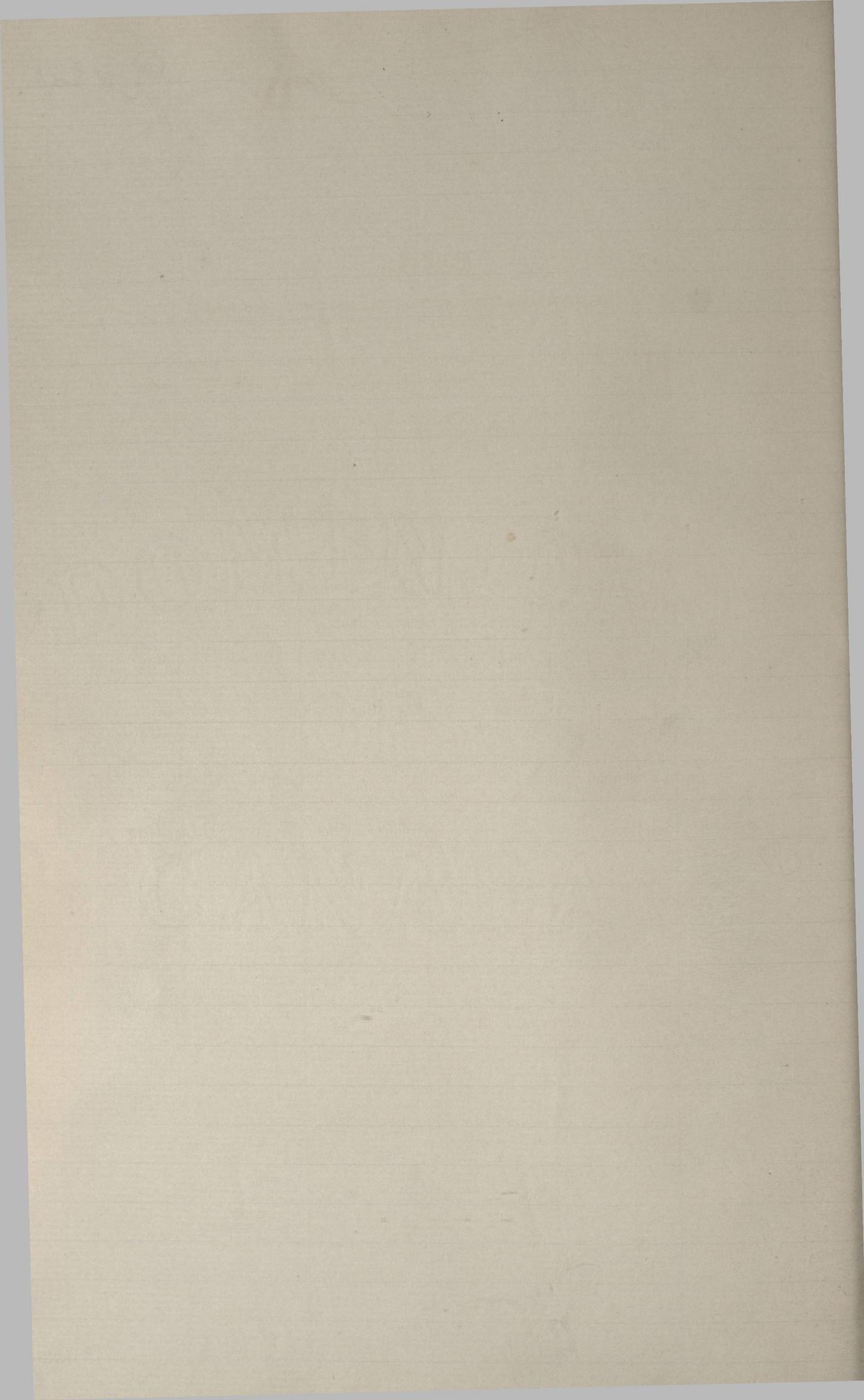
Bill A -













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A.]

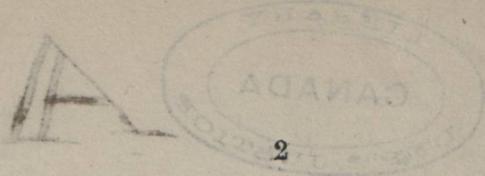
**BILL.**

[1873.]

An Act respecting claims to lands in Manitoba for which no Patents have issued.

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

- 1. The Governor may, from time to time, issue such and so many Commissions, under the Great Seal, to the Chief Justice and the Puisne Judges of the Court of Queen's Bench for Manitoba, as he shall see fit, empowering them, or any two of them, to ascertain and declare in all cases brought before them under the provisions of this Act, who is the person to whom the Patent ought to issue for the lands to which the claims shall respectively relate. Commissioners may be appointed, and for what purpose.
- 10 2. The sittings of the Commissioners shall be held in the Town of Winnipeg, on the first Monday in the months of January, April, July, and October in each year, and shall continue from day to day, as long as any business is before them, for a period not exceeding five days, next after each of the said Mondays. Sittings of Commissioners.
- 15 3. The Clerk of the Court of Queen's Bench for Manitoba shall be the Clerk of the said Commissioners. Clerk of Commissioners.
- 4. Every person claiming any lands within Manitoba for which no Patent has issued as being entitled thereto: Persons claiming unpatented lands vizt.
  - 1st, as Grantee in freehold under a grant made by the Hudson's Bay Company prior to the eighth day of March, in the year of Our Lord, one thousand eight hundred and sixty-nine; Grantee in freehold H. B. Company.
  - 2nd, as Grantee of an estate less than freehold under a grant made by the Hudson's Bay Company prior to the same date; Grantees of estates less than freehold.
  - 25 3rd, entitled thereto by occupancy with the sanction, and under the license and authority of the Hudson's Bay Company up to the same day, of land in that part of the Province in which the Indian title has been extinguished; Occupants under license.
  - 30 4th, as having been in peaceable possession of a tract of land at the time of the transfer to Canada in those parts of the Province in which the Indian title has not been extinguished, or the Heir, Devisee or Assignee of any such person, may bring his claim before the said Commissioners either personally or by his agent or attorney, and produce before said Commissioners all such documents, proofs and evidence as he may have to advance in support of such claim, and Mode of procedure.
  - 35 such evidence may be given *viva voce* before the said Commissioners or by written affidavits or affirmations sworn or affirmed before any one entitled to administer an oath or affirmation, where the same is sworn or affirmed.



What shall be received in evidence.

5. All certificates of the Hudson's Bay Company or of any Chief Factor of the Hudson's Bay Company or of the Clerk of the Executive Council of Manitoba, or copies certified by them respectively, of documents in their custody, shall be received in evidence before the said Commissioners. 5

Who may be summoned as witnesses.

6. The said Commissioners may summon before them, by summons under the hand of any one of them, either the claimant or any person interested in the case, or any other person whom they deem it expedient to examine as a witness, or whom they have reason to believe to be in possession of any document by the production of which the ends of justice may be better attained, and may require such claimant or party, or such witness to submit to such oral examination upon oath, or to answer on oath and to sign his answers to interrogatories or cross interrogatories in writing, or to produce such books, papers or documents in his possession, as to the said Commissioners appear requisite. 10 15

Mode of examination.

On whom interrogatories may be served.

7. The said Commissioners may cause such interrogatories or cross-interrogatories as they deem requisite to be served upon and answered by any such claimant, party, or witness, or any witness whose deposition may be produced in evidence before them and may cause Commissions to be issued for the examination of any witness not resident in Manitoba, and for requiring such witness to produce such books, papers, or other documents as he may have in his possession, and may at their discretion delay the proceedings in the case until such evidence and answers have been adduced and given. 20 25

Commissions may be issued for examination of non-residents.

Penalty in case of refusal to appear or to answer.

8. If any claimant, party, or person duly summoned to give evidence, or to produce any book, paper, or document, or to answer any interrogatories or cross-interrogatories before the said Commissioners, or before any person commissioned by them to receive the same within Canada, wilfully neglects to appear at the time and place appointed in the summons, or appearing refuses to answer any lawful question, or to produce any document in his possession, he shall forfeit the sum of not more than one hundred dollars to the party at whose instance he has been so summoned, or required to answer or to produce such documents; and if the claimant or any party interested in the case, makes default in answering any interrogatory or cross-interrogatory, which he may be duly required to answer, such default shall be taken *pro confessis* as if his answer had been such as would be most adverse to his own claim or interest. 30 35 40

Commissioners not to proceed in the absence of an affidavit that the claim is just.

9. The said Commissioners shall not receive or proceed upon any claim until the party by whom, or on whose behalf the same is made, or if such party consist of more than one person, then until some one of such persons has made and produces before the said Commissioners, an affidavit or affirmation in writing signed by him, that such claim is just and well-founded to the best of his knowledge and belief, and that he is not aware of any adverse claim, or if he is aware of any adverse claim, that he has at least one month before the making of such affidavit or affirmation, caused to be served on the party having, or supposed to have, such adverse claim, notice in writing of his claim and of his intention to bring the same before the said Commissioners, and of the time when it is intended to be so brought, and a copy of such notice shall be annexed to the affidavit or affirmation. 45 50 55

Proceedings with respect to adverse claims.

10. The said Commissioners shall not proceed upon such claim as aforesaid, unless a notice specifying such claim and the name or names of the party claiming, together with the number of the section or part of section, range and number of Township of which the lands claimed consists or forms part, and of the township in which the same lies, has been put up in some conspicuous place in the office of the Clerk of the Court of Queen's Bench of Manitoba, during at least thirty days before the claim comes to be heard before the said Commissioners, nor unless a certificate to that effect from such Clerk of the Court of Queen's Bench, be produced to the said Commissioners.

Names of claimants and the lands claimed to be conspicuously posted,

11. The Clerk of the Court of Queen's Bench of Manitoba shall, once in every three months, make a list of the claims so put up, in his office, specifying therein the particulars of such claims in the manner in which they are hereinbefore required to be specified in the notice to be put up, and shall affix such list in some conspicuous part of the Court House or place in which the Courts are held in Winnipeg, and shall cause the said list to be publicly read and proclaimed in open Court immediately after the delivery of the charge to the Grand Jury; and for each certificate the Clerk of the Court of Queen's Bench may demand and receive the sum of fifty cents, and no more.

Lists of claims to be made, how often and by whom.

To be publicly read.

Fee on each certificate.

12. The said Commissioners may defer, delay or adjourn the proceedings on any claim brought before them, and may give such further or enlarged time for the production of evidence, or for any other purpose relative to such claim, and for the decision thereon, as they may deem expedient for the attainment of the ends of Justice.

Commissioners, for cause shewn, may delay proceedings.

13. After the said Commissioners have fully examined any such claim, they may either reject or allow the same as in their judgment the justice and equity of the case requires, without regard to legal forms or to the strict letter of the law, or legal rules of evidence, and shall report their decision to the Governor in Council, and such report shall be final and conclusive (except in the case hereinafter mentioned); and the Governor in Council shall direct Her Majesty's Letters Patent under the Great Seal to issue, for granting the lands in question to the party who has been determined by the decision of the Commissioners to be entitled to the same.

The Commissioners may reject or allow claims.

Their decision final.

Letters Patent to issue thereon.

14. Such Letters Patent shall have the same and no other effect or operation with regard to any charge, incumbrance, lien, matter or thing upon, or effecting the lands so granted, as Letters Patent issuing for the same at the time the original title was acquired would have had, save only as establishing the claim of the person in whose favor they may be granted, to the lands to which they relate.

The effect of such Letters Patent.

15. No Letters Patent shall issue on any decision and report of the said Commissioners until after the expiration of one month from the time such report has been transmitted to and marked as received by the Clerk of the Executive Council.

When such Letters Patent shall be issued.

16. If, before the expiration of such month, a quorum of the said Commissioners, from any representation made to them, find reason to believe that such decision and report were obtained by surprise or erroneously made in any respect, and that justice re-

When the issue of Letters Patent shall be stayed.

The Commissioners may re-hear the case.

quires that the issuing of the Letters Patent should be stayed, then such quorum of the said Commissioners, although not then the regular period of their sitting, may report accordingly to the Governor in Council, and issuing of the Letters Patent shall be thereupon stayed until the Commissioners again report upon the case, and the said Commissioners may re-hear the case or let in any new claim, and receive or insist upon any new evidence as to them may appear expedient to enable them to do justice in the case, and may thereafter decide and report thereon as if no prior decision and report had been made, and with like effect.

What shall govern the award of costs

17. If under the circumstances of any such case it appears to the said Commissioners fair and right, so to do, they may allow to the party in whose favor the first decision and report was made, such costs against the party at whose instance the case has been again taken into consideration as they may deem just and reasonable, or they may in case of fraud or wilful wrong in the conduct of such party, award costs in like manner against him to the party in whose favor the subsequent decision and report may be made.

With respect to mortgages granted before the issue of Letters Patent.

18. In case any person, through whom any party obtaining Letters Patent for any lands under this Act, derived his claim had before the allowance of such claims and before the issue of such Letters Patent, granted any mortgage, incumbrance, or lien on such lands by any instrument by which the same would have been validly granted, if the Letters Patent had issued in favor of the Grantor before the date of such instrument, the same may be registered in the office of the Registrar for the County in which the lands lie, subject to the same conditions, and with the same effect and no other, and shall in law and equity have the same force and effect and no other, as if Letters Patent for the said Land, had, before the execution of such instrument, been issued in favor of such Grantor.

Commissioners to make rules with regard to their own proceedings.

19. The Commissioners for the time being may from time to time make and establish such rules and forms, with regard to any proceedings to be had before them, and to such notices, papers and other documents as may be required in the conduct of such proceedings, as to them appear expedient, for the better attainment of the purposes of justice.

Expenses to witnesses.

20. In all cases under this Act in which any witness duly appears to give evidence before the Commissioners, or before any person appointed by them to examine or to receive the testimony or deposition of such witness, the said Commissioners may order and direct the party at whose instance such witness has been summoned, or his testimony or depositions have been taken, to allow to such witness for his loss of time and expenses such sum as the said Commissioners may deem equitable, which order the party shall obey, or in default, the sum shall be recoverable from him by action in any Court having jurisdiction in civil cases to a like amount, due regard being had to the limits of the local jurisdiction of such Court.

By whom paid

Fees to be paid to the Clerk of Commissioners.

21. The Clerk of the said Commissioners, for the following services respectively, shall be entitled to demand and recover from the persons requiring such services the following fees, that is to say:

1. For filing each Petition, twenty cents.
2. For setting down any claim for hearing, fifty cents.
3. On the hearing of any claim, one dollar.
4. For making up report on the same, two dollars.
- 5 5. For each certificate of the allowance of any claim, twenty-five cents.
6. For a copy of the order respecting any claim, twenty-five cents.
- 10 7. For each summons for the attendance of any witness or witnesses, forty cents.
8. For each commission for the examination of witnesses, two dollars.
- 15 9. For any certified copy of any paper or document in his custody, twenty-five cents for the certificate, and at the rate of ten cents for each one hundred words in such copy.

22. And such reasonable fees for any service not herein specially mentioned or included therein, as the said Commissioners may from time to time allow him, as a fair and just compensation for the labor by him performed, and no more; and the person not being one of the Commissioners who takes any affidavit or affirmation under this Act, shall be entitled to demand and recover from the party requiring him to take the same, the sum of twenty-five cents, and no more; and all such fees as aforesaid may be required to be paid before the service for which they are granted is performed, or if not so required, may be recovered in the manner hereinbefore appointed with regard to the sum allowed to a witness.

Fees in un-  
provided  
cases,

and on affida-  
vit.

When de-  
manded and  
how recov-  
ered.

23. Also the following fees to belong and to be paid over to the Receiver-General in aid of the fund to provide for the accommodation of the Superior Courts of Law and Equity:

What fees  
shall be paid  
to the Receiver  
General.

On every claim entered and received, fifty cents.

On every claim allowed, fifty cents.

24. The copy of any order, report or decision, made by the said Commissioners under this Act, certified by their clerk, and countersigned by one of the said Commissioners, shall be received in any civil suit or action in any Court in Canada, as evidence of the making of such order, report, or decision, in the manner and form and according to the tenor thereof as set forth in such copy.

Copies of  
proceedings  
of commission-  
ers to be re-  
ceived as evi-  
dence in any  
Court.

25. It shall not be necessary in such suit or action to prove the signatures of such Clerk or Commissioner, if the party intending to produce the same, has given due notice of such intention to an adverse party according to the course and practice of the Court, unless such adverse party has afterwards in like manner signified his intention to dispute such signatures, or either of them, in which case it shall be requisite to prove the same, and the costs

When the  
proof of signa-  
ture shall not  
be required in  
Court.

Exception,  
and the costs  
therefor.

attending such proof may in the discretion of the Court, be allowed to the party making such proof, whatever be the result of the suit or action.

Rights to Patents may be transferred and registered.

26. Any person whose right to obtain a Patent for lands has been established by any Commissioners under this Act, may, by 5 an instrument in writing, assign, transfer, and convey his right and interest to or, in such land, and such assignment, as well as all subsequent assignments, may be registered in the Dominion Lands Office; and the last assignee shall be entitled to a Patent upon proving compliance with all the conditions to which the 10 original location was subject.

Proof required in support of claims for Patents, when original nominees are dead.

27. In any application for a Patent by the Heir, Assignee, or Devisee of the person originally entitled to any land, the Minister charged with the administration of Dominion Lands may receive proof in such manner as he may direct and require in support of 15 the claim for a Patent when the original Nominee is dead, and upon being satisfied that the claim has been equitably and justly established, he may report the same to the Governor-in-Council, and if approved, the Patent may issue to the party named in the Order in Council founded on such report, or to his assignee with- 20 out the intervention of the said Commissioners; but nothing in this clause contained shall limit the right of the party claiming a Patent, to make application at any time to the said Commissioners.

When such patents may be issued.

Claim before commissioners not barred.

1st Session, 2nd Parliament, 36 Victoria, 1873.

A

BILL.

An Act respecting Claims to Lands in Manitoba, for which no Patents have issued.

Received and read, First time, Tuesday, 11th March, 1873.

Second reading, Monday, 17th March, 1873.

HON. MR AIKINS.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, and 33, Rideau Street, 1873.

**BILL.**

[1873.]

**An Act to provide for the establishment of "The Department of the Interior."**

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

- 5 1. There shall be a Department of the Civil Service of Canada to be called "The Department of the Interior," over which the Minister of the Interior, for the time being, appointed by the Governor General, by Commission under the Great Seal of Canada, shall preside; and he shall hold office during pleasure, and shall have the management of the Department of the Interior. "The Department of the Interior."
- 10 2. The Minister of the Interior shall have the control and management of the affairs of the North West Territories. The Minister whereof shall manage the North West Territories. The Indians in Canada;
- 3. The Minister of the Interior shall be the Superintendent General of Indian affairs, and shall, as such, have the control and management of the lands and property of the Indians in Canada.
- 15 4. The Minister of the Interior shall have the control and management of all Crown Lands being the property of the Dominion, including those known as Ordnance and Admiralty Lands, and all other public lands not specially under the control of the Public Works Department, or of that of Militia and Defence, (and excepting also Marine Hospitals and Light Houses and land connected therewith, and St. Paul's, Sable, and Portage Islands,) and he is hereby substituted for the former Commissioner of Crown Lands, as regards Ordnance and Admiralty Lands, transferred to the late Province of Canada, and lying in Ontario and Quebec. The Ordnance Lands and Public Works. Exception. Substituted for former commissioner.
- 25 5. The Minister of the Interior is hereby substituted for the Secretary of State of Canada in all the powers, attributes, functions, restrictions, and duties laid down and prescribed in the 'Dominion Lands' Act, 1872; and wherever the words "Secretary of State" are used in that Act, the words "Minister of the Interior" shall be deemed to be substituted therefor; and wherever the words "Department of the Secretary of State" are used, the words "Department of the Interior" shall be deemed to be substituted therefor; and all the provisions of the said Act shall be and continue obligatory upon the Minister of the Interior, and all the officers appointed under the said Act shall become, and continue to be, officers of the Department of the Interior. And for the Secretary of State of Canada in the cases named.
- 30 6. The Governor may appoint, and at his pleasure remove, a Deputy of the Minister of the Interior, who shall be charged, under the Minister of the Interior, with the performance of the Departmental duties of the Minister of the Interior, and with the control and management of the Officers, Agents, Clerks, and Ser- His duties.
- 40

vants of the Department, and with such other powers and duties as may be assigned to him by the Minister of the Interior, including if deemed expedient those of the Surveyor General under the Dominion Lands Act, 1872, in which case, wherever in the said Act the words "Surveyor General" are used, the words "Deputy Minister of the Interior" shall be deemed to be substituted therefor. 5

**7.** The Governor may also appoint, subject to the Civil Service Act of 1868, and at his pleasure remove, such Departmental Officers, Agents, Clerks and Servants as may be requisite for the proper conduct of the business of the Department at Ottawa, and also such Agents, Officers, Clerks and Servants as may be necessary for the same purpose in the North West Territories, and amongst the Indians, and elsewhere, in the Dominion. 10

**8.** The several clauses of Chapter 42 of the Statutes passed in the 31st year of Her Majesty's reign, entitled "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," relating to the management of Indian affairs and lands, and of Ordnance Lands, shall be and remain in force, and shall govern the Minister of the Interior in the several matters to which they relate; and wherever the words "Secretary of State" or "Department of the Secretary of State" occur in those clauses, the words "Minister of the Interior" and "Department of the Interior" shall be deemed to be substituted therefor. 20 25

**9.** The Governor in Council may, by proclamation, from time to time exempt from the operation of this Act, and of the said Act, Chapter 42 of the Statutes passed in the 31st year of Her Majesty's reign, or of any one or more of the clauses thereof, the Indians, or any Tribe of them, or the Indian Lands, or any portion of them, in the North West Territories, or in the Province of Manitoba, or in the Province of British Columbia, and may again by like proclamation, from time to time, remove such exemption. 30

**10.** The Geological Survey of Canada shall be attached to the Department of the Interior. 35

**11.** The Secretary of State of Canada shall have charge of the State Correspondence with the Governments of the several Provinces included; or which may be hereafter included within the Dominion of Canada.

**12.** The remaining duties hitherto discharged by the Secretary of State for the Provinces, as regards matters other than those relating to the subjects by this Act transferred to the Department of the Interior, shall devolve upon, and be discharged by, the Secretary of State of Canada, to whom also is transferred the duty of supplying the Stationery required by these several Departments of the Government, and the charge of that Branch of the Public Service. 40 45

**13.** The Office of Secretary of State for the Provinces is and stands abolished.

**14.** This Act shall only come into force after the expiration of one month from the publication in the *Canada Gazette* of a Proclamation to that effect under an order of the Governor in Council. 40

Departmental and other officers may be appointed.

Former Act to remain in force.

Subject to the substitution of certain words.

Indians may be exempted from the operation of this Act.

Geological Survey attached to Department of the Interior. Secretary of State of Canada to have charge of State correspondence.

What duties shall be discharged by Secretary of State.

Stationery for the service to be supplied under his direction.

Office of the Secretary of State for the Provinces abolished. When this Act shall come in force.

FOR THE YEAR

Account of the Department of the Interior

1853

By the Commissioner of the General Land Office

to the Department of the Interior

BY

HB

Printed by the Government Printing Office

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1st Session, 2nd Parliament, 36 Victoria, 1873.

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**B**

BILL.

An Act to provide for the establishment of  
"The Department of the Interior."

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Received and read first time, Thursday, 13th  
March, 1873.

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Second reading, Tuesday, 18th March, 1873.

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Hon. Mr. ATKINS.

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OTTAWA:

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

C.]

**BILL.**

[1873.

An Act to amend the Act intituled: *An Act to make further provision for the Government of the North West Territories.*

**W**HEREAS under the third section of chapter sixteen of the Preamble.

Acts passed in the thirty-fourth year of Her Majesty's Reign, the Governor by and with the advice of the Privy Council, hath by warrant under his sign manual constituted and appointed a council of eleven persons to aid the Lieutenant Governor in the  
5 administration of the affairs of the North West Territories, with certain powers which have been defined by an order in Council in that behalf; and whereas it will become necessary from time to time to make similar appointments, and power for that purpose is not given in the said Act;

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

1. The Governor may with the advice of the Privy Council  
from time to time constitute and appoint by warrant under his  
sign manual such and so many persons not exceeding at any one  
15 time twenty-one nor less than seven, to be members of the Council  
to aid the Lieutenant Governor in the administration of the affairs  
of the North West Territories with such powers as may be from  
time to time conferred upon them by order in Council. Power to  
appoint from  
time to time.

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1st Session, 2nd Parliament, 36 Victoria, 1873.

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C

BILL

An Act to amend the Act intituled : " An Act to make further provision for the Government of the North West Territories.

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Received and read, First time, Monday, 19th March, 1873.

Second reading, Monday, 24th March, 1873.

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Hon. MR. CAMPBELL,

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OTTAWA:

Printed by I. B. TAYLOR, 29, 31, and 33, Rideau Street,  
1873.

D

## BILL.

### An Act to amend the Act respecting Procedure in Criminal Cases.

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 one hundredth and seventh section of the  
 5 Act passed in the session held in the thirty-second and thirty-  
 third years of Her Majesty's reign, and intituled; *An Act respect-*  
*ing procedure in criminal cases, and other matters relating to*  
*criminal law*, as is in the words following:—"it shall not be  
 "necessary for the Judge before whom such prisoner has  
 10 "been convicted, to make any report of the case previously to the  
 "sentence being carried into execution; but" are hereby repealed  
 and the following words are substituted for them—"the Judge,  
 "before whom such prisoner has been convicted shall forthwith  
 "make a report of the case to the Secretary of State of Canada  
 15 "for the information of the Governor; and the day to be appointed  
 "for carrying the sentence into execution shall be such as, in the  
 "opinion of the Judge, will allow sufficient time for the signifi-  
 "cation of the Governor's pleasure before such day, and"—which  
 20 words, so substituted, shall form part of the said section in the  
 place and stead of those hereby repealed.
2. The fifth section of chapter one hundred and thirteen of  
 the Consolidated Statutes for Upper Canada, intituled *An Act re-*  
*specting new trials and appeals and Writs of Error in Criminal*  
*cases in Upper Canada*, is hereby repealed.
- 25 3. For the avoidance of doubt, it is hereby declared and  
 enacted, that all laws made or to be made by the Legislature of  
 any Province in Canada, concerning the selection and summoning  
 of grand or petit jurors in criminal cases, or the qualification of  
 persons to be summoned as such jurors, the obligation of persons  
 30 so summoned to attend at the Court to which they are summoned,  
 and their liability for default, and all provisions in such laws  
 relating to any such matter as aforesaid, and not inconsistent  
 with any Act of the Parliament of Canada, have been, and shall  
 be of the same force and effect in such Province, in any criminal  
 35 case, as if enacted by the Parliament of Canada, in so far as any  
 such laws or provisions may relate or be supposed to relate to pro-  
 cedure in criminal matters.

Sec. 107 of 32, 33 V., c. 29 amended.

Words repealed.

Words substituted.

Sec. 5 of cap. 113, Con. Statutes for U.C. repealed.

Extent of force and effect of Provincial laws concerning jurors in criminal cases not inconsistent with Acts of the Parliament of Canada.

1st Session, 2nd Parliament, 36 Victoria, 1873.

D

BILL.

An Act to amend the Act respecting Pro-  
cedure in Criminal Cases.

Received and read first time, Monday, 24th  
March, 1873.

Second reading, Thursday, 27th March, 1873.

HON. MR. CAMPBELL.

OTTAWA

E

**BILL.**

**An Act to amend "An Act to incorporate The Montreal Investment Association."**

**W**HEREAS the Montreal Investment Association, incorporated Preamble.  
by the Act twenty-eighth Victoria, chapter forty-two, of the  
Legislature of the late Province of Canada, have by petition prayed  
that they may be authorized to exercise the powers now conferred  
upon them in respect of the late Province of Canada, in  
any part of Canada, and for other amendments to their Charter,  
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. It shall be lawful for the Association to acquire hold and Powers of the  
Company en-  
larged.  
dispose of any stock, securities, bonds or debentures, or any  
moneys secured by mortgage pledge or otherwise, to make loans  
and exercise any of the powers by law conferred upon them, in  
any part of the Dominion of Canada.

2. The Association may stipulate for, take, reserve or exact any What rate  
of interest  
may be  
claimed.  
rate of interest or discount that shall be lawful in the place where  
the contract for the same shall be made, and shall not be liable to  
any loss, penalty or forfeiture for usury.

3. The Capital Stock of the Association shall hereafter be divi- How the stock  
shall be divi-  
ded  
ded into shares of one hundred dollars each.

4. In order to restrict the liability of the Association, as set Liability of  
Association  
and how deter-  
mined.  
forth in the fourth section of the Act of Incorporation, in respect  
of any Bill, Note or other Negotiable Instrument other than  
Bonds or Debentures, the Class or Denomination of Stock under  
which the same is drawn or made, must be clearly designated  
thereon, with the amount of Capital Stock under such class or  
denomination.

5. Notwithstanding anything contained in the fifth section of The Associa-  
tion may bor-  
row money  
and to what  
amount.  
the Act of Incorporation, the aggregate amount borrowed by the  
Association as therein provided, may equal but shall not exceed  
the amount of paid up capital.

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1st Session, 2nd Parliament, 36 Victoria, 1873.

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**E**

**BILL.**

An Act to amend "An Act to incorporate  
the Montreal Investment Association."

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Received and read, First time, Monday, 24th  
March, 1873.

Second reading, Thursday, 27th March, 1873.

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HON. MR. RYAN.

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OTTAWA:

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

1873.

F

**BILL.**

[1873

**An Act for the Relief of John Robert Martin.**

**W**HEREAS John Robert Martin, of the Town of Cayuga, in the County of Haldimand, and Province of Ontario, Bar-  
 5 and fifty-five, he was lawfully married to Sophia Stinson, at  
 Christ Church, in the City of Hamilton, in the County of Went-  
 worth, in the Province of Ontario, in accordance with the rites and  
 ceremonies of the United Church of England and Ireland in  
 Canada; that the said marriage was by license; that the said  
 10 John Robert Martin and Sophia Stinson lived and cohabited  
 together as husband and wife from the date of such marriage up to  
 about the first day of March, in the year of Our Lord one thousand  
 eight hundred and sixty eight; that the said Sophia Stinson,  
 although the lawful wife of the said John Robert Martin, did  
 15 commit adultery with one William Lount, at various times and  
 in various places, and especially at the places and about the times  
 hereinafter mentioned, that is to say: at the Town of Barrie, and  
 in several places adjacent thereto, on numerous occasions during  
 the months of September, October, November, and December, in  
 20 the year of Our Lord one thousand eight hundred and sixty-seven;  
 at the City of Toronto, at the Albion and American Hotels, and in  
 several other places in the said city and adjacent thereto in the  
 said months of October and December, and in the months of  
 January, February, March, April, May and June, in the year of  
 25 Our Lord one thousand eight hundred and sixty-eight, and at the  
 City of Hamilton in the said months of January, February and  
 March; that the said John Robert Martin made discovery of the  
 said adultery about the first day of June, in the year of Our Lord  
 one thousand eight hundred and sixty-eight; that the said John  
 30 Robert Martin has, since the discovery of the said adultery so  
 committed as aforesaid, refused to cohabit with his said wife, and  
 has since lived apart from her; and that the said John Robert  
 Martin is desirous of having the said marriage dissolved, annulled,  
 and put an end to, so that he may be free from the same, and enabled  
 35 to contract matrimony with any other person or persons with  
 whom it would have been lawful for him to contract matrimony,  
 if they, the said John Robert Martin and Sophia Stinson had not  
 intermarried; and whereas, the said Sophia Stinson, since  
 the discovery of the said adultery, departed from Canada, and has  
 40 since been residing in the State of New York, one of the United  
 States of America, her present residence being unknown, but her  
 last known place of residence was at Lockport in the said State  
 of New York; and whereas, the said John Robert Martin  
 hath, subsequent to the discovery of said adultery, brought an  
 45 action for criminal conversation in Her Majesty's Court of Com-  
 mon Pleas for Ontario, against the said William Lount, and  
 recovered a verdict in the said action against the said William

Lount, for two thousand dollars, and entered judgment thereon, and hath compelled the said William Lount to pay the same with costs; and whereas, it is expedient that the prayer of the said Petition should be granted:—

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

Marriage between J. R. Martin and S. Stinson dissolved.

1. The said Marriage between the said John Robert Martin and Sophia Stinson, his wife, is hereby dissolved, and shall be, henceforth, null and void to all interests and purposes whatsoever. 10

J. R. Martin may marry again.

2. It shall, and may be lawful for the said John Robert Martin at any time hereafter, to contract matrimony, and to marry with any other woman with whom he might lawfully marry, in case the said marriage had not been solemnized.

The issue of such marriage declared legitimate.

3. In case of the said John Robert Martin again contracting matrimony with any person or persons, with whom it would have been lawful for him to contract matrimony, if they, the said John Robert Martin and Sophia Stinson had not intermarried, and having any issue born to him, the said issue so born shall be, and are hereby declared to be, to all interests and purposes, legitimate, and the rights of them, the said issue, and each of them, and of their respective heirs, as respects their, and each of their capacity to inherit, have, hold, enjoy and transmit all and all manner of property, real or personal, of what nature or kind soever, from any person or persons whomsoever, shall be and remain the same as they would have been, to all intents and purposes whatsoever, if the said marriage between the said John Robert Martin and Sophia Stinson had not taken place. 15 20 25

1st Session, 2nd Parliament, 36 Victoria,

**F**

BILL.

An Act for the Relief of John Robert A

Received and read First time Wed  
26th March, 1873.

Second reading Wednesday, 16th  
1873

HON. MR. DIC

OTTAWA:

Printed by I. B. Taylor, 29, 31, & 33, Rideau S  
1873.

## BILL.

An Act to amend the Act 32 and 33 Vict., Chap. 70, "to unite the Beaver and the Toronto Mutual Fire Insurance Companies."

WHEREAS the Beaver and Toronto Mutual Fire Insurance Company have prayed for certain amendments to the Act, passed in the Session held in the thirty-second and thirty-third years of Her Majesty's Reign, chapter seventy, relating to the said Company, and it is expedient to grant their prayer; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Preamble.

1. The Company may close its household branch, and may create a new branch thereof, to be called the City Branch, for insurance of property within range of the city hydrants, and such other branches as the Company may hereafter think fit to organize.

Creation of new branches.

2. The Board of Directors of the Company may appoint from among themselves three persons, being citizens of Toronto, as Trustees of the funds of such City Branch, whose duty it shall be to take care that such funds be applied solely for the uses and objects of such branch, according to any by-law of the Company providing for the management of such City Branch; provided that the reserve fund of any branch may be invested in the guarantee stock of any other branch.

Appointment of Trustees of funds of City Branch.

3. The Company may take premium notes for the insurance of live stock, and may assess the same from time to time in the same manner as in case of insurance against fire; and persons so insuring shall have the same rights and be subject to the same duties as other members of the Company.

Insurance of live stock.

4. Any lien for the premium note on lands on which the insured property is situate which may have existed or may now exist under policies of the Company, is abolished, and no such lien shall be created under any future policies.

Liens on lands abolished and forbidden.

5. The Company shall be at liberty to cancel any policy, by giving to the insured notice to the effect that they have cancelled or will cancel the same by registered letter, signed by the Secretary of the Company, addressed and sent by mail, postage paid, to the post office address of the insured as given by him or her in the application for insurance, or subsequent writing to the Company, or by giving to the insured personally, notice in writing, signed by the Secretary, or an officer or agent of the Company, to such effect; the party insured shall nevertheless be liable to pay his proportion of the losses and expenses of the Company to the time of cancelling the policy, and on payment of his proportion of all assessments then payable and to become payable in respect of losses and expenses sustained up to such period, shall be entitled to a return of his premium note or undertaking, and such portion of the premium paid by him as shall not have been absorbed by the losses and expenses of the company up to such period, and a condition to this effect shall be endorsed on the policy.

Cancelling of policies.

- 6.** Any member of the Company may, with the consent of the Directors, withdraw therefrom upon such terms as the Directors may require.
- 7.** No member of the Company shall be liable in respect of any loss or other claim or demand against the Company, otherwise than upon and to the extent of the amount unpaid upon his premium note.
- 8.** Any suit cognizable in a Division Court upon or for any premium note, or any sum assessed or to be assessed on any premium note, may be entered and tried and determined in the Court for the Division wherein the head office or any agency of the Company is situate.
- 9.** The amount of cash policies to be issued in any one year, in any branch of the Company, shall be limited, so that the cash premiums received thereon during any one year, shall not be in excess of one half the amount still payable of premium notes in such branch, on hand on the thirty-first day of December of the next preceding year, and all the property and assets of the Company, or of each branch thereof, including premium notes, shall be liable for all losses which may arise under insurances for cash premiums.
- 10.** If the assessment on the premium note upon any policy be not paid within thirty days after the date on which such assessment shall have become due, the policy of insurance for which such assessment shall have been made, shall be null and void as respects all claim for losses occurring during the time of such non-payment ; Provided always that the policy shall be revived when such assessment shall have been paid, unless the Secretary give notice to the contrary to the assessed party in the manner in this Act provided ; but nothing shall relieve the assured party from his liability to pay such assessment or any subsequent assessments, nor shall such assured party be entitled to recover the amount of any loss or damage which may happen to property insured under such policy while such assessment shall remain due and unpaid, unless the Board of Directors in their discretion shall decide otherwise.
- 11.** All provisions of former Acts of the Parliament of Canada which may be inconsistent with the provisions of this Act, are hereby repealed in so far as the said Company is concerned.
- 12.** Every resolution of the Board duly entered upon the minutes, approved at a subsequent meeting thereof, and sealed with the Company's seal, shall have the effect of a by-law of the Company until the next annual meeting thereof, when it shall be submitted to the members for confirmation or rejection as they may think fit.
- 13.** The Board of Directors may nominate three persons as Directors to serve until the next annual meeting , so as to complete the full number of fifteen Directors, allowed by law, and such persons so appointed shall have all the same rights and duties as the other Directors of the Company.

Withdrawal  
of Members.

Limitation  
of the liability  
of Members.

Suits in  
Division  
Courts.

Limitation of  
amount of  
annual issue  
of cash  
policies.

Penalty for  
not paying  
assessment on  
premium note  
in due time.

Proviso.

Inconsistent  
enactments  
repealed.

Resolutions of  
Board of  
Directors.

Nomination  
of three  
Directors for  
a time by the  
Board.

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1st Session, 2nd Parliament, 36 Victoria, 1873.

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G

BILL.

An Act to amend the Act 32 and 33 Vict.,  
Chap. 70 "to unite the *Beaver and the  
Toronto Mutual Fire Insurance Com-  
panies.*"

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Received and read first time, Friday, 28th  
March, 1873.

Second reading, Wednesday, 2nd April, 1873.

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Hon. Mr. BLAKE.

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OTTAWA :

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

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## BILL.

### An Act respecting "The Central Prison for the Province of Ontario."

WHEREAS the Legislature of the Province of Ontario has <sup>Preamble.</sup> passed an Act for the establishment, maintenance and management of a Reformatory Prison to be called "The Central Prison for the Province of Ontario;" and it is expedient that provision should be made by the Parliament of Canada in respect thereof; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. After a proclamation has been issued by the Lieutenant Governor of the Province of Ontario declaring the prison buildings now being erected in the city of Toronto, and the lands to be used in connection therewith, to be "The Central Prison for the Province of Ontario," every court of criminal jurisdiction in the said Province before whom any person shall be convicted of any offence punishable by imprisonment in the common gaol for a period of two months or for any longer time may sentence such offenders to imprisonment in the said Central Prison for such period of two months or for such longer time instead of in the common gaol of the county where the offence was committed or was tried. <sup>Sentencing of offenders to imprisonment in the Central Prison.</sup>

2. After any proclamation shall have been issued as aforesaid, all persons then or thereafter confined in any of the common gaols of the said Province under sentence of imprisonment for any offence, may by direction of the Provincial Secretary of Ontario be transferred from such common gaols respectively to such Central Prison, there to be imprisoned for the unexpired portion of the term of imprisonment to which such persons were originally sentenced or committed to such common gaols respectively, and such persons shall thereupon be imprisoned in such Central Prison for the residue of the said respective terms unless they be in the meantime lawfully discharged or removed, and shall be subject to all rules and regulations of such Central Prison. <sup>Transfer of prisoners from common gaol to the Central Prison.</sup>

3. The Warden of the said Prison shall receive into the Central Prison every offender legally certified to him as sentenced to imprisonment therein, and shall detain him subject to all the rules, regulations and discipline thereof, until the time to which he has been sentenced shall be completed, or until he shall be otherwise discharged in due course of law. <sup>Warden to receive and detain offenders.</sup>

4. The Lieutenant-Governor of Ontario, by Order in Council may from time to time authorize, direct or sanction the employment upon any specific work or duty, without or beyond the walls or limits of such Central Prison of any of the prisoners confined or sentenced to be imprisoned therein; and all such prisoners shall during such last mentioned employment be subject to all the rules, regulations and discipline of the said Central Prison so far as the same may be applicable, and to such other regulations <sup>Employment of convicts works without the prison.</sup>

for the purpose of preventing escapes and otherwise as may be approved by the said Lieutenant Governor in that behalf; Provided that when any such prisoner or prisoners shall be so employed without the walls or limits of such Central Prison, it shall only be done under the strictest care and supervision of officers appointed to that duty. 5

Removals of  
prisoners.

5. The said Lieutenant Governor may from time to time by warrant signed by the Provincial Secretary of Ontario, or by such other officer as may be authorized by the Lieutenant Governor in Council in that behalf, direct the removal of any offender from the 10 Central Prison to the Provincial Reformatory or to the Dominion Penitentiary, or from the Central Prison back to the common gaol, or to any other gaol, or from the said Reformatory to the Central Prison.

Discharge of  
prisoners.

6. Whenever the time of any prisoner's sentence in the said 15 Central Prison shall expire on a Sunday he shall be discharged on the previous Saturday, unless he desires to remain until the Monday following.

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1st Session, 2nd Parliament, 36 Victoria, 1873

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H

BILL.

An Act respecting "The Central Prison  
for the Province of Ontario."

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Received and read the first time, Thursday,  
17th April, 1873.

Second reading, Monday, 21st April, 1873.

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HON. MR. CAMPBELL.

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OTTAWA:

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

1873.

H

**BILL.**

An Act respecting Aliens and Naturalization in the Provinces of British Columbia and Manitoba.

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

1. The Acts of the Parliament of Canada hereinafter mentioned, that is to say, the Act passed in the thirty-first year of Her Majesty's reign, and intituled "An Act respecting Aliens and Naturalization," and the Act passed in the thirty-fourth year of Her Majesty's reign, and intituled "An Act to amend the Act 31st Victoria, Chapter 66, respecting Aliens and Naturalization," shall, from and after the passing of this Act, be and are hereby extended and shall apply to and be in force in the Province of British Columbia, subject to the provisions hereinafter made, and shall thereafter be read and construed as if the Province of British Columbia were therein expressly mentioned or referred to whenever the other Provinces then forming the Dominion of Canada, or Canada generally, are or is therein mentioned or referred to.

Acts of Canada  
31 Vict., c. 66,  
and 34 Vict.,  
c. 22, extended  
and applied  
to British  
Columbia.

2. In applying the provisions of the said Acts to the Province of British Columbia, whenever the Court of Quarter or General Sessions of the Peace, the Recorder's Court, or the Circuit Court, is mentioned therein, the Court of like name or jurisdiction in British Columbia shall be understood to be substituted, and whenever the Supreme Court of any Province is mentioned therein the Supreme Court of British Columbia shall be understood to be substituted; and the Clerk or Chief Officer of the substituted Court shall be understood to be intended whenever the Clerk of the Court for which it is substituted is mentioned.

Substitution  
of names of  
courts.

3. The Act or Law now in force in the Province of British Columbia intituled "An Ordinance to assimilate the law regarding Aliens in all parts of the colony of British Columbia," shall remain in force until the first day of July, which will be in the year of our Lord one thousand eight hundred and seventy-four, and every person naturalized under its provisions before the said day, whether before or after the passing of this Act shall be or become entitled, within any part of Canada, to the privileges of British birth conferred on persons naturalized under the Acts mentioned in the preceding sections of this Act; but, except as to such persons and the rights and privileges then acquired by them, which shall remain in force, the said Act or law shall, upon and after the said day be repealed, with the exception of the tenth and eleventh sections thereof.

The Aliens  
Ordinance  
1867 of  
British  
Columbia.

4. In applying the Acts mentioned in the first section of this Act, to the Province of Manitoba, to which they have been extended by an Act of the Parliament of Canada, the said Province shall be understood to be included, whenever the other Provinces

Application  
of 31 Vict.,  
c. 66 and 34  
Vict., c. 22  
to Manitoba.

then forming the Dominion of Canada, or Canada generally, are or is mentioned, and, whenever the Supreme Court, or the Court of Quarter or General Sessions of the Peace or the Recorder's Court, or the Circuit Court is mentioned, the Court of Queen's Bench of the said Province of Manitoba, and the Court of Quarter or General Sessions of the Peace, or the Court of like name or jurisdiction for the place therein, in which the alien resides, shall be understood to be substituted, and the Clerk or Chief Officer of the substituted Court shall be understood to be intended whenever the Clerk of the Court for which it is substituted is mentioned.

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1st Session, 2nd Parliament, 36 Victoria, 1873.

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I

BILL.

An Act respecting Aliens and Naturalization  
in the Provinces of British Columbia and  
Manitoba.

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Received and read, First time, Thursday, 17th  
April, 1873.

Second reading, Monday, 21st April, 1873.

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Hon. Mr. CAMPBELL.

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OTTAWA:

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

1873.

## BILL.

An Act to incorporate "*The Landed Credit Company of Canada.*"

**W**HEREAS the persons hereinafter named, have by their Preamble.  
petition represented that great advantages would result  
to the public from the formation of a Landed Credit Company,  
5 with sufficient capital for the making of loans for long periods,  
repayable by means of sinking funds, or for short periods, with or  
without sinking funds, and that such an institution, formed on  
the model of the best landed credit institutions of Europe, would  
be a boon to Canada, and have prayed for the passing of an Act  
10 of incorporation of such a company for such purposes; and  
whereas it is expedient to grant the prayer of the said petition;  
therefore Her Majesty, by and with the advice and consent of the  
Senate and the House of Commons of Canada, enacts as follows :

1. The Honorable Charles Wilson, Thomas Caverhill, C. S. Certain persons incorporated.  
15 Rodier, Alfred Larocque, Andrew B. Stewart, Gabriel Rolland,  
Charles W. Meyer, Antoine C. de Lotbinière Harwood, M. P.  
Ryan, Joseph Napoléon Bureau, L. H. Sénécal, Michel Emery,  
Joseph Octave Villeneuve, Louis Napoleon Dumouchel, and Jean  
Baptiste Lafleur, and all or any other person or persons, bodies  
20 politic and corporate, who, as executors, administrators, successors  
or assigns, or by any other lawful title may hold any part, share  
or interest in the capital stock of the said company, and their  
executors, administrators, successors and assigns, shall be and they  
are hereby constituted a body politic and corporate, under  
25 the name and style of "*The Landed Credit Company of* Corporate name, &c.  
*Canada,*" and shall by that name have perpetual succession and  
a common seal, and may act, sue and be sued, may acquire and  
hold real and personal estate, and may dispose thereof.

2. The business and affairs of the said company shall be con- Provisional Directors.  
30 ducted and managed by a board of directors to be appointed by  
the shareholders as hereinafter provided, which board shall consist  
of qualified shareholders, and which board in the first  
instance, and provisionally, and until the first general annual  
meeting of the company, shall consist of Thomas Caverhill, C. S.  
35 Rodier, Alfred Larocque, Andrew B. Stewart, Gabriel Rolland,  
Joseph Napoléon Bureau, M. P. Ryan, Michel Emery, and L. H.  
Sénécal, who shall remain in office until the first general meet-  
ing, and shall then go out of office, but shall be eligible for re-  
election.

3. The capital stock of the said company shall be one million Capital of the Company, and number of shares.  
40 of dollars, divided into ten thousand shares of one hundred dollars  
each; so ~~on~~ as the capital stock shall have been all subscribed,  
the directors of the said company may, in conformity to any  
decision come to by the shareholders at a general annual meeting,  
45 increase the capital stock by the issue of a new series of shares,

Increase of capital.	provided that each new series shall not exceed one million of dollars; and provided also that no new series of shares shall be issued after the first, unless the full amount of the previous new series shall have been subscribed and paid up; the subscribers to the first capital stock, their heirs and successors, being entitled to take, by privilege, in the new issue of shares, an amount proportionate to their shares in the first capital stock, and on the same terms and conditions.	5
Privilege of the primary share holders.		
First general meeting.	4. So soon as five thousand shares shall have been subscribed, the directors shall give notice thereof in two newspapers published in the city of Montreal, the one in French, and the other in English, and shall call a meeting of the shareholders.	10
Directors of the company; their number and quorum.	5. At this meeting of the shareholders, nine directors shall be chosen, five of whom shall form a quorum for the transaction of business; these directors shall name their president and vice-president, they all shall form the board of directors of the said company, and remain in office until they shall have been replaced by their successors in the manner hereinafter mentioned, unless they cease to be so by one of the following causes, namely:—death, resignation, possession of less than ten shares, insolvency, bankruptcy, or arrest for crime or misdemeanor.	15
Causes of their replacing.		
Absence.	2. When a director has absented himself from the meetings of the board of directors during three consecutive months, the majority of a quorum of the other directors may, by resolution, declare his office vacant	25
Resignation.	3. Every director shall have the right to give in writing his resignation of the office, and he shall be immediately replaced in the manner hereinafter provided.	
Replacing.	4. Every vacancy in the board of direction, happening in the course of the year, from whatever cause, shall be filled by the unanimous choice of the remaining directors, and the substituted director shall remain in office until replaced at the election of directors by the annual general meeting.	30
Qualification of Directors.	6. No person shall be elected a director who shall not be a proprietor of at least ten shares, on which all calls shall have been paid in full, a British subject, and a resident in the Dominion of Canada, and such number of shares shall remain untransferable during the time of his office.	35
Term of office.	7. 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.	40
Elections of Directors by ballot.	8. All the elections of directors shall be by ballot, and decided by the majority of shareholders then present, voting either in person or by proxy.	45
Amount of first instalment on capital stock.	9. 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; and afterwards the board of directors may, from time to time, make such calls of money upon the respective shareholders in respect of the	50
Subsequent calls; when, where and how paid.		

amount of capital respectively subscribed or owing by them, as they shall deem necessary; provided that thirty days' notice at  
 5 the least be given of each call, and that no call exceed the amount of ten dollars per share, and that successive calls be not made at less than the interval of three months, and that the aggregate amounts of calls made in one year, do not exceed the amount of forty dollars per share; and every shareholder shall be liable to  
 10 pay the amount of calls so made in respect of the shares held by him, to the persons and at the times and places from time to time appointed by the company; provided always, that it shall not be lawful for the said company to commence business until a sum of not less than fifty thousand dollars shall have been paid  
 15 up by the subscribers to the said capital stock.

When com-  
 pany shall  
 commence  
 business.

10. 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  
 20 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,  
 25 and they are hereby indemnified for paying the same.

Rights forfeit-  
 ed for non-  
 payment of  
 first instal-  
 ment.

11. If any person subscribing for shares in the capital stock of the company is desirous of paying up in advance, either at the time of subscribing, or at any other time, the full amount of his shares,  
 30 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.

How instal-  
 ments may be  
 received in  
 advance.

12. 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,  
 35 such shareholder or shareholders shall be bound to pay thereon eight per cent interest per annum until effectual payment; and moreover, it shall be lawful for the directors of the company without any previous formality other than thirty days' public notice of the intention, to sell at public auction the said shares, or so  
 40 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 amount of interest due on the whole of them; provided that the said sale shall have been specially authorized by a resolution of  
 45 the board of directors; and the president, or the vice-president, or the cashier of the company, shall execute the transfer to the purchaser of the shares of stock so sold, and such transfer, being accepted, shall be valid and effectual in law as if the same had been executed by the original holder or holders of the shares of  
 50 stock thereby transferred.

Non-payment  
 of calls.

Sale of stock  
 at public  
 auction.

Transfer in  
 such cases.

13. Notwithstanding anything contained in the previous section, the company may sue such shareholder, failing to pay, for the amount thereof in any court of law or equity having competent  
 55 jurisdiction, and may recover the same with interest at the rate of eight per cent per annum from the day on which such call may have been made payable.

Right of ac-  
 tion.

Non-requisite formalities in such action.

14. In any action to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action hath accrued to the said company by virtue of this Act. 5

What shall be deemed sufficient evidence in such action.

15. On the trial of such action it shall be sufficient to prove that the defendant, at the time of making such call, was the holder of one share or more in the company, and that such call was in fact made and such notice thereof given, as is directed by this Act, and it shall not be necessary to prove the appointment of the directors who made such call nor any other matter whatsoever, and thereupon the company shall be entitled to recover what shall be due upon such call with interest thereon, unless it shall appear either that any such calls exceed the amount of ten dollars per share or that due notice of such call was not given, or that the interval of three months between the successive calls had not elapsed, or that calls amounting to more than the sum of forty dollars in one year had been made. 15 20

Proof that defendant is shareholder.

16. The production of the register book of shareholders of the company or a certified extract therefrom, signed by the cashier of the company, shall be *prima facie* evidence of such defendant being a shareholder, and of the number and amount of his shares and of the sums paid in respect thereof. 25

Register of shareholders.

17. The company shall keep a book, to be called "the register of shareholders" and in such book shall be fairly and distinctly entered, from time to time, the names and additions of the several persons being shareholders of the company, the number of shares to which such shareholders shall be respectively entitled, and the amount of subscriptions paid on such shares; and such book shall be authenticated by the common seal of the company being affixed thereto. 30

Certificate of shares.

18. On demand of the holder of any share, the company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder; and such certificate shall have the common seal of the company affixed thereto, and such certificate shall specify the number of shares in the undertaking to which such shareholder is entitled; and such certificate shall be admitted in all courts as evidence of the title of such shareholder to the share therein specified, nevertheless, the want of such certificate shall not prevent the holder of any shares from disposing thereof. 35 40

Shares held as personal property.

19. The shares of the capital stock of the company 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 company, 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 45 50

Form and condition of transfer.

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 officer by whom the writ shall have been executed shall, within thirty days after the sale, leave with the cashier of the company an attested copy of the writ, with the certificate of such officer endorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts due, or contracted but not then due, by the original holder or holders of the said shares to the company 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 as 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.

Sale of shares under writ of execution.

20. Shares in the capital stock of the company may be made transferable, and the dividend 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 company, 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.

Shares transferable in the United Kingdom, &c.

21. If the interest in any share in the company 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 transmission shall be authenticated by a declaration in writing, 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, 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 company, 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 transmission shall be entitled to receive any share of the profits, 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, 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 where the declaration shall be made, or shall be made 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 company, from requiring corroborative evidence of any such fact or facts alleged in any such declaration.

Shares, how transmitted in case of death.

Declaration, before whom acknowledged.

Proviso: as to declaration made in foreign countries.

If transmission be by marriage of a female shareholder.

22. If the transmission of any share of the company 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 any official extract therefrom, shall, together with such declaration, be produced and left with the cashier or other authorized officer or agent of the company, who shall, thereupon, enter the name of the party entitled under such transmission in the register of shareholders. 5 10

If transmission be by case of death.

23. If the transmission of any share or shares of the Capital Stock of the said Company be by the 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 the Dominion, having power to grant such probate or letters of administration, or by any prerogative, diocesan, or peculiar Court of authority in England, Wales, Ireland, India or any other British Colony, or of any testament—testamentary, or testament—dative expedite 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 document as aforesaid. 15 20 25 30

Trust.

24. The Company 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 company, or if it stands 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 company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the company have notice of such trust, and the company shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding. 35 40

Chief place of business.

25. The chief place of business of the said company shall be at the city of Montreal; but the said company shall, from time to time, and at all times hereafter, have power and authority, and they are hereby authorized to establish such and so many agencies in any part or portion of the Dominion or in England and under such regulations for the management thereof, and to remove the same as the directors of the said company may deem expedient. 45

In what manner and on what security the company may make loans.

26. The company is authorized to loan and advance by way of loan or otherwise, on the security of immovable property for a long term, sums of money to be repaid by way of annuities, or for a short term, with or without a sinking fund. 50

27. The annuity shall include:

1. The interest on the capital, which shall not exceed eight per cent per annum ; Annuity Interest.
2. The costs of management which shall not be more than one 5 per cent ; Costs of management.
3. The amount for the sinking fund ; and the annuity shall be stipulated in the instrument of loan, or the deed executed by the debtor in favor of the company. Sinking fund.

28. 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 company shall credit every debtor making a payment on account of the sinking fund with compound 10 interest on the amount thereof, at a rate of interest which shall be payable on the loan to such debtor, shall not exceed by more than one per cent. from the date of such payment to that of the final payment of the whole debt ; and provided that all and every loan for a period of six years or more shall be deemed a loan for 20 a long term, for the purposes of this Act.

Term of loans, either for short or long period.

29. The company is authorized to require and receive semi-annually and in advance, all interests, costs of management and annuities arising from its loans and disbursements. Semi-annual payments made in advance to the Company.

30. In case of anticipatory payment, the company shall not be bound to accept and receive any sum under ten per cent of the amount of any loan made, and 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 or debenture 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 one per cent 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 company might incur in consequence 35 of the said anticipatory payment ; Nevertheless the sum proceeding from such anticipatory payments may be invested in furthering new loans. Partial reimbursements not less than ten per cent. Indemnity.

Anticipatory payments ; how disposed of.

31. The company shall only lend and advance money on first hypothec of real estate, the value of which shall be at least double the amount of the loan and advance-money, 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 ; And the loans and advances to be employed in 45 paying off obligations or debts already registered, shall also be considered as made on first hypothec, when, by the effect of such payment, or of the subrogation arising therefrom in favor of the company, the claim of this latter shall rank first and not concurrently with that of any other creditor. In this last case the company shall keep in hand the necessary amount to effect such 50 payment. Guarantee of loans.

32. The company shall require that property liable to be destroyed by fire be insured at the expense of the borrower, unless the said company holds as security for its claim apart from such 55 property other real estate worth double the value of the sum Fire insurance

loaned, and which is not liable to be destroyed by fire; the deed of loan shall contain a transfer of the amount of the insurance in the event of loss. The property so pledged shall be kept insured during the whole term of the loan; The company shall have a right to have the insurance made in their own name and the annual premiums paid through their hands; In the case of a loan redeemable by annuity, such annuity may be increased by so much. 5

Insurance how settled in case of loss.

33. In the event of loss, the insurance money shall be paid directly to the company. During one year from the date of the settlement of loss, the debtor shall have the privilege of rebuilding. During that period the company may retain the insurance money, as security to the amount of their claims calculated up to the end of the year. 10

After the rebuilding the company shall pay over the insurance money to the debtor, deducting, however, whatever may be due to it, and if, at the expiration of the year, the debtor has not availed himself of his right to rebuild, or if before that time, he has notified the company that he did not intend to avail himself thereof, thereupon the insurance money shall finally inure to the benefit of the company and shall be imputed on their claim as a payment by way of anticipation. 15 20

Gives rise, in certain cases, to reimbursement, without indemnity.

34. The anticipated payment which shall arise from loss by fire shall not give rise to the indemnity authorized by section 30 of this act in favor of the company; Nevertheless, whenever the company shall deem that by the effect of the loss, their security shall have been jeopardized, they shall have the right at any time to exact the payment of the balance due. 25

Every mutation confers the right to claim the debt except in certain cases.

35. Every mutation, either by sale, promise of sale, exchange donation or other way, of any immovable charged for the guarantee of any claim of the company shall confer upon the latter the right to exact, at any time, the total payment of such claim without any notice or signification; unless the debtor shall, at his own expense, within a month's delay, deposit with the company a registered copy of the deed causing any such mutation, and the new proprietor of such immovable passes in favor of the company, within the same delay and also at his own expense, a new deed or act acknowledging such claim, and has it duly registered; And in the event of such payment for want of compliance with any of the formalities hereinbefore enumerated, the company shall have a right to claim the indemnity authorized in their behalf by section 30 of this act. 30 35 40

Loans to certain corporations.

36. The company shall also have the power to loan and advance to municipalities, corporations, and *fabriques* whatever sums they may be authorized to borrow according to the laws and by-laws by which they are governed. 45

Mortgage shall rank from date of registration.

37. The hypothec given by the debtor in favor of the company shall rank from the date of its registration, although the consideration therefor may be given afterwards.

Proceedings to obtain a loan from the Company.

38. Every person who shall be desirous of borrowing from the company shall be bound to present his application, in which he shall state the sum and the time for which he desires to borrow 50

this application shall be accompanied with the necessary titles and documents in support thereof.

39. 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; and shall also fairly state the selling price, annual revenue and rent of such property, and in the case of any deed of lease of said property having been made previously, to file the same in support thereof.

Contents of application.

40. The costs of examination, inspection, valuation and other preliminary expenses shall be paid by the borrower, whether his application be granted or not; and the Directors of the Company may require from the borrower a deposit which shall be security for the payment of all such preliminary expenses.

Costs of examination, &c.

41. The company may at any time exact payment of his debt, or of the balance not paid up, from any debtor who shall not have paid his annuity, or his interest 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 company; and in every such case the company may also exact the indemnity which they are entitled to by section thirty of this Act.

Company may exact their claim; when—

42. Every annuity, amount of interest, or any other sum of money, proceeding from whatever cause, that shall not be paid by any borrower at the time stipulated for the payment thereof, shall bear of right interest at the rate of eight per cent. per annum in favor of the company; and every such interest shall be dealt with in its turn as capital at every successive date of payment, and shall accordingly produce interest as aforesaid, and so on until actual payment.

Interest on arrears.

43. The company for the purpose of procuring capital, is authorized to issue, and, in or out of Canada, negotiate mortgage bonds or debentures (*Lettres de gage*).

Bonds or debentures.

44. The mortgage bonds or debentures shall be payable either to order or to bearer, and shall bear interest; and the bearers of such mortgage bonds shall have for the payment of the amount thereof, a priority of claim on the capital of the company over all other creditors.

To order or bearer.

Privilege of holders.

45. The company shall not issue bonds to a larger amount than that of its hypothecary claims, of which they shall be deemed to represent the value; and the amount paid in on the subscribed stock of the company shall be kept at all times at one-tenth at least of the amount of such bonds in circulation.

Their issue limited.

46. The mortgage bonds shall be for sums of a thousand dollars each; or the like amount in sterling money, and may be delivered in subdivisions (*coupures* of not less than a hundred dollars each,

Their respective amount. Subdivisions (*coupures*).

at the option of the Directors, and as they may think best for their negotiation; they shall be cut from a book with margins and numbered in arithmetical progression, beginning with number one, and shall be respectively distinguished by the number affixed to them; every one of them shall truly state the sum for which it is issued, and the interest it shall bear, with the date and place of payment. 5

Interest coupons. 47. The Directors may attach interest *coupons* to the mortgage bonds, and such interest shall not exceed eight per cent. per annum. 10

Mortgage bonds; how withdrawn from circulation. 48. A portion of these bonds, proportioned to the amount of the sinking fund paid in, shall be annually withdrawn from circulation, the number of those to be redeemed being ascertained by lot (*tirage au sort*), so that all the bonds which have been issued may be withdrawn from circulation at the expiration of the time fixed for their becoming due. 15

How paid. 49. The mortgage bonds so designated by lot, as well as those becoming due, shall be redeemed at par with interest in specie to the bearers, at the day and place appointed by the company in notices to that effect published in two newspapers, and they shall cease to bear interest from such day. 20

Series. 50. The mortgage bonds bearing different rates of interest, or payable at different periods, may be classified separately, and shall be redeemed proportionately to the amount received on the sinking fund, and applicable to each class. 25

No interest after becoming due. 51. The company 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 bonds, and all interest on any bond or debenture which shall not be claimed within the space of five years from the date of its becoming due, shall be forfeited in favor of the company. 30

Exchange of damaged mortgage bonds for new ones. 52. The holders who may desire to replace damaged mortgage bonds by new ones, shall accompany their demand to that effect with a sufficient sum to cover the necessary expenses, addressed to the head office. These damaged bonds shall remain in the hands of the company, who shall cancel them, grant a receipt to the holder, issue new ones in their stead, and endorse upon the latter the word duplicate. They shall efface the names of the officers of the company on the old bonds. After having complied with these formalities, the new bonds shall be handed over to the proprietor, and the old ones destroyed. If the damaged bonds be themselves duplicates, the board of directors may replace them by others, endorsed as follows:—Triplicate, &c. 40

Formalities. 53. If the mortgage bonds are so damaged that it becomes impossible to find any trace either of the sum therein stated, or the number thereof, or if they have been lost or stolen, the proprietor shall forward to the head office a declaration specifying the number and the sum therein contained. The board of directors shall be held to investigate the matter, and if such investigation shows the deponent is really, under the existing laws, the last proprietor of the bonds in question, the board, on receipt of the necessary expenses, shall keep the same, and cross them with the 45

Investigation. 50

- pen, and shall cause a notice to be published for the period of three months, once a week, in two newspapers published at Montreal, or at any other place they may deem necessary, one of which papers shall be printed in French, and the other in English, inserting therein the description of said bonds, specifying the number, the amount and the series to which they belong. If, after such notice, the holder's claim to such bonds is not contested, or if the bonds cannot be found, the general board shall, after the expiration of six months from the date of the first notice, render a decision cancelling the bonds in question. They shall transmit such decision to all the branch offices, and have it inserted in two newspapers, as hereinbefore mentioned, and three months after such publications, they shall replace the said bonds with all the formalities in such case provided.
54. The same formalities shall be complied with whenever it becomes necessary to replace damaged or lost *coupons*.
55. He who shall not be able to give the number of the bond, or *coupon* which is lost, shall be compelled to bear the loss arising therefrom.
56. During the time employed in searching for lost bonds or *coupons*, the general board of directors shall deposit the successive payments relative to the bonds and *coupons* so mislaid.
57. If the holder of the mortgage bond so mislaid calls at the head office before the issue of the new bond by which it is to be replaced, conformably to section 53, and contests the rights of the would-be proprietor, the board shall not issue a new bond; they shall retain the bond so presented, granting the bearer a receipt therefor, and shall await the decision of a competent civil tribunal.
58. If the holder of the bond calls at the head office after the issuing of the new bond, the Directors shall retain the old bond, shall cross it out with the pen, and shall give the holder a certificate enabling him to institute an action against the party who shall have obtained said new bond, or who may have fraudulently disposed of the old one. In the two cases hereinbefore cited, the board shall communicate the bonds so deposited to a competent tribunal whenever the latter may require it.
59. The company shall keep a book, to be called "The Mortgage and Debenture Book," and in such book shall be successively entered the date, of loans and names, occupation and residence of borrowers, the amount of mortgage money advanced, the amount of mortgage bonds or debentures issued, the value, situation and extent of the real estate hypothecated as security, and all other brief particulars deemed necessary.
60. The company may receive deposits bearing or not bearing interest, and shall have the right of retaining from deposits the amount which shall be due by the depositor.
61. On the fifteenth day of March annually, or such day being a legal holiday, then on the next following day not being a legal holiday, there shall be a general meeting of the shareholders of the company for receiving a report of the state of affairs from the
- Notice in newspapers.
- Decision of the Board.
- Notice to branch offices.
- Issue of new bonds.
- Same formalities as to coupons.
- Loss of the holder in certain cases.
- Deposit of Interests.
- If holder calls before the new bonds be issued, how contestation settled.
- If after; how settled.
- Mortgage and debenture book.
- Deposits.
- General annual meeting.

board of Directors, electing the Directors and transacting any other matter of general interest relating to the management of the company.

- 62.** All meetings of the company, or of the Directors shall be presided over by the President, and in his absence by the Vice-President, and if both are absent by a President *pro tempore*, chosen by the majority of the members present, and the Cashier shall be *ex-officio* Secretary of all such meeting, and in the absence of this latter the Assistant Cashier shall take his place, and the minutes of these meetings shall be made and inscribed in a book called "The Record of the Deliberations of the Directors," and shall be certified, attested and signed in such record by the President of the meeting, and by the Secretary of that same meeting.
- 63.** At all meetings of the company every shareholder shall be entitled to one vote for every share up to ten, and one vote for every ten shares held by him beyond the first ten shares; and no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls then payable upon all the shares held by him.
- 64.** No person shall, in right of any debenture, be deemed a shareholder, or be capable of acting or voting as such at any meeting of the company.
- 65.** The votes may be given either personally or by proxy, every such proxy being a shareholder, authorized by writing under the hand of the shareholder nominating such proxy; and every proposition at any such meeting shall be determined by show of hands, or upon demand of any shareholder after such show of hands by the majority of the votes of the parties present, including proxies; the chairman of the meeting being entitled not only to vote, as a principal or proxy, but to have a casting vote if there be an equality of votes.
- 66.** No person shall be entitled to vote as a proxy unless the instrument appointing such proxy have been transmitted to the clerk or cashier of the company two clear days before the holding of the meeting at which such instrument is to be used, and no person shall at any one meeting represent as proxy more than ten shareholders.
- 67.** If several persons be jointly entitled to a share, the person whose name stands first on the register of shareholders as one of the holders of such shares shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof, and on all occasions the vote of such first named shareholder alone, either in person or by proxy, shall be allowed as the vote in respect of such share, and no proof of the concurrence of the other holders thereof shall be required.
- 68.** The directors may from time to time make rules and by-laws for the transaction of the affairs of the company, which rules and by-laws shall be adopted at a general meeting of shareholders, and they shall have and may exercise the powers, privileges and authorities set forth and vested in them by this act, and they shall be subject to and be governed by such rules, regulations and provisions as herein contained with respect thereto, and by the by-laws to be made for the management of the said company, and the directors

How meetings  
presided over.  
Secretary of  
such meetings.

Record of  
deliberations.

Scale of votes.

Debenture  
holder not to  
have rights  
and privileges  
of shareholder

Votes may be  
given by proxy

Formalities  
relating to  
proxies.

Parties hold-  
ing one share  
conjointly.

Powers, duties  
and authorities  
of directors.  
By-laws.

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shall and may lawfully exercise all the powers of the company except as to such matters as are directed by this Act to be transacted by a general meeting of the company; they may call any general, special or other meetings of the company, or of the directors which they may deem necessary; and they shall, upon requisition made in writing by any number of shareholders holding in the aggregate one-fifth part of the shares of the company, convene an extraordinary general meeting; and such requisition so made by the shareholders shall express the object of the meeting proposed to be called, and shall be left at the company's office, and if the directors do not convene such general meeting within twenty-one days from the date of the requisition, the requisitionists, or any other shareholders having the required number of shares, may themselves convene a meeting; The directors may use and affix or cause to be used and affixed the seal of the company to any document or paper which in their judgment may require the same; they may make and enforce the calls upon the shares of the respective shareholders; they may declare the forfeiture of all shares on which such calls are not paid; they may make any payments and advances of money as they may deem expedient which are or shall at any time be authorized to be made by or on the behalf of the company, and enter into all contracts for the execution of the purposes of the company, and for all other matters necessary for the transaction of its affairs; they may generally deal with, treat, sell and dispose of the lands, property and effects of the company for the time being, in such manner as they shall deem expedient and conducive to the benefit of the company, as if the same lands, property and effects were held and owned according to the tenure, and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being of full age; they may do and authorize, assent to or adopt, all acts required for the due exercise of any further powers and authorities which may hereafter at any time be granted to the company by the Parliament of the Dominion, or for the performance and fulfilment of any conditions or provisions from time to time prescribed by the said Parliament in giving such further powers and authorities, or in altering or repealing the same respectively, or any of them; but all the powers shall be exercised in accordance with and subject to the provisions of this Act in that behalf: Provided always that all real estate acquired and held by the said company in virtue of this act, except such as is necessary for the use and occupation of the company, and the purposes thereof, shall be sold and realized at public auction or private sale by the company at any period not later than five years from the acquisition of such real estate.

Special meetings.

Affixing corporate seal.

Calls.

Payments and loans.

Managing property.

Further general powers.

Proviso of real estate.

69. The directors shall name the cashier, assistant cashier and all other subordinate officers of the company, and shall fix their respective salaries and remuneration, and shall take from the cashier security for not less than five thousand dollars, and security for not less than two thousand dollars, from any other officer having control of the cash or any monies of the company.

Appointment of officers. Securities.

70. The directors shall cause notices, minutes or copies, as the case may require, of all appointments made or contracts entered into by the directors, to be duly entered in books to be from time to time provided for the purpose, which shall be kept under the

Minutes of proceedings recorder.

Certified copy received as evidence.

superintendance of the directors; and every such entry shall be signed by the chairman of the meeting at which the matter in respect of which such entry is made was moved or discussed at or previously to the next meeting of the company or directors, as the case may be; and a copy of such entry so signed shall be received as evidence in all courts, and before all judges, justices and others, without proof of such respective meeting, having been duly convened or of the persons making or entering such orders or proceedings being shareholders or directors respectively, or of the signatures of the chairmen, all which last mentioned matters shall be presumed; and all such books shall at any reasonable time be open to the inspection of any of the shareholders.

Dividend, reserve fund.

71. The company shall not declare any dividend whereby their capital stock may be reduced, and shall not pay any dividend exceeding eight per cent per annum, as long as their reserve fund shall not have reached twenty-five per cent of the paid up capital stock.

Reserve to meet contingencies.

72. Before apportioning the profits aforesaid, the directors may, if they think fit, set aside thereout such sums as they may think proper to defray preliminary expenses and to meet contingencies, or for enlarging or improving the estate of the company or any part thereof, or promoting the objects and purposes for which they are incorporated, and may divide the balance only among the proprietors, subject nevertheless to the provisions of the next preceding section relating to the reserved fund.

No dividend unless calls paid up.

73. No dividend shall be paid in respect of any share until all calls then due in respect of that or any other share held by the person to whom such dividend may be payable, shall have been paid.

Expenses, out of what funds paid,

74. To the payment of the expenses of the company there shall be applied in the following order:—  
1. The amount received for preliminary expenses;  
2. The amount received for costs of management.

Debts and losses, out of what funds paid.

75. To the payment of the debts and losses there shall be applied in the following order:—  
1. The revenues and profits;  
2. The reserve fund;  
3. The shares.

Directors may appoint officers, solicitors, agents, &c.

76. It shall be lawful for the directors from time to time to appoint such and so many officers, solicitors and agents, either in the Dominion or elsewhere, and so many servants as they deem expedient for the management of the affairs of the company, and to allow to them such salaries and allowances as may be agreed upon between them and the company, and to make such by-laws as they may think fit for the purpose of regulating the conduct of the officers, solicitors, agents and servants of the company, and for providing for the due management of the affairs of the company in all respects whatsoever, and from time to time to alter and repeal any such by-laws and make others, provided such by-laws be not repugnant to the laws of Canada or to the provisions of this Act; and such by-laws shall be reduced into writing, and shall have affixed thereto the common seal of the company, and a copy of such by-laws shall be given to every officer and servant of the company, and any copy or extract therefrom certified under

By-laws for certain purposes.

Authenticity of the by-laws and seal of the company.

the signature of the cashier shall be evidence in all courts of justice in Canada, of such by-laws or extracts from them, and that the same were duly made, and are in force; and in any action or proceedings at law, criminal or civil, or in equity, it shall not be necessary to give any evidence to prove the seal of the company, and all documents purporting to be sealed with the seal of the company, shall be held to have been duly sealed with the seal of the same.

Duties and powers of Auditors.

77. With respect to any notice required to be served by the company upon the shareholders, it shall be sufficient to transmit the same by post directed according to the registered address or other known address of the shareholder, within such period as to admit of its being delivered in due course of post within the period (if any) prescribed for the giving of such notice, and in order to prove the giving of such notice it shall be sufficient to prove that such notice was properly directed, and that it was so put into the Post Office.

How notices be served.

78. All notices required by this Act to be given by advertisement in a newspaper, shall be signed by the chairman of the meeting at which such notices shall be directed to be given, or by the Cashier or other officer of the company, and shall be advertised in such newspaper as the Directors shall order, unless otherwise specially provided by this Act, and the same shall thereupon be deemed and considered to be personal notices.

Notices given by advertisement.

79. Every summons, demand, or notice, or other such document requiring authentication by the company, may be signed by one Director, or by the Cashier of the company, and the same may be in writing or in print, or partly in writing and partly in print.

Authentication of documents.

80. The President, or in his absence, the Vice-President, and the Cashier, or, in his absence, the Assistant Cashier, shall sign all deeds and documents to which the company shall be a party; and in the event of both the President and the Vice-President, or both the Cashier and the Assistant-Cashier, or all of them, being prevented from signing any such deed or document, either by absence, personal interest, or any other cause whatsoever, such deed or document shall then be signed by such person or persons as the Board of Directors shall authorize to that effect.

Deeds; by whom signed.

81. So soon as the company shall have commenced to transact business, a list, stating the names, occupations and residences of the shareholders, and the amount of shares respectively held by them in the undertaking, shall be transmitted to the Minister of Finance, who may then name and appoint three from among the said shareholders as Auditors of the company; Provided always that such Auditors so named and appointed be holders of not less than ten shares in the capital stock of the company; and the same shall remain in office as long as the Minister of Finance shall not have replaced them, unless their office should become vacant for some of the reasons hereinafter set forth, namely: death, possession of less than ten shares, insolvency, bankruptcy, arrest for crime or offence, resignation or neglect in discharging their duties; and in every such event immediate notice thereof shall be given to the Minister of Finance, who may fill up such vacancy in the manner hereinafter mentioned. Nevertheless it shall be lawful for the Minister of Finance to make such appointment, or to invest the Board of Directors with the power of making the same.

List of shareholders to the Minister of Finance.

Appointment of Auditors.

Term of office, vacancy, and replacing.

Duties and powers of Auditors.

82. It shall be the duty of the Auditors to see the statutes and by-laws be strictly enforced, and for that purpose they shall have a right to attend the meetings of the Board of Directors, to be consulted, to superintend the creation of the mortgage bonds, as also the issuing thereof; they shall examine the inventories and annual accounts, and submit to the general meeting such observations thereon as they may deem advisable. Whenever they may require, they shall have communication of the books and accounts, and of all writings generally. They shall have power to verify the state of the cash and cash books at any time whatever; and they may, whenever their decision is unanimous, require a special meeting of the shareholders to be called.

Semi-annual statement to the Minister of Finance.

83. The company shall, on the first days of January and July in each year, transmit to the Minister of Finance a full and clear statement of their assets and liabilities on the day of the date thereof, and such statement shall contain, in addition to such other particulars as the Minister of Finance may require:

- 1st. The amount of stock subscribed;
- 2nd. The amount paid in upon such stock;
- 3rd. The amount of mortgage bonds or debentures in circulation;
- 4th. The amount invested and secured by mortgage deeds;
- 5th. The value of real estate under mortgage;
- 6th. The amount held as deposits.

Attestation of such statement.

84. And such statement shall be attested on oath, before some Justice of the Peace, by three persons at least, one being the President, Vice-President, or other functionary for the time being at the head of the company, one the Cashier or Assistant Cashier of the same, and the other or others the Auditor or Auditors of the said company, each of whom shall swear distinctly that he has such quality or office as aforesaid; that he has had the means of verifying, and has verified, the statement aforesaid, and found it to be exact and true in every particular; that the property under mortgage has been set down at its true value to the best of his knowledge and belief; and that the amount of the shares and debentures issued and outstanding, as he verily believes, is correct; and that the amount of the deposits as well as the investment thereof is stated correctly; and such statement shall

Publication of statement.

be published by the Minister of Finance, in such manner as he shall think conducive to the public good; and such statement shall be transmitted by post, within eight days after the date to which it is to be made up, and if the same be not transmitted within one month after the said day, or if it shall appear by the statement that the company is insolvent, the Minister of Finance may, by notice in the *Gazette*, declare the business of the company to have ceased; and if the Minister of Finance shall

Minister of Finance may have the books examined.

in any case suspect any such statement to be wilfully false, he may depute some competent person to examine the books and enquire into the affairs of the company, and to report to him on oath; and if by such report it shall appear that such statement was wilfully false, or that the company is insolvent, or if the person so deputed shall report on oath that he has been refused such access to the books, or such information as would enable him to make a sufficient report, the Minister of Finance may, by notice in the *Gazette*, declare the business of the company to have ceased; but in any of the cases in which discretionary power is given to the Minister of Finance to declare the business of the company to have ceased,

May cause the company to cease business, in certain cases.

he may, before so doing, give notice to the company, and afford the same an opportunity of making any explanation it may be advisable to make; and all expenses attending such periodical statements, and the publication thereof, shall be borne by the  
5 said company.

85. It shall be lawful for the Directors of the said company, when it shall have been determined at a meeting of the shareholders thereof, to apply for and obtain a royal charter of incorporation, or an Act of the Parliament of the United Kingdom of Great Britain and Ireland, for granting to the said company the powers and authorities in Great Britain necessary for carrying on and accomplishing the undertaking authorized by this Act, or to register a memorandum of association, or articles of association, under the provisions of the Act of the Parliament of the  
10 United Kingdom, intituled "The Joint Stock Companies Act of 1856," for the purpose of more effectually carrying out the objects of this Act in this Dominion, or in any part of the United Kingdom of Great Britain and Ireland.

RECORDED

86. In this Act the following words and expressions shall have  
20 the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say: words importing the singular number shall include the plural number; and words importing the plural number shall include the singular number; the word "month" shall  
25 mean calendar month; the word "cashier" shall include the word "clerk"; the term "real estate" shall extend to messuages, lands, tenements, and hereditaments of any tenure; the word "company" shall signify "The Landed Credit Company of Canada"; and the word "Dominion" shall mean "The Dominion of Canada";  
30 the words "mortgage bonds or debentures" shall also apply to subdivisions (*coupures*) of said mortgage bonds.

Interpretation  
clause.

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1st Session, 2nd Parliament, 36 Victoria, 1873.

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J

BILL.

An Act to incorporate the Landed Credit  
Company of Canada.

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Received and read first time, Monday, 21st  
April, 1873.

Second reading, Wednesday, 23rd April, 1873.

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HON. MR. BUREAU.

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OTTAWA:

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

1873.

K

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## BILL.

An Act to extend the Act passed in the 33rd year of Her Majesty's  
Reign, intituled: "An Act to amend the Penitentiary Act of  
"1868."

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

1. For and notwithstanding anything contained in the Act  
5 passed in the thirty-third year of Her Majesty's Reign, Periods men-  
tioned in 33,  
Vict. c. 30, s.  
5, extended to  
1st May, 1875  
and 1876.  
intituled: "An Act to amend The Penitentiary Act of  
1868," the period beyond which no person sentenced in  
New-Brunswick or Nova Scotia to be imprisoned with  
hard labour for less than one year shall be received or imprisoned  
10 in the Penitentiary shall be extended to the first day of May,  
which will be in the year of Our Lord one thousand eight hundred  
and seventy-five, and the period beyond which no person sen-  
tenced in either of the said Provinces to imprisonment with hard  
labor for less than two years, shall be received or imprisoned in  
15 the said Penitentiary, shall be extended to the first day of May,  
which will be in the year of Our Lord, one thousand eight hun-  
dred and seventy-six.

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1st Session, 2nd Parliament, 36 Victoria, 1873.

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**K**

BILL.

An Act to extend an Act passed in the 33rd year of Her Majesty's Reign, Intituled: An Act to amend the Penitentiary Act of 1868."

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Received and read, First time, Wednesday,  
23rd April, 1873.

Second reading, Monday, 28th April, 1873.

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Hon. Mr. CAMPBELL.

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OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33 Rideau Street,  
1873.

11

**BILL.**

**An Act to amend the Act respecting Offences against the Person.**

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

1. The forty-ninth section of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled, "*An Act respecting offences against the person,*" is hereby amended, so as to be read as follows :— Section 49 of 32 and 33, Vict. c. 20, amended.

"Whoever commits the crime of rape is guilty of felony, and shall be liable to suffer death as a felon, or to be imprisoned in the Penitentiary for life, or for any term not less than seven years ; and whosoever assaults any woman or girl with intent to commit rape is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour."

And the said section, as so amended, shall form part of the said Act, and be construed and have effect as the forty-ninth section thereof.

1st Session, 2nd Parliament, 36 Victoria, 1873.

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**I**

**BILL.**

An Act to amend the Act respecting offences against the Person.

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Received and read First time, Wednesday, 23rd April, 1873.

Second reading Friday, 25th April, 1873.

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Honble. Mr. CAMPBELL.

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OTTAWA:

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

1873.

M

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## BILL.

An Act to make further provision respecting the Extradition of Criminals.

**W**HEREAS by the Act passed by the Parliament of the United Kingdom, in the Session thereof, held in the thirty-third and thirty-fourth years of Her Majesty's Reign, intituled *An Act for amending the law relating to the Extradition of Criminals*, it is provided that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive Criminals, Her Majesty may, by Order in Council, direct that the said Act shall apply in the case of such foreign State, and that the said Act when applied by any Order in Council, shall, unless it is otherwise provided by such Order, extend to every British possession in the same manner as if throughout the said Act the British possession were substituted for the United Kingdom or England, as the case may require, subject to certain modifications; but it is further provided, that if by any law or ordinance made before or after the passing of the said Act by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive Criminals who are in or suspected of being in such British possession, Her Majesty may, by Order in Council applying the said Act in the case of any foreign State, or by any subsequent Order, either Suspend the operation within any such British possession of the said Act, or of any part thereof, so far as it relates to such foreign State, and so long as such law or ordinance continues in force there, and no longer; or direct that such law or ordinance, or any part thereof shall have effect in such British possession with or without modification, as if it were part of the said Act; And whereas certain other Acts of the said Parliament, specified in the third schedule to the said Act are thereby repealed as to the whole of Her Majesty's dominions; and it is provided that the said Act (with the exception of anything contained in it which is inconsistent with the treaties in the Acts so repealed), shall apply (as regards crimes committed either before or after the passing of the said Act) in the case of foreign States with which those treaties are made, in the same manner as if an Order in Council referring to such treaties had been made in pursuance of the said Act, and as if such Order had directed that every law and ordinance which is in force in any British possession with respect to such treaties, should have effect as part of the said Act; And whereas one of the Acts so repealed as aforesaid, is the Act of the Parliament of the United Kingdom, passed in the session thereof, held in the sixth and seventh years of Her Majesty's Reign, and intituled, *An Act for giving effect to a treaty between Her Majesty and the United States of America, for the apprehension of certain offenders*, in respect of the treaty referred to in which the Act of the Parliament of Canada, passed in the thirty-first year of Her

Majesty's Reign, and intituled *An Act respecting the treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain offenders*, as amended by the Act of the said Parliament, passed in the thirty-third year of Her Majesty's Reign, and intituled *An Act to amend the Act respecting the extradition of certain offenders to the United States of America*, 5  
 is in force and will remain in force under the provisions of the Act of the Parliament of the United Kingdom, first above cited. And whereas, the said Acts of the Canadian Parliament having been found effective and convenient in practice, as respects the said treaty, it is expedient that they should continue to apply to the same, 10  
 but in as much as other arrangements for like purposes have been or, may be hereafter made by Her Majesty by treaty or convention with respect to the surrender to foreign States of persons accused or convicted of the commission of certain crimes within the jurisdiction of such States, and the said Acts of the Parliament of 15  
 Canada, apply only to cases under the treaty therein mentioned, and certain provisions of the Act of the Parliament of the United Kingdom, first above cited (hereinafter called the Imperial Act) would be found inconvenient in practice in Canada, and it is expedient to make provision for more conveniently carrying into effect in 20  
 Canada any such arrangement as aforesaid, by the substitution of other enactments in lieu of those of the said Imperial Act;

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 Extradition Act, 1873," and 25  
 shall come into force on the day to be appointed for that purpose, by the Governor in any proclamation whereby he shall signify that it has been laid before Her Majesty in Council, and that Her  
 Commence- Majesty has been pleased to assent to it, and by Her Majesty's  
 ment. Order in Council to suspend the operation of the said Imperial 30  
 Act within the Dominion of Canada, when and so long as this Act comes into and continues in force except as hereinafter provided in the next following section as to proceedings theretofore commenced and to direct that this Act shall have effect in Canada, subject only to such modifi- 35  
 cations as may be thereafter made by the Parliament of Canada.

Application. 2. This Act shall, on its coming into force, apply to the treaties or conventions mentioned in the second schedule hereunto appended, and the arrangements under them so long as they are in force, and to the foreign States with which such treaties or con- 40  
 ventions have been respectively made.

Where any other arrangement has been or shall be hereafter made by Her Majesty with any foreign State (except only the treaty with the United States of America, referred to in the Canadian Act cited in the preamble to this Act,) with respect to the sur- 45  
 render to such State of any fugitive criminals, the Governor may by Order in Council direct that this Act shall apply to such foreign State and to such arrangement.

The Governor may, by the same or any subsequent Order in Council, limit the operation of the Order, and restrict the same to 50  
 fugitive criminals who are in or suspected of being in the part of Canada specified in the Order, and may render the operation thereof subject to such conditions, exceptions, and qualifications, as may be deemed expedient.

Every such Order in Council shall recite or embody the terms 55  
 of the arrangement to which it relates, and shall not remain in force for any longer period than the arrangement, and shall be published in the *Canada Gazette*.

Provided that proceedings for or in relation to the surrender of a fugitive criminal commenced under the said Imperial Act, or any other Act or law, before the coming into force of this Act, or before its application to the arrangement under which such surrender is demanded, may be continued and completed, and the fugitive criminal surrendered, as if this Act had not been passed.

3. The following restrictions shall be observed with respect to the surrender of fugitive criminals:—

Restrictions to be observed with respect to the surrender of fugitive criminals.

(1.) A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove, to the satisfaction of the Judge, Recorder, or Commissioner before whom he is brought, or of the Court before which he is brought on *habeas corpus*, that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

(2.) A fugitive criminal shall not be surrendered to a foreign State unless provision is made by the law of that State, or by arrangement, that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to Her Majesty's dominions, be detained or tried in that foreign State for any offence committed prior to his surrender other than the extradition crime proved by the facts on which the surrender is grounded.

(3.) A fugitive criminal who has been accused of some offence within British or Canadian jurisdiction, not being the offence for which his surrender is demanded, or is undergoing his sentence for any such offence, shall not be surrendered until after he has been discharged, whether by acquittal or on expiration of his sentence or otherwise.

(4.) A fugitive criminal shall not be surrendered until the expiration of *fifteen* days from the date of his being committed to prison to await his surrender.

4. An Order of the Governor in Council for applying this Act in the case of any foreign State shall not be made unless the arrangement—

Order in Council in what cases only to be made.

(1.) Provides for the determination of it by either party to it after the expiration of a notice not exceeding one year; and

(2.) Is in conformity with the provisions of this Act, and in particular with the restrictions on the surrender of fugitive criminals contained in this Act.

5. When an Order in Council applying this Act in the case of any foreign State has been published in the *Canada Gazette*, this Act (after the date specified in the Order, or, if no date be specified, after the date of its publication), shall, so long as the Order remains in force, but subject to the limitations, restrictions, conditions, and qualifications (if any) contained in the Order, apply in the case of such foreign State. An Order in Council shall be conclusive evidence of the treaty or convention therein referred to, and that the arrangement made under it complies with the requirements of this Act, and that this Act applies in the case of the foreign State mentioned in the Order. The publication in the *Canada Gazette* under an Order in Council, before or after the passing of this Act, of any treaty or convention mentioned in the second schedule to this Act, shall be conclusive evidence of such treaty or convention, and (after the coming into force of this Act) that this Act applies to the foreign State therein mentioned. The publication

Effect and proof of Order in Council when published.

of any Order in Council under this Act in the *Canada Gazette* shall be conclusive evidence of such Order, and the validity of the Order shall not be questioned in any legal proceedings whatever.

Apprehension  
of fugitives.

6. When this Act applies in the case of any foreign State, every fugitive criminal of that State who is in or suspected of being in any part of Canada, or that part (if any) thereof which is specified in the Order in Council so applying this Act, as the case may be, shall be liable to be apprehended and surrendered in the manner provided by this Act, whether the crime in respect of which the surrender is demanded was committed before or after the time when this Act became applicable to such foreign State, and whether there is or is not concurrent jurisdiction in any Court in Canada over that crime. 5 10

Issuing of  
warrant and  
commitment  
of fugitive  
and report to  
the Governor.

7. Upon complaint made under oath, charging any person found within the limits of Canada with having been convicted of, or with having committed within the jurisdiction of any foreign State to which this Act applies any of the extradition crimes enumerated or provided for by the arrangement made between Her Majesty and such foreign State, it shall be lawful for any Judge of any of Her Majesty's Superior Courts in Canada, or any Judge of a County Court in Canada, or any Recorder of a city in Canada, or any Commissioner appointed for the purpose by the Governor under the Great Seal (which appointment the Governor is hereby authorized to make, and under which commission such Commissioner shall for all purposes of this Act have all the powers of a Judge of one of Her Majesty's Superior Courts), to issue his warrant for the apprehension of the person so charged, that he may be brought before such Judge, Recorder, or Commissioner; and upon such person being brought before him under such warrant, it shall be lawful for such Judge, Recorder, or Commissioner, to examine upon oath any person or persons touching the truth of such charge, and upon such evidence as according to the laws of the Province in which he has been apprehended would justify the apprehension and committal for trial of the person so accused, if the crime of which he is so accused had been committed therein, it shall be lawful for such Judge, Recorder, or Commissioner, to issue his warrant for the commitment of the person so charged to the proper gaol, there to remain until surrendered according to the stipulation of the arrangement under which his surrender is demanded, or until discharged according to law; and the Judge, Recorder, or Commissioner, shall thereupon forthwith transmit or deliver to the Governor a copy of all the testimony taken before him to the end that a warrant may issue upon the requisition of the foreign State for the surrender of such fugitive criminal, pursuant to the arrangement aforesaid, unless the Governor should determine, as hereinafter provided, that he ought not to be surrendered. 15 20 25 30 35 40 45

Execution of  
warrant.

9. The warrant of the Judge, Commissioner, or other officer, issued in pursuance of this Act, may be executed in any part of Canada in the same manner as if the same had been originally issued or subsequently endorsed by a justice of the peace having jurisdiction in the place where the same is executed. 50

Proof of  
criminality,  
by copies of  
foreign  
depositions.

10. In every case of complaint as aforesaid, and of a hearing upon the return of the warrant of arrest, and in all further proceedings in the case, copies of the depositions upon which the original warrant was granted in the foreign State purporting to 5

be certified under the hand of the person or persons issuing such warrant, and attested upon the oath of the party producing them to be true copies of the original depositions, may be received in evidence of the criminality of the person so apprehended.

- 5     **11.** Foreign warrants and depositions or statements upon oath taken in a foreign State, and copies of such original depositions or statements, and foreign certificates of or judicial documents stating the fact of conviction, may likewise, if duly authenticated, be received in evidence in proceedings under this Act. Or of foreign warrants &c.
- 10     **12.** Foreign warrants and depositions or statements on oath, or copies thereof, and certificates of or judicial documents stating the fact of a conviction, shall also be deemed duly authenticated for the purposes of this Act if authenticated in the manner provided for the time being by law, or if authenticated as follows:—
- 15     (1.) If the warrant purports to be signed by a Judge, Magistrate or Officer of the foreign State where the same was issued;
- (2.) If the depositions or statements or the copies thereof purport to be certified under the hand of a Judge, Magistrate or Officer of the foreign State where the same were taken, to be the
- 20 original depositions or statements, or to be true copies thereof, as the case may require; and
- (3.) If the certificate of, or judicial document stating the fact of a conviction purports to be certified by a Judge, Magistrate or Officer of the foreign State where the conviction took place; and
- 25     If, in every case, the warrants, depositions, statements, copies, certificates or judicial documents (as the case may be) are authenticated by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of State of such foreign country. And all Courts of Justice, Judges,
- 30 Recorders, Commissioners and others acting under this Act, shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.
- 13.** The Judge, Recorder or Commissioner, before whom a fugi-
- 35 tive criminal is brought shall hear the case in the same manner and have the same jurisdiction and powers, as nearly as may be, as if the prisoner were brought before him charged with an indictable offence committed in the Province in which the hearing takes place, and shall receive any evidence which may be tendered to
- 40 show that the crime of which the prisoner is accused or alleged to have been convicted is an offence of a political character and not an extradition crime. Hearing of case.
- 14.** In the case of a fugitive criminal alleged to have been convicted of an extradition crime, if such evidence is produced as
- 45 (subject to the provisions of this Act) proves that the prisoner was convicted of such crime, the Judge, Recorder, or Commissioner shall commit him to prison, otherwise shall order him to be discharged.
- If such fugitive criminal is committed to prison, he shall be committed to the gaol to which he would have been committed if the
- 50 crime had been committed at the place where such commitment made been Commitment or discharge of fugitive.
- 15.** If the Judge, Recorder or Commissioner commits a fugitive criminal to prison he shall inform such criminal that he will not be surrendered until after the expiration of *fifteen* days, and that
- 55 he has a right to apply for a writ of *habeas corpus*. Notice to fugitive committed to prison.

Surrender of fugitive.

16. After the expiration of the said *fifteen* days, or if a writ of *habeas corpus* is issued, after the decision of the Court upon the return to the writ, as the case may be, the Governor upon the requisition of the foreign State, may by warrant under his hand and seal order such fugitive criminal (if not discharged on the decision of the Court) to be surrendered to the person or persons who may in his opinion be duly authorized to receive such fugitive criminal in the name and on the behalf of the foreign State requiring his surrender, and such fugitive criminal shall be surrendered accordingly.

Custody, conveyance and escape of fugitive to be surrendered.

It shall be lawful for the person to whom such warrant is directed to deliver, and for the person or persons so authorized as aforesaid to receive, hold in custody and convey within the jurisdiction of the foreign State, the criminal mentioned in the warrant, and if such criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person accused of any crime against the laws of the Province in which the escape occurs may be retaken upon an escape.

Governor may discharge fugitive.

17. In case at any time after such commitment as aforesaid, the Governor determines that the person so committed, ought not to be so surrendered as aforesaid, the Governor may by warrant under his hand and seal order such person to be discharged out of custody upon such commitment.

Right of prisoner not surrendered or conveyed out of Canada within two months after commitment to be discharged.

18. In case any person so committed to prison under this Act, is not surrendered and conveyed out of Canada within two months after such commitment, or if a writ of *habeas corpus* has been issued, within two months after the decision of the Court on the return of such writ, over and above in either case the time required to convey such person from the gaol to which he has been committed, by the readiest way out of Canada, it shall be lawful for any one or more of the Judges of any of Her Majesty's Superior Courts in Canada, having power to grant a writ of *habeas corpus*, upon application made to him or them by or on behalf of the person so committed, and upon proof made to him or them that reasonable notice of the intention to make such application has been given to the Secretary of State of Canada, to order the person so committed to be discharged out of custody, unless sufficient cause be shewn to such Judge or Judges why such discharge should not be ordered.

#### GENERAL PROVISIONS.

This Act to form part of Imperial Act, and not to effect its provisions.

19. This Act shall not affect or be construed as affecting the provisions of the Imperial Act first hereinbefore cited, (and of which, under the provisions thereof, and the Order of Her Majesty in Council under them, this Act will form part) as respects the incidents or consequences of the surrender of any fugitive criminal, after he is conveyed out of Canada, or any proceeding, matter or thing to be had or done out of Canadian jurisdiction, which will be governed by the said Imperial Act.

Power to revoke or alter Order in Council.

20. The Governor may by Order in Council, revoke or alter (subject to the restrictions of this Act), any Order in Council made in pursuance of this Act, and all the provisions of this Act with respect to the original Order shall (so far as applicable) apply, *mutatis mutandis*, to any such new Order.

**21.** For the purpose of this Act, every colony, dependency, and constituent part of a foreign State, and every vessel of that State shall be deemed to be within the jurisdiction of, and to be part of such foreign State. Construction.

5 **22.** The testimony of any witness may be obtained in any Province of Canada, relating to any criminal matter pending in any Court or tribunal in a foreign State, in like manner as it may be obtained in such province in relation to any civil matter under any Act or law then in force in such Province, and all Courts, Judges and other functionaries shall have like powers for obtaining such testimony in any criminal matter, as they then have in any civil matter; Provided that nothing in this section shall apply in the case of any criminal matter of a political character. Manner of obtaining testimony in Canada relating to criminal matters pending in Courts in foreign states.  
Proviso.

**23.** In this Act, unless the context otherwise requires— Interpretation.  
15 The term "Extradition Crime," means a crime which if committed in Canada, or within Canadian jurisdiction, would be one of the crimes described in the first schedule to this Act, and for which the person committing it may be surrendered to any foreign State, under any arrangement for such purpose.

20 The terms "Conviction" and "Convicted" do not include or refer to a conviction which under foreign law is a conviction for contumacy; but the term "accused person" includes a person convicted for contumacy.

The term "Fugitive Criminal" means any person accused or convicted of an extradition crime committed within the jurisdiction of any foreign State, who is in or suspected of being in some part of Canada; and the term "fugitive criminal of a foreign State," means a fugitive criminal accused or convicted of an extradition crime committed within the jurisdiction of that State.

30 The term "Warrant" in the case of any foreign State, includes any judicial document authorizing the arrest of a person accused or convicted of crime.

**24.** This Act shall continue in force with respect to any foreign State while any arrangement with such foreign state to which this Act applies is in force, but not any time when no such arrangement is in force. Continuation of Act.  
35

## SCHEDULES.

### FIRST SCHEDULE.

#### *List of Crimes.*

The following list of crimes is to be construed according to the law existing in the Province where the construction is to be applied, at the date of the alleged crime, whether by common law or by Statute made before or after the passing of this Act:—

Murder and attempt or conspiracy to murder.

Manslaughter.

Counterfeiting or altering money, and uttering counterfeit or altered money.

Forgery, counterfeiting or altering, or uttering what is forged, counterfeited or altered.

Embezzlement and larceny.

Obtaining money or goods by false pretences.

Crimes by bankrupts against bankruptcy law.

Fraud by a bailee, banker, agent, factor, trustee, or director, or member, or public officer of any company, made criminal by any Act for the time being in force.

Rape.

Abduction.

Child stealing.

Burglary and housebreaking.

Arson.

Robbery with violence.

Threats by letter or otherwise with intent to extort.

Piracy by law of nations.

Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

Assault on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.

Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.

#### SECOND SCHEDULE.

*Treaties or Conventions to the arrangements under which and the foreign States being parties to which this Act will apply as soon as it comes into force.*

Convention between Her Majesty and the King of Denmark for the mutual surrender of criminals. Signed at London, 15th April, 1862. Ratifications exchanged at London, 27th May, 1862.

Convention between Her Majesty and the King of the French, for the apprehension and surrender of certain offenders. Signed at London, 13th February, 1843. Ratifications exchanged at London, 13th March, 1843.

Treaty between Her Majesty and the Emperor of Germany for the mutual surrender of criminals. Signed at London, 14th May, 1872. Ratifications exchanged at London, 11th June, 1872.

Treaty between Her Majesty and the King of the Belgians, for the surrender of criminals. Signed at Brussels, 31st July, 1872. Ratifications exchanged at Brussels, 29th August, 1872.

1st Session, 2nd Parliament, 36 Victoria

**M.**

BILL.

An Act to make further provision  
in the Extradition of Criminals

Received and read First time Friday  
April, 1872.

Second Reading, Thursday, 1st May,

HON. MR. CAMPBELL

OTTAWA :

Printed by I. B. TAYLOR, 29, 31, and 33, Rideau  
1873.

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**BILL.**

An Act to remove doubts as to the Construction of Section 31 of the Act 33 Victoria, chapter 3, and to amend section 168 of the Dominion Lands Act.

**W**HEREAS doubts have arisen as to the children intended by the thirty-first section of the Act passed in the thirty-third year of Her Majesty's reign, chapter three, and 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 :

1. The children meant and intended by the said thirty-first section of the said Act shall be held to include those of mixed blood, partly white and partly Indian, and who are not heads of families.

Preamble.  
Section 31 of 33 V., c. 3, explained.

2. Such proceedings only under the Orders in Council mentioned and referred to in section 108 of the Act 35 Victoria, chapter 23, as are sanctioned by the provisions of the said section 31 of the Act 33 Victoria, chapter 3 as explained by this Act, shall be held and deemed to have been properly taken and to have been confirmed by the said section 108 of the said Act 35 Victoria, chapter 23, and the said respective orders (except such of the provisions thereof as may be inconsistent with the provisions of the said section 31 of the said Act 33 Victoria, chapter 3, as explained by this Act, or of the said Act 35 Victoria, chapter 23, and which are hereby revoked) shall be and remain in force, the said section 108 of the said Act 35 Victoria, chapter 23, being hereby amended to that effect.

Section 108 of 35 Vict., c. 23, amended.

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1st Session, 2nd Parliament, 36 Victoria, 1873.

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**N**

**BILL.**

An Act to remove doubts as to the Construction of Section 31 of the Act 33 Victoria, chapter 3, and to amend Section 108 of the Dominion Lands Act.

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Received and read the first time, Tuesday,  
29th April, 1873.

Second reading, Wednesday, 30th April,  
1873.

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Honorable Mr. AIKINS.

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OTTAWA :

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## BILL.

An Act to amend the Acts for more effectually preventing the Desertion of Seamen ; and for other purposes.

In amendment of chapter forty-three of the Consolidated Statutes of Canada, intituled : "*An Act for more effectually preventing the desertion of seamen,*" and of the Act of the Parliament of Canada passed in the thirty-fourth year of Her Majesty's 5 Reign, and intituled : "*An Act for more effectually preventing 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. There shall be no appeal from any conviction or order ad-  
10 judged or made under the Acts cited in the preamble to this Act, or either of them, by or before any judge of the sessions of the peace, police magistrate, or any two justices of the peace, or magistrate having the powers of two justices of the peace, as to summary convictions and orders, for any offence against the said Acts,  
15 or either of them, committed after the passing of this Act, nor shall such conviction be quashed for want of form, or removed by *certiorari* into any of Her Majesty's superior courts of record ; and no warrant or commitment, under the said Acts or either of them, shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted,  
20 and there be a good and valid conviction to sustain the same.

Rights of appeal and *certiorari* taken away in cases under Con. Stat. Canada, c. 43, and Act of Canada, 34 Vict., c. 32.

2. And for the avoidance of doubt, under the Act hereinafter mentioned, it is hereby declared and enacted, that the court of  
25 general or quarter sessions of the peace appealed to, may grant or refuse in its discretion the request of the appellant or respondent to have a jury empannelled to try the facts of the case, under the sixty-sixth section of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's Reign, intituled : "*An Act respecting the duties of Justices of the Peace*  
30 *out of Sessions, in relation to summary convictions and orders.*"

Section 66, of 32 & 33, Vict. c. 31, explained.

1st Session, 2nd Parliament, 36 Victoria, 1873.

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O

BILL.

An Act to amend the Acts for more effectually preventing the Desertion of Seamen ; and for other purposes.

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Received and read first time, Wednesday,  
30 April, 1873.  
Second reading, Friday, 2 May, 1873.

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HON. MR. CAMPBELL.

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OTTAWA :

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

P

**BILL.**

An Act to amend "An Act respecting the Militia and Defence of the Dominion of Canada."

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

Preamble.

1. The twenty-seventh section of 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*, is hereby repealed, and the following section is substituted for it, and as the twenty-seventh section of the said Act:—

New section substituted for Sec. 27. of 31 Vict., C. 40.

10 "27. The Active Militia, or any corps thereof, shall be liable to be called out for active service with their arms and ammunition, in aid of the civil power in any case in which a riot, disturbance of the peace, or other emergency requiring such service occurs, or is in the opinion of the civil authorities hereinafter mentioned anticipated as likely to occur, and, (in either case,) to be beyond the powers of the civil authorities to suppress, or to prevent or deal with, whether such riot, disturbance or other emergency occurs, or is so anticipated within or without the municipality in which such corps is raised or organized; and it shall be the duty of the Senior Officer of the Active Militia present at any locality to call out the same or such portion thereof as he considers necessary for the purpose of preventing or suppressing any such actual or anticipated riot or disturbance, or for the purpose of meeting and dealing with any such emergency as aforesaid, when thereunto required in writing by the Warden, Mayor, or other head of the Municipality in which such riot, disturbance or other emergency occurs or is anticipated as aforesaid, or by any two magistrates therein, and to obey such instructions as may be lawfully given him by any magistrate in regard to the suppression of any such actual riot or disturbance, or in regard to the anticipation of such riot, disturbance or other emergency, or to the suppression of the same, or to the aid to be given to the civil power in case of any such riot, disturbance or other emergency; and every such requisition in writing as aforesaid shall express on the face thereof, the actual occurrence of a riot, disturbance, or emergency, or the anticipation thereof, requiring such service of the Active Militia in aid of the civil power for the suppression thereof; and every Officer, non-commissioned officer and man of such Active Militia or any portion thereof, shall on every such occasion, obey the orders of his Commanding Officer; and the officers and men, when so called out, shall, without any further or other appointment, and without taking any oath of office, be special constables, and shall be considered to act as such so long as they remain so called out; but they shall act only as a military body, and shall be individually liable to obey the orders of their Military Commanding Officer only; and they shall, when so employed, receive

By whom the Active Militia may be called out.

They must obey the call.

Officers and men to be special constables

To be paid by Municipality, and at what rates.

from the Municipality in which their services are required, the following rates of pay, that is to say : Officers, the same pay as that of Officers of corresponding rank in Her Majesty's Service, with an additional sum to each mounted Officer of two dollars per day, and non-commissioned Officers and Privates the sum of one dollar each per day, with an additional sum of one dollar per day for each horse actually and necessarily used or employed on such occasion, and they shall be also provided with proper lodging by such Municipality ;— and the said sums, and the value of such lodging, if not furnished by the Municipality may be recovered from it by the Officer Commanding the Corps, in his own name, and when received or recovered shall be paid over to the Officers and men entitled thereto." 5 10

Recovery if not paid.

New section in lieu of sec. 72, of 31 Vict. C. 40.

2. The seventy-second section of the Act hereinbefore mentioned, made and passed in the thirty-first year of Her Majesty's reign, is hereby repealed, and the following section is substituted therefor as the seventy-second section of the said Act : 15

Her Majesty may convene Courts of Enquiry and Courts Martial.

" 72. Her Majesty may convene Courts of Enquiry and appoint Officers of the Militia to constitute such Courts, for the purpose of investigating and reporting on any matter connected with the government or discipline of the Militia, and with the conduct of any Officer, non-commissioned officer or private of the force ; and shall have power at any time to convene Militia Courts Martial, and to delegate power to convene such Courts, and to appoint Officers to constitute the same, for the purpose of trying any Officer, non-commissioned officer or private of the Militia for any offence under this Act, and to delegate also power to approve, confirm, mitigate or remit any sentence of any such court ; but no Officer of Her Majesty's regular army on full pay shall sit on any Militia Court Martial. 20 25

Proviso.

1st Session, 2nd Parliament, 36 Victoria,

**P**

BILL.

An Act to amend "An Act respecting Militia and Defence of the Dominion of Canada."

Received and read first time, Wednesday, June, 1873.

Second reading, Friday, 2nd May, 1873.

Hon. Mr. CAMPBELL

OTTAWA :

Printed by I. B. Taylor, 29, 31, & 33, Rideau St. 1873.

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## BILL.

An Act to amend the Acts respecting the Inspection of Steamboats.

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

1. For and notwithstanding anything contained in the third section of the Act passed in the thirty-first year of Her Majesty's 5 reign, chaptered sixty-five, and intituled : "*An Act respecting the Inspection of Steamboats and for the greater safety of Passengers by them,*" the Board of Steamboat Inspection may, at any time hereafter, make rules and regulations for their own conduct, and for the uniform inspection of steamboats, the selection of ports of 10 inspection, and granting licenses to engineers and for such other purposes as may be necessary under the said Act, and may, from time to time repeal, alter, or add to such rules and regulations, or make others in their stead, and such rules and regulations shall 15 respectively come into force after they have been approved by the Governor in Council, but not before, and copies of the proceedings of the board, certified by the chairman shall be transmitted to the Minister of Marine and Fisheries.

Preamble.

2. The temporary certificate authorized by the twenty-sixth section of the said Act to be granted to any person claiming to be 20 qualified to perform the duties of an engineer in steamboats, shall have the force and effect in the said section mentioned for a period not exceeding six months from the day on which it was granted, and for every such temporary certificate so granted the applicant shall pay the sum of *five dollars*, which shall go to the steamboat 25 inspection fund as in the said twenty-sixth section mentioned.

Temporary certificate under sec. 26 of 31 Vict., C. 65 to have force for six months.

3. The Governor in Council may, at any time, order and direct that the provisions of the said Act and of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chaptered thirty-nine, and intituled : "*An Act to 30 amend the Act respecting the Inspection of Steamboats, and for the greater safety of Passengers by them,*" shall not, or shall not for any time specified in the Order, in so far as such provisions extend to the carrying of boats and life preservers, apply to any ferry boat specially mentioned in such Order in Council ;—and the Governor in Council may order and direct that such other pro- 35 visions as he may deem advisable, with respect to the carrying of boats and life preservers on such ferry boat, shall be applicable to and shall be enforced in respect of such ferry boat.

Power to the Governor in Council to exempt ferry boats from provisions of 31 Vict., C. 68, and 32 and 33 Vict., C. 39.

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1st Session, 2nd Parliament, 36 Victoria, 1873.

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**B**

BILL.

An Act to amend the Acts respecting the  
Inspection of Steamboats.

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Received and read, First time, Thursday, 1st  
May, 1873.

Second reading, Monday, 5th May, 1873.

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Hon. Mr. CAMPBELL.

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OTTAWA:

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

1873.

R

**BILL.**

An Act respecting a Survey of Chaudiere Island, Ottawa.

WHEREAS it has been discovered that in certain letters Preamble.  
patent granted by the Crown to purchasers of parts or  
portions of Chaudiere Island, in the River Ottawa, the lands  
intended to be granted and conveyed are erroneously described,  
5 and inconveniences have resulted and are likely to result there-  
from ; And whereas it is desirable to make provision for correct-  
ing such errors ; Therefore Her Majesty, by and with the advice  
and consent of the Senate and House of Commons of Canada,  
enacts as follows :

10 1. The Minister of Public Works is hereby authorized to cause Minister of  
a survey and plan of the several parcels of land on the said Public Works  
Chaudiere Island heretofore sold by the Crown to be made by a to cause sur-  
Provincial Land Surveyor, and a true copy of such plan, certified vey of Chaud-  
by such Provincial Land Surveyor and the said Minister, to be iere Island to  
15 filed in the Registry Office of the City of Ottawa. be made and a  
plan thereof to  
be registered.

2. In any case in which, after such survey and plan, applica- Letters Patent  
tion is made to the Minister of Public Works to the effect that of land found  
any patent heretofore issued does not correctly describe the lands to be incorrect  
20 sold and intended to be granted by such patent, the Governor may be can-  
may, upon a certificate of a Provincial Land Surveyor to be celled and  
named by the Minister of Public Works, of the proper boundaries others issued  
of the land originally sold, and which, but for the errors aforesaid, in their stead.  
should have been contained in the said letters patent, direct the  
defective patent to be cancelled and a correct one to be issued  
25 its stead, which corrected patent shall relate back to the date of  
the one so cancelled, and have the same effect as if it issued at the  
date of such cancelled patent.

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1st Session, 2nd Parliament, 36 Victoria, 1873.

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**B**

BILL

An Act respecting a Survey of Chaudiere  
Island, Ottawa.

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Received and read first time, Friday, 2nd  
May, 1873.  
Second reading, Tuesday, 6th May, 1873.

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Hon. Mr CAMPBELL.

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OTTAWA:

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

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## BILL.

An Act further to amend the "Act to make further provision for the government of the North West Territories."

IN amendment of the Act passed in the thirty-fourth year of Her Majesty's reign, intituled "An Act to make further provision for the Government of the North West Territories," Her Majesty, by and with the advice and consent of the Senate and  
5 House of Commons of Canada, enacts as follows :

1 The laws, institutions and ordinances which the Governor in Council is empowered by the said Act from time to time to authorize the Lieutenant-Governor of the North West Territories to make, ordain and establish for the administration of justice in the same, and for the peace, order and good  
10 government of Her Majesty's subjects and others therein, shall hereafter be made, ordained and established by the Lieutenant-Governor, by and with the advice of the Council appointed under the said Act, or any Act amending it, to aid him in  
15 the administration of the North West Territories; and any order of the Governor in Council made under the said Act, and giving such authority to the Lieutenant-Governor and his Council, is hereby confirmed, and shall be in force until repealed or  
20 altered by any subsequent order of the Governor in Council made under the Act first herein cited.

2. Subject to the provisions hereinafter made, it shall be lawful for the Governor in Council to make laws for the peace, order and good government of the said North West Territories and of Her Majesty's subjects therein, in relation to all matters and  
25 subjects in relation to which the Lieutenant Governor and his Council aforesaid are not then empowered to make laws, and for that purpose, either to make new laws or to extend and apply and declare applicable to the North West Territories, with such amendments and modifications as may be deemed necessary, any Act or  
30 Acts of the Parliament of Canada, or any parts thereof, and from time to time to amend or repeal any such laws and make others in their stead. The power hereby given shall extend to the modification, amendment or repeal of any Act mentioned in the schedule to this Act; and the Lieutenant-Governor, acting with  
35 the advice of his Council, shall have like powers with respect to the subjects and matters in relation to which he is empowered to make laws.

3. Provided always, that no law to be so made, either by the  
40 Governor in Council or by the Lieutenant-Governor of the said Territories, with the advice of his Council, shall:

1. Be inconsistent with any provision of any Act of the Parliament of Canada expressly referring to the said Territories; or

2. Impose any tax or any duty of customs or excise, or any penalty exceeding *one hundred dollars*; or

3. Alter or repeal the punishment provided by any Act mentioned in the schedule to this Act, or extended as aforesaid to the said Territories, for any crime or offence, or the legal description 5  
or character of the crime or offence itself; or

4. Create any offence punishable by imprisonment for more than *one year*; or by fine exceeding *one hundred dollars*, or by both fine and imprisonment to the extent aforesaid, or

5. Appropriate any public money, lands or property of the Do- 10  
minion without the authority of Parliament;

And a copy of every such law made by the Lieutenant-Governor of the said Territories and his Council, shall be mailed for transmission to the Governor in Council within ten days after its passing, and may be disallowed by him at any time within two 15  
years after its passing; and every such law made by the Governor in Council shall be laid before both Houses of Parliament as soon as conveniently may be after the making and passing thereof.

4. Any copy of any law made by the Governor in Council, or by the Lieutenant-Governor of the North West Territories, with 20  
the advice of his Council, printed in the *Canada Gazette* or purporting to be printed by the Queen's Printer at Ottawa, or by the Queen's Printer or Printer to the Government of Manitoba at Winnipeg, shall be *prima facie* evidence of such law, and that it is in force. 25

5. Unless and until it is otherwise ordered under this Act, and subject to the provisions of any Act passed during the present session, such provisions of the customs and excise laws of Canada, including those fixing the amount of duty, as shall be in force at any time in Manitoba, shall be also in force in the said North 30  
West Territories.

6. Unless and until it is otherwise ordered by any law to be made under this Act, and subject to the provisions of any Act passed during the present session, the Acts mentioned in the schedule to this Act, as limited in the said schedule, shall apply 35  
to and be in force in the said North West Territories, as shall also all Acts of the Parliament of Canada relating to the executive government and the several departments thereof, the public works of the Dominion, and the postal service and offences against the Acts relating thereto. 40

7. This Act shall come into force on the                    day of  
in the present year 1873, and not before.

## SCHEDULE A.

*Acts of the Parliament of Canada referred to in the first section of this Act.*

Chapter.	TITLE.
	<i>Acts passed in the First Session, 31st Victoria, 1867, 1868.</i>
14	An Act to protect the inhabitants of Canada against lawless aggression from subjects of foreign countries at peace with Her Majesty.
15	An Act to prevent the unlawful training of persons to the use of arms, and the practice of military evolutions, and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.
69	An Act for the better security of the Crown and of the Government. <i>Act amended by 32, 33 Vict., cap. 17.</i>
70	An Act respecting riots and riotous assemblies.
71	An Act respecting forgery, perjury and intimidation in connection with the Provincial Legislatures and their Acts.
72	An Act respecting Accessories to and Abettors in indictable offences.
73	An Act respecting the Police of Canada.
74	An Act respecting persons in custody charged with high treason or felony.
	<i>Acts passed in the Second Session, 32, 33 Victoria, 1869.</i>
18	An Act respecting offences relating to the Coin.
19	An Act respecting Forgery.
20	An Act respecting offences against the Person.
21	An Act respecting Larceny and other similar offences.
22	An Act respecting Malicious Injuries to Property. <i>As amended by 35 Vic., cap. 34.</i>
23	An Act respecting Perjury. <i>As amended by 33 Vic., cap. 26.</i>
24	An Act for the better preservation of the peace on Public Works. <i>As amended by 33 Vic., cap. 28.</i>
29	An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law. <i>Sections 1 to 7, both inclusive, relating to the apprehension of offenders; sections 81 to 87, both inclusive, relating to the punishment of offences; and sections 125 to 138, both inclusive, relating to pardons, undergoing sentence, limitation of actions and prosecutions, and general provisions. The whole Act will apply, in Manitoba, to offences committed in the North West Territories, but triable in Manitoba, and the persons committing them.</i>
30	An Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences. <i>So far as respects indictable offences committed in the North West Territories and triable in Manitoba, or committed in some Province of Canada, and the offender apprehended in the North West Territories.</i>
31	An Act relating to the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders. <i>Except so much of this Act (or of any Act amending it) as gives any appeal from any conviction or order adjudged or made under it.</i>
32	An Act respecting the prompt and summary administration of criminal justice in certain cases. <i>In applying this Act to the North West Territories, the expression "competent magistrate" shall be construed as meaning any two Justices of the Peace sitting together, as well as any functionary or tribunal having the powers of two Justices of the Peace, and the jurisdiction shall be absolute without the consent of the parties charged.</i>
33	An Act respecting the trial and punishment of juvenile offenders. <i>In applying this Act to the North West Territories, the expression "any two or more justices" shall be construed as including any magistrate having the powers of two Justice of the Peace. This Act shall not apply to any offence punishable by imprisonment for two years or upwards, and it shall not be necessary that recognizance be transmitted to any Clerk of the Peace.</i>

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1st Session, 2nd Parliament, 26 Victoria, 1873.

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B

BILL.

An Act further to amend the "Act to make further provision for the government of the North West Territories."

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Received and read first time, Monday, 5th May, 1873.

Second reading, Thursday, 8th May, 1873.

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HON. MR. CAMPBELL.

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OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street  
1873.

T

**BILL.**

An Act further to amend the law respecting certain matters of procedure in criminal cases.

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

1. Section one hundred and five of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled "An Act respecting Proceedings in Criminal Cases, and other matters relating to Criminal Law," is hereby repealed and the following substituted in lieu thereof:

10 "105. The Lieutenant-Governor, upon such evidence of the insanity of any person imprisoned for an offence, or imprisoned for safe custody charged with an offence, as the Lieutenant-Governor shall consider sufficient, may order the removal of such insane person to a place of safe keeping, and such person shall remain there, or in such other place of safe keeping as the Lieutenant-Governor may from time to time order, until his complete or 15 partial recovery shall be certified to the satisfaction of the Lieutenant-Governor, who may then order such insane person back to imprisonment, if then liable thereto, or otherwise to be discharged."

2. No answer given by any person to any question put to him in any suit or proceeding, civil or criminal, shall be used against such person in any criminal proceeding other than an indictment for perjury, if the presiding judge or justice shall have given to such person a certificate that he made full and pertinent answers to the satisfaction of such judge or justice in such first mentioned 25 suit or proceeding. Protection of witness.

3. Notwithstanding anything in the thirty-sixth section of the Act passed in the session aforesaid, intituled "*An Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences,*" or in any other Act 30 where any justice or justices of the peace binds by recognizance the prosecutor and witnesses, or any of them, to appear and prosecute or prosecute and give evidence or give evidence as the case may be, it shall not, in the Province of Ontario, be necessary, in cases within the competence of the 35 sessions of the peace, that such recognizance be conditioned for the appearance of such person or persons at the next Court of Oyer and Terminer, although such Court of Oyer and Terminer may be the next court of competent jurisdiction to be held; but such justice or justices may take such recognizance for the appearance of the said parties at the next sittings of the sessions; and in 40 any such case, if the person charged is admitted to bail, the recognizance of bail shall be conditioned for his appearance at the like court; and if the person charged is committed for trial the Conditions of recognizances in the Province of Ontario.

committing justice or justices shall write, according to the fact, upon the warrant a memorandum that a recognizance to prosecute or prosecute and give evidence or give evidence, as the case may be, has been taken for the next Sessions or for the next Court of Oyer and Terminer; and in case, for any cause, the person charged is tried at an earlier court than that for which any such recognizance has been taken, the recognizance shall thereupon become void.

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1st Session, 2nd Parliament, 36 Victoria, 1873.

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T.

BILL.

An Act further to amend the law respecting certain matters of Procedure in Criminal Cases.

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Received and read first time, Monday, 5th May, 1873.

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Second reading, Thursday, 8th May, 1873.

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Ho AMPBELL.

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OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33 Rideau Street,  
1873.





