

Canada. Laws, Statutes, etc.

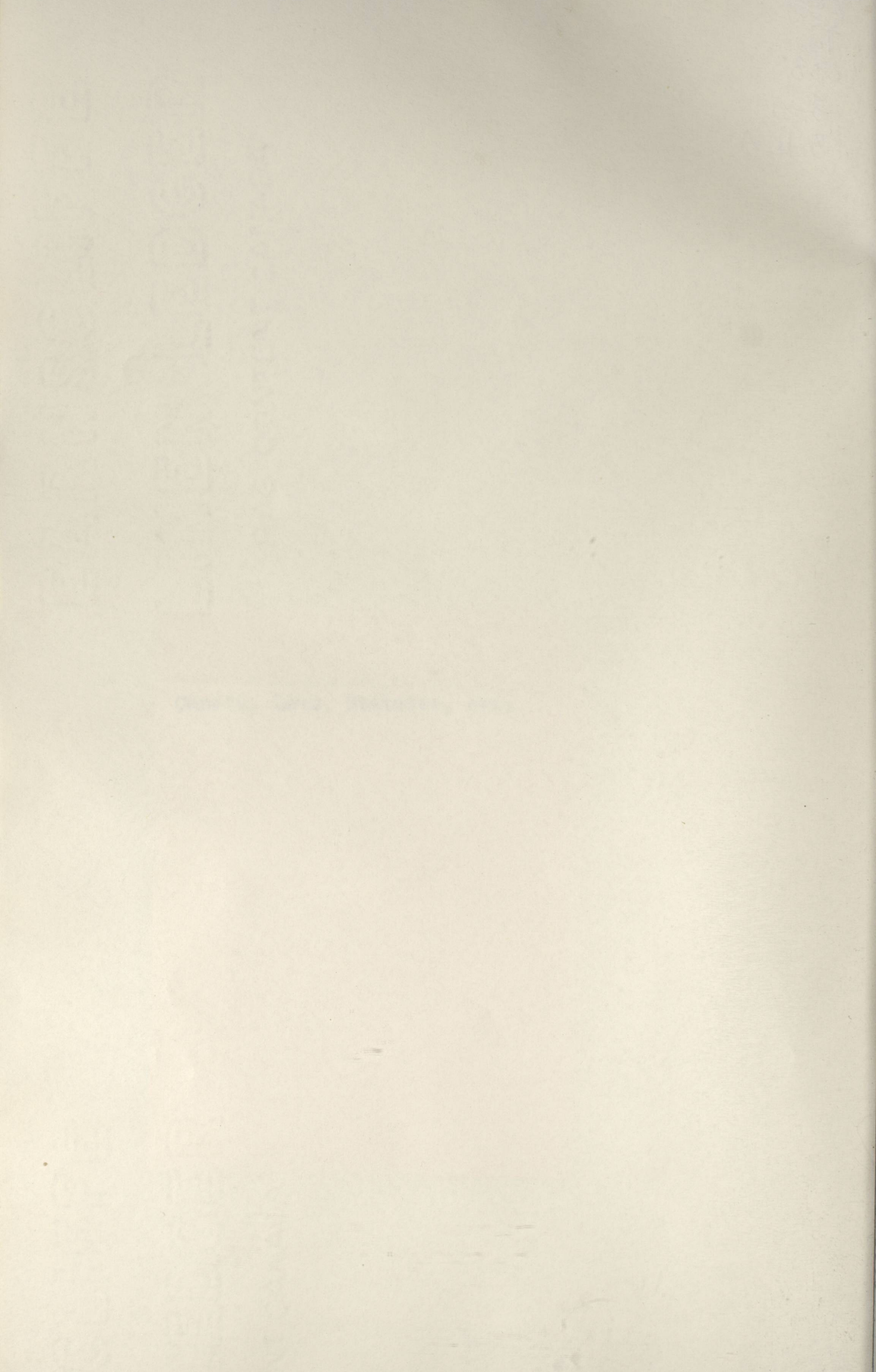
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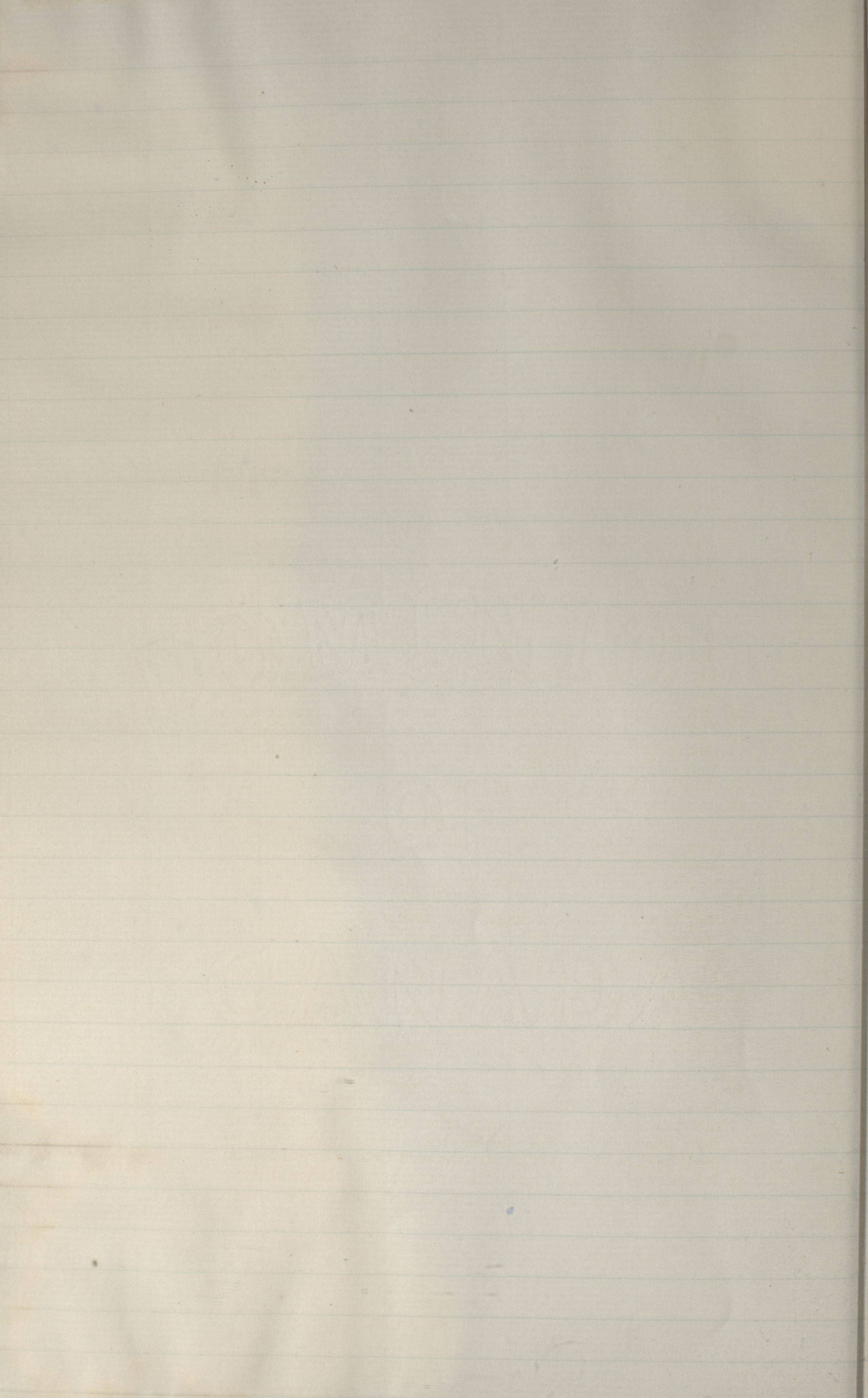
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3-5

Bill A-



2747/1



A



BILL.

An Act for the relief of George Frothingham Johnston.

WHEREAS George Frothingham Johnston, of the City Preamble.
of Montreal, Esquire, hath, by his petition, humbly
set forth that on the twenty-fourth day of March, one
thousand eight hundred and seventy-two, he was married to
5 Charlotte Elsie McArthur without any antenuptial contract
being entered into between them; that the said Charlotte
Elsie McArthur was under his protection and authority and
lived with him as his wife up to about the eighth day of
October, one thousand eight hundred and seventy-six, when
10 he discovered that she had been leading an irregular life and
had been committing adultery with one Henry Julius Fisk
within a year next preceding and up to and on that date;
that the said Charlotte Elsie McArthur had by her conduct
dissolved the bond of matrimony on her part; that there-
15 upon the said George Frothingham Johnston left the house
where he had been residing with the said Charlotte Elsie
McArthur and had ever since continued to live apart from
her; that the said George Frothingham Johnston forthwith
instituted an action against the said Henry Julius Fisk under
20 the number one thousand nine hundred and seventy-seven
(1,977) in the Superior Court for the District of Montreal,
charging him with his said adulterous correspondence with
the said Charlotte Elsie McArthur, and claiming twenty
thousand dollars on account thereof; that on the nineteenth
25 day of December, one thousand eight hundred and seventy-
six the said Superior Court rendered judgment in the said
cause adjudging the said Henry Julius Fisk guilty of said
adulterous correspondence, and condemning him to pay
to the said George Frothingham Johnston the sum of
30 one thousand dollars with interest and costs; and that there
had been no collusion directly or indirectly on the part of
the said George Frothingham Johnston relative to any act
of adultery which had been committed by the said Charlotte
Elsie McArthur; wherefore he humbly prayed that the said
35 marriage might be dissolved so as to enable him to marry
again, and that a Bill might be passed declaring the said
marriage dissolved, null and void to all intents and purposes
whatsoever, and the community of property existing between
the said George Frothingham Johnston and the said Char-
40 lotte Elsie McArthur ended, and permitting the said George
Frothingham Johnston at any time hereafter to contract
matrimony and to marry any other woman he might law-
fully marry in case the said marriage had not been solemn-
ized; and further, that in case the said George Frothingham
45 Johnston should again contract marriage and should have
issue, such issue should be to all intents and purposes legi-

timate; 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
annulled.

1. The said marriage between the said George Frothingham Johnson and Charlotte Elsie McArthur his wife, shall be henceforth null and void to all intents and purposes whatsoever, as well as the community of property existing between the said George Frothingham Johnston and the said Charlotte Elsie McArthur dissolved. 5 10

George H.
Johnston may
marry again.

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

Issue of any
such marriage
to be legiti-
mate.

3. In case of the said George Frothingham Johnston again contracting matrimony with any person or persons with whom it would have been lawful for him to contract matrimony, if they, the said George Frothingham Johnston and Charlotte Elsie McArthur had not intermarried, and having any issue born to him by such person or persons, the said issue so born shall be and are hereby declared to be, to all intents 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 marriage between the said George Frothingham Johnston and Charlotte Elsie McArthur had not taken place. 15 20 25 30

5th Session, 3rd Parliament, 41 Victoria

A.

BILL.

An Act for the relief of George
Frothingham Johnston.

Received and read first time, Tuesday,
February, 1878.

Second reading, Wednesday, 6th March,

Hon. Mr. PEN

OTTAWA:

PRINTED BY MACLEAN, ROGER &
1878.

A

An Act for the relief of George Frothingham Johnston.

WHEREAS George Frothingham Johnston, of the City of Montreal, Esquire, hath, by his petition, humbly set forth that on the twenty-fourth day of March, one thousand eight hundred and seventy-two, he was married to
5 Charlotte Elsie McArthur without any antenuptial contract being entered into between them; that the said Charlotte Elsie McArthur was under his protection and authority and lived with him as his wife up to about the eighth day of
10 October, one thousand eight hundred and seventy-six, when he discovered that she had been leading an irregular life and had been committing adultery with one Henry Julius Fisk within a year next preceding and up to and on that date; that the said Charlotte Elsie McArthur had by her conduct dissolved the bond of matrimony on her part; that there-
15 upon the said George Frothingham Johnston left the house where he had been residing with the said Charlotte Elsie McArthur and had ever since continued to live apart from her; that the said George Frothingham Johnston forthwith instituted an action against the said Henry Julius Fisk under
20 the number one thousand nine hundred and seventy-seven (1.977) in the Superior Court for the District of Montreal, charging him with his said adulterous correspondence with the said Charlotte Elsie McArthur, and claiming twenty thousand dollars on account thereof; that on the nineteenth
2 day of December, one thousand eight hundred and seventy-six the said Superior Court rendered judgment in the said cause adjudging the said Henry Julius Fisk guilty of said adulterous correspondence, and condemning him to pay to the said George Frothingham Johnston the sum of
30 one thousand dollars with interest and costs; and that there had been no collusion directly or indirectly on the part of the said George Frothingham Johnston relative to any act of adultery which had been committed by the said Charlotte Elsie McArthur; wherefore he humbly prayed that the said
35 marriage might be dissolved so as to enable him to marry again, and that a Bill might be passed declaring the said marriage dissolved, null and void to all intents and purposes whatsoever, and the community of property existing between the said George Frothingham Johnston and the said Char-
40 lotte Elsie McArthur ended, and permitting the said George Frothingham Johnston at any time hereafter to contract matrimony and to marry any other woman he might lawfully marry in case the said marriage had not been solemnized; and further, that in case the said George Frothingham
45 Johnston should again contract marriage and should have issue, such issue should be to all intents and purposes legi-

A

timate ; 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 :—

1. The said marriage between the said George Frothingham Johnson and Charlotte Elsie McArthur his wife, shall be henceforth null and void to all intents and purposes whatsoever, as well as the community of property existing between the said George Frothingham Johnston and the said Charlotte Elsie McArthur dissolved. 5 10

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

3. In case of the said George Frothingham Johnston again contracting matrimony with any person or persons with whom it would have been lawful for him to contract matrimony, if they, the said George Frothingham Johnston and Charlotte Elsie McArthur had not intermarried, and having any issue born to him by such person or persons, the said issue so born shall be and are hereby declared to be, to all intents 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, from any person or persons whomsoever, have, hold, enjoy and transmit all and all manner of property real or personal, of what nature or kind soever, shall be and remain the same as they would have been, to all intents and purposes whatsoever, if the marriage between the said George Frothingham Johnston and Charlotte Elsie McArthur had not taken place. 15 20 25 30

B

BILL.

An Act to incorporate the Fishwick's Express and Merchants' Forwarding Company.

WHEREAS the several parties hereinafter named have, Preamble.
by their petition, represented that they have associated themselves together, with divers others, for the purpose of the transport and carriage and conveyance of money, of
5 packages, of goods, chattels, wares and merchandise, and of every description of property that may be intrusted to their care for transport, carriage and delivery to and from any part or portion of the country, being within the Dominion of Canada, and the more effectually to carry out this enter-
10 prise, they have prayed that an Act be passed incorporating them with powers hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

15 **1.** Frederick W. Fishwick, of the City and County of Halifax and Province of Nova Scotia, Express Proprietor, George E. Franklyn,, Merchant, and James C. Mackintosh, Bankers, Certain persons incor-
porated.
both of the same place, and such others as may be associated with them and their successors, and such and so many of
20 other persons or parties who have become or may become shareholders in the capital stock hereinafter mentioned, shall be, and they are hereby, constituted a body politic and corporate, in fact and in name, and by the title of "Fishwick's Express and Merchants' Forwarding Company" with
25 power to acquire and hold real estate to the extent of three thousand dollars annual value, and personal estate for the use of the said corporation, and may sell and alienate the same as they deem convenient.

2. The capital stock of the said corporation shall be fifty Capital stock,
\$50,000.
30 thousand dollars, divided into one thousand shares of the value of fifty dollars each.

3. No shareholder in the said corporation shall be in any Liability of
shareholders
limited.
manner liable or charged with the payment of any debt or demand due by the said corporation beyond the amount of
35 his, her or their subscribed share or shares in the capital stock of the said corporation.

4. It shall be lawful for the said Company— Corporate
powers.
1. To contract with railway companies, steamboat companies or owners, stage or waggon proprietors and others, for
40 the carriage and transport of any goods, chattels, merchandise, money, packages or parcels that may be intrusted to

them for conveyance from one place to another within the Dominion of Canada ;

2. To contract with British and foreign Express Companies, and other parties for co-operating with and transacting such business as aforesaid in connection with the said Company ; 5

3. To acquire, construct, charter and maintain boats, vessels, vehicles and other conveyances for the carriage and transport of any goods or chattels whatsoever by the Company ; 10

4. To make by-laws for managing the business and affairs of the Company, and for regulating the appointment and duties of the officers and servants.

Transfer of shares.

5. The shares of the stock of the said corporation shall be transferable ; but no transfer of any share shall be valid until entered in the books of the corporation, according to such form as the Directors may from time to time determine ; and until the whole of the capital stock of the said corporation is paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made ; 15

Proviso.

Provided always, that no shareholder indebted to the said corporation for calls or otherwise, shall be permitted to make a transfer or receive a dividend until such debt has been duly paid. 20

Shares to be deemed personal estate.

6. The stock of the said corporation shall be deemed personal estate, notwithstanding the conversion of any portion of the funds constituting the same into lands ; and at all meetings of the shareholders held in pursuance of this Act, whether the same be general or special, every shareholder shall be entitled to as many votes as he or she shall have shares in the said stock ; and such votes shall be given in person or by proxy ; and all questions proposed or submitted for the consideration of the said meeting shall be determined 25

Proviso.

by the majority of votes ; Provided that no person shall be entitled to vote as proxy at any meeting unless he shall be a shareholder in the said corporation, and produce written authority as such proxy in the form to be prescribed by any by-law of the said corporation. 35

Board of Directors, their qualification, election and quorum.

7. For the managing of the affairs of the said corporation, there shall, from time to time, be elected out of the members of the said corporation, five persons, being each a proprietor of not less than ten shares of the said capital stock, to be Directors of the said corporation ; and any three Directors shall form a quorum of the Board, and may exercise all the powers of the Directors. 40

Confirmation of certain by-laws, &c., by shareholders.

8. No by-law, rule or resolution for the raising of money or disposing of the real estate of the corporation, shall be finally passed until confirmed by the shareholders, at a meeting specially called for that purpose. 45

Annual general meetings.

9. The first general meeting of the shareholders of the said corporation, shall be holden at the office of the said corporation in the City of Halifax, at which place the said corporation 50

shall have its principal place of business, on the first day of June, in the year of our Lord one thousand eight hundred and seventy-eight; and at such time and place, and upon the like day in each and every year thereafter, and at the like place, until otherwise provided by by-law, the said shareholders shall elect five qualified persons to be Directors of the said corporation, which said Directors so elected shall elect a President; and until such first election the Directors of the said corporation are hereby declared to be Frederick W. Fishwick, George E. Franklyn, and James C. Mackintosh, with power to add to their number; and they or the successor or successors of them shall be and are constituted to be Directors of the said corporation, and shall have and exercise all and every the clauses, conditions and restrictions imposed upon the Directors to be chosen under this Act: Provided that at the first meeting of the Directors to be chosen upon the passing of this Act, the said Directors shall choose and elect from among themselves some one to be President.

10. The failure to hold the said first general meeting, or any other meeting, to elect Directors or President, shall not dissolve the said corporation, but such failure or omission shall and may be supplied by and at any special meeting to be called by the Directors in conformity with the by-laws of the said corporation; and until the election of Directors by shareholders as aforesaid those who may be in office for the time being, shall be and continue in office, and exercise all the rights and powers thereof until such election so to be made by the shareholders as hereinbefore provided.

11. It shall not be lawful for the said corporation to proceed with their operations under this Act, unless nor until they shall have paid up the sum of ten per centum on the amount of their capital stock.

12. It shall be lawful for the said Company at any time upon a vote of the shareholders or a majority of them, at a meeting to be specially called for the purpose, to increase the capital stock of the Company as they may find or deem their business to require, to any amount not exceeding one hundred thousand dollars; Provided always, that upon such increase of capital, there shall be at the time of subscribing the same at least ten per centum thereof paid in, and such order made for the calling in of the remainder as the Directors by by-law may direct.

13. This Act of incorporation shall be deemed a Public Act, and the powers and privileges hereby conferred shall be subject to the provision of any general Act that may hereafter be passed by the Parliament of Canada.

Proviso.

Failure to hold first or any annual general meeting not to dissolve corporation.

Ten per cent. of stock to be paid up before commencing operations.

Capital stock may be increased to \$100,000.

Proviso.

Public Act.

5th Session, 3rd Parliament, 41 Victoria, 1878.

B.

BILL.

An Act to incorporate the "Fishwick's Express and Merchants' Forwarding Company."

Received and read first time, Tuesday, 19th February, 1878.

Second reading, Tuesday, 26th February, 1878.

Hon. Mr. MILLER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,
1878.



BILL.

An Act to incorporate "The Regular Baptist Foreign Missionary Society of Ontario and Quebec."

WHEREAS the persons hereinafter named with others Preamble.
have been associated together under the name of "The Regular Baptist Foreign Missionary Society of Ontario and Quebec," with the design of furthering the objects of the Society as hereinafter set forth; and whereas the said parties have found great inconvenience to arise in the work of their Society from the want of corporate powers; and whereas the said Society, by their President and Secretary, have petitioned to be incorporated under the name and style of "The Regular Baptist Foreign Missionary Society of Ontario and Quebec," and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

15 **1.** The Reverends Robert Alexander Fyfe, John L. Campbell, William Stewart, Calvin Goodspeed, John Dempsey, and William K. Anderson, with Messieurs William Craig, Abram Niles Barber, Andrew True Wood, Thomas James Claxton, Charles Raymond, Thomas Strahan Shenston, and A. A. Ayer, and such other persons as are now or hereafter shall become associated with them, are hereby constituted and declared to be a body corporate and politic under the name of "The Regular Baptist Foreign Missionary Society of Ontario and Quebec," and by that name shall have a perpetual succession and a common seal, with power to break and alter such seal, and by that name may sue and be sued, plead and be impleaded in all courts whatsoever. Certain persons incorporated.

20 **2.** The objects of the said Society shall be the diffusion of Christian knowledge, the establishment and support of missions and mission effort in India and other countries in the East in connection with the Regular Baptist Denomination of Ontario and Quebec, as set forth in the constitution to be kept by the Secretary, and a copy whereof certified by the Secretary to be a true copy with the seal of the corporation affixed, shall be *primâ facie* evidence in all courts of the contents thereof. Objects of the corporation.

35 **3.** The constitution of the said Society now existing shall be the constitution of the Society hereby incorporated; and the said Society shall have power to alter, vary, add to, and to repeal the provisions of the said constitution and to substitute therefor, provided such alterations, variations, additions and substitutions shall not be inconsistent with Constitution of corporation.

the conditions of this Act or the laws of the Dominion of Canada.

Board of Directors.

4. The officers and the members of the Board of Directors of the said Society, now existing at the time of the passing of this Act, shall be the officers and members of the Board of Directors of the said corporation till others are elected in their places. 5

Power to acquire real estate.

5. The said Society, by the name of the "The Regular Baptist Foreign Missionary Society of Ontario and Quebec," may receive voluntary conveyances of, and may purchase, hold and convey such real estate as the purposes of the said Society shall require; but the annual value thereof shall not at any time exceed the sum of twenty thousand dollars, the statutes of mortmain to the contrary notwithstanding. 10

Power to take real or personal property by devise.

6. The said Society as incorporated shall be capable of taking, holding and receiving any real or personal estate by virtue of any devise contained in any last will and testament of any person whatsoever, but the clear annual value of such real estate shall not exceed the sum of ten thousand dollars, the statutes of mortmain to the contrary notwithstanding. 15 20

Trustees of real property of Society to convey the same to corporation.

7. All persons holding any real property in trust for the said Society shall convey the same to the said corporation, and shall be thenceforth discharged from their trusteeship.

5th Session, 3rd Parliament, 41 Victoria, 1878.

C.

BILL.

An Act to incorporate "The Regular Baptist Foreign Missionary Society of Ontario and Quebec."

Received and read first time, Tuesday, 19th February, 1878.

Second reading, Tuesday, 26th February, 1878.

Hon. Mr. McMASTER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,
1878.

BILL.

An Act for the relief of Hugh Hunter.

WHEREAS Hugh Hunter, of the Township of Egremont, Preamble.
in the County of Grey, in the Province of Ontario and
Dominion of Canada, farmer, has by his petition humbly set
forth that he and Catherine Hunter, formerly Catherine
5 McPhee, are both British subjects and residents of this
Dominion, and that a marriage was in due form of
law had and solemnized between them on the seventeenth
day of February, in the year of our Lord one thousand
eight hundred and seventy-four; that at the end of two
10 weeks after the said marriage, the said Catherine Hunter
deserted her said husband and eloped with one Andrew
Tait, with whom she has ever since lived, and now lives, in
adultery, at Toronto, in the said Province, and has borne
children to the said Andrew Tait; and whereas the said
15 Hugh Hunter has prayed that he may be divorced *à vinculo
matrimonii* from his said wife; and whereas the said Hugh
Hunter has made proof of the facts above recited, and it is
expedient that the prayer of the said petitioner should be
granted: Therefore Her Majesty, by and with the advice
20 and consent of the Senate and House of Commons of Canada,
enacts as follows:—

1. The said marriage between Hugh Hunter and the said Marriage
annulled.
Catherine Hunter his wife, shall from henceforth be null and
void, and the same is hereby declared adjudged and enacted
40 to be null and void to all intents and purposes whatsoever.

2. It shall and may be lawful for the said Hugh Hunter Hugh Hunter
may marry
again.
hereafter to contract matrimony with any other woman with
whom he might lawfully marry in case the said marriage
had not been solemnized.

5th Session, 3rd Parliament, 41 Victoria, 1878.

D.

BILL.

An Act for the relief of Hugh Hunter.

Received and read first time, Wednesday, 20th
February, 1878.

Second reading, Friday, 8th March, 1878.

Hon. Mr. AIKINS.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,
1878.

B I L L .

An Act to incorporate "The Dominion Company."

WHEREAS the Honourable Sir Alexander Tilloch Galt, Preamble.
K.C.M.G., and George Stephen, John Rankin, Gilbert
Scott and Samuel Waddell, Gentlemen, all of the City of
Montreal, have, by their petition, prayed that they and such
5 other persons as may become associated with them may be
incorporated under the name of "The Dominion Company,"
with power to do any and all of the following acts and
things, that is to say, to enter into arrangements with any
railway company to construct, complete and work, or either,
10 the railway of said company, to lease any railway or railways
and work the same for such time and on such terms and condi-
tions as the company owning any such railway and the Com-
pany incorporated by this Act may from time to time agree
upon, to build and lease elevators to railway companies, or,
15 where necessary for the purpose of the company to lease from
others such elevators for the purposes of said Company, and
also any and all other appliances connected with and
necessary for the working of railways, also to build, purchase,
sell or lease railway rolling-stock of all kinds to any railway
20 Company, or for the purpose of working any railway to
lease from others rolling stock, and generally to do all or any
act or acts necessary in giving full effect to said powers; and
whereas the establishment of such a Company will tend to
assist in working and developing many railways, which are
25 or may be unable, without assistance, to carry out the several
purposes for which they were incorporated: Therefore Her
Majesty, by and with the advice and consent of the Senate and
House of Commons of Canada, enacts as follows:—

1. The Honourable Sir Alexander Tilloch Galt, K.C.M.G., Certain per-
sons incorpo-
rated.
30 George Stephen, John Rankin, Gilbert Scott and Samuel
Waddell, and all such other persons as shall, from time to
time hereafter, become shareholders in the said Company are
hereby constituted a body corporate and politic under the
name of "The Dominion Company."

35

2. The said Company shall have full power and authority Powers of
Company.
from time to time to do any and all of the following things,
that is to say:

(a). To enter into arrangements with any railway company
to construct, complete and work, or either, the railway or
40 undertaking of such company; and to hold real estate and
land in connection therewith, or with any of the purposes
of the Company;

(b). To purchase or lease any railway, and work the same for such time and on such terms and conditions as the company owning the line and the Company incorporated by this Act may agree upon ;

(c). To build and lease elevators, stations, locomotive sheds machine shops, and such like structures to railway companies or, where necessary in working a leased line, to lease elevators and any and all other such like appliances from others, when convenient and necessary for the full equipment and proper working of any railway ; 5 10

(d). To build, purchase or lease rolling stock of all kinds, or to manufacture, sell or lease such property to any railway company ;

(e). To take and hold or sell any shares in the capital stock of any railway company, or any of the securities thereof ; 15

(f). To purchase, lease or rent any colliery ;

and generally full power and authority to do any and all acts necessary to the full beneficial and proper execution of any and all of said powers.

Powers to other companies.

Proviso.

Provisional Directors.

Capital stock \$1,000,000.

Five per cent. to be paid on subscription.

2. Any railway or other company may enter into arrangements with the Company in respect of any or all of the matters or things for which power and authority is granted to the Company by this Act, and may raise such capital for that purpose as it shall think fit; Provided that no such arrangement shall be of binding effect, and no such capital shall be raised, unless nor until sanctioned by three-fourths of the votes in respect of the capital of such railway or other company, represented personally or by proxy, at any general meeting thereof. 20 25

3. The said The Honourable Sir Alexander Tilloch Galt, K.C.M.G., George Stephen, John Rankin, Gilbert Scott and Samuel Waddell shall be the first or Provisional Directors of the Company, and shall hold office until the first election, to be held as hereinafter provided ; and shall have power to open stock books for the subscription of stock in the Company at such times and places, and by such persons, as they shall direct. 30 35

4. The capital stock of the Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each, with power to the Company, from time to time, to increase such capital stock to such further sum as a majority of the shareholders may, at any special meeting called for that purpose, and voting in person or by proxy, think proper. 40

5. No subscription for shares in the capital stock of the Company shall be binding unless five per centum of the amount subscribed shall be paid thereon immediately after 45

subscription. Any person, whether an alien or a British subject, may be a shareholder in the Company.

Aliens may be shareholders.

6. So soon as shares to the amount of two hundred thousand dollars have been subscribed, and five per centum paid thereon, the Provisional Directors shall call a meeting of the shareholders for the purpose of electing five Directors of the said Company, of which meeting, and the time and place of holding the same, at least four weeks' notice shall be given by advertisement in the *Canada Gazette*, and in one newspaper published in the City of Montreal; Provided always, when said amount has been subscribed and the said percentage paid thereon, if the said Provisional Directors neglect or refuse to call such meeting for the election of Directors for the space of twenty days, it shall be lawful, after the expiration of said twenty days, for any number of the subscribers of shares in the said capital stock, holding not less in amount in the aggregate than one-fourth, or fifty thousand dollars, in said stock, to call the said meeting, they giving notice in the manner and for the time above provided for the calling of such meeting by the said Provisional Directors.

General meeting of subscribers to be called when \$200,000 subscribed 5 per cent. paid thereon.

Proviso.

7. At such meeting, whether called by the Directors or shareholders, the shareholders present, in person or by proxy, shall choose five persons to be Directors of the Company.

Directors to be chosen.

8. No person shall be eligible as a Director of the Company at any election of Directors unless he is a shareholder in the Company, and entitled to vote at such election of Directors.

Qualification of Directors.

9. No person shall be entitled to vote at any election of Directors, or at any meeting of the shareholders, unless he shall, before such meeting, have paid up all calls made upon the shares in respect of which he shall offer to vote.

Who to vote at their election.

10. The Directors elected at the first meeting of shareholders shall hold office until the time hereinafter fixed for the annual election of Directors, and until their successors are elected.

Term of office of Directors.

11. The general annual meeting of the Company shall be held in the City of Montreal on the first Wednesday in January in each year, or upon such other day and time as the Directors shall, by resolution or by-law, from time to time fix. The meeting shall be held at such hour and place as the by-laws of the Company shall from time to time provide and appoint.

General annual meetings.

12. Public notice of all meetings of shareholders, including the annual general meeting, shall be given in the *Canada Gazette* and in one newspaper at least, published in the City of Montreal at least two weeks before the day of such meeting.

Public notices of meetings to be given.

13. The majority of the Directors shall at all times be British subjects.

Majority of Directors to be British subjects.

- One vote per share.** **14.** Each shareholder shall have one vote for every share held by him in the capital stock of the Company.
- Calls on Stock and notice thereof** **15.** The Directors shall have power from time to time to make calls upon the subscribed capital stock; but no call shall on each share be for more than twenty per centum upon the amount of such share; and thirty days notice of each call shall be given in the manner which shall be provided by the by-laws of the Company. **5**
- Elections to be by ballot.** **16.** Elections of Directors shall be by ballot.
- Vacancies, how to be filled.** **17.** Vacancies occurring in the Board of Directors may be filled for the remainder of the term by the Board from among the qualified shareholders of the Company. **10**
- President, Vice-President and other officers.** **18.** The Directors shall from time to time elect from among themselves a President and Vice President of the Company, and shall also name and may remove at pleasure all other officers thereof. **15**
- Company not to be dissolved by non-election of Directors at the proper time.** **19.** If at any time an election of Directors be not made at the proper time the Company shall not be held to be thereby dissolved; but such election may be made at any general meeting of the Company duly called for that purpose; and the Directors shall continue in office until their successors are elected as above provided. **20**
- Powers of Directors.** **20.** The Directors of the Company shall have full power in all things to manage the stock, property and affairs of the Company; and may make, or cause to be made for the Company, any description of contract which the Company may by law enter into; and may from time to time make by-laws not contrary to law nor to this Act to regulate the allotment of shares, the making of calls thereon, the payment thereof, the issue and registration of certificates of shares, the forfeiture of shares for non-payment, the disposal of forfeited shares and of the proceeds thereof, the transfer of shares, the declaration and payment of dividends, the appointment, functions, duties and removal of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration and that (if any) of the Directors, the time at which and place where the annual meetings of the Company shall be held, the calling of meetings, regular and special, of the Board of Directors and of the Company, the quorum, the requirements as to proxies and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the Company; and may from time to time repeal, amend, or re-enact the same; Provided always that one-fourth part in value of the shareholders of the Company shall at all times have the right to call a special meeting thereof for the transacting of any business specified in such written requisition and notice as they may issue to that effect. **35**
30
40
45
- Proviso.** **50**

21. A copy of any by-law of the Company under their seal and purporting to be signed by any officer of the Company, shall be received as *primâ facie* evidence of such by-law in all courts of law and equity in this Dominion.

Primâ facie
evidence of
by-laws.

5 **22.** The shares of the Company shall be deemed personal estate, and shall be transferable in such manner only, and subject to all such conditions and restrictions, as by this Act or by the by-laws of the Company shall be prescribed.

Shares to be
personal
estate.

10 **23.** The Directors of the Company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places and in such payments or instalments as they may require; no one call, as above provided, to exceed twenty per cent. on the amount of each share; and interest shall accrue and fall due
15 at the rate of six *per centum per annum* upon the amount of any unpaid call, from the day appointed for the payment of such call.

Call on shares
and interest
thereon.

24. The payment of all calls and interest thereon may be enforced by action in any competent court; and in such
20 action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more (stating the number of shares) and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon
25 one share or more (stating the number of calls and the amount of each) whereby the action hath accrued to the Company under this Act; and a certificate under their seal, and purporting to be signed by any officer of the Company, to the effect that the defendant is a shareholder, that such
30 call or calls has or have been made and that so much is due by him and unpaid thereon, shall be received in all courts of law and equity as *primâ facie* evidence to that effect.

How payment
of calls and
interest to be
enforced.

25. If after such demand or notice any call made upon
34 any share be not paid within such time as by such by-laws relating to the making of calls may be limited in that behalf, the Directors in their discretion, by vote to that effect reciting the facts and duly recorded in their minutes, may summarily forfeit such share; and the same shall there-
40 upon become the property of the Company and may be disposed of as by by-law or otherwise they shall ordain.

Shares may
be forfeited
for non-pay-
ment of calls.

26. No share shall be transferable until all previous calls thereon have been fully paid in, or the same has been declared forfeited for non-payment of calls thereon.

45 **27.** No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the Company.

Shareholder
in arrears not
to vote.

28. In the event of an increase of the capital stock of the Company being deemed advisable, it shall be lawful for the shareholders, from time to time, and in any general meeting duly called for the purpose, by the vote of a majority of the

Capital stock
may be in-
creased by
\$1,000,000 at
a time.

shareholders present at such meeting in person or by proxy, to pass a by-law increasing the capital stock by an amount not exceeding at any one time one million dollars in addition to the then capital; and thereupon all the provisions of this Act, applicable or referring to the capital stock shall apply to such increased capital. 5

Company not to be bound to see to the execution of any trust.

29. The Company shall not be bound to see to the execution of any trust, whether expressed or implied or constructive, in respect of any share, or in respect of any property, real or personal, purchased or acquired by the Company; and the receipt of the person in whose name any share shall stand (or where a share stands in the name of more than one person, then the receipt of one of them) for any dividend or money payable by the Company in respect of such share, whether or not notice of such trust shall have been given to the Company, shall be a complete discharge to the Company for any such dividend or money; and in like manner as to the purchase money or consideration money or the rent to be paid by the Company to any person or persons or corporation for any property, real or personal, or for the use thereof, the receipt of the person or persons or corporation in whom the legal estate or right of property is vested, and in whose name it appears, shall be a complete discharge to the Company in respect to the purchase money of such property. 10 15 20

Transmission of interests in shares otherwise than by transfer, how to be made and authenticated.

30. The transmission of the interest in any share of the capital stock in consequence of the marriage, death, bankruptcy or insolvency of a shareholder, or by any other lawful means than an ordinary transfer, shall be authenticated and made in such form, by such proof, with such formalities, and generally in such other manner, as the Directors shall from time to time require, or by any by-law may direct; and in case the transmission of any share of the capital stock of the Company shall be by virtue of the marriage of a female shareholder, it shall be competent to include therein a declaration to the effect that the share transmitted is the sole property and under the sole control of the wife, that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and may dispose of and transfer the share itself, without requiring the consent or authority of her husband; and such declaration shall be binding upon the Company and the parties making the same until the said parties shall see fit to resolve it by a written notice to that effect to the Company; and the omission of a statement in any such declaration that the wife making the same is duly authorized by her husband to make the same shall not cause the declaration to be deemed either illegal or informal, any law or usage to the contrary notwithstanding. 25 30 35 40 45

Provision in case the Directors have doubts as to legality of claim on share. Petition to Court.

31. If the Directors of the Company entertain doubts as to the legality of any claim to and upon any such share it shall be lawful for the Company to make and file in the Superior Court for the Province of Quebec, a petition in writing addressed to the said court, or to any judge thereof, setting forth the facts and praying for an order or judgment 50

adjudicating or awarding such share to the party legally entitled to the same; and by such order or judgment the Company shall be guided and held fully harmless and indemnified and released from all and every other claim for such share, 5 or arising therefrom; provided always, that notice of such petition shall be given to the party claiming such share who shall, upon the filing of such petition, establish his right to the share referred to in such petition; and the delays to plead and all other proceedings in such 10 cases shall be the same as those observed in interventions in cases pending before the said Superior Court; provided also that, unless the court or judge otherwise orders, the costs and expenses of procuring such order and adjudication shall be paid by the party to whom such 15 share shall be lawfully declared to belong; and such share shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

32. Every lease, contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or 20 endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Company by any agent, officer or servant of the Company, in general accordance with his powers as such, under the by-laws of the Company, shall be 25 binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in 30 pursuance of any by-law or special vote or order; nor shall the party so acting as agent, officer or servant of the Company be thereby subjected individually to any liability whatsoever to any third party therefor; Provided always, that 35 nothing in this section shall be construed to authorize the Company to issue any note payable to the bearer thereof, or promissory note intended to be circulated as money, or as the note of a bank.

Sealing not necessary to make deeds, &c. on behalf of Company binding on it.

Proviso.

33. Each shareholder, until the whole amount of his shares has been paid up, shall be individually liable to the 40 creditors of the Company to an amount equal to that not paid thereon; but shall not be liable to an action therefor by any creditor before an execution against the Company has been returned unsatisfied in whole or in part; and no greater sum than the amount due on such execution shall be 45 recoverable with costs against such shareholder.

Shareholders individually liable to creditors of Company to amount unpaid on shares.

34. The shareholders of the Company shall not as such be held responsible for any act, default or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating 50 to or connected with the Company, beyond the amount of their respective shares in the capital stock thereof.

Limit of liability of shareholders.

35. No person holding shares in the Company as an executor, administrator, tutor, curator, guardian or trustee, 55

Case of shares held *en autre*

droit provided shall be personally subject to liability as a shareholder ; but
for. the estates and funds in the hands of such person shall be
liable in like manner and to the same extent as the testator
or intestate or the minor, ward or interdicted person, or the
person interested in such trust fund would be, if living and 5
competent to act and holding such shares in his own name ;
and no person holding such shares as collateral security shall
be personally subject to such liability ; but the person pledg-
ing such shares shall be considered as holding the same, and
shall be liable as a shareholder accordingly. 10

Executors, &c., may vote on shares in hand. **36.** Every such executor, administrator, tutor, curator, guardian or trustee shall represent the shares in his hands at all meetings of the Company, and may vote accordingly as a shareholder ; and every person who pledges his shares may nevertheless represent the same at all such meetings, 15 and may vote accordingly as a shareholder.

Liability of Directors paying dividend when Company is insolvent, or which renders it insolvent, or diminishes its capital stock. **37.** If the Directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally 20 liable, as well to the Company as to the individual shareholders and creditors thereof, for all the debts of the Company then existing, and for all thereafter contracted during their continuance in office respectively ; but if any Director present when such dividend is declared do forthwith, or if 25 any Director then absent do within twenty-four hours after he shall have become aware thereof and able so to do, enter on the minutes of the Board of Directors his protest against the same, and within eight days thereafter publish such protest in at least one newspaper, published at or as near as 30 may be possible to the office or chief place of business of the Company, such Director may thereby and not otherwise exonerate himself from such liability.

Principal office of Company. **38.** The principal office of the Company shall be in the City of Montreal, in the Province of Quebec ; but the 35 Company's works and business may be carried on at such other place or places in the Dominion of Canada as the Directors may from time to time determine.

Office in London, England. **39.** The Company may have an office in London, England, for such purposes as the Directors shall determine ; and the 40 bonds, coupons or dividends of the Company may be payable at any place in London aforesaid, and in sterling or currency.

Power to borrow money and issue bonds. **40.** The Directors may, from time to time, with the consent of the shareholders present or represented in a general meet- 45 ing, borrow money on behalf of the Company at such rates of interest and upon such terms as they may think proper ; and the Directors may for that purpose make, or cause to be made, bonds or other instruments, under the common seal of the Company, for sums of not less than one hundred 50 dollars, which may be payable at any place and either to order or to bearer, and may have interest coupons attached ;

Provided that the aggregate of the sum or sums so borrowed shall not at any time exceed the amount of the paid up capital of the Company for the time being; and no lender shall be bound to enquire into the occasion for any such loan, or into the validity of any such loan, or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted.

41. Service of all manner of summons or writ whatever upon the Company may be made by leaving a copy thereof at the office or chief place of business of the Company, in the City of Montreal, with any grown person in charge thereof; or if the Company have no known office or chief place of business, and have no known president or secretary, then upon return to that effect duly made the court shall order such publication as it may deem requisite to be made in the premises for at least one month in at least one newspaper, and such publication shall be held to be due service upon the Company.
42. Any description of action may be prosecuted and maintained between the Company and any shareholder thereof; and no shareholder shall be incompetent as a witness therein.
43. In case the whole capital stock of the Company is not subscribed when the Provisional Directors close the books for the purpose of organizing the Company as above provided, the Directors may at any time, and from time to time as they may deem proper, open said stock books for new subscriptions until the whole capital stock is subscribed; but in each instance all the provisions of this Act as to the percentage to be paid on subscription of stock, the liability of the person subscribing upon and in respect of said stock, and as to the rights and liabilities of shareholders, shall apply to the persons making such new subscriptions, and to the stock or shares so subscribed.
44. In case of leases or arrangements for the working of railways or other works, the Company incorporated by this Act shall have all the rights, powers and privileges by law conferred upon the company so leasing or arranging with the Company incorporated by this Act for the working, managing or carrying on of the said railways or works respectively, whatever the same may be.
45. The following words and expressions used in this Act shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say :
1. The expression "the Company" shall mean the Company incorporated by this Act;
 2. The expression "the undertaking" shall mean the whole of the works and business, of whatever kind, which the Company arranged with is authorized to undertake and carry on;

Proviso.

Service of process on Company, how to be effected.

Substituted service.

Actions between the Company and its shareholders.

Directors may re-open stock-books after organization of Company.

Company to have powers of companies leasing their works, &c., to it.

Interpretation.

3. The expression "real estate" or the word "land" shall include all real estate, immovables, messuages, lands, tenements and hereditaments of any tenure;

4. The word "shareholder" shall mean a subscriber to, or holder of a share or shares in the Company, and shall extend to and include his personal representatives;

5. The words "by-laws of the Company" or "by-law of the Company" shall mean and include all by-laws made by the Directors, as well as all passed by the shareholders.

5th Session, 3rd Parliament, 41 Victoria, 1878.

B.

BILL.

An Act to incorporate The Dominion
Company.

Received and read first time, Wednesday, 27th
February, 1878.

Second reading, Thursday, 7th March, 1878.

Hon. Mr. CAMPBELL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,
1878.

BILL.

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

WHEREAS, under an Act passed in the thirty-fourth Peramble.
year of Her Majesty's reign and chaptered forty-seven
the Montreal and City of Ottawa Junction Railway Com-
pany were incorporated for the purpose of constructing a
5 railway from the City of Ottawa to a point on the Grand Trunk
Railway at or near Coteau Landing; and whereas by the
said Act it is provided that the said railway should be built
and completed within eight years after the passing of the
said Act; and whereas the time for the completion of the
10 said railway has almost expired; and, whereas, the share-
holders of the said Company are desirous of completing the
said railway, and that the time for completion thereof
should be extended and the charter of the said Company
should remain in full force and effect: Therefore Her
15 Majesty, by and with the advice and consent of the Senate
and House of Commons of Canada, enacts as follows:—

1. The period for the completion of the railway and Period for
works of the Montreal and City of Ottawa Junction Rail- completion
way Company shall be, and the same is hereby extended for of works
20 six years from the thirtieth day of April, one thousand eight extended.
hundred and seventy-eight.

2. All bonds, debentures, and such like securities, hereto- Bonds, &c.,
before issued by the Company, and now forming a charge of company
upon or being in force against the said Company shall, not to continue
25 withstanding such extension of time, remain in full force in full force.
and be binding upon the lands, buildings and tolls and in-
come of the Company in the same manner and to the same
extent as if the said Company's works had been completed
with-in the time named in the said Act of incorporation.

3. The persons whose names appear on the regular stock Who to be
books of the Company on the said thirtieth day of April, the share-
one thousand eight hundred and seventy-eight, as those of holdres of
30 of the shareholders of the said Company shall after the passing the company.
of this Act, be held and taken to be shareholders of the said
Company, and as such entitled to exercise all the rights,
35 Privileges and powers of shareholders of the said Company,
notwithstanding that the said Company's works have not
been completed within the time named in the said Act of
incorporation.

4. The Company may create preference shares to the ex- The company
tent of four hundred thousand dollars; and such shares may create

preference
shares to the
extent of
\$400,000.

shall be entitled to dividend before any other stock or shares of the Company, to the extent of six per cent upon the amount paid up thereon; and the holders thereof shall have all the rights and powers as to voting and the like belonging to shareholders in the capital stock of the Company, and upon a resolution of the shareholders being passed at a meeting to be called in the usual manner to consider the said matter, such resolution having been carried by a majority of the shareholders present in person or by proxy, and voting in person or by proxy, it shall be lawful for the Directors to receive subscriptions for and issue the said preference shares. 5 10

Preference
shares may
be exchanged
for bonds of
the company.

5. The Directors may, with the consent of the bondholders first obtained, exchange the said shares for the bonds of the Company now outstanding on such terms as to the amount of shares to be given for the bonds, and otherwise as the Directors may from time to time deem in the interests of the Company. 15

5th Session, 3rd Parliament, 41 Victoria, 1878.

F.

BILL.

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

Received and read first time, Wednesday, 27th February, 1878.

Second reading, Thursday, 7th March, 1878.

Hon. Mr. SKEAD.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1878.

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

WHEREAS, under an Act passed in the thirty-fourth year of Her Majesty's reign and chaptered forty-seven the Montreal and City of Ottawa Junction Railway Company were incorporated for the purpose of constructing a railway from the City of Ottawa to a point on the Grand Trunk Railway at or near Coteau Landing; and whereas by the said Act it is provided that the said railway should be built and completed within eight years after the passing of the said Act; and whereas the time for the completion of the
10 said railway has almost expired; and, whereas, the shareholders of the said Company are desirous of completing the said railway, and that the time for completion thereof should be extended and the charter of the said Company should remain in full force and effect: Therefore Her
5 Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The period for the completion of the railway and works of the Montreal and City of Ottawa Junction Railway Company shall be, and the same is hereby extended for
20 six years from the thirtieth day of April, one thousand eight hundred and seventy-eight.

2. All bonds, debentures, and such like securities, heretofore issued by the Company, and now forming a charge upon or being in force and all claims which can be established in a Court of law or equity, against the said Company shall,
25 notwithstanding such extension of time, remain in full force and be binding upon the lands, buildings and tolls and income of the Company in the same manner and to the same extent as if the said Company's works had been completed with-in the time named in the said Act of incorporation.

3. The Company may create preference shares to the extent of four hundred thousand dollars; and such shares shall be entitled to dividend before any other stock or shares of the Company, to the extent of six per cent upon the amount paid up thereon; and the holders thereof shall have all the rights and powers as to voting and the like be-
35 longing to shareholders in the capital stock of the Company, and upon a resolution of the shareholders being passed at a meeting to be called in the usual manner to consider the said matter, such resolution having been carried by a majority of the shareholders present in person or by proxy,
40 and voting in person or by proxy, it shall be lawful for the

F

Directors to receive subscriptions for and issue the said preference shares.

4. The Directors may, with the consent of the bondholders first obtained, exchange the said shares for the bonds of the Company now outstanding on such terms as to the amount of shares to be given for the bonds, and otherwise as the Directors may from time to time deem in the interests of the Company. 5

F-2

BILL.

An Act to confer certain powers on the Montreal Building Association.

WHEREAS, the Montreal Building Association, a body politic and corporate incorporated by Acts of the Legislature of the Province of Quebec, have, by their petition, represented that they desire to extend their operations beyond the Province of Quebec; and to have the rate of interest chargeable by them regulated and other necessary powers conferred upon them; and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The powers conferred upon the said Corporation, by Acts of the Legislature of Quebec, may be exercised throughout the Dominion of Canada.

Preamble.
Corporate powers extended.

2. The directors from time to time, with the consent of the said Association in general meeting assembled, may receive money on deposit and borrow money on behalf of the Association, at such rates of interest as the said Association shall be authorized by law to pay, and shall agree to pay, and otherwise upon such terms as may be agreed upon, and for that purpose may make and issue bonds, debentures or other instruments, under the common seal of the Association, for sums of not less than one hundred dollars each, which may be made payable in any currency and at any place deemed most convenient, not less than one year from the issue thereof; and for that purpose may hypothecate, assign, transfer or deposit, by way of equitable mortgage or otherwise, any of the property, documents of title, deeds, muniments or securities of the Company, either with or without power of sale or other special provisions, as the directors may deem expedient; Provided always, that the aggregate amount so borrowed or obtained shall not at any time exceed double the amount of the capital of the Association *bonâ fide* paid up; but no lender or lenders shall be bound to enquire into the validity of any resolution authorizing such borrowing, or the purpose for which such sum or sums of money is or are required or obtained.

Directors may take deposits and borrow money.

Proviso.

3. The said Association may act as an agency and trust company, and may hold, invest and deal, in their own name or otherwise, in and with such real estate, monies, mortgages, hypothecs, securities or evidences of debt, debentures of municipal or other corporations, dominion or provincial stocks, or other securities, as shall from time to time be

Power to act as an agency and trust company.

transferred or delivered to the Association, upon trust or as agents, and may exercise all the rights and privileges which the parties so transferring or delivering the same might or could exercise; and the Association may give such guarantee as may be agreed upon for repayment of principal or interest, 5 or both, of any such monies or securities, or of any loans made thereon, or on the security thereof.

Power to hold
real estate
or security
thereon.

4. The Association may take and hold any real estate, or securities thereon, *bonâ fide* executed in their favor, or acquired by or assigned to them, either in security for the 10 payment of any shares subscribed for by the members thereof, or to secure the payment of any loans or advances made by, or debts or monies due to the Association, and may proceed on such mortgages, assignments, or other securities, for the recovery of the money thereby secured, either at law or in 15 equity, or otherwise, and generally may pursue the same course, exercise the same powers, and take and use the same remedies to enforce the payment of any debt or demand due to the Association, as any person may by law take or use for a like purpose.

5th Session, 3rd Parliament, 41 Victoria, 1878.

G.

BILL.

An Act to confer certain powers on the
Montreal Building Association.

Received and read first time, Tuesday, 12th
March, 1878.

Second reading, Wednesday, 13th March, 1878.

HON. MR. PENNY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,
1878.

BILL.

An Act for the Relief of Victoria Elizabeth Lyon.

WHEREAS, Victoria Elizabeth Lyon, of the City of Ottawa, in the County of Carleton and Province of Ontario, wife of John Lyon, of the same place, grocer, hath by her petition humbly set forth, that on the thirtieth day of October, one thousand eight hundred and sixty-two, she was lawfully married to the said John Lyon, at Christ Church, in the said City of Ottawa, by the Reverend J. S. Lauder; that the said John Lyon and Victoria Elizabeth Lyon lived together in married life until about the fifteenth day of March, one thousand eight hundred and seventy-five; that there were born of the said marriage seven children, five of whom are still living; that for some time previous to the said fifteenth day of March, the said Victoria Elizabeth Lyon was aware that the said John Lyon was living in adultery with several women, and that he has been so doing since; that about the said fifteenth day of March, the said Victoria Elizabeth Lyon discovered that the said John Lyon had contracted infamous disease, whereupon the said Victoria Elizabeth Lyon refused to further live or cohabit with the said John Lyon as his wife; that owing to the said facts, it became impossible for the said Victoria Elizabeth Lyon to continue the relation of married life with the said John Lyon; that since the said fifteenth day of March, one thousand eight hundred and seventy-five, the said John Lyon has wholly neglected and refused to support, or to provide for, the said Victoria Elizabeth Lyon and the children of the said marriage, and has wholly deserted them; that the said Victoria Elizabeth Lyon is desirous of having the said marriage dissolved, annulled, and put an end to, so that she may be free from the same, and enabled to contract marriage with any other person or persons with whom it would have been lawful for her to contract marriage if they, the said Victoria Elizabeth Lyon and John Lyon had not intermarried, that any children born of such future marriage be legitimate, and that the said Victoria Elizabeth Lyon do have the custody of her said children, the issue of her marriage with the said John Lyon; and whereas, it is proper and expedient that the prayer of the said Victoria Elizabeth Lyon should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The marriage between the said Victoria Elizabeth Lyon and John Lyon, her said husband, shall be, and the same is, hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

2. The said Victoria Elizabeth Lyon shall henceforth have the custody and care of the children of the said marriage, namely: John George Albert Lyon, Hubert Douglas Lyon, Matilda Agnes Lyon, Lyman Perkins Lyon, and Victor Harold Lyon.

5

3. It shall and may be lawful for the said Victoria Elizabeth Lyon at any time hereafter to marry any other man, with whom she might lawfully marry in case the said first mentioned marriage had not been solemnized; and in the event of the said Victoria Elizabeth Lyon hereafter marrying, she and the man with whom she so marries, and the issue, if any, of such marriage, shall have and possess the same rights in every respect as if the said first mentioned marriage had never been solemnized. 10

5th Session, 3rd Parliament, 41 Victoria, 1878.

H.

BILL.

An Act for the relief of Victoria
Elizabeth Lyon.

Received and read first time, Tuesday, 12th
March, 1878.

Second reading, Wednesday, 27th March,
1878.

HON. MR. KAULBACK.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,
1878.

BILL.

An Act relating to incorporated Companies authorized to Lend Money.

5 **W**HEREAS it is expedient that the following provision of *The Canada Joint Stock Companies Act, 1877*, should have a more general application; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

10 **1.** Notwithstanding anything to the contrary in any Act of the Parliament of Canada, no incorporated Company, Society or Association, authorized to lend money by the Parliament of Canada shall stipulate for, take, reserve or exact from any borrower of money from such Company, Society, or Association, any fine or penalty, in respect of arrears of principal or interest, which shall have the effect of increasing the charge in respect of arrears beyond the rate of interest or discount on the loan

Preamble.

No penalty increasing the charge in respect of arrears beyond the rate of interest or discount on the loan to be exacted by any incorporated company from a borrower.

5th Session, 3rd Parliament, 41 Victoria, 1878.

I.

BILL.

An Act relating to incorporated Companies authorized to Lend Money.

Received and read first time, Friday, 15th March, 1878.

Second reading, Tuesday, 19th March, 1878.

HON. MR. REESOR.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,
1878.

BILL.

An Act respecting the Traffic in Intoxicating Liquors.

WHEREAS it is very desirable that there should be uniform legislation in all the Provinces respecting the traffic in intoxicating liquors; Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, 5 enacts as follows :

PRELIMINARY.

1. This Act may be cited as "The Canada Temperance Act, 1878." Short title.

2. In this Act, the expression "intoxicating liquor" means and comprehends any and every spirituous or malt liquor, and every wine, and any and every combination of liquors or drinks that is intoxicating. Interpretation. 10

3. Notwithstanding the passing of this Act, or of any Order in Council under and in virtue of the provisions of this Act, the Act of the Legislature of the late Province of Canada, passed in the Session thereof held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chaptered eighteen, and to be cited as "*The Temperance Act of 1864*," shall continue in force as to each and every municipality in which a by-law passed and approved, or adopted and passed under its authority and for its enforcement is in force at the time of the passing of this Act until such by-law has been repealed under and in pursuance of the said Act when the said Act itself shall *ipso facto* become and be repealed as to such municipality; and as to every municipality within the limits of the said late Province of Canada in which no such by-law is in force at the time of the passing of this Act, the said Act is hereby repealed; but no repeal of the said Act under the provisions of this section shall affect any Act done or any right or right of action existing, accruing, accrued or established, or any proceedings commenced, or any penalty or forfeiture incurred under its provisions before the time when such repeal takes effect. Repeal of Act of the Province of Canada, 27 & 28 V. c. 18. 15 20 25 30

FIRST PART.

PROCEEDINGS FOR BRINGING THE SECOND PART OF THIS ACT INTO FORCE.

4. Any petition to the Governor General in Council for the bringing of the second part of this Act into force in any Form of Petition to Governor-General. 35

county or city may be in the form in schedule A, to this Act, or in words to the same effect.

Form of notice of desire to have votes of electors taken. 5. Such petition may be embodied as in Schedule A to this Act, in a notice in writing addressed to the Secretary of State for Canada and signed by electors qualified and competent to vote at the election of a member of the House of Commons in the county or city, to the effect that the signers desire that the votes of all of such electors, herein after termed electors, be taken for and against the adoption of the petition. 5 10

Evidence of notice being given by one fourth of electors. 6. Together with, or in addition to, every such notice, there shall be laid before the Secretary of State evidence that there are appended to it the genuine signatures of at least one-fourth in number of all the electors in the county or city named in it. 15

In that case a proclamation may issue. 7. In case it appears by evidence to the satisfaction of the Governor General in Council that any such notice has appended to it the genuine signatures of one-fourth or more of all the electors in the county or city named in it, His Excellency in Council may issue a proclamation under this part of this Act. 20

Proclamation to be published. 8. Such proclamation shall be inserted at least three times in the *Canada Gazette*, and three times in the official Gazette of the Province in which the electoral district is situated.

What to be set forth in proclamation. 9. In such Proclamation there may be set forth:— 25

(a.) The notice in full, with the proposed petition embodied in it;

(b.) The number of the signatures to the notice;

(c.) The day on which the poll for taking the votes of the electors for and against the petition will be held; 30

(d.) That such votes will be taken between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day, and by ballot;

(e.) The name of the Sheriff, Registrar, or other person appointed Returning Officer for the purpose of taking, on that day, the votes of the electors for and against the petition, and of afterwards summing up the same and making a return of the result to the Governor General in Council; 35

(f.) The power of the Returning Officer to appoint a Deputy Returning Officer at and for each polling place or station; 40

(g.) The place where, and the day and hour when, the Returning Officer will appoint persons to attend at the various polling stations, and at the final summing up of the votes on behalf of the persons interested in, and promoting or opposing respectively, the adoption of the petition 45

(h.) The place where, and the day and hour when, the votes of the electors will be summed up, and the result of the polling declared by the Returning Officer.

(i.) The day on which, in the event of the petition being adopted by the electors, the second part of this Act will go into force in the county or city in question.

And any further particulars with reference to the taking and summing up of the votes of the electors as the Governor General in Council may see fit to insert therein.

- 10 **10.** Either the Sheriff or the Registrar of Deeds, or one of the Sheriffs, or one of the Registrars of Deeds for the county or city, or for a portion of the county or city in which the poll is to be held, or the nearest Sheriff or Registrar, or any other person may be appointed Returning Officer in any
- 15 case under this part of this Act; and the naming of any person in any proclamation issued under this Act shall be a sufficient appointment, and sufficient evidence of the appointment of such person as Returning Officer for the purposes mentioned in the proclamation.
- 20 **11.** On receiving a copy of the proclamation, the Returning Officer shall forthwith endorse thereon the date at which he shall have received the same; and before taking any further action thereon he shall take before a Justice of the Peace the oath of office in the form of Schedule B to this
- 25 Act.
- 12.** All persons qualified to vote at the election of a member of the House of Commons in the county or city to which any proclamation issued under this Act relates on the day on which a poll is held in compliance with such proclamation,
- 30 and no others shall be qualified to vote and to have their votes polled on that day, for or against the adoption of the petition mentioned in such proclamation.
- 13.** The Returning Officer shall ascertain from the lists of voters, which, under the provisions of this Act, are to be
- 35 used at the polling of votes, and, in any county or city where there are voters entitled to vote but there are no lists of voters, from such other information as may be within his reach—the number of, or probable number of persons qualified to vote in each town, parish, township, local
- 40 municipality or other locality in the county, or ward in the city where voters are so entitled to vote; and if such town, parish, township, local municipality or other locality or such ward, has not been subdivided for electoral purposes into polling districts by the Legislature, or by the local authorities
- 45 under the legislation of the Province wherein such county or city is situate, or by the Returning Officer at the then last election of a member of the House of Commons in the county or city, he shall subdivide such town, parish, township, local municipality or other locality in the county or ward in the
- 50 city, into polling districts in a convenient manner, so that there shall be at least one polling district for every two hundred voters; and he shall also fix a polling station in a cen-
- Who may be appointed returning officers.
- Returning officer to take oath of office.
- Qualification of voters.
- Returning officer to ascertain who are qualified to vote.
- To subdivide localities into polling districts.
- And fix a poll-

ing station, or
more, in each
polling dis-
trict.

tral and convenient place in each polling district; and the Returning Officer may in his discretion grant such additional polling places in such polling districts as the extent of the district and the remoteness of any body of its voters from the polling place may render necessary, although the voters thereof may be less than the number above specified. 5

Returning
officer to post
up notices in-
dicating poll-
ing stations
and limits of
polling dis-
tricts.

2. The Returning Officer shall then, eight days at least before the day on which the poll for taking the votes of the electors for and against the petition is to be held, by a notice under his hand, indicate, with reference to the holding of such poll, the several polling stations fixed by him, and the territorial limits to which they shall respectively apply, and shall cause the said notice to be posted up at four of the most prominent and conspicuous places in each polling district. 15

Further du-
ties of R. O.

14. It shall further be the duty of every person so appointed Returning Officer:—

Deputies.

Firstly: To appoint, by a commission under his hand, in the form Schedule C to this Act, one Deputy Returning Officer for each polling district comprised in the county or city, who shall, before acting as such, take before the Returning Officer or a Justice of the Peace the oath of office in the form, Schedule D to this Act; 20

Lists of votes.

Secondly: To furnish each Deputy Returning Officer with a copy of the list or of such portion of the list of voters as contains the names, arranged alphabetically, of the electors qualified to vote at the election of a member of the House of Commons at the polling station for which he is appointed,—such copy being first certified by himself or by the proper custodian of the lists from which such copies are taken; 25 30

Ballot boxes.

Thirdly: To deliver to each Deputy Returning Officer, two days at least before the polling day, a ballot box to receive the ballot papers of the voters,—which ballot box shall be made of some durable material, with one lock and key, and a slit or narrow opening in the top, and so constructed that the ballot papers may be introduced therein, but cannot be withdrawn therefrom without the box being unlocked; 35

Ballot papers.

Fourthly: To furnish each Deputy Returning Officer with a sufficient number of ballot papers and envelopes (all being of the same description, and as nearly as possible alike) to supply the number of voters on the list of such polling district, and with the necessary materials for voters to mark their ballot papers; 40

Directions.

Fifthly: To furnish to each Deputy Returning Office at least ten copies of printed directions for the guidance of voters in voting,—which printed directions the Deputy Returning Officer shall, before or at the opening of the poll, on the day of polling, cause to be posted up in some conspicuous places outside of the polling station, and also in each compartment of the polling station. 45 50

15. The Returning Officer shall obtain the different lists of voters, or copies or extracts thereof, from the Registrars, City or Town Clerks, Clerks of the Peace or such other officers as may by law be the proper custodians of such lists, or of duly certified duplicates of copies thereof; and the lists of voters which would be used at an election of a Member of the House of Commons in the same district at the same time shall be the lists of voters which shall be used at every polling of votes under the provisions of this Act; and every such officer who shall omit or refuse to furnish such lists, copies or extracts of the voters' lists within a reasonable time to the Returning Officer requiring the same, shall incur a penalty of not less than *two hundred* and not exceeding *two thousand* dollars.
- Obtaining lists of voters.
- 15 16. Whenever the Returning Officer fails to furnish to the Deputy Returning Officer in any polling district the ballot box, within the time prescribed by this Act, it shall be the duty of such Deputy Returning Officer in such polling district to cause one to be made.
- If ballot box be not furnished.
- 20 17. The ballot papers shall be according to the form of Schedule E to this Act.
- Form of ballot papers.
18. The printed directions to be furnished to the Deputy Returning Officers shall be according to the form of Schedule F to this Act.
- Form of directions.
- 25 19. At the place and time named for that purpose in the proclamation, the Returning Officer shall by an instrument in writing signed by him appoint from and out of such persons as may apply to him to be so appointed one person to attend at each polling station, and two persons to attend at the final summing up of the votes as agents on behalf of the persons interested in and desirous of promoting the adoption of the petition, and one person to attend at each polling station, and two persons to attend at the final summing up of the votes as agents on behalf of the persons interested in and desirous of opposing the adoption of the petition.
- Appointment of agents in each interest.
- 30
- 35
20. Before any person is so appointed he shall make and subscribe before the Returning Officer a declaration, in the form of Schedule G to this Act, to the effect that he is interested in and desirous of promoting, or of opposing (as the case may be) the adoption of the petition.
- Form of oath of person to be appointed agent.
- 40
21. Every person so appointed, before being admitted to the polling station, or to the final summing up of the votes, as the case may be, shall produce to the Deputy Returning Officer his written appointment.
- Agent to produce appointment.
- 45
22. In the absence of any person authorized as aforesaid to attend to any polling station, or at the final summing up of the votes, any elector in the same interest as the person so absent may, upon making and subscribing before the Deputy Returning Officer at the polling station, or the Re-
- Appointment and oath of substitute for agent
- 55

turning Officer at the final summing up of the votes, as the case may be, a declaration in the form G to this Act, be admitted to the polling station, or to the final summing up of the votes, as the case may be, to act for the person so absent.

5

Provision re-
specting at-
tendance of
agents

23. Where in this part of this Act any expressions are used, requiring or authorizing any act to be done, or inferring that any act or thing is to be done in the presence of the agents of the persons interested, such expressions shall be deemed to refer to the presence of such agents as may be authorized to attend, and as have, in fact, attended at the time and place where such act or thing is being done; and the non-attendance of any agents or agent at such time and place shall not, if the act or thing be otherwise duly done, invalidate in any wise the act or thing done.

15

THE POLL.

Polls to be
held, votes by
ballot.

24. On the day and at the hour fixed by proclamation as aforesaid, a poll shall be held at each polling station in the county or city, and the votes shall be taken by ballot.

Description of
buildings in
which polls
are to be held.

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

20

Hours for
opening and
closing polls.

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

30

Who may be
present at the
giving of
votes.

27. In addition to the Deputy Returning Officer such persons as may have been appointed under the section of this Act, as agents, and no others, shall be permitted to remain in the room where the votes are given, during the time the poll remains open.

35

Agent's oath
of secrecy.

28. Every agent on being admitted to the polling station shall take the oath to keep secret the space in which any of the voters may have marked his ballot paper in his presence, as hereinafter required; such oath shall be in the form of Schedule H to this Act.

40

Opening, ex-
amining and
locking ballot
box.

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

45

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

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

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

33. Each elector, being introduced, one at a time for each compartment, into the room where the poll is held, shall declare his name, surname and addition, which shall be entered or recorded in the voters' list to be kept for that purpose by the Deputy Returning Officer, and, if the same be found on the list of electors for the polling district of such polling station, he shall receive from the Deputy Returning Officer a ballot paper on which such Deputy Returning Officer shall have previously put his initials, and an envelope: Provided that such elector, if required by the Deputy Returning Officer, or by any elector or agent, as aforesaid, present, shall, before receiving his ballot paper and envelope, take the oath or oaths of qualification required by the laws in force in the Province where the election is held, from a voter at the election of a member of the House of Assembly of that Province; the words "House of Commons of Canada" being in such case substituted for "House of Assembly" or such other change being made to make the oath applicable to the election of a member of the House of Commons of Canada.

34. If the county or city be one in or for which the election law of the Province where such county or city is situate does not require lists of voters to be made to entitle them to vote, then in such case any elector claiming his ballot paper, shall declare his name, surname, addition and qualification, which shall be entered on a list kept for that purpose by the Deputy Returning Officer; and before receiving his ballot paper such elector may be required by the Deputy Returning

Calling voters

Where electors shall vote.

Provision as to officer or agent entitled to vote.

Proviso:

Delivery of ballot papers &c., to voters.

Proviso.

Form of oath of voter where no lists of voters required by law.

Officer, or by any elector or agent present to take the oath of qualification required by the law in force in such Province from a voter at the election of a member of the House of Assembly; the words "House of Commons of Canada" being in such case substituted for "House of Assembly," or such other change being made as may be required to make the oath applicable to the election of a member of the House of Commons of Canada. 5

Mode of voting.

35. The elector, on receiving the ballot paper and envelope shall forthwith proceed into one of the compartments of the polling station and there mark his ballot paper, making a cross in any part of the upper space if he votes for the petition, and in any part of the lower space if he votes against the petition, after which he shall fold it up and place it in the envelope, and close the same, and shall then hand the envelope containing such ballot paper to the Deputy Returning Officer, who shall, immediately and in the presence of the elector, place the same in the ballot box. 10 15

Electors to vote without delay.

36. Every elector shall vote without undue delay, and shall quit the polling station so soon as his ballot paper has been put into the ballot box. 20

Ballot paper not to be taken out of station.

37. No elector shall be allowed to take his ballot paper out of the polling station; and whoever shall do so shall there- by incur a penalty not exceeding *two hundred* dollars. 25

Case of voter who cannot mark ballot paper.

38. The Deputy Returning Officer, on the application of any voter who is unable to read or incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall assist such voter by marking his ballot paper in the manner directed by such voter, in the presence of the sworn agents in the polling station, and of no other person, and by placing such ballot paper in an envelope and then in the ballot box. 30

List of such voters to be kept.

39. And the Returning Officer shall cause a list to be kept of the names of voters whose ballot papers have been so marked, in pursuance of this section, with the reason why each ballot paper was so marked. And whenever the Deputy Returning Officer shall not understand the language spoken by any elector claiming to vote, he shall swear an interpreter, who shall be the means of communication between him and such elector, with reference to all matters required to enable such elector to vote. 35 40

Entry of names of electors voting on voters' lists.

40. The Deputy Returning Officer shall enter on the voters' list, to be kept by him (in the form of Schedule I to this Act), opposite the name of each elector voting, the word "*Voted*," as soon as his ballot paper shall have been deposited in the ballot box. He shall also enter on the same list the word "*Sworn*" or "*Affirmed*" opposite the name of each elector to whom the oath or affirmation of qualification shall have been administered, and the words "*Refused to be* 45 50

sworn" or "*Refused to affirm*" opposite the name of each elector who has refused to take the oath or to affirm

41. When no lists of voters are required by the law in force in the county or city for which the voting takes place, then
 5 the Deputy Returning Officer shall cause the name, surname and addition of every voter to be entered on a list to be made and kept for that purpose; upon which list shall be entered the word "*Voted*" opposite the name of each voter who shall
 10 *sworn*" or "*to affirm*," as the case may be, as above provided.
- Where no voters' lists required by law such names to be entered on a list made for the purpose.
42. No voter having refused to take the oath or affirmation of qualification required as aforesaid by this Act, when
 requested so to do shall receive a ballot paper or be admitted
 to vote.
- Case of voter refusing to swear, or affirm.
- 15 43. No person shall vote more than once at the same polling of votes under the provisions of this Act.
- No elector to vote more than once.
44. If a person, representing himself to be a particular elector named on the register or list of voters, applies for a ballot
 20 paper after another person has voted as such elector, the applicant, upon taking the oath in the form of Schedule J to this Act, and otherwise establishing his identity to the satisfaction of the Deputy Returning Officer, shall be entitled to receive a ballot paper, on which the Deputy Returning
 25 Officer shall put his initials, together with a number corresponding to a number entered on the list of voters opposite the name of such voter, and he shall thereupon be entitled to vote as any other elector:
- Case of elector in whose name another has voted.
- The name of such voter shall be entered on the list of
 30 voters, and a note shall be made of his having voted on a second ballot issued under the same name, and of the oath or affirmation of qualification having been required and made, as well as of any objections made on behalf of any of the candidates.
- Entry on list.
45. A voter who has inadvertently dealt with the ballot
 35 paper or envelope given him, in such manner that either or both cannot be conveniently used, may, on delivering the same to the Deputy Returning Officer, obtain another ballot paper or envelope in the place of that so delivered up.
- Elector spoiling his ballot paper may obtain another.
46. Immediately after the close of the poll, the Deputy
 40 Returning Officer shall, in the presence of the agents, and if the agents are absent, then in the presence of at least three electors, open the ballot-box and proceed to count the number of votes given for and against the petition. In doing
 45 so he shall reject all ballot papers which are not similar to those supplied by the Deputy Returning Officer; all those contained in any envelope different from those supplied by the Deputy Returning Officer; all those contained in the same envelope when such envelope contains more than one; and, finally, all those upon which there is any writing or
 50 mark by which the voter could be identified:
- Counting of votes by Deputy Returning Officer.

- Duty of Deputy Returning Officer counting the votes.** **47.** The other ballot papers being counted, and lists kept of the number of votes given for and of the number of votes given against the petition, and of the number of rejected ballot papers, all the ballot papers indicating the votes given for and the votes given against the petition, respectively, shall be put into separate envelopes or parcels, and those rejected shall also be put into a different envelope or parcel; and all these parcels, being endorsed so as to indicate their contents, shall be put back into the ballot-box. 5
- Objection to ballot papers.** **48.** The Deputy Returning Officer shall take a note of any objection made by any agent or any elector present to any ballot paper found in the ballot-box, and shall decide any question arising out of the objection; and the decision of such Deputy Returning Officer shall be final, subject only to reversal on a scrutiny as hereinafter provided: 10 15
- To be numbered and initialed.** **49.** Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the Deputy Returning Officer.
- Statement to be inclosed in ballot box for Returning Officer.** **50.** The Deputy Returning Officer shall make out a statement of the accepted ballot papers, of the number of votes given each way, of the rejected ballot papers, of the spoiled and returned ballot papers, and of those unused and returned by him; and he shall make and keep by him a copy of such statement, and enclose in the ballot-box the original statement, together with the voters' lists and a certified statement, at the foot of each list, of the total number of electors who voted on each such list, and such other lists and documents as may have been used at such election. The ballot-box shall then be locked and sealed, and shall be delivered to the Returning Officer, who shall receive or collect the same, and in case of his being unable to do so, then to one or more persons specially appointed for that purpose by the Returning Officer, and who shall, on delivering the ballot boxes to the Returning Officer, take the oath in Schedule K to this Act: 20 25 30 35
- Oath of person appointed to deliver ballot box to Returning Officer.** **51.** The Deputy Returning Officer shall take the oath in form, Schedule L to this Act, which shall be annexed to the statement above mentioned.
- Oath of Deputy Returning Officer to be annexed to statement.**
- Certificates to agents.** **52.** The several Deputy Returning Officers, on being requested so to do, shall deliver to each of the agents, or in the absence of such agents, to the electors present representing them, a certificate of the number of votes given in each interest, and of the number of rejected ballot papers. 40
- Summing up of votes by Returning Officer.** **53.** The Returning Officer at the place, day and hour appointed by his proclamation, and after having received all the ballot boxes, shall proceed to open them in the presence of the agents if present, and of at least three electors if the agents are not present, and to add together the number of votes given in each interest, from the statements contained in the ballot boxes returned by the Deputy Returning Officers: 45 50

54. In case the ballot boxes should not have all been returned on the day fixed for adding up the number of votes given, the Returning Officer shall adjourn the proceedings to a subsequent day,—such subsequent day not being more than a week later than the day originally fixed, for the purpose of adding up the votes.

Adjournment if ballot boxes are missing.

55. In case the ballot boxes or any of them have been destroyed or lost, or for any other reason are not forthcoming within the delay so fixed, the Returning Officer shall ascertain the cause of the disappearance of such ballot boxes, and shall call on each of the Deputy Returning Officers whose ballot boxes are missing, or on any other person having the same, for the lists, statements and certificates, or copies of the lists, statements and certificates of the number of votes given in each interest required by this Act, the whole verified on oath—which oath the Returning Officer is hereby authorized to administer; and in case such lists or statements, or copies thereof, cannot be obtained, he shall ascertain by such evidence as he may be able to obtain the total number of votes given to each interest at the several polling places, and he shall make his return accordingly, and shall mention specially in his report to be sent with the return the circumstances accompanying the disappearance of the ballot boxes, and the mode by which he ascertained the number of votes given to each interest.

Provision in case of loss of ballot boxes.

56. In case one-half or more of all the votes polled are against the petition, the same shall be held not to have been adopted; and the Returning Officer shall make his return to the Governor General in Council accordingly.

Petition adopted.

57. In case more than half of all the votes polled are for the petition, the same shall be held to have been adopted; and the Returning Officer shall make his return to the Governor General in Council accordingly.

Petition not adopted.

58. The Returning Officer shall transmit his return to the Secretary of State, within *two weeks* after the summing up of the votes, and shall send with it a report of his proceedings, in which he shall make any observations he may think proper as to the state of the ballot boxes or ballot papers as received by him.

Return to be sent to Secretary of State.

59. The Returning Officer shall also transmit to the Secretary of State, with his return, the original statements of the several Deputy Returning Officers, referred to in section fifty of this Act, together with the voters' lists used in the several polling districts, and any other lists and documents used or required at such election, or which may have been transmitted to him by the Deputy Returning Officer:

What to be transmitted with return.

2. Such return and report shall be sent through the Post Office, after being registered.

Transmission of return.

60. The property of the ballot boxes, ballot papers, envelopes and marking instruments procured for or used at any polling of votes under this act, shall be in Her Majesty.

Property of ballot boxes, &c.

SCRUTINY.

A scrutiny
may be had
on applica-
tion to a
Judge.

61. If, within *one week* after the Returning Officer has summed up the votes and declared the result of the voting, any elector applies upon petition to any Judge of the Superior Court sitting in the District, if in the Province of Quebec; or to the Judge of the proper District or County Court, if in the Province of British Columbia; or to the Judge of the proper County Court, if in any other Province, after giving such notice of the application and to such persons as the Judge directs, and shows by affidavit to the Judge reasonable grounds for entering into a scrutiny of the ballot papers and the petitioner enters into a recognizance before the Judge in the sum of *one hundred dollars*, with two sureties (to be allowed as sufficient by the Judge upon affidavit of justification) in the sum of *fifty dollars* each, conditional to prosecute the petition with effect, and to pay the party against whom the same is brought, any costs which may be adjudged to him against the petitioner; the Judge may appoint a day and place within the county or city for entering into the scrutiny. 5 10 15

Proceedings.

62. On the day and at the hour and place appointed, the Returning Officer shall attend before the Judge with the ballot papers in his custody, and the Judge, upon inspecting the ballot papers and hearing such evidence as he may deem necessary, and on hearing the parties, or such of them who may attend, or their Counsel, shall, in a summary manner, determine whether the majority of the votes given was or was not in favor of the petition, to the Governor General in Council. 20 25

Notice of
scrutiny.

2. At least one week's notice of the scrutiny shall be given by the Petitioner to such persons as the Judge directs. 30

Decision final
costs.

63. The decision of the Judge shall be final, and the costs shall be in his discretion, or he may apportion the costs as to him seems just.

PENALTIES.

Certain acts
prohibited.

61 No person shall—

Firstly : Forge or counterfeit or fraudulently alter, deface or fraudulently destroy any ballot paper or the initials of the Deputy Returning Officer signed thereon; or 35

Secondly : Without authority supply any ballot paper to any person; or

Thirdly : Fraudulently put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in; or 40

Fourthly : Fraudulently take out of the polling place any ballot paper; or

Fifthly : Without due authority destroy, take, open, or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the poll:

Attempts.

No person shall attempt to commit any offence specified in this section: 45

Any contravention of this section shall be a misdemeanor ; and any person found guilty thereof shall be punishable, if he be a Returning Officer, Deputy Returning Officer or other officer engaged at the polling, by a fine not exceeding *one thousand dollars* or by imprisonment for any term less than two years, with or without hard labor, in default of paying such fine ; and if he be any other person, by a fine not exceeding *five hundred dollars*, or by imprisonment for any term not exceeding six months, with or without hard labor, in default of paying such fine.

Contraven-
tion misdeme-
anor, and
how to be
punish d.

65. Every officer who is guilty of any wilful misfeasance or any wilful act or omission in contravention of this part of this Act, shall forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum not exceeding *five hundred dollars*, in addition to the amount of all actual damages thereby occasioned to such person.

Contra-ven-
tion by elec-
tion officer
how punish-
ed.

66. Every officer and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at such polling place ; and shall not communicate before the poll is closed to any person any information as to whether any person on the voters' list has or has not applied for a ballot paper or voted at that polling place.

Provisions for
maintenance
of secrecy.

2. No officer or agent, and no person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to how any voter at such polling place is about to vote or has voted.

3. No officer, agent or other person shall communicate at any time to any person any information obtained at a polling place as to how any voter at such polling place is about to vote or has voted.

4. Every officer and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting ; and shall not attempt to ascertain at such counting, or communicate any information obtained at such counting, as to how any vote is given in any particular ballot paper.

5. No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked the same, so as to make known to any person how he has so marked his vote.

6. Any contravention of this section shall be punishable by a fine not exceeding *two hundred dollars*, or by imprisonment for any term not exceeding six months, with or without hard labour, in default of paying such fine.

Punishment
for contraven-
tion.

67. A person shall, for all purposes of this Act, be deemed to be guilty of the offence of personation, who, at any polling of votes under this Act, applies for a ballot paper in the name of some other person, whether such name be that of a person

Personation,
what shall be.

living or dead, or of a fictitious person, or who having voted once at any such polling applies at the same polling for a ballot paper in his own name.

Punishment for personation. **86.** The offence of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation by any person, shall be punishable by a fine not exceeding *two hundred dollars*, and by imprisonment for a term not exceeding six months. 5

Personation a corrupt practice. **69.** The offence of personation shall be deemed to be a corrupt practice within the meaning of this Act. 10

Mistakes of from only, not fatal. **70.** No polling of votes under this Act shall be declared invalid by reason of a non-compliance with the rules contained in this Act as to the taking of the poll or the counting of the votes, under the provisions of this Act, or of any mistake in the use of the forms contained in the schedules to this Act, if it appears to the tribunal having cognizance of the question that the polling of votes was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake did not affect the result of the polling. 15 20

PRESERVATION OF THE PEACE.

Returning Officer and Deputy Returning Officer to be conservators of the peace. **71.** Every Returning Officer and every Deputy Returning Officer from the time he shall have taken the oath of office until the day after the summing up of the votes, shall be a conservator of the peace, invested with all the powers appertaining to a Justice of the Peace. 25

May require assistance &c, special constables. **72.** Such Returning Officer or Deputy Returning Officer may require the assistance of Justices of the Peace, constables or other persons present, to aid him in maintaining peace and good order at such polling; and may also, on a requisition made in writing by any agent, or by any two electors, swear in such special constables as he deems necessary. 30

May arrest disturbers. **73.** Such Returning Officer or Deputy Returning Officer may arrest or cause to be arrested by verbal order, and place in the custody of any constables or other persons, any person disturbing the peace and good order at the polling, and may cause such person to be imprisoned under an order signed by him until any period not later than the close of the poll. 35

May demand offensive weapons. **74.** The Returning Officer or Deputy Returning Officer may, during any day whereon any poll is begun, holden or proceeded with, require any person within half a mile of the polling station, to deliver to him any fire arms, sword, stave, bludgeon or other offensive weapon in the hands or personal possession of such person, and any person refusing to deliver such weapon shall be liable to a fine not exceeding *one hundred dollars*, and to imprisonment not exceeding three months in default of payment of such fine. 40 45

75. Every person convicted of a battery, committed during any day whereon any poll is begun, holden, or proceeded with, within the distance of two miles of the place where such poll is begun, holden or proceeded with, shall be 5 deemed guilty of an aggravated assault, and shall be punished accordingly.

Punishment
for battery.

76. Except the Returning Officer or his Deputy, or one of the constables, or special constables appointed by the Returning Officer, or his Deputy, for the orderly conduct of 10 the poll and the preservation of the public peace thereat, no person, who hath not had a stated residence in the polling district for at least six months next before the day of such polling, shall come during any part of the day upon which the poll is to remain open, into such polling district armed 15 with offensive weapons of any kind, as firearms, swords, staves, bludgeons or the like; nor shall any person who-soever, being in such polling district, arm himself, during any part of the day, with any such offensive weapons, and thus armed, approach within the distance of one mile of the 20 place where the poll for such polling district is held, unless called upon to do so by lawful authority.

Entering
polling dis-
trict armed.

Approaching
polling sta-
tion armed.

GENERAL PROVISIONS.

77. No person shall at any polling, either provide or furnish drink or other refreshment at the expense of such person, to any elector during such polling, or pay for, 25 procure or engage to pay for, any such drink or other refreshment.

Treating elec-
tors forbid-
den.

78. No person shall furnish or supply any ensign, standard or set of colours, or any other flag, to or for any person or persons whomsoever, with the intent that the same should 30 be carried or used in any county or city on any day of polling under this Act, or within eight days before such day, or during the continuance of such polling, by such person or any other, as a party flag to distinguish the bearer thereof and those who may follow the same as the 35 supporters of the opinions entertained, or supposed to be entertained, by such person in either interest; nor shall any person, for any reason, carry or use any such ensign, standard, set of colours or other flag as a party flag in either interest, within any county or city on the day of any such polling, or 40 within eight days before such day, or during the continuance of such polling.

Flags, &c.,
not to be
furnished or
carried.

79. No person shall furnish or supply any ribbon, label or like favor, to or for any person whomsoever, with intent that the same should be worn or used within any county or 45 city on the day of any such polling, or within eight days before such day, or during the continuance of such polling, by such person, or any other, as a party badge in either interest, or to distinguish the wearer as the supporter of the opinions entertained or supposed to be entertained by 50 such person in either interest; nor shall any person use or wear any ribbon, label, or other favor, as such badge, within

Ribbons, &c.
not to be
furnished or
worn.

any county or city, on the day of any such polling, or within eight days before such day, or during the continuance of such polling.

Punishment
for contraven-
tion.

80. Every person offending against any of the provisions of the four next preceding sections, shall be deemed guilty of a misdemeanor, punishable by fine not exceeding *one hundred dollars*, or imprisonment not exceeding three months, or by both, in the discretion of the court. 5

Sale, &c., of
liquor on pol-
ling day pro-
hibited.

81. No intoxicating, spirituous or fermented liquors or strong drinks shall be sold or given at any hotel, tavern, or shop or other place within the limits of any polling district, during the whole of any day on which any poll is begun, holden or proceeded with under a penalty of *one hundred dollars* for every offence; and the offender shall be subject to imprisonment, not exceeding six months, at the discretion of the judge or court, in default of payment of such fine. 10 15

Punishment.

PREVENTION OF CORRUPT PRACTICES.

certain acts
to be deemed
bribery.

82. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly:—

(1.) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives, or lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure, or to endeavor to procure, any money or valuable consideration, to or for any voter, or to or for any person on behalf of any voter, or to or for any person, in order to induce any voter to vote, or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any poll under this Act; 20 25

(2.) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure, or to endeavor to procure any office, place or employment, to or for any voter, or to or for any other person, in order to induce such voter to vote, or refrain from voting, or corruptly does any such act as aforesaid, on account of any voter having voted or refrained from voting at any poll under this Act; 30 35

(3.) Every person who, directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavor to procure, or prevent, or endeavor to prevent, the adoption of any petition under the provisions of this Act, or the vote of any voter at any poll under this Act; 40

(4.) Every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, or promises or endeavors to procure or prevent 45

the adoption of any petition under the provisions of this Act, or the vote of any voter at any poll under this Act ;

(5.) Every person who advances or pays, or causes to be paid any money to, or to the use of any other person, with
5 the intent that such money or any part thereof shall be expended in bribery or corrupt practices at any poll under this Act, or who knowingly pays or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery or corrupt
10 practices at any poll under this Act ;

And any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of *two hundred dollars*, to any one who shall sue for the same, with full costs of suit : Provided always, that the actual personal
15 expenses of any agent in either interest, his expenses for actual professional services performed, and *bonâ fide* payments for the fair cost of printing and advertising, shall be held to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act ;

Punishment for bribery.

20 **83.** The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly :—

Certain acts by voters to be deemed bribery.

(1.) Every voter who, before or during any polling of votes under this Act, directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any
25 money, gift, loan or valuable consideration office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any poll under this Act ;

(2.) Every person who, after any poll under this Act, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any poll
30 under this Act.

35 And any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of *two hundred dollars* to any person who shall sue for the same, together with full costs of suit.

Punishment for such offences.

84. Every person who corruptly, by himself or by or with
40 any person, or by any other ways or means on his behalf, at any time either before or during any polling of votes under this Act, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any
45 meat, drink, refreshment, or provision to or for any person, in order to procure or prevent, or for having procured or prevented, the adoption of any petition under the provisions of this Act, or for the purpose of corruptly influencing such person, or any other person, to give, or refrain from giving,
50 his vote at such polling of votes, shall be deemed guilty of the offence of treating, and shall forfeit the sum of *two hundred dollars* to any person who shall sue for the same, with full cost of suit, in addition to any other penalty to which he may be liable therefor under any other provision of this Act.

Offence of treating defined.

Giving meat or drink to electors to be deemed an unlawful act. **85.** And the giving or causing to be given to any voter on the day of polling on account of such voter having voted or being about to vote, any meat, drink, or refreshment, or any money or ticket to enable such voter to procure refreshment, shall be deemed an unlawful act, and the person so offending shall forfeit the sum of *ten dollars* for each offence to any person suing for the same, with full costs of suit. 5

Penalty.

Threats of violence, &c., forbidden. **86.** Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of any force, violence or restraint, or inflicts, or threatens the infliction by himself, or by or through any other person, of any injury, damage, harm or loss, or in any manner practises intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any poll under this Act, or who by abduction, duress or any fraudulent device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of any voter, or thereby compels, induces or prevails upon any voter either to give or refrain from giving his vote at any poll under this Act, shall be deemed to have committed the offence of undue influence, and shall be guilty of a misdemeanor, and shall also forfeit the sum of *two hundred dollars* to any person suing for the same, with full costs of suit. 10 15 20 25

Penalty.

Recital of doubts. **87.** And whereas doubts may arise as to whether the hiring of teams and vehicles to convey voters to and from the polls, and the paying of railway fares and other expenses of voters; be or be not according to law, it is declared and enacted, that the hiring or promising to pay or paying for any horse, team, carriage, cab or other vehicle, by any agent or other person in either interest, to convey any voter or voters to or from the poll, or to or from the neighbourhood thereof, at any poll under this Act, or the payment by any agent or other person in either interest, of the travelling and other expenses of any voter, in going to or returning from any polling of votes under this Act, are and shall be unlawful acts; and the person so offending shall forfeit the sum of *one hundred dollars* to any person who shall sue for the same; and any voter hiring any horse, cab, cart, waggon, sleigh, carriage or other conveyance for any such agent, for the purpose of conveying any voter or voters to or from the polling place or places, shall, *ipso facto*, be disqualified from voting at such polling of votes under this Act, and for every such offence shall forfeit the sum of *one hundred dollars* to any person suing for the same. 30 35 40 45

Paying for conveyance of voters to poll illegal.

Penalty.

Subornation of perjury, &c. **88.** Every agent or other person in either interest, who corruptly, by himself or by or with any other person on his behalf, compels or induces or endeavors to induce any person to personate any voter, or to take any false oath in any matter wherein an oath is required under this Act, shall be guilty of a misdemeanor, and shall in addition to any other punishment to which he may be liable for such offence, be 50

liable to forfeit the sum of *two hundred dollars* to any person suing for the same.

89. The offences of bribery, treating, or undue influence, or of any such offences, as defined by this Act, personation or the inducing any person to commit personation, or any wilful offence against any one of the seven next preceding sections of this Act shall be corrupt practices within the meaning of the provisions of this Act.

Certain offences to be corrupt practices.

90. No person shall be excused from answering any question put to him in any action, suit, or other proceeding in any court, or before any judge, commissioner or other tribunal touching or concerning any polling of votes under this Act, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate himself, shall be used in any criminal proceeding against such person other than an indictment for perjury, if the judge, commissioner, or president of the tribunal shall give to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answers to the satisfaction of the judge, commissioner, or tribunal.

No excuse of privilege, &c., allowed for not answering questions in proceedings touching polling of votes under this act.

91. Every executory contract, or promise, or undertaking, in any way referring to, arising out of, or depending upon, any polling of votes under this Act, even for the payment of lawful expenses, or the doing of some lawful act, shall be void in law; but this provision shall not enable any person to recover back any money paid for lawful expenses connected with such polling.

Contracts or promises relating to polling of votes under this act to be void.

92. When in any county or city one half or more of all the votes polled have been against the adoption of any petition embodied as aforesaid in any notice and in any proclamation, under this the first part of this Act, no similar petition shall be put to the vote of the electors of such county or city for a period of three years unless it is embodied in a notice, in writing, addressed to the Secretary of State for Canada, and signed by one-half or more of the whole number of the electors then qualified and competent to vote at the election of a member of the House of Commons in the county or city.

Effect of non adoption of petition.

ORDER IN COUNCIL.

93. When any petition embodied as aforesaid in any notice and in any proclamation under this the first part of this Act has been adopted by the electors of the county or city named therein and to which the same relates, the Governor General in Council may at any time after the expiration of sixty days from the day on which the same was adopted, by Order in Council published in the *Canada Gazette*, declare that the second part of this Act shall be in force and take effect in such county or city upon, from and after the day on which the

If petition adopted the second part of this act may be brought into force by Order in Council.

annual licences for the sale of spirituous liquors then in force in such county or city will expire; provided such day be not less than thirty days from the day of the date of such Order in Council; and if it be less, then on the like day in the then following year: and upon, from and after that day the second part of this Act shall become and be in force and take effect in such county or city accordingly. 5

94. No Order in Council issued under the provisions of this Act shall be revoked until after the expiration of three years from the day of the coming into force under it of the second part of this Act, nor unless nor until a petition to the Governor General praying for such revocation has been embodied in a notice in writing addressed to the Secretary of State for Canada and signed by one-fourth or more of the whole number of the electors then qualified and competent to vote at the election of a member of the House of Commons in the county or city named in such Order in Council, and such proceedings have been had thereon as are by this Act required to be had on a notice and petition for the bringing of the second part of this Act into force, and more than one-half of all the votes polled have been found to be for the petition for the revocation of such Order in Council; Provided always that any such Order in Council may be revoked before the expiration of three years from the day of the coming into force under it of the second part of this Act, in case after the expiration of one year from such day a petition to the Governor General in Council praying for such revocation has been embodied in a notice in writing, addressed to the Secretary of State for Canada, and signed by one-half or more of the whole number of the electors then qualified and competent to vote at the election of a member of the House of Commons in the county or city named in such Order in Council, and such proceedings have been had thereon as are by this Act required to be had on a notice and petition for the bringing of the second part of this Act into force, and more than one-half of all the votes polled have been found to be for the revocation of such Order in Council; and each and all of the provisions of the preceding sections of this Act shall apply (*mutatis mutandis*) to every case of a petition and notice for the revocation of an Order in Council under this section, and to the proceedings to be had and taken thereon, and the powers to be exercised and the offences that may be committed, and the penalties that may be incurred, in the course of and in connection with such proceedings. 45

Proviso :

No such Order in Council to be revoked for three years, and then only on similar petition, notice and other proceedings.

Proviso :

Application of provisions of the preceding sections.

SECOND PART.

PROHIBITION OF TRAFFIC IN INTOXICATING LIQUORS.

95. From the day on which this part of this Act comes into force and takes effect in any county or city, and for so long thereafter as the same continues in force therein no person, unless it be for exclusively sacramental or medicinal purposes, or for *bonâ fide* use in some art, trade or manufacture, under the regulation contained in the third sub-section of 50

No liquor to be sold, &c., when and where this part of this act is in force, except for certain purposes.

- this section, or as herein, after authorized by the fourthor by the fifth sub-section of this section, shall, within such county or city, by himself, his clerk, servant or agent, expose or keep for sale, or directly or indirectly, on any pretence or upon
 5 any device, sell or barter, or in consideration of the purchase of any other property give, to any other person, any spirituous or other intoxicating liquor, or any mixed liquor capable of being used as a beverage and part of which is spirituous or otherwise intoxicating ;
- 10 2. And neither any license issued to any distiller or brewer, —nor yet any license for retailing on board any steamboat
 or other vessel, brandy, rum, whisky, or other spirituous
 liquors, wine, ale, beer, porter, cider, or other vinous or fer-
 mented liquors,---nor yet any license for retailing on board
 15 any steamboat or other vessel, wine, ale, beer, porter, cider, or other vinous or fermented liquors, but not brandy, rum, whisky, or other spirituous liquors,---nor yet any other description of license whatever,--- shall in any wise avail to render legal any act done in violation of this section ;
- 20 3. Provided always, that the sale of intoxicating liquors for exclusively sacramental or medicinal purposes or for *bona fide* use in some art, trade or manufacture, shall be lawful only by such druggists and other vendors as may be thereto specially licensed by the Municipal Council of the county or
 25 city ; such sale for sacramental purposes to be made only on the certificate of a clergyman affirming that the liquor is required for such purpose ; such sale, when for medicinal purposes, to be in quantities of not less than one pint, and to be made only on the certificate of a medical man
 30 affirming that such liquor has been prescribed for the person named therein ; and when such sale is for its use in some art, trade or manufacture, the same to be made only on a certificate signed by two Justices of the Peace of the *bona fides* of the application, accompanied by the
 35 affirmation of the applicant, that the liquor is to be used only for the particular purposes set forth in the affirmation ; and it shall be the duty of the Druggist or other vendor to file the certificates and keep a register of all such sales, indicating the name of the purchaser and the quantity sold,
 40 and to make an annual return of all such sales on the thirty-first day of December in every year to the Collector of Inland Revenue within whose revenue division the county or city is situated.
4. Provided always, that any licensed distiller or brewer,
 45 having his distillery or brewery within such county or city may thereat expose and keep for sale such liquor as he shall have manufactured thereat, and no other ; and may sell the same thereat, but only in quantities not less than ten gallons at any one time, and only to druggists and others
 50 licensed as aforesaid or to such persons as he has good reason to believe will forthwith carry the same beyond the limits of the county or city, and to be wholly removed and taken away in quantities not less than ten gallons at a time.
- Licenses to be of no effect.
- Proviso : Sales for exceptional purposes to be under special license and on certificate.
- Proviso : Distiller or brewer may sell liquor of his own manufacture in wholesale quantities and to certain persons only.

Proviso :
Merchants
and traders
may sell
liquor in
wholesale
quantities
and to cer-
tain persons
only.

5. Provided also, that any merchant or trader having his store or place for sale of goods within such county or city, may thereat keep for sale and sell intoxicating liquor, but only in quantities not less than ten gallons at any one time, and only to druggists and others as aforesaid or to such persons as he has good reason to believe will forthwith carry the same beyond the limits of the county or city, to be wholly removed and taken away in quantities not less than ten gallons at a time; 5

Burthen of
of proof of
reasons of
belief.

6 In any prosecution against a distiller, brewer, merchant, 10 or trader under this section, it shall be incumbent on the defendant to furnish satisfactory evidence of having good reason for believing that such liquor would be forthwith removed beyond the limits of the county or city for consumption outside the same. 15

THIRD PART.

PENALTIES AND PROSECUTIONS FOR OFFENCES AGAINST THE SECOND PART.

Punishment
of sale, &c.,
in violation
of second
part of this
Act.

96. Whoever, by himself, his clerk, servant or agent, exposes or keeps for sale, or directly or indirectly, on any presence or by any device, sells, or barter, or in consideration of the purchase of any other property, gives, to any other person, any spirituous or other intoxicating liquor, or any mixed liquor capable of being used as a beverage and a part of which is spirituous or otherwise intoxicating, in violation of the next preceding section of this Act, shall be liable on summary conviction to a penalty of not less than *fifty dollars* for the first offence, and not less than *one hundred dollars* for the second offence and to be imprisoned for a term not exceeding two months for the third and for every subsequent offence; and whoever, in the employment or on the premises, of another, so exposes or keeps for sale, or sells, or barter, or gives in violation of the said section, shall be held equally guilty with the principal, and shall be liable on summary conviction to the same penalty or punishment. And all intoxicating liquors in respect to which any such offence has been committed, and all kegs, barrels, cases, cases, bottles, packages or receptacles of any kind whatever in which the same is contained shall be forfeited. 20 25 30 35

By whom
penalties may
be sued for.

97. Any prosecution for such penalty may be brought by or in the name of the Collector of Inland Revenue within whose official division the offence was committed,—or by or in the name of any person. 40

Excise officer
bound to pro-
secute.

98. It shall be the duty of such collector of Inland Revenue to bring such prosecution, whenever he shall have reason to believe that such offence has been committed, and that a prosecution therefor can be sustained, and would not subject him to any undue measure of responsibility in the premises; 45

Before whom
such prosecu-
tions may be
brought.

99. Such prosecution may be brought—
In the Province of Quebec, before any Stipendiary Magistrate, or before any two other Justices of the Peace

- for the district wherein the offence was committed,—or, In Quebec.
 if the offence was committed in the district either of Mon-
 treal or of Quebec, then before the Recorder or Judge of the
 Sessions of the Peace at Montreal or Quebec, as may be, or,
 5 if the offence was committed in any other district, then before
 the Sheriff of such district.
- In the Province of Ontario before any Stipendiary Ma- In Ontario.
 gistrate or before any two other Justices of the Peace for
 the county, city or district wherein the offence was
 10 committed; or, if the offence was committed in any city or
 town having a Police Magistrate, then before such Police
 Magistrate,—or if the offence was committed in any city or
 town not having a Police Magistrate, then before the Mayor
 thereof;
- 15 In the Province of Nova Scotia before the Stipendiary In Nova
 Scotia.
 Magistrate or before any two other Justices of the Peace of
 the county in which the offence was committed;
- In the Province of New Brunswick before any Police, Sti- In New
 Brunswick.
 20 pendary or Sitting Magistrate, or before any two other Jus-
 tices of the Peace in and for the county in which the offence
 was committed;
- In the Province of Manitoba before the Police Magistrate In Manitoba.
 within whose territorial jurisdiction the offence was com-
 mitted, or before any two Justices of the Peace in and for
 25 the county in which the offence was committed;
- In the Province of British Columbia before any Stipendiary In British
 Columbia.
 Magistrate or before any two other Justices of the Peace for
 the territorial division or jurisdiction within the limits
 which the offence was committed.
- 30 In the Province of Prince Edward Island before the Sti- In Prince
 Edward
 Island.
 pendary Magistrate for the city or town, or before any two
 other Justices of or for the county in which the offence was
 committed;
100. If such prosecution is brought before any such Stipen- If before a
 35 diary Magistrate, Recorder, Judge of the Sessions of the Peace,
 Sheriff, Police Magistrate, Sitting Magistrate, or Mayor, no
 other Justice shall sit or take part therein ;
 Magistrate no
 other Justice
 to sit.
101. If such prosecution is brought before any two other If prosecution
 40 Justices of the Peace, the summons shall be signed by one
 of them; and no other Justice shall sit or take part therein,
 unless by reason of their absence, or the absence of one of
 them, nor yet in the latter case, unless with the assent of the
 other of them ;
 If prosecution
 before two
 Justices,
 summons
 shall be sign-
 ed by one of
 them.
102. Every such prosecution shall be commenced within Limitati n of
 45 three months after the alleged offence, and shall be heard and
 determined in a summary manner, either upon the confes-
 sion of the defendant, or upon the evidence of a witness or
 witnesses.
 Limitati n of
 prosecution.
103. Every offence against the second part of this Act may Provisions of
 50 be prosecuted in the manner directed by the "Act respecting the
 duties of Justices of the Peace out of Sessions in relation to
 summary convictions and orders," so far as no provision is
 hereby made for any matter or thing which may be required
 Provisions of
 32 & 33 V. c.
 31 to be ap-
 plicable to
 such prosecu-
 tions.

to be done with respect to such prosecution; and all the provisions contained in the said Act shall be applicable to such prosecutions and to the judicial and other officers before whom the same are hereby authorized to be brought, in the same manner as if they were incorporated in this Act, and as if all such judicial and other officers were named in the said Act. 5

Magistrate, &c, may grant a warrant to search for liquor, on receiving certain information on oath.

104. In case a credible witness proves upon oath before the Stipendiary, Police or Sitting Magistrate, Recorder, Judge of the Sessions of the Peace, Justices of the Peace, Sheriff or Mayor, or before one of the Justices of the Peace before whom any prosecution for an offence against the provisions of the second part of this Act is brought, that there is reasonable cause to suspect that any intoxicating liquor in respect to which such offence has been committed is in any dwelling-house, store, shop, warehouse, outhouse, garden, yard, croft or other place or places, such Stipendiary, Police or sitting Magistrate, Recorder, Judge of the Sessions of the Peace, Justices of the Peace, Sheriff or Mayor, may grant a warrant to search such dwelling-house, store, shop, warehouse, outhouse, garden, yard, croft or other place or places, for such intoxicating liquor, and if the same, or any part thereof, be then found, to bring the same before him; and any information to obtain a warrant under this section may be in the form of Schedule M. to this Act; and any search-warrant under this section may be in the form of Schedule N. to this Act. 10 15 20 25

Convicting Magistrate, &c, may order that liquor seized on a search warrant be destroyed.

105. When any person is convicted of any offence against the provisions of the second part to this Act, the Stipendiary, Police or Sitting Magistrate, Recorder, Judge of the Sessions of the Peace, Justice of the Peace, Sheriff or Mayor, before whom such person is convicted, may adjudge and order, in addition to any other penalty or punishment, that the intoxicating liquor in respect to which the offence was committed, and which has been brought before him in virtue of a search-warrant as aforesaid (whether the same be or be not the property of such person), be forfeited, and that any and all kegs, barrels, cases, boxes, bottles, packages and other receptacles of any kind whatever found containing the same, be broken up and utterly destroyed, and the said intoxicating liquor poured out, spilled, wasted and utterly destroyed; and thereupon such barrels, kegs, cases, boxes, bottles, packages and other receptacles of any kind whatever may be forthwith broken up and utterly destroyed, and the said intoxicating liquor poured out, spilled, wasted and utterly destroyed, by the constable or peace officer who executed the search-warrant under which the same was found, or in whose custody the same was afterwards placed by the convicting Magistrate, Recorder, Judge, Justice, Sheriff or Mayor. 30 35 40 45 50

Penalty for tampering with witnesses.

106. Any person who, either before or after the summons of any witness in any such case, tampers with such witness, or by any offer of money, or by threat or otherwise, directly or indirectly, induces or attempts to induce any such person

to absent himself or herself or to swear falsely, shall be liable to a penalty of fifty dollars for each such offence.

107. No conviction, judgment or order, in any such case, be removed by *certiorari* or otherwise, into any of Her Majesty's Superior Courts of Record; nor shall any appeal whatever be allowed from any such conviction, judgment or order, to any Court of General Quarter Sessions, or other Court whatever when the conviction has been made by a Stipendiary Magistrate, Recorder, Judge of the Sessions of the Peace, Sheriff or Police Magistrate.

Certiorari
and appeal
taken away
in certain
cases.

SCHEDULES.

A.

FORMS OF NOTICE AND PETITION FOR THE BRINGING OF THE SECOND PART OF THIS ACT INTO FORCE.

To the Honourable the Secretary of State for Canada.

Sir,—We the undersigned, electors of the County (*or*, City) of _____ request you to take notice that we propose a petition, as follows, namely :

To His Excellency the Governor General of Canada in Council

The petition of the electors of the county (*or* city) of _____, qualified and competent to vote at the election of a member of the House of Commons in the said county (*or* city)

Respectfully sheweth that your Petitioners are desirous that the second part of the Canada Temperance Act, 1878, should be in force and take effect in the said county (*or* city).

Wherefore your Petitioners humbly pray that Your Excellency will be pleased, by an Order in Council under the ninety-third section of the said Act, to declare that the second part of the said Act shall be in force and take effect in the said county (*or* city).

And your Petitioners will ever pray, &c.

And that we desire that the votes of all the electors of the said County (*or*, City) be taken for and against the adoption of the said petition.

B.

Oath of the Returning Officer.

I, the undersigned, A. B., Returning Officer, under "The Canada Temperance Act, 1878." for the county (*or* city) of _____, solemnly swear (or if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm)

that I will act faithfully in that capacity, without partiality
fear, favor or affection ; So help me God.

(Signature,) A. B.
Returning Officer.

Certificate of Returning Officer having taken Oath of Office.

I, the undersigned, hereby certify that on the _____ day
of the month of _____, 18____, A. B., the Returning
Officer, under "The Canada Temperance Act, 1878," for the
county (or city) of _____, took and subscribed
before me, the oath (or affirmation) of office, in such case
required of a Returning Officer, by Section eleven of "The
Canada Temperance Act, 1878"

In testimony whereof, I have delivered to him this certi-
ficate.

(Signature,) C. D.,
Justice of the Peace.

—
C.

Commission of a Deputy Returning Officer.

To G. H. (insert his legal addition and residence.)

Know you, that in my capacity of Returning Officer, under
"The Canada Temperance Act, 1878," for the county (or city)
of _____, I have appointed, and do hereby appoint
you to be Deputy Returning Officer for the polling district
number _____, of the said county (or city) of _____,
there to take the votes of the electors
by ballot, according to law, at the polling station, to
be by you opened and kept for that purpose, and you are
hereby authorized and required to open and hold the poll,
under the said Act, for the said polling district on the
day of _____, at nine o'clock in the forenoon, at (*here
describe particularly the place in which the poll is to be held*),
and there to keep the said poll open during the hours pre-
scribed by law, and to take at the said polling place, by
ballot, in the manner by law provided, the votes of the elec-
tors voting at the said polling place, and after counting the
votes given and performing the other duties required of you
by law, to return to me forthwith the ballot box sealed with
your seal, and enclosing the bollots, envelopes, voters' list,
and other documents required by law, together with this
commission.

Given under my hand, at _____ this
day of _____, in the year 18____.

(Signature,) A. B.,
Returning Officer.

D.

Oath of Deputy Returning Officer.

I, the undersigned, G. H., appointed Deputy Returning Officer for the polling district, No. _____, of the county (or city) of _____, solemnly swear (or, *being one of the persons permitted by law to affirm in civil cases*, solemnly affirm) that I will act faithfully in my said capacity of Deputy Returning Officer, without partiality, fear, favor, or affection. So help me God.

(Signature,) G. H.,
Deputy Returning Officer

Certificate of a Deputy Returning Officer having taken the oath of Office.

I, the undersigned, hereby certify that on the _____ day of the month of _____, G. H., Deputy Returning Officer for the polling district No. _____, of the county (or city) of _____, took and subscribed the oath (or affirmation) of office, required in such case of a Deputy Returning Officer, by section fourteen of "The Canada Temperance Act, 1878."

In testimony whereof, I have delivered to him this certificate under my hand,

(Signature) A. B.,
Returning Officer,
or C. D.
Justice of the Peace.

Form of Ballot Paper.

18.

Voting on the Petition to the Governor General for the bringing into force of "The Canada Temperance Act, 1878."

B.—The crosses are for illustration.

For the Petition.	+
Against the Petition.	+

B.—The crosses are for illustration.

F.

Directions for the Guidance of Electors in Voting.

The voter will go into one of the compartments, and with a pencil there provided, place a cross, thus X, in the upper space, if he votes for the adoption of the petition, and in the lower space if he votes against the adoption of the petition.

The voter will then fold the ballot, so as to show a portion of the back only; he will then place it in the envelope, which he will close in the usual way, and deliver to the Deputy Returning Officer, who will place it in the ballot box. The voter will then forthwith quit the polling station.

If a voter inadvertently spoils a ballot paper or envelope, he can return it to the proper officer, who, on being satisfied of the fact, will give him another.

If the voter places on the paper more than one mark, or places any mark on the ballot paper or envelope by which he can afterwards be identified, his vote will be void, and will not be counted.

If the voter takes a ballot paper or envelope out of the polling station, or fraudulently puts any other paper into

the ballot box than the ballot paper given him by the Deputy Returning Officer, he will be subject to be punished by fine or by imprisonment for a term not exceeding six months, with or without hard labor.

G.

Form of Declaration of Agent.

I, the undersigned E. F., solemnly declare that I am an elector qualified and competent to vote at the election of a member of the House of Commons in the County (or City) of _____, and that I am desirous of promoting (or opposing) the adoption of a petition to the Governor General for the bringing into force in the said County (or City) of the second part of "*The Canada Temperance Act, 1878.*"

(Signature) A. B.

Made and declared this day of
A.D., _____, before me.

C. D.,
Returning Officer.

H.

Form of Oath of Secrecy.

I, the undersigned E. F., Agent for the electors of the County (or City) of _____, interested in promoting (or opposing) the adoption of a petition to the Governor General for the bringing into force in the said County (or City) of the second part of "*The Canada Temperance Act, 1878,*" solemnly swear (or if he be one of the persons permitted by law to affirm in civil cases) solemnly affirm, promise and declare that I will keep secret the way in which any of the voters at the polling station in the polling district No. _____, may have marked his ballot in my presence, at this polling of votes for and against such petition; So help me God.

(Signature), E. F.

Sworn (or affirmed) at this day of
A.D., _____, before me.

A. B.,
Returning Officer,
(or) C. D.

I.

Form of Voters' List.

Number of the Voters.	Names of the Voters.	Their legal addition.	Their place of residence.	Owners.	Tenants or occupants.	Residence or other qualification.	Objections.	Sworn or affirmed.	Voters refusing to be sworn or affirmed.	Voters voting after others voted in their names.

NOTE.—*The qualification need not be inserted except where there are no Provincial lists of voters.*

J.

Oath of identity by voter receiving a ballot paper and envelope, after another has voted in his name.

I solemnly swear, (or, if he be one of the persons permitted to by law to affirm in civil cases, solemnly affirm) that I am A.B., of (as on the voters' list) whose name is entered on the voters' list now shown me. So help me God.

K.

Oath of Messenger sent to collect the Ballot Boxes.

I, A. B., of _____, messenger appointed by C. D., Returning Officer, for the County (or City) of _____, in the Province of _____, do solemnly swear that the several boxes to the number of _____ now delivered by me to the said Returning Officer, have been handed to me by the several Deputy Returning Officers at the present polling of votes in the said County (or City, or by—here insert the names of the Deputy Returning Officers who have delivered said boxes), that they have not been opened by me, nor any other person, and that they are in the same state as they were when they came into my possession. (Should any change have taken place, the

deponent shall vary his deposition by fully stating the circumstances).

(Signature) A. B.

Sworn (or affirmed) and subscribed before me, at this
day of , in the year 18 .

(Signature) X. Y.,
Justice of the Peace.
or A. B.,
Returning Officer.
or G. H.,
Deputy Returning Officer.

L.

Oath of the Deputy Returning Officer after the closing of the Poll.

I, the undersigned, Deputy Returning Officer for the polling district, No. , of the County (or City) of , do solemnly swear (or, if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm) that to the best of my knowledge and belief, the voters' list kept for the said polling district under my direction, hath been so kept correctly; and that the total number of votes polled in the said list is , and that, to the best of my knowledge and belief, it contains a true and exact record of the votes given at the polling station in the said polling district as the said votes were taken thereat; that I have faithfully counted the votes given for each interest, in the manner by law provided, and performed all duties required of me by law, and that the report, packets of ballot papers, and other documents required by law to be returned by me to the Returning Officer, have been faithfully and truly prepared and placed within the ballot box, as this oath (or affirmation) will be, to the end that the said ballot box being first carefully sealed with my seal, may be transmitted to the Returning Officer according to law.

(Signature) G. H.,
Deputy Returning Officer.

Sworn before me at , in the County of
, this day of , 18 .

(Signature) X. Y.,
Justice of the Peace.
or A. B.,
Returning Officer.

M.

INFORMATION TO OBTAIN A SEARCH WARRANT.

CANADA,
 PROVINCE OF
 DISTRICT (or, County, or, as the
 case may be) of

The information of K. L. of the of in the said District or, (County, &c. *yeoman*), taken this day of in the year of Our Lord , before me W. S., Esq., one of Her Majesty's Justices of the Peace, in and for the District (or, County, or, United Counties, (or as the case may be) of , who saith that he hath just and reasonable cause to suspect and doth suspect, that intoxicating liquor in respect to which an offence against the second part of "The Canada Temperance Act, 1878," hath been committed, is concealed in the (*Dwelling House, &c.*) of P. Q. of in the said District (or County, &c.) (*here add the causes of superior and the particulars of the offence whatever they may be.*)

Wherefore, he prays that a Search Warrant may be granted him to search the (*Dwelling House, &c.*) of the said P.Q. as aforesaid for the said intoxicating liquor.

Sworn (or affirmed) on the day and year first above mentioned, at in the said District (or, County, &c.) of , before me

(*Signatur*) W. S.,
 J.P.

N.

CANADA,
 PROVINCE OF
 DISTRICT (or, County, or, as the
 case may be) of

To all or any of the Constables, or other Peace Officers, in the District (or, County, or, as the case may be) of .

Whereas, K. L. of the of in the said District (or, County, &c.) hath this day made oath before me the undersigned, one of Her Majesty's Justices of the Peace in and for the said District (or, County, &c.) of that he hath just and reasonable cause to suspect, and doth suspect, that intoxicating liquor in respect to which an offence against the second part of "The Canada Temperance Act, 1878" hath been committed, to wit, in respect which (*here describe the offence, in the words of the information*) is concealed in the *Dwelling-House, &c.*) of one P. Q. of in the said District (or, County, &c.) of

These are, therefore, in the name of Our Sovereign Lady the Queen, to authorize and require you, and each and every of you, with necessary and proper assistance, to enter in the day time into the said (*Dwelling-House &c.*) of the said P.Q., and there diligently search for the intoxicating liquor, and if the same, on any part thereof, shall be found upon such search, that you bring the intoxicating liquor so found, and also all barrels, kegs, cases, boxes, packages and other receptacles of any kind whatever containing the same before me to be disposed of and dealt with according to law.

Given under my hand and seal at in the said
District (*or* County, &c.) this day of in the
year of Our Lord

(*Seal*)

W. S.,
J P.

J.

BILL.

An Act respecting the Traffic in "In-toxicating Liquor."

Received and read first time, Friday, 15th
March, 1878.

Second reading, Wednesday, 20th March,
1878.

HON. MR. SCOTT.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,
1878.

BILL.

An Act to incorporate the Missionary Society of The Bible Christian Church in Canada.

WHEREAS the persons hereinafter named, and others Preamble.
associated with them, now constituting the Missionary
Society of The Bible Christian Church of Canada, have for a
long time been endeavoring to further the objects of the
5 Society, as hereinafter set forth, under an unincorporated
association entitled The Bible Christian Missionary Association
in Canada; and whereas the said parties find great
inconvenience frequently to arise from the want of corporate
powers; and whereas the said parties, by their Chairman
10 and Treasurer, have petitioned for an Act of incorporation
for the said Society under the name and style of The
Missionary Society of The Bible Christian Church in Canada;
and whereas it is expedient to grant the prayer of the said
petition: Therefore Her Majesty, by and with the advice and
15 consent of the Senate and House of Commons of Canada,
enacts as follows:—

1. The Reverends Paul Robins, John H. Eynon, Thomas Certain persons incor-
Greene, Robert Hurley, John Chapple, Cephas Barker, porated.
William Hooper, Jesse Whitlock, William S. Pascoe, John
20 Kenner, George Webber, Edward Roberts, William Jolliffe,
William R. Roach, James J. Rice, Henry J. Nott; and John
Hull, of Lakefield, Ontario, Miller; Charles R. Tamblyn, of
Orono, Yeoman; James Pickard, of Exeter, Merchant; James
Rundle, of Darlington, Yeoman; John F. Cunnings, of
25 Mariposa, Clerk of Division Court; John Southcott, of
London, Merchant; and William Windatt, of Darlington,
Yeoman, together with such other persons as may become
associated with them under the provisions of this Act, are
hereby constituted and declared to be a body corporate and
30 politic under the name of "The Missionary Society of The
Bible Christian Church in Canada," and by that name shall
have perpetual succession and a common seal, with power to
break and alter such seal; and by that name may sue and
be sued, plead and be impleaded, in all courts in Canada
35 whatsoever.

2. The objects of the said Society are religious and Objects of the
charitable, designed to diffuse the blessings of Christianity corporation.
and useful knowledge, to promote and support Christian
missions and missionary schools throughout the Dominion
40 of Canada and other countries, as set forth in the constitution
to be recorded in a register to be kept by the Secretary, a
copy whereof, certified by the Secretary to be a true copy,
with the seal of the corporation thereto affixed, shall be
prima facie evidence in all courts of the contents thereof.

Power to take
and hold real
estate by con-
veyance.

3. The said Society, by the name aforesaid, may receive a voluntary conveyance of and may purchase, hold and convey such real estate as the purposes of the said Society shall require, but the annual value of the said real estate shall not at any time exceed the sum of twenty thousand dollars ; and such conveyance shall be subject to the laws relating to the conveyance of real estate to religious corporations which are in force at the time of such conveyance in the Province in which such real estate is situate. 5

General Com-
mittee.

4. The management and disposition of the affairs and property of the said Society shall be vested in a General Committee, to be appointed and elected according to the constitution of the said Missionary Society of The Bible Christian Church in Canada now existing as aforesaid. 10

Who to be its
first members.

5. The persons named in the first section of this Act, together with such others as were appointed to act with them by the last annual conference of the Bible Christian Church in Canada, shall be the members of the first General Committee of the said Society hereby incorporated, and shall hold office until others shall be appointed and elected in their places. 15 20

Power to take
real estate by
devise.

6 The said Society shall be capable of taking, holding and receiving any real or personal estate by virtue of any devise contained in any last will and testament of any person whatsoever, but the clear annual value of such real estate shall not exceed the sum of ten thousand dollars : Provided always, that such devise of real estate shall be subject to the laws respecting devises of real estate to religious corporations which are in force at the time of such devise in the Province in which such real estate is situate. 25 30

Proviso.

Trustees of
real estate.

7. All persons holding any real estate in trust for the said Society shall convey the same to the said corporation, and shall be thenceforth discharged from their trusteeship.

Power to
alter consti-
tution of
society.

8. The said Society shall have power to alter, vary and add to the provisions of the revised constitution of the Missionary Society of The Bible Christian Church in Canada now existing as aforesaid, and which is to be held as binding upon the Society hereby incorporated as if the same had been embodied in this Act : Provided that such alterations, variations and additions shall not be inconsistent with the limitations imposed by this Act and the laws of the Dominion of Canada. 35 40

Proviso.

K.

BILL.

An Act to incorporate "The Missionary Society of The Bible Christian Church in Canada."

Received and read first time, Monday
March, 1878.

Second reading, Wednesday, 20th
1878.

Hon. Mr. SIMPS

OTTAWA:

PRINTED BY MAOLLEAN, ROGER &
1878.

An Act to incorporate "The Regular Baptist Foreign
Missionary Society of Ontario and Quebec."

WHEREAS the persons hereinafter named with others
have been associated together under the name of "The
Regular Baptist Foreign Missionary Society of Ontario and
Quebec," with the design of furthering the objects of the
5 Society as hereinafter set forth; and whereas the said parties
have found great inconvenience to arise in the work of their
Society from the want of corporate powers; and whereas the
said Society, by their President and Secretary, have petitioned
to be incorporated under the name and style of "The Regular
10 Baptist Foreign Missionary Society of Ontario and Quebec,"
and whereas it is expedient to grant the prayer of the said
petition: Therefore Her Majesty, by and with the advice
and consent of the Senate and House of Commons of Canada,
enacts as follows:—

15 1. The Reverends Robert Alexander Fyfe, John L.
Campbell, William Stewart, Calvin Goodspeed, John
Dempsey, and William K. Anderson, with Messieurs William
Craig, Abram Niles Barber, Andrew True Wood, Thomas
James Claxton, Charles Raymond, Thomas Strahan Shenston,
20 and A. A. Ayer, and such other persons as are now or hereafter
shall become associated with them, are hereby constituted
and declared to be a body corporate and politic under the
name of "The Regular Baptist Foreign Missionary Society
of Ontario and Quebec," and by that name shall have a
25 perpetual succession and a common seal, with power to break
and alter such seal, and by that name may sue and be sued,
plead and be impleaded in all courts whatsoever.

2. The objects of the said Society shall be the diffusion of
Christian knowledge, the establishment and support of
30 missions and mission effort in India and other countries in
the East in connection with the Regular Baptist Denomina-
tion of Ontario and Quebec, as set forth in the constitution
to be kept by the Secretary, and a copy whereof certified by
the Secretary to be a true copy with the seal of the corporation
35 affixed, shall be *prima facie* evidence in all courts of the
contents thereof.

3. The constitution of the said Society now existing shall
be the constitution of the Society hereby incorporated; and
the said Society shall have power to alter, vary, add to, and
40 to repeal the provisions of the said constitution and to
substitute therefor, provided such alterations, variations,
additions and substitutions shall not be inconsistent with

R

the conditions of this Act or the laws in force in the Dominion of Canada.

4. The officers and the members of the Board of Directors of the said Society, now existing at the time of the passing of this Act, shall be the officers and members of the Board of Directors of the said corporation till others are elected in their places. 5

5. The said Society, by the name of the "The Regular Baptist Foreign Missionary Society of Ontario and Quebec," may receive, acquire and hold monies, promissory notes, bank notes, bank stocks and public securities, and invest monies now held by the said Society, or which may hereafter be acquired in bank stocks and public securities, and dispose of the same for the purpose of furthering the objects of the said Society, as and when it may seem expedient to do so. 10

