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No. 2.] **BILL.** [1878.

An Act to repeal the Insolvency Laws, now in force in the Dominion of Canada.

Preamble.

WHEREAS, it is expedient to repeal the Acts hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Acts 38 V. c. 16 and 39 V. c. 30 repealed.

1. "*The Insolvent Act of* 1875" and the Acts amending the same, passed in thirty-ninth and in the fortieth year of Her Majesty's reign, and respectively intituled "*An Act to amend the Insolvent Act of* 1875, and "*An Act to amend the Insolvent Act of* 1875 *and the Act amending the same,*" shall be and are hereby repealed; and no Act repealed by the said Acts above cited, or either of them, shall be thereby revived: Provided always, that all proceedings commenced and now pending, under "*The Insolvent Act of* 1875," and the amendments thereto, in any case where an assignee has been appointed before the passing of this Act, may be continued, and brought to a final issue, and shall have the same effect as if this Act had never been passed.

Proviso as to pending cases.

No. 2.

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

BILL.

An Act to repeal the Insolvency Laws, now in force in the Dominion of Canada.

Received and read first time, Monday, 18th February, 1878.

Second reading, Tuesday, 19th February, 1878.

Mr. BARTHE.

OTTAWA:

Printed by MACLEAN, RODER & Co.

1878.

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No. 3.] **BILL.** [1878.

An Act to provide that persons charged with common assault shall be competent as witnesses on their own behalf.

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

Defendant competent as a witness.

1. On the trial of any person upon any information or indictment for common assault, the defendant shall be a competent witness on his own behalf.

Or his or her wife or husband.

2. On any such trial the wife or husband of the defendant shall be a competent witness on behalf of the defendant.

And so where another crime is charged, but only common assault proved.

3. Where another crime is charged in the information or indictment, and the justice or judge, at the close of the evidence for the prosecution, is of opinion that the only case apparently made out is one for common assault, the defendant shall be a competent witness on his own behalf, and his wife, or her husband if the defendant be a woman, shall be a competent witness on behalf of the defendant in respect of the charge of common assault.

Application of Act, except as in sect. 3.

4. Except as in the next preceding section mentioned, this Act shall not apply to any prosecution where any other crime than common assault is charged in the information or indictment.

No. 3.

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

BILL.

An Act to provide that persons charged with common assault shall be competent as witnesses in their own behalf.

Received and read the first time, Monday, 18th February, 1878.

Second Reading, Tuesday, 19th February, 1876.

MR. DYMOND.

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1878.

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No 4.] **BILL.** [1878.

An Act to amend the law relating to Stamps on Promissory Notes and Bills of Exchange.

Preamble.

WHEREAS doubts have arisen as to the proper time for affixing and cancelling stamps on bills of exchange, drafts and promissory notes drawn or made out of Canada, but payable within the same; and it is desirable to remove such doubts as well as to provide for certain unforeseen cases; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Mode of giving validity to a Bill, &c., drawn out of but payable within Canada.

1. It shall be sufficient in the case of any bill of exchange, draft or promissory note drawn or made without Canada but payable within Canada, in order to give validity to the same and to comply with the law, for any bank, broker, holder or party to such instrument, at the time of the acceptance, payment or endorsation thereof, to affix thereto and cancel the proper *single* stamps therefor; and the date of cancellation to be marked thereon shall be the true date of such cancellation, and such date need not agree with the date of the instrument.

No stamp if made and payable out of Canada.

2. No stamps shall be required for promissory notes both drawn and made payable out of Canada, which shall stand on the same footing as bills of exchange under section four of the Act thirty-seventh Victoria, chapter forty-seven.

Certain provisions as to validity by double stamps, extended to Bills, &c., drawn out of but payable in Canada.

3. The provisions whereby validity may be given to bills of exchange, drafts and promissory notes when drawn or made within Canada, by the payment of double duty thereon, shall for the same purposes and to the same effect, extend to such instruments when drawn or made without Canada but payable in Canada, when stamps to the amount of double duty upon such instruments shall be affixed and cancelled in the same mode as stamps in payment of double duty are affixed and cancelled to such instruments when made or drawn within Canada.

As to Bills, &c., found among effects of deceased persons.

4. In the case of a bill of exchange, draft or promissory note found amongst the securities of a deceased person, unstamped, it shall be sufficient, in order to give validity thereto, for the executor or administrator, or for any other holder of such instrument, to affix and cancel double stamps thereon, with the date of such cancellation and with the initials of the party cancelling the same.

As to lost or destroyed Bills, &c.

5. In the case of a suit to recover upon, or a defence of set-off upon a lost or destroyed bill of exchange, draft or promissory note, where there is no evidence that such instrument had been properly stamped, the Judge may, at the trial, allow double stamps for the requisite amount to be affixed to the record, or to any other paper or proceeding in the cause and cancelled, by or on behalf of the party interested in maintaining the validity of the instrument, plaintiff or defendant, as the case may be.

Unstamped instruments admissible in evidence in criminal cases.

6. Every instrument liable to stamp duty shall be admitted in evidence in any criminal proceeding, although it may not have the stamp required by law impressed thereon or affixed thereto.

No. 4.

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

BILL.

An Act to amend the law relating to Stamps on Promissory Notes and Bills of Exchange.

Received and read first time, Monday, 18th February, 1878.

Second reading, Tuesday, 19th February, 1878.

Mr. IRVING.

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1878.

No. 5.] **BILL.** [1873

An Act respecting Interest.

WHEREAS it is expedient to assimilate the laws respecting the rate of interest in the various Provinces forming the Dominion of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The rate of eight per centum per annum shall be, for the whole Dominion of Canada, the legal rate of interest. Legal rate to be 8 per cent.

2. Any rate of interest, not exceeding eight per centum per annum, may be paid in advance or otherwise; and, when once paid, may be retained, or the same rate may be agreed on in writing and recovered. Eight per cent. or less may be stipulated and recovered.

3. If any person, incorporated bank, loan society or other corporation, agrees to receive, directly or indirectly, a greater rate of interest than eight per centum upon any contract written or verbal, or any promise whatsoever, such person, incorporated bank, loan society or other corporation, shall forfeit, *ipso facto*, as a penalty, the whole of the interest so received, and shall be entitled only to recover the principal sum due to such person, incorporated bank, loan society or other corporation. If more be stipulated or taken, interest to be forfeited.

4. Every person, incorporated bank, loan society or other corporation, who, for any loan or advance of any money, goods or things, pays or returns any greater sum or value, or a rate of interest greater than is above allowed to received or taken, may recover at any time within one year after such payment or return, by action at law against the person, loan society or other corporation that shall have taken or received the same, the whole amount of interest, or the sum paid or value returned in the nature of interest, ont he contract or agreement. Parties paying excessive interest may recover the whole interest paid.

5. Any person, incorporated bank, loan society or other corporation proceeded against for any contravention of this Act, may be compelled to answer on oath any complaint that may be brought in any court of justice, for the recovery of any sum of money or any rate of interest, or any goods or things so taken, accepted, or received in violation of the foregoing provisions or any of them. Parties sued for usury, compellable to answer on oath.

6. Contracts made and concluded before the coming into operation of the present Act shall have the same force and effect as if the said Act had not been passed. Anterior contracts.

Application of Act.

7. The provisions of this Act shall apply to all loans or agreements for loans, or for the use of any sum of money, and to all agreements whatsoever, made and entered into on or after the first day of July next.

Repealing clause.

8. All laws and parts of laws now in force in any one of the Provinces of the Dominion of Canada, incompatible with the provisions of this Act, are hereby repealed.

Title of Act.

9. When this Act is mentioned in any pleading or otherwise, it may be cited as "*The Act to regulate the Rate of Interest in Canada.*"

Commencement of Act.

10. This Act shall come into force on or after the first day of July, one thousand eight hundred and seventy-eight

No. 5.

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

BILL.

An Act to regulate the Rate of Interest in Canada.

Received and read first time, Monday, 18th February, 1878.

Second reading, Tuesday, 19th February, 1878.

Mr. BARTHE.

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1878.

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No. 6.] **BILL.** [1878.

An Act to authorize and confirm the scheme of arrangement of the Canada Southern Railway Company.

Preamble.

WHEREAS the Canada Southern Railway Company (hereinafter called the Company), hath by its petition represented the following :—

That the Company, under the powers conferred by the several statutes relating thereto, constructed a line of railway in the province of Ontario, from a point in the township of Bertie near the village of Fort Erie, passing through the town of St. Thomas to a point in or near the town of Amherstburg, in the county of Essex, and also to a point on the river St. Clair, in the township of Moore, in the county of Lambton ;

And that the Company did for the purposes of its undertaking borrow, under the provisions of "*The Railway Act*," and did issue bonds for an amount in the aggregate within the sum of nine millions of dollars, and to secure the payment of the said bonds with interest did execute to William Lawrence Scott and Kenyon Cox as trustees a mortgage dated the fifteenth day of December one thousand eight hundred and seventy, of all the lands, tolls, revenues and property of the Company ;

And that the Company did also, for the purposes of its undertaking, borrow further sums and did execute to William Dowd and Martin Luther Sykes a second mortgage, dated the fifteenth day of March one thousand eight hundred and seventy-five, of all its said lands, tolls, revenues and property to secure the issue of second mortgage bonds of the Company to an amount in the aggregate not exceeding five millions of dollars ;

And that the Company hath been unable to pay certain interest or other moneys secured under the said bonds and the same are now in default, and the Company is further indebted in large sums of money for debts contracted in the course of its business and by way of guarantee for other railway companies with which it is connected, and further moneys are required to be raised and expended in the purchase of additional rolling stock so as to increase the earnings of the Company and for other purposes of the Company ;

And that in this condition of the Company's affairs a joint committee composed of three directors of the Company and three other persons representing themselves and other large owners of the said bonds of the Company and of the said connecting companies, after full consideration of all the circumstances and upon the guarantee of the New York

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Central and Hudson River Railroad Company hereinafter mentioned, did submit a scheme of arrangement of the Company's affairs which was approved of by the Company at the meeting of the directors thereof held on the twenty-eighth day of September one thousand eight hundred and seventy-seven ;

And that the said scheme of arrangement so approved of by the directors of the Company was and is as follows, that is to say :—

1. That the sum of fourteen millions of dollars in new bonds of the Company be issued, and that the same be secured by mortgage to be executed by the Company to Augustus Schell and Cornelius Vanderbilt, as trustees, upon all the lands, tolls, revenues and other property of the Company ;

2. That such new bonds shall be coupon bonds each being for the sum of one thousand dollars payable on the first day of January one thousand nine hundred and eight at the office of the Union Trust Company of New York in the city of New York, with interest in the meantime payable at the same place semi-annually on the first days of January and July, at the rate of five per centum per annum, except during the first three years when the rate of interest shall be three per centum per annum. Each bond in order to be obligatory shall be countersigned by the said Union Trust Company ;

3. That the interest upon such new bonds is to be guaranteed by the New York Central and Hudson River Railroad Company for and during the period of twenty years from the first day of January one thousand eight hundred and seventy-eight, and in case of any default in payment of such interest by the Company the said guarantor shall be entitled to be repaid with interest the amount advanced by it for such payment, before the payment of any dividend upon shares in the capital stock of the Company ;

4. That the trustees under the respective mortgages following, that is to say :

(1.) Canada Southern Railway Company dated 15th December, 1870, and chattel mortgage dated 25th October, 1873, 16th December, 1874, 24th February, 1875, 21st February, 1876, and 14th February, 1877,

(2.) Canada Southern Railway Company second mortgage, dated 15th March 1875,

(3.) Canada Southern Bridge Company, dated 10th December 1873,

(4.) Erie and Niagara Railway Company, dated 23rd May, 1873,

(5.) Toledo Canada Southern and Detroit Railway Company, dated 1st July, 1872, and

(6.) Michigan Midland and Canada Railroad Company, dated 26th May, 1873,

Be requested to take such steps and execute such conveyances as may be necessary for transferring to and vesting in new trustees the respective properties held by them upon the trusts contained in the several indentures creating the same ;

5. That the said issue of new bonds shall be applied for the purposes following, viz :—

(1.) The redemption and final cancellation of the first and second mortgage bonds of the Company and all coupons and bonds for interest thereon ;

(2.) The purchase for the Company of eight hundred and thirty-three thousand dollars in mortgage bonds of the Canada Southern Bridge Company ;

(3.) The purchase for the Company of the mortgage bonds respectively issued by the Erie and Niagara Railway Company, the Toledo, Canada Southern and Detroit Railway Company and the Michigan Midland and Canada Railroad Company ;

(4.) The settlement of the floating debt and other obligations of the Company, and

(5.) For acquiring further equipment and for such other purposes of the Company as the directors may find necessary ;

6. That the Union Trust Company of New York is hereby constituted the trustee for the custody of the old bonds and coupons from time to time received for new bonds and such old bonds and coupons shall be held by the said Union Trust Company and disposed of as follows :

(1.) The old bonds and coupons of the Canada Southern Railway Company shall be held by the said Trust Company as security for the new issue pending conversion, and when the said mortgage shall have become a first lien on the property of the Canada Southern Railway Company then be delivered to the Company to be cancelled ;

(2.) The bonds and coupons of the Canada Southern Bridge Company shall be delivered by the said Trust Company to the trustees under the said new mortgage, to be held by them by way of additional security for the said new issue of bonds but subject to the right of the Company to deal with the said bonds or to take proceedings thereon as the directors may think best, reserving always the benefits of any such disposition or proceedings as such additional security in lieu of the said bonds ; or the said bonds may become the absolute property of the Company in whole or in part according as the Company may resolve not to issue the like amount of its new bonds under the said mortgage, or in case the Company may at any time think fit to cancel the like amount of such new bonds ;

(3.) The bonds and coupons of the Erie and Niagara Railway Company, the Toledo Canada Southern and Detroit Railway Company and the Michigan Midland and Canada Railroad Company are from time to time, as received by the said Union Trust Company, to be delivered over to the Company as its own property absolutely ;

7. That the president of the Company is authorized to give from time to time receipts to the holders of such bonds and coupons as agree to the Company's proposals and deliver up their said bonds and coupons to the said Union Trust Company ; and such receipts shall certify the amount of the new issue to which each holder is entitled, and shall be countersigned by the said Union Trust Company. Each such holder is further required concurrently with such receipt to sign his consent to the appointment of the new trustees under the indentures securing his said bonds, and the holders of the first and second mortgage bonds of the Company are

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also further required to give their written assent to an application to the Canadian Parliament for confirming this arrangement;

8. That the respective indentures of mortgage under which the bonds of all the several railway companies hereinbefore mentioned (excepting the Company) are now secured shall continue in full force, and that the respective indentures under which the first and second mortgage bonds of the Company are now also secured, shall subsist as valid and existing securities for the said new issue of bonds until the said arrangement for the extinguishment of the said original issues is finally carried out;

And that in pursuance of the said scheme of arrangement the indenture of mortgage for the purpose of securing the said proposed new issue of first mortgage bonds was on the thirty-first day of October one thousand eight hundred and seventy-seven, executed by the Company, whereby the Canada Southern Railway, its undertaking and property were conveyed to Augustus Schell and Cornelius Vanderbilt, trustees as therein mentioned, and that holders of the several descriptions of bonds hereinbefore mentioned to large amounts have assented to the said scheme by depositing their respective bonds with the Union Trust Company of New York and by their express consents thereto in writing;

And whereas it further appears that the holders of bonds in number of the said original first mortgage bonds of the Canada Southern Railway Company secured by the said indenture of the fifteenth day of December one thousand eight hundred and seventy, and being more than three-fourths of the whole number of the said bonds heretofore issued, that is to say, eight thousand seven hundred and three, have in the aggregate assented in writing to the said scheme, and that the holders of in number of the said second mortgage bonds of the Canada Southern Railway Company secured by the said indenture of the fifteenth day of March one thousand eight hundred and seventy-five, and being more than three-fourths in number of the whole amount heretofore issued, that is to say, two thousand and forty-four, have in the aggregate also assented in writing to the said scheme;

And whereas the said scheme of arrangement was also on the third day of January one thousand eight hundred and seventy-eight, at a special general meeting of the shareholders of the Canada Southern Railway Company specially called on that day for that purpose, assented to by the holders of shares in the aggregate to the number of one hundred and eight thousand one hundred and thirty-two shares out of the total capital stock of one hundred and fifty thousand shares, and being more than two-thirds of the whole number o shares;

And whereas it is expedient that the said scheme should be confirmed and be made binding and effectual to all intents against and in favor of the Canada Southern Railway Company and all parties assenting thereto or bound thereby;

Therefore Her Majesty, by and with the advice and con-

sent of the Senate and House of Commons of Canada, enacts as follows :—

Scheme of arrangement confirmed.

1. The scheme of arrangement of the Canada Southern Railway Company in the preamble mentioned is hereby authorized, and the same and the provisions thereof shall be binding and effectual to all intents against and in favor of the Canada Southern Railway Company and all parties assenting to or bound thereby.

Assent of parties deemed to have been given.

2. The scheme shall be deemed to have been assented to by all the holders of the original first mortgage bonds of the Company secured by the said recited indenture of the fifteenth day of December one thousand eight hundred and seventy, and also by all the holders of the second mortgage bonds of the Company secured by the said recited indenture of the fifteenth day of March one thousand eight hundred and seventy-five and also by all the shareholders of the Canada Southern Railway Company.

Short title.

3. This Act may be cited as "*The Canada Southern Arrangement Act*, 1878."

No. 6.

5th Session, 4th Parliament, 41 Victoria, 1878

BILL.

An Act to authorize and confirm the scheme of arrangement of the Canada Southern Railway Company.

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

Second reading, Wednesday, 20th February, 1878.

[PRIVATE BILL.]

Mr. THOMSON,
(Welland.)

OTTAWA:
Printed by MACLEAN, ROGER & Co.

1878.

No. 7.] **BILL.** [1873

An Act respecting the Ontario Express and Transportation Company.

Preamble.

WHEREAS the Lieutenant Governor of Ontario in Council did, under the provisions of the "*Ontario Joint Stock Companies' Act of* 1874" grant letters patent to certain persons named therein, incorporating them under the name of the "Ontario Express and Transportation Company," with full power to transact business as an express and transportation Company in the province of Ontario; and whereas the said Ontario Express and Transportation Company are desirous of having the charter granted by the said letters patent under the said Act confirmed by the Parliament of the Dominion of Canada; and whereas the said Ontario Express and Transportation Company are desirous of carrying on and transacting a general express and transportation business throughout the Dominion of Canada, with power to transact business with similar companies transacting business in the United States and Great Britain, and to carry out such project the said Company are desirous of having their charter confirmed by the Dominion Parliament, and of being empowered to do business as an express and transportation Company throughout the Dominion of Canada, and in furtherance of such project to enjoy equal facilities at equal rates with other express companies now doing business in the Dominion of Canada, and to have the power of increasing the capital stock of the said Company from time to time, to enable the said Company to increase their business facilities as aforesaid; and whereas the said Company have, by their petition, represented that the confirmation of their letters patent by the Dominion Parliament with fuller powers for transacting and extending their business throughout the Dominion of Canada, with power of increasing their capital stock, will extend and greatly facilitate their business; and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Letters Patent confirmed.

1. The letters patent granted by the Lieutenant Governor of Ontario in Council under the provisions of the "*Ontario Joint Stock Companies' Act of* 1874" incorporating the "Ontario Express and Transportation Company" are hereby confirmed, and the said "Ontario Express and Transportation Company" are hereby constituted and declared to be a body politic and corporate with a common seal, by the name of the "Ontario Express and Transportation Company" within the jurisdiction of the Dominion of Canada, for all and

Company incorporated.

Corporate powers.

every the purposes mentioned in, and with all and every the franchises, rights, powers, privileges and authorities conferred upon the said Company by virtue of the said letters patent and by virtue of the said Act under which the said letters patent are granted, and each and every of them, subject always to any condition or limitation imposed by the said letters patents and the said Act.

Company continued.

2. The Company hereby incorporated shall in all matters occupy the same position, and shall stand in the same plight and condition in every respect as the Company incorporated under the said letters patent immediately before the passing of this Act.

Power to hold ships and rolling stock.

3. The Company shall have power to own, build, sell, buy and charter ships and vessels of all kinds, and to employ them in any lawful business whatsoever and whereso-ever, and to build, own, lease or hire, all kinds of railway rolling stock, and to employ the same as they may see fit for the transportation of goods in the Dominion of Canada or between the Dominion and the United States, or in the United States, and to assist in the development of any artifical or natural channel of transport.

Power to hold real estate.

4. It shall be lawful for the Company to purchase, rent, take, hold, and enjoy for them and their successors, as well in Canada as in such other places, where it shall be deemed expedient for the purposes of the said Company to do so, either in the name of the said Company or in the name of trustees for the said Company, such lands, wharves, docks, warehouses, offices and other buildings, as they may find necessary and convenient for the purposes of the said Company; and to sell, lease, mortgage, or dispose of the same and others purchase and acquire in lieu thereof; Provided always, that the yearly income or value of such lands, docks, wharves, warehouses, offices and other buildings within the Dominion shall not exceed the sum of twenty-five thousand dollars at any one point.

Proviso: annual value limited.

Company may charge for services.

5. The Company may charge on all property placed with them, or in their custody, a fair remuneration, or such sums as may be agreed upon, for the storage, warehousing, wharfage, dockage, cooperage, elevating or other care and labor in and about such property on the part of the said Company, over and above the regular freight and primage of the said property which may have been carried by them.

Back charges may be recovered.

6. The Company shall have the power to recover all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods and commodities while in their possession; and the said Company shall be subrogated by such payment in the rights and remedies of such persons for such charges.

Goods may be insured.

7. The said Company is hereby authorized to make contracts of insurance with any underwriter against all loss, damage or injury of the goods, vessels and effects entrusted to its safe keeping, either upon sea, lake, river or land, upon which it may have made advances, to the full amount of the said advances and claims thereon, and may obtain policies in the name of the Company evidencing such insurance.

Advances may be made on goods.

8. The Company may at any time make advances on goods, wares, or other merchantable commodities transferred to, or in its custody or possession for transport or safe keeping, and such advances may be made either in cash or negotiable paper, made, endorsed or accepted by the Company; and the Company may charge a commission on such advances, not exceeding six per centum on the amount thereof, and interest at the rate of eight per centum per annum, and the regular rate of exchange, if the advances have been made in a foreign country, for which advances, commission, interest and exchange the said Company shall have a lien upon such goods or effects until paid; Provided, that the rate of interest in this section mentioned shall be subject to the law regulating the rate of interest in the Province where the advance is made.

Proviso: as to interest.

Sale of goods for non-payment of charges.

9. The Company, in the event of non-payment of freight, advances and other charges, when due upon goods or effects in its possession or under its control, may sell, at public auction or private sale, the goods whereon such advances and other charges have been made and retain the proceeds, or so much thereof as shall be equal to the amount due to the Company, with charges and costs, returning the surplus, if any, to the owner thereof; but no sale of any goods or effects shall take place under this Act until or unless, prior to the sale thereof, thirty days' notice of the time and place of such sale has been given by registered letter transmitted through the Post Office to the owner of such goods or effects, unless otherwise provided in the contract between the parties; and in case any property deposited with the Company upon which it has made any advances, shall from any cause decrease in value from the original fixed price, per invoice or otherwise, the Company may give notice to the owner or agent or pledger, by means of a registered letter or otherwise, to perform the condition of the contract or make good the deficiency caused by such decrease in value; and in default of the same being done the Company may sell and dispose of such property at once by private or public sale.

Provision in case of decrease in value.

Perishable goods may be sold in twelve hours.

10. In case of the refusal of the consignee to accept goods of a perishable nature, or in case the consignee cannot be found, the last preceding section shall not apply, but, on notice being given to the consignee by letter, the said goods may, within twelve hours, be sold by private sale or public auction; and after payment of the freight, charges, advances and costs, the surplus, if any, of the proceeds shall be returned to the owner.

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Payment for ships, &c., may be made in paid-up stock.

11. The Directors shall have power to give paid-up stock of the Company in payment of the price of vessels, rolling stock or real estate, and also in payment of any claim for work done or services rendered by any person or persons for the Company; and such stock shall be free from all calls whatsoever, and from all claims and demands on the part of the Company, or of the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the Company and paid by the holder thereof in full.

Increase of capital stock.

12. The Company shall have power, from time to time, at any annual general meeting of the Company, or at any general meeting called for that purpose, to increase their capital stock to any extent, not to exceed one million of dollars, in shares of one hundred dollars each: Provided, that no addition shall be made at any time to the capital stock of the Company until twenty-five per centum of the capital stock of the Company already subscribed shall be paid up.

Proviso.

Shares personal estate.

13. The shares in the capital stock of the Company shall be deemed personal estate and shall be transferable as such.

To have equal rights with other express companies.

14. The Company, on demand, shall have the right to have equal facilities at the same rates from any railway or steamboat company doing business in Canada as the said railway or steamboat company or companies may have given to any other express company doing business in Canada.

May demand facilities from other express company.

15. The Company shall have the right to demand from all other express companies doing business in Canada, reasonable facilities, at reasonable rates, for receiving, forwarding and delivering their goods and property without any unreasonable delay and without any preference or advantage or prejudice or disadvantage, and so that all reasonable accommodation may at all times, by the means aforesaid, be mutually afforded to the said Company by all other express and forwarding companies doing business in Canada; and any agreement made by any express company or companies contrary to the foregoing provisions shall be unlawful, null and void.

Any agreement to the contrary to be void.

Penalty on company infringing this provision.

16. And the Company, its officer or agent, so violating the foregoing provisions shall be liable to a penalty of one hundred dollars, to be recovered before any Justice of the Peace in a summary way, with costs.

Company by agents may act as customs brokers.

17. In order to facilitate the business of the Company, the Company may by their Directors, manager, or any of their agents who are duly authorized by the Company in writing, be empowered to act as customs brokers for the property and goods of consignees coming into their possession from Great Britain, the United States or any foreign country; such Director, manager or agent being empowered to validly make any entry, or execute any bond or other instrument required by the Customs Acts in force in Canada,

and such Director, manager or agent shall thereby bind the consignee as effectually as if such consignee had so made such entry or executed such bond or other instrument, and shall take all oaths and make all declarations and do any other matter or thing required of consignees of goods by the Customs Acts in force in Canada, as fully and effectually and validly as the consignee of the said goods himself; and every such oath, declaration, act or thing done and performed by such Director, manager, or agent, shall be binding upon the person or consignee or for on whose behalf the same is done or performed, to all intents and purposes as fully as if the act or thing had been done or performed, by the consignee.

Act of agent to bind the consignee.

18. The Company may, by their corporate name, sue and be sued, plead and be impleaded in all courts whether of law or of equity.

Company may sue and be sued.

SCHEDULE.

[L.S.]
D. A. MACDONALD.

PROVINCE OF ONTARIO.

VICTORIA, *by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the faith, &c.*

To all to whom these presents shall come—GREETING :—

WHEREAS, under and by an Act of the Legislature of Our Province of Ontario, passed in the Session thereof held in the thirty-seventh year of Our Reign, and intituled "*An Act respecting the incorporation of Joint Stock Companies by Letters Patent*," the Lieutenant-Governor of Our said Province, in Council, may by Letters Patent, under the Great Seal of Our said Province, grant a Charter of incorporation to any number of persons not less than five, who shall petition therefor, and may constitute such persons and others, who may become shareholders in such Company, a body corporate and politic, for any purposes or objects to which the legislative authority of the said Legislature extends, except the construction and working of railways and the business of insurance; and whereas by petition addressed to Our Lieutenant Governor in Council, W. Winter, of the town of Stratford, expressman; John Alexander McKenzie, of the town of Woodstock, expressman; Robert Fulton Dodd, of the city of Hamilton, expressman; William McHaffie, of the city of Brantford, stationer, and Cicero Davenport Rounds, of the village of Drumbo, gentleman, have prayed that a charter of incorporation may be granted to them and to such other persons as are or may become shareholders in the Company formed, for the purpose of carrying goods, chattels and merchandise for hire, and generally carrying on the trade, business and occupation of carriers in the Province of Ontario, as usually exercised by express and transportation companies; and whereas, in accordance with the provisions of the above in part recited Act, notice has been published in the *Ontario Gazette*, for at least one

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month previous to the presentation of the petition hereinbefore mentioned, in which notice it is stated that: William Winter, of the town of Stratford, expressman; John Alexander McKenzie, of the town of Woodstock, expressman; Robert Fulton Dodd, of the city of Hamilton, expressman; William McHaffie, of the city of Brantford, stationer, and Cicero Davenport Rounds, of the village of Drumbo, gentleman, intended to apply for such charter; that the proposed corporate name of the Company is "The Ontario Express and Transportation Company;" that the object for which incorporation is sought is the carrying of goods, chattels and merchandize for hire and generally carrying on the trade, business and occupation of carriers in the Province of Ontario, as usually exercised by express and transportation companies; that the operations of the Company are to be carried on at the towns of Listowel, Stratford, Woodstock, Simcoe and Port Dover, and such other cities, towns and places as the business and operations of the Company may hereafter extend to in the Province; that the chief place of business of the Company is to be at the town of Stratford; that the amount of the capital stock of the Company is one hundred thousand dollars; that the number of shares is one thousand, and the amount of each share is one hundred dollars; that the names in full and address and calling of each of the applicants is as follows:—William Winter, of the town of Stratford, expressman; John Alexander McKenzie, of the town of Woodstock, expressman; Robert Fulton Dodd, of the city of Hamilton, expressman; William McHaffie, of the city of Brantford, stationer; and Cicero Davenport Rounds, of the village of Drumbo, gentleman; that William Winter, John Alexander McKenzie, Robert Fulton Dodd, William McHaffie and Cicero Davenport Rounds, are to be the first Directors of the Company; and whereas the said petition, besides stating the facts set forth in the said notice, further states that the amount of the said stock taken by each of the said applicants is as follows:—By the said William Winter, sixty shares; by the said John Alexander McKenzie, sixty shares; by the said Robert Fulton Dodd, sixty shares; by the said William McHaffie, sixty shares; and by the said Cicero Davenport Rounds, sixty shares, upon which nothing has been paid in; and whereas, it has been proved to the satisfaction of our Lieutenant-Governor in Council, that the said applicants have complied with all the requirements of the said Act, as to matter preliminary to the issue of Letters Patent:—

Now know ye, that by and with the advice of Our Executive Council of Our Province of Ontario, and under the authority of the hereinbefore in part recited Statute, and of any other power or authority whatsoever in Us vested in this behalf, We do by these our Letters Patent constitute the said William Winter, of the town of Stratford, expressman; John Alexander McKenzie, of the town of Woodstock, expressman; Robert Fulton Dodd, of the city of Hamilton, expressman; William McHaffie, of the city of Brantford, stationer; and Cicero Davenport Rounds, of the village of Drumbo, gentleman, and all and every such other person or

persons as now is, or are, or shall at any time hereafter become shareholders in the said Company, under such provisions of the said Act, and the by-laws made under the authority thereof, and their successors, a body corporate and politic, with perpetual succession, and a common seal by the name of "The Ontario Express and Transportation Company," and capable forthwith of exercising all the functions of an incorporated Company for the purposes aforesaid, as if incorporated by a special Act of the Legislature of Ontario, and, by their corporate name, of suing and being sued, pleading and being impleaded in all courts, whether of law or equity, and with the powers in the said Act more particularly set forth. And we direct that the capital stock of the said Company be one hundred thousand dollars, and be divided into one thousand shares of one hundred dollars each, and that the said William Winter, John Alexander McKenzie, Robert Fulton Dodd, William McHaffie and Cicero Davenport Rounds, be the first Directors of the said Company. And We direct that the said Company shall have authority to acquire and use any real estate for the purpose of carrying on the undertaking, business or objects of the Company and to alienate or convey the same at pleasure: Provided that no real estate acquired by the said Company, but not needed for its actual use or occupation shall be held by the Company or by trustees on its behalf for a longer period than seven years after the acquisition thereof; or, in case such real estate is conveyed to the Company or to such trustees by way of mortgage, then, no such real estate shall be held by the Company or by trustees on its behalf for a longer period than seven years after the title of the Company or such trustees therein has become absolute; and, within such periods respectively, any such real estate not required for the Company's actual use and occupation as aforesaid shall be absolutely disposed of by the Company, so that the Company shall no longer retain any interest therein; and any such real estate as aforesaid which may not within the said period be so disposed of shall thereby and thereupon become and be the property of Her Majesty.

And the said Company hereby incorporated shall be subject to the general provisions of the law set forth in the said recited Act, and amongst others the following, that is to say:—

1. The affairs of every such Company shall be managed by a Board of not less than three, nor more than nine Directors.

2. The persons named as such in the letters patent, shall be the Directors of the Company, until replaced by others duly appointed in their stead.

3. No person shall be elected or appointed as a Director thereafter, unless he is a shareholder owning stock absolutely in his own right, and not in arrear in respect of any call thereon.

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4. The after Directors of the Company shall be elected by the shareholders in general meeting of the Company assembled at some place within this Province at such times, in such wise, and for such term not exceeding two years, as the letters patent, or (in default thereof) the by-laws of the Company may prescribe.

5. In default only of other express provisions in such behalf, by the letters patent or by-laws of the Company :—

(*a.*) Such election shall take place yearly, all the members of the Board retiring, and (if otherwise qualified) being eligible for re-election.

(*b.*) Notice of the time and place for holding general meetings of the Company shall be given at least ten days previously thereto, in some newspaper published at or as near as may be to the office or chief place of business of the Company.

(*c.*) At all general meetings of the Company every shareholder shall be entitled to as many votes as he owns shares in the Company, and may vote by proxy.

(*d.*) Elections of Directors shall be by ballot.

(*e.*) Vacancies occurring in the Board of Directors may, unless the by-laws otherwise direct, be filled for the unexpired remainder of the term, by the Board from among the qualified shareholders of the Company.

(*f.*) The Directors shall, from time to time, elect from among themselves, a President of the Company, and shall also name, and may remove at pleasure, all other officers thereof.

6. If at any time an election of Directors be not made, or do not take effect at the proper time, the Company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the Company duly called for that purpose, and the retiring Directors shall continue in office until their successors are elected.

7. The Directors of the Company shall have full power in all things to administer the 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 the letters patent of the Company, nor to this Act, to regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the declaration and payments of dividends, the number of the Directors, their term of service, the amount of their stock qualification, the appointment, functions, duties and removal of all agents, officers and servants of the Com-

pany, the security to be given by them to the Company, their remuneration, 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 ; but every such by-law and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Company duly called for that purpose, shall only have force until the next annual meeting of the Company, and in default of confirmation thereat, shall, at and from that time only, cease to have force ; and in that case no new by-law to the same or like effect shall have any force until confirmed at a general meeting of the Company : 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 transaction of any business specified in such written requisition and notice as they may issue to that effect : Provided also, that no by-law for the allotment or sale of stock at any greater discount or at a less premium than what has been previously authorized at a general meeting, or for the payment of the President or any Director, shall be valid or acted upon until the same has been confirmed at a general meeting.

8. In case a by-law, authorizing the same, is sanctioned by a vote of not less than two-thirds in value of the said shareholders, then present in person or by proxy, at a general meeting duly called for considering the by-law, the Directors may borrow money upon the credit of the Company, and issue bonds, debentures, or other securities of the Company, and may sell the said bonds, debentures, or other securities at such prices as may be deemed expedient or be necessary ; but no such debentures shall be for a less sum then one hundred dollars.

(*a*). The Directors may, under the like sanction, hypothecate, mortgage, or pledge the real or personal property of the Company, to secure any sum or sums borrowed for the purposes thereof.

9. The Company shall cause a book or books to be kept by the Secretary, or by some other officer especially charged with that duty, wherein shall be kept recorded :—

(*a.*) A copy of the letters patent incorporating the Company, and of any supplementary letters patent for increasing or decreasing the capital stock thereof, and of all by-laws thereof.

(*b.*) The names, alphabetically arranged, of all persons who are or have been shareholders.

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(*c.*) The address and calling of every such person while such shareholder.

(*d.*) The number of shares of stock held by each shareholder.

(*e.*) The amounts paid in, and remaining unpaid, respectively, on the stock of each shareholder.

(*f.*) All transfers of stock, in their order as presented to the Company for entry, with the date and other particulars of each transfer, and the date of the entry thereof, and,—

(*g.*) The names, addresses, and the callings of all persons who are or have been Directors of the Company, with the several dates at which each ever became or ceased to be such Director.

10. The Directors may refuse to allow the entry, into any such book, of any transfer of stock whereon any call has been made which has not been paid in.

11. No transfer of stock, unless made by sale under execution, shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferor to the Company and their creditors, until the entry thereof has been duly made in such book or books.

12. Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the Company, and their personal representatives, at the office or chief place of business of the Company; and every such shareholder, creditor, or representative may make extracts therefrom.

13. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or 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 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 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 nothing in this Act shall be construed to authorize the Company to issue any note payable to the bearer thereof,or any promissory note intended to be circulated as money, or as the note of a bank, or to engage in the business of banking or insurance.

14. No Company shall use any of its funds in the purchase of stock in any other corporation, unless expressly authorized by the by-laws confirmed at a general meeting.

15. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the Company to an amount equal to that not paid up 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 the amount due on such execution shall, subject to the provisions of the next section, be the amount recoverable with costs against such shareholders: Provided, that any shareholder may plead by way of defence, in whole or in part, any set off which he could set up against the Company, except a claim for unpaid dividends or a salary or allowance as a President or Director.

16. The shareholders of the Company shall not 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 to or connected with the Company beyond the unpaid amount of their respective shares in the capital stock thereof.

17. The Directors of the Company shall not declare or 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.

18. No loan shall be made by the Company to any shareholder, and, if such be made, all Directors and other officers of the Company making the same, or in anywise assenting thereto, shall be jointly and severally liable to the Company for the amount of such loan, and also to third parties to the extent of such loan, with legal interest, for all debts of the Company contracted from the time of the making of such loan to that of the repayment thereof; but this section shall not apply to a building society or to a company incorporated for the loan of money in any manner to which the jurisdiction of this Legislature or the meaning of this Act applies.

19. The Directors of the Company shall be jointly and severally liable to the laborers, servants, and apprentices thereof, for all debts not exceeding one year's wages due for services performed for the Company whilst they are such Directors respectively, but no Director shall be liable therefor unless the Company has been sued therefor within one year from the time when he ceased to be such Director, nor yet before an execution against the Company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against the Directors.

20. The charter of the Company shall be forfeited by non-user during three consecutive years at any one time, or if the Company do not go into actual operation within three years after it is granted, and no declaration of such forfeiture

by any act of the Legislature shall be deemed an infringement of such charter.

21. The Company shall be subject to such further and other provisions as the Legislature of Ontario may hereafter deem expedient in order to secure the due management of its affairs and the protection of its shareholders and creditors.

In Testimony whereof, we have caused these our Letters to be made Patent, and the Great Seal of our Province of Ontario to be hereunto affixed. Witness, The Honourable Donald Alexander Macdonald, Lieutenant Governor of our Province of Ontario, at Our Goverment House in Our City of Toronto in Our said Province this fifth day of October, in the year of Our Lord one thousand eight hundred and seventy-seven, and in the forty-first year of Our reign.

By Command.

I. R. ECKART,
Assistant Secretary

No. 7.

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

BILL.

An Act respecting the Ontario Express and Transportation Company.

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

Second reading, Wednesday, 20th February, 1878.

[PRIVATE BILL.]

Mr. OLIVER.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.,
1878.

No. 8. **BILL.** [1878.

An Act to authorize the National Insurance Company to reduce its Capital Stock, and for other purposes.

Preamble.

WHEREAS the National Insurance Company hath, by its petition, prayed to be allowed to reduce its capital stock, to make special assessments on its stock, and to amend the Act passed in the thirty-eighth year of Her Majesty's reign, chapter eighty-four, incorporating the said Company in the manner hereinafter mentioned; 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:—

38 V., c. 84.

Power of Directors to reduce capital to not less than $500,000

1. From and after the passing of this Act it shall be lawful for the Directors of the said Company, with the consent of the majority, in value, of the shareholders of the said Company present, or represented by proxy, at a meeting of such shareholders specially convened for that purpose, to reduce the capital of the said Company to any amount not less than five hundred thousand dollars, as they may see fit, and also to alter the present number and nominal value of the shares of the said Company in such wise as may be thought best to effect the said decrease.

Existing policies not affected.

2. Until all the policies granted by the said Company shall have expired, or shall have been exchanged for policies based on the said reduced capital, the action of the said Directors and shareholders, with regard to the said reduction of capital, shall remain suspended, so far as the unpaid portion of such capital is concerned; but so soon as all such policies shall have expired or shall have been so exchanged as aforesaid, the whole of the said capital stock shall be reduced to all intents and purposes whatsoever to the extent and in the manner so agreed upon and determined by the said Directors and shareholders.

Company may hold U. S securities for purposes of deposit there;

3. It shall be lawful for the Company to purchase and hold, for the purpose of investing therein any part of the funds or money thereof, any of the public securities of the United States of America, to such an amount as may be required to be deposited with the Federal Government or the Government of any of the different States of the said United States, for the purpose of doing business therein.

Second section of Act amended.

4. The second section of the Act hereinbefore cited is hereby amended by inserting between the words "whatsoever" and "for" in the sixth line thereof the following

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words, to wit: "and whether the interest be that of proprietor, trustee, creditor, secured or unsecured, or otherwise."

Seventh section amended.

5. The seventh section of the said Act is hereby amended by striking out the word "January" in the fourteenth and fifteenth lines thereof and inserting the word "February" in lieu thereof.

Eleventh and fourteenth sections amended.

6. The eleventh and fourteenth sections of the said Act are hereby amended by striking out the words "Managing Director" or "Manager" wherever they occur in either of the said sections and inserting the word "Secretary" in lieu thereof

Treatment of shares forfeited.

7. Every share which shall be forfeited in accordance with the provisions of the said Act may, by resolution of the Board of Directors, be declared to be the property of the Company, and may thereupon be sold, re-allotted or otherwise held or disposed of, on such terms, in such manner and to such person or persons as the Directors shall think fit.

Liability of holder for costs, &c.

8. Any member whose share shall have been forfeited shall, notwithstanding such forfeiture, be liable to pay to the Company all calls, interest and expenses owing upon such shares at the time of the forfeiture.

Regulation of re-allotment of shares, &c.

9. The Board of Directors are hereby authorized to make by-laws and such other arrangements as to the details of the re-allotment and conversion of shares in conformity hereto as shall be found most convenient.

Amalgamation with another Company.

10. The Directors of the said Company may enter into an agreement with one or several of the incorporated insurance companies of the Dominion for an amalgamation, and may determine upon the terms of such amalgamation, and the relative values of the assets of the said National Insurance Company and of such amalgamating companies, and may agree upon all matters respecting the management of the companies so amalgamated: Provided that the said agreement of amalgamation shall not contain anything inconsistent with "*The Insurance Acts of* 1875 *and* 1877." No such agreement shall be valid, however, until confirmed by the majority of the shareholders of the National Insurance Company present or duly represented at any general meeting of the said shareholders specially called for that purpose.

Proviso: Not to contravene general Acts.

Other Companies may amalgamate with it.

11. The Directors of any other Insurance Company are hereby authorized to enter into an agreement of amalgamation with the National Insurance Company, to the purport and effect set forth in the next preceding section; but such agreement shall not be valid until confirmed by the majority of the shareholders of each Company, entering into such amalgamation, present or duly represented at a general meeting of the said shareholders specially called for that purpose.

How amalgamation may be effected.

12. The agreement of amalgamation shall be made by notarial deed, or by writing under private signature; and

after its confirmation by the shareholders of the amalgamating Companies an authentic copy of the said agreement, if it has been made by notarial deed, or a duplicate thereof, if it has been made by deed under private signature, shall be filed in the office of the Minister of Finance for the Dominion of Canada; and immediately after its filing the said copy or the said duplicate shall be published in the *Canada Gazette* at the expense of the Company, and the amalgamation shall come into force from the date of such publication, and thereafter the amalgamated Company shall be deemed to be one corporation, under such name as may be declared in the agreement of amalgamation: Provided that such name shall not be that of any incorporated Company not being a party to such amalgamation, and the new Company shall possess all the rights and privileges belonging to institutions of that character, and shall be subject to the provisions of "*The Insurance Acts of* 1875 *and* 1877."

Proviso: as to new name.

General Acts to apply.

13. Any authentic copy of the said agreement of amalgamation, accompanied by the certificate of the Minister of Finance for the Dominion of Canada, of the filing in his office, and the publication in the *Canada Gazette* of a similar copy, or any copy of the duplicate of the said agreement, filed at the office of the said Minister of Finance, accompanied by the certificate of the said Minister of Finance of the publication thereof in the *Canada Gazette*, or any copy of the *Canada Gazette* containing the publication of the said agreement of amalgamation, shall be evidence in the courts, and in all proceedings of the said agreement of amalgamation and of the amalgamation of the companies so amalgamated, and of their incorporation into one and the same corporation.

Certain copies of agreement to be evidence.

14. The agreement of amalgamation shall settle and provide in what manner the assets and liabilities of the said amalgamating companies shall be vested and assumed, and shall also fix the place where the principal office of the amalgamated Company shall be situate.

Assets and liabilities and head office.

15. Immediately upon the amalgamation taking place, the shareholders of the respective companies so amalgamating shall *ipso facto* become the shareholders of the new Company in the proportion set forth in the agreement of amalgamation.

Shareholders.

16. The amalgamation shall in no way vary the obligations of the debtors of each of the said companies so amalgamated, save and except that they shall become the debtors of the new Company.

Rights of companies saved.

17. Nothing in this Act shall be construed so as to lessen or vary the liability of the shareholders of the National Insurance Company to the present creditors thereof

Creditors' rights saved.

No. 8.

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

BILL

An Act to authorize the National Insurance Company to reduce its capital stock, and for other purposes.

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

Second reading, Wednesday 20th February, 1878.

(PRIVATE BILL.)

Mr. DESJARDINS.

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1878.

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No. 9.1] **BILL.** [1878.

An Act to amend the Acts incorporating the Brockville and Ottawa Railway Company, and the Canada Central Railway Company, and to provide for the amalgamation of the said Companies.

Preamble.

WHEREAS the Brockville and Ottawa Railway Company and the Canada Central Railway Company have by their petitions respectively represented that it would be or the advantage of both companies that they should be amalgamated; and that provision should be made for consolidating their indebtedness, reducing their expenses of management, and facilitating the extension of their lines; and that the Brockville and Ottawa Railway connects the upper navigable waters of the Ottawa river lying between the Provinces of Ontario and Quebec with the navigable waters between Canada and the United States, and is therefore a work for the advantage of both the said Provinces; and have prayed for an Act declaring the Brockville and Ottawa Railway to be for the advantage of the Provinces of Ontario and Quebec, and amending the Acts of incorporation of the said two Companies, in such manner as to enable them to carry out the proposed changes in their organization; and whereas it is expedient to grant the prayer of the said petitions; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory.

1. The Brockville and Ottawa Railway is hereby declared to be a work for the advantage of the Provinces of Ontario and Quebec.

Amalgamation.

2 The said Companies are hereby authorized and empowered to amalgamate under the name of the "*Canada Central Railway Company.*"

How to be effected.

3. The said amalgamation may be effected by an agreement of amalgamation executed by the said Companies respectively, under the authority, or subject to the ratification of the shareholders of the said Companies respectively, such sanction or ratification to be effected by resolutions of such shareholders passed at special general meetings of such shareholders called for the purpose of authorizing or ratifying such amalgamation; and such deed shall be in triplicate; and one part thereof shall be deposited with the Secretary of State, and the deposit thereof shall forthwith be announced by him in the *Canada Gazette*, at the expense of the said Companies, during a period of one month; and upon the

Publication of deed.

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execution of such agreement of amalgamation in manner aforesaid, and authorized or ratified, deposited and announced as aforesaid, the said Companies shall become and be one Company, under the name of the "*Canada Central Railway Company.*"

Rights and property vested in the company.

4. The amalgamated Company shall be vested with all the rights, franchises, powers, privileges and property of both of the said Companies, and in case of any difference in the provisions conferring such rights, franchises, powers, privileges and property, the provisions of the Acts incorporating the Canada Central Railway Company shall govern; and the amalgamated Company shall be liable for all the debts, duties and obligations of both of the amalgamated Companies; and

As to debts and obligations.

no proceedings of any nature, either by or against the said Companies, or either of them, shall be abated or discontinued, by reason of the passing of this Act, but shall be continued to their natural and ordinary termination, as if this Act had never been passed; and if any judgment be rendered therein, such judgment shall be binding upon and executory against the amalgamated Company, or shall enure to the benefit thereof, and may be enforced thereby, as the case may be.

Head office.

5. The head office and chief place of business of the amalgamated Company shall be fixed by the deed of amalgamation, but may afterwards be changed and established elsewhere by a by-law of the amalgamated Company.

Capital stock and shares.

6. The stock of the amalgamated Company shall be three million dollars, in shares of one hundred dollars each, of which one million three hundred and thirty-three thousand five hundred dollars may be issued forthwith, upon the completion of the aforesaid amalgamation, that is to say, six thousand five hundred dollars per mile for each and every mile of the present constructed railways belonging to

Increase.

the said two Companies; and such stock may be increased from time to time to a like sum per mile, upon any extension of the said railways, which shall be *bona fide* contracted for; such additional stock to be so issued upon a resolution duly passed at an annual meeting of the shareholders of the Company, or at a special general meeting called for the purpose of considering such further issue of stock.

Preferential liabilities not affected.

7. The existing preferential, privileged, and mortgage liabilities of the said Companies shall continue to attach according to their present rank and privilege, upon the portion of the amalgamated railway and property now affected by such preference, privilege, or mortgage; and the respective rights of voting security, ranking and privilege now existing, shall not be disturbed or affected by the provisions of this Act unless and until an issue of bonds be hereafter made with the consent and sanction of the holders of the existing securities of the said Companies evidenced in the manner hereinafter provided, for the purpose of retiring such securities, and until such securities, are actually paid off by means thereof.

Allotment of stock.

8. The stock of the amalgamated Company shall be allotted to the stockholders of the said two Companies respectively in the case of the Brockville and Ottawa Railway Company at the par value of the existing stock of the said Company, including the stock (if any) which is due to former creditors of the said Company and has not been received by them in exchange for their claims; and in the case of the Canada Central Railway Company at the rate of six thousand five hundred dollars per mile in lieu of the stock of the said Company already issued; and upon the completion of the amalgamation the existing stock of both Companies shall be cancelled, and a new issue of stock in the amalgamated Company shall be made to the extent of the said sum of six thousand five hundred dollars per mile upon the now completed lines of the said railways, from out of which shall be issued to the present shareholders of the Brockville and Ottawa Railway the amount of stock held by them at par; and to the stockholders of the Canada Central Railway, an amount of stock bearing the same proportion to the amount of stock held by each of the shareholders in the said last named railway as the sum of four hundred and eighty-seven thousand five hundred dollars bears to the sum of one million two hundred and forty-two thousand five hundred dollars, being the proportion which six thousand (*five hundred*) dollars per mile bears to the existing issue upon the Canada Central Railway; and as in the distribution of the said amalgamated stock, shares or fractional parts of shares may remain in the hands of existing shareholders in each of the said Companies, provision shall be made by by-law of the amalgamated Company for the equitable adjustment of the rights of the holders of such fractional shares, in such manner as the amalgamated Company shall determine.

New issue after amalgamation.

As to fractions of shares.

Mortgage bonds may be issued.

9. The amalgamated Company may issue mortgage bonds to the extent of twenty thousand dollars per mile upon the entire length of its railway, for the purpose of paying off the preferential and mortgage claims now existing upon the said railways; and of applying the balance thereof in aid of the extension of the said railways hereinafter provided for; but such issue shall not be made, except under the authority of a special general meeting of the shareholders called for the purpose of considering it; nor unless there shall be produced and fyled among the records of the said Company, a declaration in writing signed by at least three-fourths in value of the holders of such preferential and mortgage claims, consenting to such issue; and such issue shall not attach upon the said amalgamated railway nor create any mortgage, lien or privilege thereon, unless and until the said preferential claims and mortgages have been settled or paid off, and have been surrendered to the amalgamated Company; but thereafter, such issue shall constitute a first mortgage and privilege upon the said railway, and upon its franchises and property, real and personal, rolling stock, plant, tolls and revenues; and such mortgage may be evidenced by a deed or deeds of mortgage executed by the amalgamated Company, with the authority of its

Conditions of issue.

Preferential claims to be first paid off.

How mortgage shall be evidenced.

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What the deed may contain.

shareholders, expressed by resolution passed at a special general meeting thereof, called for the purpose; which deed or deeds may contain such conditions respecting the payment of the said bonds and of the interest thereon, and respecting the remedies which shall be enjoyed by the holders thereof or by any trustee or trustees for them in default of such payment, and for enforcing such remedies and for such forfeitures and penalties, in default of payment thereof, or of the interest or coupons thereon, as may be approved by such meeting; and may also, with the approval aforesaid, authorise the trustee or trustees to take possession of the railway and property mortgaged, and hold and run the same for the benefit of the bondholders thereof for a time limited by such deed or deeds, or to sell the said railway, franchises and property, after such delay and upon such terms and conditions as may be stated in such deed or deeds, and with like approval may thereby grant such further and other powers and privileges to such trustee or trustees and to such bondholders as are not contrary to law or to the provisions of this Act, including the right to the holders of such bonds to vote at meetings of shareholders whenever any instalment either of interest or capital is in default, as shall be described in such deed or deeds.

Mortgage bonds on extension of the railway.

10. The amalgamated Company may also issue first mortgage bonds, secured in like manner upon any extension thereof which may be *bonâ fide* placed under contract; and in that case the said extension shall be known as the western section, and the bonds issued upon such extension shall be known as the "Western Series," and the already constructed portion of the railway of the said amalgamated Company shall be called the eastern section, and the bonds issued thereon shall be called the "Eastern Series;" and the Company may, by the terms of such western series of bonds, and by the deed of mortgage securing the same, virtually stipulate that the Company shall not be liable to any direct action or proceeding for the recovery of the amount of the said last-mentioned bonds, or of any instalment of interest thereon; nor as to its personalty for either the interest or capital of the said western series; nor as to its realty beyond the portion of its railway lying west of Pembroke constituting such extension; and in like manner the eastern series shall not have any mortgage, lien or privilege upon the said extension; but so soon as the extension is completed and accepted by the Company, both the eastern and western series shall rank concurrently over the entire property, franchises, revenues and assets of the Company.

Application of proceeds.

11. The western series of bonds and the balance of the proceeds of the eastern series, after paying off the existing encumbrances as hereinbefore provided, shall be used in the construction and equipment of the extension, either directly or for the purpose of creating a fund for such construction and equipment.

Second mortgage bonds may beissued.

12. The said Company may also, in aid of the construction and equipment of the extension, issue second mortgage bonds

upon the portions of railway hereinbefore described as the eastern and western sections, or either of them, the section upon which such bonds shall attach being described in such bonds and in the mortgage deed securing the same; but no such second mortgage bonds shall be issued or attach upon the eastern section until the existing encumbrances thereon have been paid off as hereinbefore provided. Proviso.

13. The amalgamated Company may validly contract for the construction of the extension known as the western section, or of any part thereof, without becoming liable in respect of the eastern section until it shall have accepted the extension from the contractor, leaving to the contractor the possession, use and control of the extension pending the completion and acceptance thereof, upon such terms as may be agreed on between him and the Company. Contract for extension.

14. It may be stipulated and agreed in any deed or deeds of mortgage which shall be executed by the amalgamated Company, that the holders of the bonds secured by such deed shall have the right to vote in the same manner as the stockholders of the said Company, in the proportion of one vote to every one hundred dollars of such bonds, in the event of such default occurring in the payment of such bonds, or of the interest thereon, as shall be described in such deed of mortgage as giving such right to vote; and any right of voting now possessed by any of the bondholders of either of the said Companies shall continue to be exercised by such bondholders. Holders of bonds may vote in certain cases.

No. 9.

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

BILL.

An Act to amend the Acts incorporating the Brockville and Ottawa Railway Company, and the Canada Central Railway Company, and to provide for the amalgamation of the said Companies.

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

Second reading, Wednesday, 20th February, 1878.

Mr. GALBRAITH.

OTTAWA:

Printed by MACLEAN, RODER & Co.

1878.

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No. 10.] **BILL.** [1878.

An Act to authorize the Stadacona Fire and Life Insurance Company to reduce its Capital Stock and for other purposes.

Preamble
37 V., c. 94.

WHEREAS the Stadacona Fire and Life Insurance Company hath, by its petition, prayed to be allowed to reduce its capital stock and for divers amendments to its Act of incorporation, 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:—

Capital stock may be reduced.

1. Notwithstanding any provision to the contrary of the Act incorporating the said Stadacona Fire and Life Insurance Company, passed in the thirty-seventh year of Her Majesty's reign, chapter ninety-four, it shall be lawful from and after the passing of this Act, for the Directors of the said Company, with the consent of the majority in value of the shareholders of the said Company, present or represented by proxy at a meeting specially convened for that purpose, to reduce the subscribed capital of the said Company by reducing each individual share from one hundred dollars, the amount specified by section two of the said Act of incorporation, to sixty dollars; and whereas the sum of thirty-five dollars per share has already been called up in the manner required by law, the amount remaining subject to call on each such share shall be twenty-five dollars and no more: Provided always, that the amount of such reduced capital shall not be less than one million dollars.

Proviso:

Existing policies secured.

2. Until all the policies heretofore granted by the said Company shall have expired, or shall have been exchanged for policies based on the said reduced capital, the liability of the Company and of the shareholders shall continue to be the same as heretofore, and shall not, in so far as regards the aforesaid policies, be affected by the provisions of this Act.

Section 3 of Act amended.

3. Section three of the said Act of incorporation is hereby amended by striking out the words "three month's interval" in the eighth line thereof, and substituting therefor the words "one, two, or three month's interval, as the said Directors may deem most advisable."

Forfeiture of shares not to affect liability.

4. Section four of the said Act is hereby amended by adding thereto the following paragraph:—

Such shareholders who neglect or refuse to pay their instalments and whose shares shall be declared forfeited as aforesaid, shall not, however, be relieved of their individual

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liability by such forfeiture, but they shall continue to be liable for the amount remaining due and unpaid on their shares at the date of such forfeiture, notwithstanding that they shall have ceased to be shareholders from the time their shares were declared forfeited.

Number of Directors reduced.

5. From and after the passing of this Act the property, affairs and concerns of the said Company may be managed and conducted by a Board of seven Directors instead of nine, as specified in section twelve of the said Act of incorporation.

Section 15 of Act amended.

6. Section fifteen of the said Act of incorporation is hereby amended in so far as regards all future elections of Directors by striking out the word "nine" in the tenth and eighteenth lines thereof, and substituting therefor the word "seven."

Qualification of Directors.

7. The number of shares required for the qualification of Directors shall be twenty-five instead of fifty, and section fifteen of the said Act of incorporation is hereby amended by substituting the word "twenty-five" for the word "fifty" in the twenty-first line thereof.

Vacancies among Directors, how filled.

8. Section nineteen of the said Act of incorporation is hereby repealed, and in the event of a vacancy occurring at any time amongst the Directors, the remaining Directors or the majority of them, may either fill such vacancy at once for the remainder of the year by electing in such place or places a shareholder or shareholders eligible for such office, or may leave such vacancy unfilled until the following annual meeting; and the fact of such vacancy not having been filled shall in no wise affect the validity of any act performed by the majority of the remaining Directors, provided their number be not less than five.

Life business may be discontinued.

9. With the consent of the majority of the shareholders of the Company given in the manner set forth in the first section of this Act, it shall be lawful for the Directors of the Company to discontinue the business of the Life Department of the Company, and after having re-insured its life policies in another Life Insurance Company approved by the Honorable the Minister of Finance, to withdraw the amount originally deposited by the Company with the Government to enable it to obtain its license for carrying on the business of Life Insurance.

No. 10.

5th Session, 3rd Parliament, 41 Victoria, 1

BILL.

An Act to authorize the Stadacona I and Life Insurance Company to red its Capital Stock and for other P poses.

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

Second reading, Wednesday, 20th Febru 1878.

(PRIVATE BILL.)

Mr. CASGRAIN

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Str

1878.

No. 11.] **BILL.** [1878.

An Act to reduce the Capital Stock of the Merchants Bank of Canada.

Preamble.

WHEREAS the Merchants Bank of Canada, by its petition, has represented, that it has sustained heavy losses in the course of its business, whereby the value of the paid-up capital stock thereof has been largely reduced, and that in order to enable it advantageously to continue its business, and to realize the largest possible return for its shareholders, it is necessary that it should be authorized to reduce its capital stock by reducing the number of its subscribed shares, 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:—

Number of shares shall be reduced.

1. The number of the existing subscribed shares of the said Bank shall be reduced as follows, namely, for and in lieu of every four shares held by any existing shareholder on the first day of May in the present year one thousand eight hundred and seventy-eight, three new shares of one hundred dollars each shall then be issued to such shareholder: Provided always, that nothing herein contained or done hereunder shall in any way affect or diminish the present liability of holders of shares unpaid or not paid up in full, to pay up in full the amount of such shares to the present nominal amount thereof.

Votes to be on the basis of the new stock.

2. From and after the said first day of May the votes by the shareholders of the said Bank shall be computed upon the basis of the new stock, and no transfer or other transaction of any kind or nature whatsoever shall thereafter be made or take place except in respect of the said new stock.

Proceeding when number of shares is not evenly divisible.

3. In every case wherein any shareholder holds such a number of existing shares as are not divisible into new shares without a remainder, and whenever such shareholder is unable to make arrangements with other shareholders by buying or selling or otherwise, as the case may be, so that he shall hold a number of shares which is so divisible without remainder: then such shareholder, together with any number of other shareholders in the same position, may surrender to the said Bank the surplus or indivisible shares held by them; and thereupon new stock therefor shall be issued to them or any of them conjointly, in order that they may dispose of the same for their joint benefit; and if on the first day of August next, any such surplus or indivisible shares remain unconverted the said Bank shall have the right to issue new

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shares in lieu thereof in the proportion aforesaid, and cause such new shares to be sold in such manner as the said Bank shall deem likely to produce the largest return therefor, and thereafter shall distribute the net proceeds of such sale among the shareholders entitled thereto on the execution by such shareholders respectively of suitable discharges for the same.

No. 11.

5th Session, 4th Parliment, 41 Victoria, 1878

BILL.

An Act to reduce the Capital Stock of the Merchants Bank of Canada.

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

Second reading, Wednesday, 20th February, 1878.

[PRIVATE BILL]

Mr. JETTÉ.

OTTAWA.
Printed by MacLean, Roger & Co.,
1878.

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No. 12.] **BILL.** [1878.

An Act to incorporate the "Société de Construction Mutuelle," under the name of the "Société de prêts et placements de Québec," and for other purposes.

Preamble. Con. Stat., L. C., c. 69.

WHEREAS the *Société de Construction Mutuelle* incorporated under the provisions of the Act chapter sixty-nine of the Consolidated Statutes for Lower Canada, has existed in the City of Quebec since the month of November one thousand eight hundred and seventy-four; whereas the present subscribed capital of the said Society is two million and fourteen thousand dollars, and the amount paid thereon is about one hundred and forty thousand dollars; and whereas its existence on a solid and durable basis is of great interest to all its shareholders; and whereas the said Society has, by the petition of its President and Directors, prayed for certain powers and changes which would greatly contribute to its prosperity and to the security of persons holding shares therein and of the public with whom its business is transacted; 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:—

Corporation continued.

1. The said *Société de Construction Mutuelle* and all its present members, their successors and assigns for ever, are hereby constituted a body corporate and politic, under the name of the *Société de prêts et placements de Québec*, having its principal place of business in the City of Quebec, and may, by that name sue and be sued, plead and be impleaded in all courts of law, and places whatsoever; and shall enjoy all the rights, powers and privileges granted to permanent building societies by the Act chapter sixty-nine of the Consolidated Statutes for Lower Canada, and by all other Acts affecting such societies, and shall be held to all the duties and obligations imposed on such societies by the said Acts.

Rights and powers.

Property, &c. vested in Society.

2. All movable and immovable property, shares or stock, obligations, debts, liabilities, assets, rights, claims and privileges generally whatsoever of the said *Société de Construction Mutuelle* shall be transferred to and vested in the Society hereby incorporated, and all its debts and obligations shall be binding on the same, and all the shareholders in the said *Société de Construction Mutuelle* shall be shareholders in the Society hereby incorporated, and all legal proceedings here-

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tofore begun by or against the said *Société de Construction Mutuelle*, may be continued and terminated under the name or style of cause in which they have been instituted.

Officers continued.

3. The President, Directors and officers of the said *Société de Construction Mutuelle*, now in office shall so continue in the Society hereby incorporated, by their name of office, until replaced in conformity with the by-laws of the Society and the provisions of law; and they may, among other things, appoint auditors of the Society.

And by-laws.

4. The rules and by-laws under which the said *Société de Construction Mutuelle* has been hitherto governed and which are declared to have been made and approved according to law, shall be the rules and by-laws of the Society hereby incorporated, shall continue in full force and effect, and shall be binding in law as regards the Society hereby incorporated, its Directors, officers, and borrowers until modified, amended or repealed in conformity to law, and the provisions of this Act.

Recital.

5. And whereas, under the system hitherto followed in the said *Société de Construction Mutuelle*, the capital thereof consisted of the whole amount of the shares subscribed for by its shareholders, and such capital was to be advanced by appropriation from time to time, during the existence of the Society, to shareholders holding the winning number at a drawing of lots of such appropriations, or whose number obtained at a bidding the privilege of appropriation; and whereas under the aforesaid system of appropriation a certain number of shareholders have already received in advance the amount of their shares, and consequently the said shareholders are bound to repay in full the amounts so by them received, less what they may have previously paid up on their said shares, and consequently the said shares cannot now be reduced, unless with the consent of such shareholders and by providing new and special means for the discharge of the obligations of such borrowing members towards the *Société de Construction Mutuelle*; it is further enacted: that

Reduction of shares receiving no appropriation.

the capital stock of the said Society subscribed for by shareholders who have received no appropriations shall be reduced to ten per centum of the amount by them so subscribed; and the capital subscribed by borrowing shareholders shall remain at the full amount of the original subscription.

Of non-borrowing shareholders.

Non-borrowing shareholders, that is to say, those who have not received appropriations shall be bound to complete the said amount of ten per centum on the total of the shares by them originally subscribed for, by paying to the Society such an amount as may be requisite to form such ten per centum, with what they have already paid, in instalments not exceeding ten per centum of the balance by them so owing, and payable at such periods as may, from time to time, be fixed by the Directors: Provided that such instalments shall not be payable at shorter intervals than one month.

Proviso:

Of borrowing shareholders.

Borrowing shareholders shall continue to make their monthly payments and pay their weekly instalments in the same manner and on the same terms and at the same periods

as set forth in their obligations entered into with the Society, until such time as each and all of their said obligations shall have been completely and entirely satisfied and fulfilled. Nevertheless the Directors of the Society may make such arrangements with such borrowing shareholders as they shall think proper, to convert into an obligation to pay a fixed sum agreed upon and determined between them and such borrowing shareholders, all and every the debts and obligations of such borrowing shareholders as aforesaid, the whole in conformity with the provisions of the first section of this Act; and thenceforth such borrowing shareholders shall cease to be shareholders and shall become simple borrowers, and their shares shall be absolutely cancelled and annulled to all intents and purposes whatsoever.

Commutation of their debt to Society.

6. The capital stock of the Society, reduced as hereinbefore enacted, shall be and form the permanent capital stock of the said Society, and shall be divided into shares of one hundred dollars each, and each share shall entitle the holder thereof to one vote; but no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls made upon all the shares held by him.

How the capital stock of the Society shall be constituted hereafter.

7. The said Society may, by a resolution of the Directors confirmed at a general meeting of the shareholders, increase its permanent capital by the issue of new shares, upon such conditions and with such restrictions as may be prescribed by the Directors; it may also, as often as it thinks proper, open classes of temporary shares, which shall be payable to the Society according to its by-laws; and nothing in this Act shall operate to deprive the Society in that respect of any rights and privileges conferred by general Acts affecting such societies.

Increase of capital and temporary shares.

8. Any shareholder or member of the Society may, at his option at any time, and in manner to be regulated by the Directors, convert his temporary shares into fixed and permanent shares in the stock of the Society either before or after the same shall have been fully paid up.

Conversion of temporary shares.

9. All shares, whether permanent or temporary, in the said Society, and all profits thereon shall be, specially and by prior privilege to any other creditors, charged with and liable for any claims the Society may have against the proprietors of such shares; and the same may be retained and confiscated by the Society to an amount equal to the sum in arrear, if the shareholder indebted to the Society fails to discharge his debt or obligation within twelve months after the same shall have matured. The shares of the said Society may also be seized and sold in the same manner and with the same formalities as shares in bank stock.

Prior claim of Society in respect of shares.

Seizure of shares as of bank stock.

10. The system of appropriations hitherto followed in the said Society shall be totally discontinued, and the said Society may invest its moneys in any real security, or in the public securities of the Dominion, or of any of the Provinces

Investment of funds.

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thereof, or on the security of debentures of any municipal or other corporations, or on the security of shares in the Society. The Society may also accept in addition to such hypothecary securities, any personal or other security offered as collateral security for loans made by the Society.

Collateral security.

How by-laws may be made, altered or repealed.

11. The Society hereby incorporated shall have power to alter, amend and repeal the present by-laws of the said *Société de Construction Mutuelle* and shall have power to adopt and make any by-laws not being contrary to law, or inconsistent with the provisions of this Act, which they may deem necessary for the good management of their affairs, as also to alter, amend and repeal such by-laws: Provided always that no by-law shall be altered, amended, or repealed or adopted and passed, otherwise than by a resolution of the shareholders of the Society, concurred in by at least two-thirds of the votes of the members present at a general meeting of the members of the Society held for that purpose at the call of the President or of three Directors, by public notice inserted in two newspapers, published in the City of Quebec,—one in the French language and the other in the English language, three times a week for two consecutive weeks, before the day of the said meeting.

Proviso.

Notice of meeting for the purpose.

No. 12.

5th Session, 3rd Parliament, 41 Victoria, 18

BILL.

An Act to incorporate the "*Société Construction Mutuelle*" under t name of the "*Société de Prêts et Pla ments de Québec*," and for other p poses.

Received and read first time, Tuesday, 1 February, 1878.

Second reading, Wednesday, 20th Febru 1878.

Mr. Malouin

OTTAWA:

Printed by Maclean, Roger & Co.

1878.

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No. 13.] **BILL.** [1878.

An Act further to amend the Act intituled "An Act respecting the Public Works of Canada."

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

1. The Act passed in the thirty-first year of Her Majesty's reign, and intituled "*An Act respecting the Public Works of Canada*," is hereby amended by adding the following words to the forty-second section thereof:—"With the consent of the Minister or his agent, and of the opposite party, the testimony of the said witnesses may be taken down in short-hand by a stenographer, who shall be previously sworn before one of the arbitrators faithfully to take down and transcribe the testimony, and who shall, at the conclusion of the examination of a witness, read over the same to him; and such testimony shall, when transcribed in ordinary writing, and signed by the witness, if he can write, and if not, then attested by the stenographer, form the record of his testimony." 30 V. c. 12 amended. Short-hand writer may be employed to take down evidence in arbitration cases.

2. The expenses incurred under this Act, in any case, shall be costs therein, and taxed and paid as such; and this Act shall apply to cases pending at the time of its passing, and to cases referred to the said Arbitrators under any Act amending the Act first above cited. As to costs.

No. 13.

5th Session, 4th Parliment, 41 Victoria, 1878

BILL.

An Act further to amend the Act intituled "An Act respecting the Public Works of Canada."

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

Second reading, Wednesday, 20th February, 1878.

Mr. MACKEEZIE.

OTTAWA.
Printed by MacLean, Roger & Co.,
1878.

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No. 14.] **BILL.** [1878.

An Act further securing the Independence of Parliament.

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

1. Except as hereinafter specially provided—

No person holding an office of emolument under the Government of Canada or of a Province to be a member of the House of Commons.

1. No person accepting or holding any office, commission or employment, permanent or temporary in the service of the Government of Canada, or of the Government of any of the Provinces of Canada, at the nomination of the Crown, or at the nomination of any of the officers of the Government of Canada, or of the Government of any of the Provinces of Canada, to which any salary, fee, wages, allowance or emolument, or profit of any kind is attached, nor any person entitled to any superannuation or retiring allowance from the Government of Canada, shall be eligible as a Member of the House of Commons, nor shall he sit or vote therein:

Exception as to members of Her Majesty's Privy Council holding certain offices.

2. Provided that nothing in this section shall render ineligible, as aforesaid, any person holding any of the following offices, that is to say: President of the Privy Council, Receiver-General, Minister of Finance, Minister of Justice, Minister of Militia and Defence, Secretary of State, Minister of the Interior, Minister of Public Works, Postmaster General, Minister of Agriculture and Emigration, Minister of Inland Revenue, Minister of Customs, or Minister of Marine and Fisheries, or any office which may be hereafter created, to be held by a member of the Queen's Privy Council for Canada and entitling him to be a Minister of the Crown, or shall disqualify him to sit or vote in the House of Commons, provided he be elected while holding such office and be not otherwise disqualified:

Certain officers may resign one office and accept another within a month without vacating their seats.

3. And provided also, that whenever any person holding the office of President of the Privy Council, Receiver-General, Minister of Finance, Minister of Justice, Minister of Militia and Defence, Secretary of State, Minister of the Interior, Minister of Public Works, Postmaster General, Minister of Agriculture and Emigration, Minister of Inland Revenue, Minister of Customs, or Minister of Marine and Fisheries, or any office which may be hereafter created, entitling him to be a Minister of the Crown, and being at the same time a member of the House of Commons, resigns his office, and within one month after his resignation accepts any of the said offices, he shall not thereby vacate his seat,

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Exception in case of change of Administration.

unless the Administration of which he was a member, shall have resigned and a new Administration shall have been formed and shall have occupied the said offices.

No contractor, &c., with Government of Canada to be a member.

2. No person whosoever, directly or indirectly, alone or with any other, by himself or by the interposition of any Trustee or third party, knowingly and wilfully holding or enjoying, undertaking or executing any contract or agreement, expressed or implied, with or for the Government of Canada on behalf of the Crown, or with or for any of the officers of the Government of Canada, for which any public money of Canada is to be paid, shall be eligible as a member of the House of Commons, nor shall he sit or vote in the said House during the time he holds such contract or agreement, or is knowingly and willingly interested therein.

Election of disqualified person to be void.

3. If any such person hereinbefore declared ineligible as a member of the House of Commons, is nevertheless returned as a member, his election and return shall be null and void.

Member becoming disqualified to vacate his seat.

4. If any member of the House of Commons accepts any office or commission or is concerned or interested in any contract, agreement, service or work which by the first or second section of this Act renders a candidate incapable of being elected to, or of sitting or voting in the House of Commons, or sells any goods, wares or merchandise to, or performs any service for the Government of Canada, or for any of the officers of the Government of Canada, for which any public money of Canada is paid or to be paid, whether such contract, agreement or sale be expressed or implied, and whether the transaction be single or continuous, the seat of such member shall thereby be vacated, and his election shall thenceforth be null and void.

Penalty on person disqualified, sitting or voting.

5. If any person disqualified or declared incapable of being elected to, or of sitting or voting in the House of Commons by the first section of this Act, or if any person duly elected, who has become disqualified to continue a member or to sit or vote, under the fourth section of this Act, nevertheless sits or votes, or continues to sit or vote therein, he shall thereby forfeit the sum of *two hundred dollars* for each and every day on which he so sits or votes, and such sum shall be recoverable from him by any person who will sue for the same by action of debt, bill, plaint or information in any Court of competent civil jurisdiction in Canada.

How recoverable.

As to acts done in recess.

6. The fourth and fifth sections of this Act shall extend to any transaction or act begun and concluded during a recess of Parliament.

Exception as to shareholders in incorporated companies.

7. This Act shall not extend to disqualify any person as a member of the House of Commons, by reason of his being a shareholder in any incorporated Company having a contract or agreement with the Government of Canada, except any Company incorporated for the construction or working of any part of the Canadian Pacific Railway.

8. In every contract, agreement or commission to be made entered into or accepted by any person with the Government of Canada, or any of the Departments or officers of the Government of Canada, there shall be inserted an express condition, that no member of the House of Commons shall be admitted to any share or part of such contract, agreement or commission, or to any benefit to arise therefrom; and in case any person or persons who hath or have entered into or accepted, or who shall enter into or accept any such contract, agreement or commission admits or admit any member or members of the House of Commons to any part or share thereof, or to receive any benefit thereby, all and every such person and persons shall for every such offence forfeit and pay the sum of *two thousand dollars*, to be recovered with full costs of suit in any of Her Majesty's Courts by any person or persons who will sue for the same by action of debt, bill, plaint or information.

Government contracts to contain a clause that no member shall become interested therein.

Penalty for contravention.

9. Nothing contained in this Act shall apply or extend to render ineligible or disqualify as a member of the House of Commons,—

Further exceptions.

1. Any person on whom after the passing of this Act, the completion of any contract or agreement, expressed or implied shall devolve by descent or limitation, or by marriage or as devisee, legatee, executor or administrator, until twelve months after the same has so devolved on him, or to—

Persons on whom contracts devolve, &c.

2. Any contractor for the loan of money or of securities for the payment of money to the Government of Canada under the authority of Parliament, after public competition, or respecting the purchase or payment of the public stock or debentures of Canada, on terms common to all persons, or—

Lenders of money to Government, &c.

3. Any Officer of the Militia, or militia man, not receiving any salary or emolument out of the public money of Canada, except only his daily pay when called out for drill or on active service:

Militia officers and men.

Provided such person, contractor or militia officer or man, be not otherwise ineligible or disqualified.

Proviso.

10. No person, being a member of the Senate, shall be capable of holding any office, commission or employment, (other than the offices mentioned in sub-section *two* of the *first* section of this Act) or shall be a party to or concerned in any contract, agreement, matter or thing, which by this Act would render any person incapable of being elected to the House of Commons, and of continuing to sit or vote in the same; and if any person, being a member of the Senate, becomes a party to or concerned in any such contract, agreement, matter or thing, he shall thereby forfeit the sum of *two hundred dollars* for each and every day during which he continues to be such party or so concerned, together with all the emoluments and profits thereof and such sum, emoluments and profits shall be recovered from him by any person who will sue for the same by action of debt, bill, plaint or information in any Court of competent civil jurisdiction in

Members of Senate not to hold certain offices or become contractors, &c.

Penalty for contravention.

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Proviso: as to Senators now holding office, or being contractors.

Canada: Provided always, that this section shall not render any senator who, at the passing of this Act, holds any office, commission or employment in the service of the Crown or, has any contract or agreement or arrangement for which the public money of Canada is to be paid, incapable of continuing to hold such office, or shall prevent him from completing such contract, agreement or arrangement, or render him liable to the penalties imposed by this section.

Limitation of suits for penalties.

11. No person shall be liable to any forfeiture or penalty imposed by this Act, unless proceedings be taken for the recovery thereof within twelve months after such forfeiture or penalty has been incurred.

Members of House of Commons may resign their seats, and how.

12. Any member of the House of Commons wishing to resign his seat, may do so by giving in his place in the House notice of his intention to resign, in which, case and immediately after such notice has been entered by the Clerk on the Journals of the House, the Speaker may address his warrant, under his hand and seal, to the Clerk of the Crown in Chancery, for the issue of a writ for the election of a new member in the place of the member resigning;

Further provision in such case.

2. Or such member may address and cause to be delivered to the Speaker a declaration of his intention to resign his seat, made in writing under his hand and seal before two witnesses, which declaration may be so made and delivered either during a Session of Parliament or in the interval between two Sessions,—and the Speaker may, upon receiving such declaration, forthwith address his warrant, under his hand and seal, to the Clerk of the Crown in Chancery, for the issue of a writ for the election of a new member in the place of the member so resigning, and a writ shall issue accordingly,—and an entry of the declaration so delivered to the Speaker shall be thereafter made in the Journals of the House;

Warrant for new writ of of election.

Seat vacated.

3. And the member so tendering his resignation shall be held to have vacated his seat and cease to be a member of the House;

Not to resign while election is contested, &c.

4. But no member shall so tender his resignation while his election is lawfully contested, nor until after the expiration of the time during which it may by law be contested on other grounds than corruption or bribery.

Proceedings when a member wishes to resign and there is no Speaker, or he is himself the Speaker.

13. If any member of the House of Commons wishes to resign his seat in the interval between two Sessions of the Parliament, and there is then no Speaker, or if such Member be himself the Speaker,—he may address and cause to be delivered to any two Members of the House, the declaration before mentioned of his intention to resign; and such two members, upon receiving such declaration, shall forthwith address their warrant, under their hands and seals, to the Clerk of the Crown in Chancery, for the issue of a new writ for the election of a member in the place of the member so notifying his intention to resign, and such writ shall issue

accordingly :—And the member so tendering his resignation shall be held to have vacated his seat and cease to be a member of the House. Seat vacated.

14. If any vacancy happens in the House of Commons by the death of any member, or by his accepting any office, the Speaker, on being informed of such vacancy by any member of the House in his place,—or by notice in writing under the hands and seals of any two members of the House,—shall forthwith address his warrant to the Clerk of the Crown in Chancery for the issue of a new writ for the election of a member to fill the vacancy, and a new writ shall issue accordingly : Proceedings in case of vacancy by death or acceptance of office.

2. And if, when such vacancy happens, or at any time thereafter before the Speaker's warrant for a new writ has issued, there be no Speaker of the House, or the Speaker be absent from Canada, or if the Member whose seat is vacated be himself the Speaker,—then, any two Members of the House may address their warrant, under their hands and seals, to the Clerk of the Crown in Chancery, for the issue of a new writ for the election of a member to fill such vacancy, and such writ shall issue accordingly. If there is no Speaker, or he is absent, or the member is himself the Speaker.

15. A warrant may issue to the Clerk of the Crown in Chancery for the issue of a new writ for the election of a Member of the House of Commons to fill up any vacancy arising subsequently to a general election and before the first meeting of Parliment thereafter, by reason of the death or acceptance of office of any Member, and such writ may issue at any time after such death or acceptance of office: Warrant for filling a vacancy occurring before Parliament meets after a general election.

2. But the election to be held under such writ, shall not in any manner affect the rights of any person entitled to contest the previous election; and the report of any Judge, appointed to try such previous election, or of the Supreme Court in case of an appeal, shall determine whether the Member who has so died or accepted office, or any other person, was duly returned or elected thereat, which determination, if adverse to the return of such Member and in favour of any other Candidate, shall avoid the election held under this section, and the Candidate declared duly elected at the previous election shall be entitled to take his seat as if no such subsequent election had been held. Proviso : Saving right of any person to contest. Effect of report of judge trying the petition.

16. The Acts thirty-first Victoria, chapter twenty-five ; thirty-fourth Victoria, chapter nineteen, and so much of any other Act or law as may be inconsistent with this Act are hereby repealed ; subject always to the provisions of *The Interpretation Act*, as to their continuing effect with respect to offences committed and things done before such repeal, but saving the effect of any Act of Indemnity. Certain acts repealed. Proviso.

17. Whenever any Act or enactment hereby repealed is referred to in any subsequent Act in force, such reference shall be construed as applying to this Act or the enactment in it on the like subject. Construing references in this Act.

No. 14.

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

BILL.

An Act further securing the Independence of Parliament.

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

Second reading, Wednesday, 20th February, 1878.

Mr. LAFLAMME.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1878.

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No. 15.] **BILL.** [1878.

An Act to give jurisdiction to the Court of Queen's Bench of Ontario to pay to John Stewart, of the city of Kingston, Surgeon, One Thousand Dollars, deposited with his Election Petition.

Preamble.

WHEREAS John Stewart, of the city of Kingston, Surgeon, hath by his petition to the Parliament of Canada represented that in February, one thousand eight hundred and seventy-five, he instructed his attorney to file a petition in the Court of Queen's Bench of Ontario against the return of Sir John Alexander Macdonald, K.C.B., to represent the city of Kingston in the Parliament of Canada, and to deposit with the said petition one thousand dollars; that the said petition was erroneously intituled by his attorney "In the Election Court" instead of "In the Court of Queen's Bench;" that the said one thousand dollars is in the hands of Robert G. Dalton, the clerk of the said Court of Queen's Bench and of the Election Court; that the said Court of Queen's Bench has refused to try the said petition and to make an order on the said Robert G. Dalton to pay out the said deposit, on the ground that it has no jurisdiction; and whereas the said John Stewart has prayed for relief in the premises, which relief it is expedient to grant him: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Order to refund may be made.

1. It shall be lawful for the Court of Queen's Bench of Ontario, at any time after the passing of this Act, to make an order on the said Robert G. Dalton to pay to the said John Stewart the said sum of one thousand dollars.

No. 15.

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

BILL.

An Act to give jurisdiction to the Court of Queen's Bench of Ontario to pay to John Stewart, of the city of Kingston, Surgeon, One Thousand Dollars, deposited with his Election Petition.

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

Second reading, Wednesday, 20th February, 1878.

(PRIVATE BILL.)

Mr. HAGGART.

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1878.

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No. 16.] **BILL.** [1878

An Act to incorporate The Ontario Mutual Life Assurance Company.

WHEREAS the Ontario Mutual Life Assurance Company incorporated and carrying on business in the Province of Ontario under the Act chapter seventeen of the Statutes of the said Province, passed in the thirty-second year of Her present Majesty's reign, as amended and extended by the Act chapter eighty-six of the Statutes of the said Province, passed in the thirty-seventh year of Her said present Majesty's reign, have, by their petition, represented that they are desirous of becoming incorporated by an Act of the Parliament of Canada, under the name of "The Ontario Mutual Life Assurance Company," for the purpose of carrying on the business of life assurance, on the mutual principle, and doing all things appertaining thereto, or connected therewith, as well in the said Province of Ontario, as in other Provinces of the Dominion; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The members of the Ontario Mutual Life Assurance Company, incorporated by an Act of the Legislature of the Province of Ontario, passed in the thirty-second year of Her present Majesty's reign, and chaptered seventeen, and continuing under the said Act as amended by an Act of the said Legislature passed in the thirty-seventh year of Her present Majesty's reign, and chaptered eighty-six, together with such other persons as may hereafter become members in the Company hereby incorporated, shall be and are hereby constituted a body politic and corporate in law, in fact and in name by the style and title of "The Ontario Mutual Life Assurance Company" for the purpose of carrying on the business of life assurance on the mutual principle, and doing all things appertaining thereto or connected therewith, with all the powers, privileges and rights hereinafter mentioned, and shall and may have perpetual succession, and shall be capable in law of contracting and being contracted with, and suing and being sued, pleading and being impleaded in any court of law or equity in their corporate name aforesaid, and they and their successors shall and may have a common seal, and may change the same at their will and pleasure; Provided always, that nothing in this Act contained shall be construed in any manner to affect any contract, matter, or thing concerning the said Company heretofore incorporated, otherwise than is herein expressed, or to affect any action, suit, or proceeding commenced on behalf of or against the said Company heretofore incorporated at the time of the passing of this Act; Compan incorporated. Corporate name and general powers. Proviso: existing rights saved.

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but every such action, suit, or proceeding may at the option of the claimant be carried on against the Company hereby incorporated, which is in such case for all the purposes thereof substituted for the said Company heretofore incorporated; and that all the policy-holders in the said Company heretofore incorporated shall be policy-holders in the Company hereby incorporated, and that all property, real and personal, debts, rights, claims and privileges heretofore belonging to or vested in the said Company heretofore incorporated and all their interest in the same shall be held by and are hereby vested in the said Company hereby incorporated in the same manner, and with all such benefits and liabilities attaching to the same, as existed at the time of the passing of this Act; and all the policies and other contracts of assurance and other engagements made or entered into by or on behalf of the said Company heretofore incorporated shall continue to be valid and binding under this Act as against the Company hereby incorporated; and any person having any claim or demand against the said Company heretofore incorporated shall have the same claim or demand against the Company hereby incorporated.

Transfer of property and rights.

Policy holders to form the company.

2. The said Company shall be composed of its policy-holders who shall own and control all its property and affairs as hereinafter provided, and each policy-holder, during the continuance of his policy shall be and is hereby constituted a member of the said Company, and, while such member, shall be entitled to give one vote at all annual or general meetings in person or by proxy, providing the authority in writing to such proxy be filed with the manager at least ten days previous to its being used.

Votes.

Business and powers of the company.

3. The said Company shall have power and authority to carry on the business of insurance on lives, to grant, make and effect contracts of assurance with any person or persons, body politic or corporate, upon life or lives, either for a period of life or lives, or other periods in any way dependent upon life or lives, and to buy, sell, grant, acquire and otherwise dispose of the same, and to buy, sell, grant and otherwise acquire and otherwise dispose of annuities and endowments of every description, and to purchase contingent rights whether of reversion, remainder, annuities, life policies or otherwise, and to enter into any transaction dependent upon the contingency of life and all other transactions usually entered into by Life Assurance Companies or Associations, including re-insurance, and generally to do and perform all other necessary matters and things connected with and proper to promote those objects in the Dominion of Canada, and all contracts or policies of assurance issued or entered into by the said Company, shall be signed by the President or Vice-President and countersigned by the manager, or otherwise, as may be directed by the by-laws, rules and regulations of the Company, and being so signed and countersigned, and having the corporate seal of the Company attached, shall be deemed valid and binding upon the Company according to the tenor and meaning thereof.

Policies, how signed.

4. The Company shall have power to acquire and hold real estate for the purpose of its business, and to sell or dispose of the same and acquire other property in its place as may be deemed expedient, and to take, hold and acquire all such lands and tenements, real or immovable estate as shall have been *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof, or of the owners thereof, and to retain the same for a period not exceeding ten years; and the Company may invest its funds, or any part thereof, in the public securities of the Dominion of Canada, or of any of the Provinces thereof, or in the shares of any chartered bank or building society, or in the bonds or debentures of any incorporated city, town, or municipality authorized to issue bonds or debentures, or in mortgages on real estate, or on the security of its policies, in sums not exceeding their respective cash surrender values, and may from time to time collect and call in and vary or sell the said securities, or mortgage or pledge the same as occasion may require.

Company may acquire and hold real estate.

Investment of funds.

5. The property, business and affairs of the Company shall be managed by a Board of six, nine, twelve or fifteen Directors, of whom one shall be chosen President and one Vice-President; one-third of such Directors shall retire annually. The first Directors of the Company incorporated under this Act shall be the Directors of the said Company acting under the aforesaid Act and amending Act passed by the Legislature of the Province of Ontario, which Directors shall continue to hold office during the remainder of the respective terms for which they were elected as Directors. At any annual meeting the number of Directors may be increased by three or six, so long as the number is not thereby increased to exceed fifteen, and in case of such increase, one-third of such additional Directors shall be elected to serve one year, one-third to serve two years, and one-third to serve three years, and thereafter the Board of Directors shall consist of the increased number, one third retiring and one third being elected annually.

Board of directors.

First Directors.

Increase.

Term of office.

6. The number of Directors shall not be increased as aforesaid unless notice of such intended increase shall have been given in the notice calling the annual meeting, and by a circular issued by the authority of the Board and mailed to the last known address of each member at least one month before such meeting.

Notice of increase to be given.

7. The said Company shall hold an annual meeting at such time in each year as may appear most expedient to the Board of Directors, of which meeting at least one months' notice shall be given by publication in at least one local paper, and by circular sent by mail to the last known address of each member. At such annual meeting there shall be elected one-third of the number of Directors in the stead of those whose term of office expires, and they shall hold office for

Annual general meeting.

Election of directors.

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three years and until their successors are elected and have accepted office. At each annual meeting there shall also be selected two auditors, whose duty it shall be to audit the books and accounts of the Company for the next ensuing year, and report thereon at the annual meeting following; one of such auditors shall be appointed by the President and the other elected by open vote of the members present.

Auditors to be appointed.

Proceedings at election of directors.

8. At the annual meeting the Directors shall be elected by the members present in person or represented by proxy; all such elections shall be by ballot, and the persons who shall have the greatest number of votes at any such election shall be Directors, except as hereinafter directed; and if two or more persons have an equal number of votes in such manner that more than the required number shall appear to be chosen as Directors, then the Directors remaining in office, together with those elected, having a greater number of votes than those whose votes are equal, shall forthwith determine which of the said persons so having an equal, number of votes shall be the Director or Directors so as to complete the number required.

Qualification of directors.

9. Every person elected as a Director of the said Company shall be a member thereof assured for a sum not less than one thousand dollars.

Vacancies, how filled.

10. If at any time the office of any Director shall become vacant by death, resignation, lapse of his policy, removal from the Dominion of Canada or absence from two successive regular meetings of the Board without leave of absence having been granted, such vacancy shall be filled for the remainder of the term by a person duly qualified, to be nominated by a majority of the remaining Directors within a reasonable time after such vacancy occurs.

Failure of election not to dissolve corporation.

11. In case any election of Directors be not made on the day on which it ought to be made, the corporation shall not for that cause be dissolved, but the election may be held on any subsequent day according to the provisions of the by-laws and ordinances of the corporation, and upon giving notice of such day as hereinbefore provided; and the Directors in office shall so continue until a new election is made, and the Directors elected on such subsequent day shall have all the powers conferred by this Act, as if elected on the annual day of election.

Business at meetings.

12. At the annual meeting of the members all business except increasing the number of Directors shall be transacted without the necessity for specifying such business in the notice of such meeting; and at such annual meeting a general balance sheet and statement of the affairs of the Company and the report of the auditors shall be laid before the members.

By-laws may be made for certain purposes.

13. The Board of Directors shall have full power and authority from time to time to make and to alter such by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well ordering of the Com-

pany, the management and disposition of its property and effects, the calling of special general meetings, the regulation of the meetings of the Board of Directors, the appointment from time to time of an executive committee or committees of the said Board (which if they deem it advisable may include the Manager) with such powers, and to discharge such duties as the Board may from time to time confer and impose upon them, the election of a President and Vice-President, the appointment of a General Manager, a Secretary and a Treasurer if they deem such to be necessary, the appointment and removal of officers and agents of the Company, the regulation of their powers and duties, the remuneration to be paid to them, the security to be given by them respectively for the due performance of their duties, the establishment and regulation of agencies, the adjusting and paying of all claims against the Company, the determining of rates, rules and conditions under which the Company's policies shall be issued, transferred or purchased, and generally to do all other necessary matters and things they may deem expedient in conducting and managing the interests, business and affairs of the Company.

Quorum.

14. At all meetings of the Directors four shall be a quorum for the transaction of business, and all questions of business shall be decided by a majority of votes; and in case of an equality of votes the President, Vice-President or presiding Director shall give the casting vote in addition to his vote as a director; at all such meetings the President, or in his absence the Vice-President, or in the absence of both, a director chosen by a majority of the Directors present, shall preside.

Casting vote.

Who shall preside.

Notes for premiums may be accepted.

15. The Directors may, if they deem it expedient, accept the note of any member of the Company or assignee of any of its policies in lieu of cash for the full amount or part of any premium; such note shall be dated and made payable at the head office of the Company and bear on its face the number of the policy against which it stands and shall be made payable at any time not exceeding three months; any such note within division court jurisdiction may be sued in the division in which the head office of the Company is situate; no greater amount shall be held in any such note or notes than one annual premium, and such note shall be a lien upon the policy and form part of its reserve fund.

Policies to lapse on non-payment of notes.

16. If any promissory note, cheque, draft, or bill of exchange, received by the Company or any officer or agent thereof, in payment either in whole or in part of any premium or premiums on any policy or policies, made or issued by the Company, be dishonored, or if the premium on any policy be not paid when due to the Company, or to one of its duly authorized agents, such policy or policies shall lapse and be null and void, and the Company shall be discharged from all liability under the same, or in respect thereof, but the Company shall be entitled to collect any such note, cheque, draft, or bill of exchange, or so much thereof as covers the risk and expense for the time the policy was kept in force by the giving of such note, cheque, draft, or bill of exchange.

But the same may be collected.

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Unpaid premiums may be deducted from claim.

17. Whenever a policy becomes a claim, any sum or sums of money owing or accruing due to the Company in respect of unpaid premiums or notes, cheques, drafts, or bills of exchange given therefor, or loans or otherwise, on or in respect of the policy or secured thereon, and whether otherwise secured or not, shall be deducted from the amount of assurance and retained by the Company; and in every case of death during the thirty days of grace allowed for the payment of premiums, the premium for the current year shall be retained by the Company; and in case the premiums are paid by half-yearly or quarterly instalments the several half or quarter-yearly premiums for the remainder of the current year during which the policy becomes a claim may be so deducted and retained as aforesaid.

Officers not to borrow funds of the company.

18. No Director or officer of the Company shall become a borrower of any of its funds, nor shall any agent or sub-agent of the Company, receive, hold, or use any proxy or proxies at meetings of the Company.

Head office.

19. The head office of the Company shall be located in the Town of Waterloo, in the County of Waterloo, in the said Province of Ontario.

License to be obtained.

20. The said Company shall obtain from the Minister of Finance, within two years from and after the passing of this Act, the license required to transact business, in default of which this Act shall become null and void and of no effect, and the charter hereby granted, and all and every the rights and privileges hereby conferred, shall be forfeited.

General Acts to apply.

21. The Company shall be subject to the provisions of all the general laws now in force or that may be passed in the present or any future session respecting Life Insurance Companies.

No. 16.

5th Session, 3rd Parliament, 41 Victoria,

BILL.

An Act to incorporate The O
Mutual Life Assurance Compan

Received and read first time, Tuesday
February, 1878.

Second reading, Wednesday, 20th Feb
1878.

(PRIVATE BILL.)

Mr. BOWM

OTTAWA:
PRINTED BY MACLEAN, ROGER &
1878.

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No. 17.] **BILL.** [1878.

An Act to amend "The Post Office Act, 1875."

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

38 V. c. 7, s. 10 amended. P. M. General may prevent the sending or delivery of lottery circulars, &c., by Post. **1.** Sub-section four of section ten of *The Post Office Act*, 1875, is hereby amended by adding thereto the following words:—"And for prohibiting and preventing the sending or delivery by post, of letters, circulars or other mail matter, concerning illegal lotteries, so-called gift concerts, or other illegal enterprises of like character, offering prizes, or concerning schemes devised or intended to deceive or defraud the public, for the purpose of obtaining money under false pretences, whether such letters, circulars or other mail matter be addressed to, or received by mail from, places within or without the Dominion of Canada."

Section 41 amended. Mails of U. S. sent through Canada on Canadian Railways to be deemed Her Majesty's Mails. under s. 58. **2.** Section forty-one of the Act aforesaid is hereby amended by adding the following words:—"And whenever the Postmaster General shall have undertaken or agreed to provide for the carriage or transportation of the mails of the United States over any portion of Canada, such mails when so carried or transported or required by the Postmaster General to be so carried or transported over any Canadian Railway, shall for all the purposes of the fifty-eighth section of the said Act be deemed to be Her Majesty's Mails."

No. 17.

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

BILL.

An Act to amend "The Post Office Act of 1875."

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

Second reading, Thursday, 21st February, 1878.

Mr. HUNTINGTON.

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1878.

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[No. 18.] **BILL.** [1878.

An Act to authorize certain arrangements between the Dominion Grange Mutual Fire Insurance Association and the Dominion Grange of the Patrons of Husbandry of Canada.

Preamble.

WHEREAS the Dominion Grange Mutual Fire Insurance Association, incorporated under the provisions of the Act of the Province of Ontario, thirty-sixth Victoria, chapter forty-four, has existed since the twenty-ninth day of March, one thousand eight hundred and seventy-seven; and whereas the said Association has, by the petition of its President and Directors, prayed for power to insure the members of the Dominion Grange of the Patrons of Husbandry of Canada against loss or damage by fire in any part of Canada, and to establish in connection with the said Association a Mutual Benefit Branch for the members of the said Dominion Grange; 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:—

Association incorporated.

1. The said Association and all its present members, their successors and assigns forever are hereby constituted a corporation under the name of "The Dominion Grange Mutual Fire Insurance and Mutual Benefit Association," having its principal place of business in the town of Owen Sound, and may by that name sue and be sued, and shall enjoy all the rights, powers and privileges granted to Mutual Fire Insurance Companies by the Act, chapter one hundred and sixty-one of the Revised Statutes of Ontario, and all other Acts affecting such societies, except as herein provided, and shall be held to all the duties and obligations imposed on such societies by the said Acts.

Property, obligations and rights vested in the Association.

2. All real and personal property, obligations, debts, rights, claims and privileges generally whatsoever, of the said "The Dominion Grange Mutual Fire Insurance Association" shall continue vested in the said Association, incorporated as aforesaid under the name of "The Dominion Grange Mutual Fire Insurance and Mutual Benefit Association," and shall continue to be held and maintained by or against the said Society and belong to it to all intents and purposes, as if this Act had not been passed, and all proceedings commenced by the said Association may be continued without any change whatsoever.

Who may be insured.

3. The said Association, except in the Province of Ontario, shall only insure members of the "Dominion Grange of the

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Patrons of Husbandry," and of the subordinate and division Granges of the Patrons of Husbandry, instituted by the said Dominion Grange, against loss or damage to movable or immovable property.

Present officers continued.

4. The President, Directors and officers of the said "The Dominion Grange Mutual Fire Insurance Association" now in office shall so continue in the said Association until the next annual meeting of the Association, or until replaced, in conformity with the by-laws of the Association.

By-laws continued.

5. The present by-laws of the said Association and its Directors respectively which are in conformity with the law shall continue in force until modified, amended or repealed by the said Association or Directors respectively.

Mutual Benefit Branch may be formed.

6. The said Association may form a Mutual Benefit Branch for the purpose of making provision by means of contributions, subscriptions, donations or otherwise against bodily disability caused by loss of sight, hand, arm or leg, or by other permanent injury, and against death, and for relieving the members of the said Branch Association, and the widows and orphan children of deceased members.

On the mutual principle.

7. The said Branch shall be conducted purely on the mutual principle.

Classes.

8. The Branch may consist of as many classes as the Directors may deem advisable.

By-laws may be made for various purposes.

9. The Directors may make by-laws providing for the amount to be paid by each member of the said Branch on the death and on the disability respectively of any member, and what proportion of the amount of moneys received from such calls on members shall be paid on the death and on the disability, respectively, of any member, and generally, from time to time, may make by-laws, rules or regulations for the government, and for conducting the affairs of the said Branch, and may from time to time alter or rescind such by-laws, rules or regulations.

Election of directors.

10. The members of the said Branch shall be entitled to elect from among those members of the Association who are members of the said Dominion Grange, or of its subordinate Divisions, and who are eligible under the provisions of the said Revised Statute of Ontario, chapter one hundred and sixty-one, to be elected Directors, half the Directors in case the number of Directors be composed of an even number, but in case the number of the Directors be composed of an uneven number, then half, less one.

Investment of funds.

11. The funds of the said Branch shall be invested in Government securities, municipal debentures, or first mortgages on real estate, or on deposit in any chartered or savings bank or loan company, chartered under the laws of the Dominion.

12. Any member of the said mutual benefit Branch may, by writing under his hand, declare any money which may be payable on his decease, to be for the benefit of his wife or of his wife and children, or of his wife and some or one of his children or of his children only, or some or one of them, and such moneys shall be payable accordingly free from all claims by the creditors of the deceased; and such member may from time to time by any further or other instrument, in writing, revoke the same, and may also from time to time alter the shares and allotments of benefit money among the said parties as he may deem proper.

Application of funds payable to members.

13. When on the death of any member of the Branch, any sum of money becomes payable under the rules of the Association the same shall be paid by the Treasurer, or other officer of the Association to the person or persons entitled under this Act, and the rules of the Association.

Payments to be made by Treasurer.

14. The said Association shall have power to purchase, take, receive, hold, enjoy and maintain to and for the use of the members of the said Mutual Benefit Branch, all lands, tenements and hereditaments which may hereafter be sold, ceded, exchanged, given, devised, bequeathed or granted to the said Association for the said use, or to sell, alienate, convey, mortgage, let or lease the same if need be; but it shall be incumbent upon the Association to sell any and all real estate so acquired, except such real estate as may be required for the actual use and occupation of the Association within five years from the date when the same shall have been acquired by the Association.

Association may hold real estate.

Proviso.

15. All subscriptions and assessments of members of the said Mutual Benefit Branch, due to the Association under any by-law, all penalties incurred under any by-law, by any person bound in respect of the said Branch, and all other sums of money due to the Association in respect of the said Branch shall be paid to the Secretary of the Association in accordance with the by-laws of the Association, and in default of payment may be recovered in any action brought by the Association in any court of competent civil jurisdiction: Provided always, that nothing herein contained shall be construed to prevent any member of the said Branch from withdrawing at any time from the same, but he shall remain liable for the payment of all arrears due to the funds thereof up to the date of his withdrawal; and unless it shall be otherwise provided in the rules of the Association, such member shall forfeit all rights and benefits in the funds of the said Branch.

Payment of subscriptions and assessments.

Proviso: as to withdrawal.

No. 18.

5th Session, 4th Parliament, 41 Victoria, 1878.

BILL.

An Act to authorize certain arrangements between the Dominion Grange Mutual Fire Insurance Association and the Dominion Grange of the Patrons of Husbandry of Canada.

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

Second reading, Thursday, 21st Feb., 1878.

[PRIVATE BILL.]

Mr. SNIDER.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.

1878.

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[No. 19.] **BILL.** [1878.

An Act respecting the Port Whitby Harbor Company.

WHEREAS Chester Draper, late of the Town of Whitby, in the County of Ontario, Esquire, departed this life in the year of our Lord one thousand eight hundred and seventy-five, having duly made and published his last will and testament, bearing date the first day of October, one thousand eight hundred and seventy-five, whereby he devised the greater part of his estate, including the property affected by this Act, to David Fisher, of the City of Toronto, in the County of York, Esquire, executor, and Jane Minerva Draper in the Town of Whitby, in the County of Ontario, widow, executrix of the said will; and whereas at the time of the death of the said Chester Draper, the Port Whitby Harbor was owned by a body corporate, known as the "Port Whitby Harbor Company," and the whole of the stock of the said Company was owned by the said Chester Draper, and certain lands used in connection with the said Harbor were owned by the said Chester Draper; and whereas, in the winding up of the said estate, it has become necessary to sell the said Harbor and the property used in connection therewith, and doubts have been raised as to the power of the said executor and executrix to sell the said property so as to pass the franchise of the said Company to a purchaser: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. It shall be lawful for the said executor and executrix to sell and dispose of the said property known as "Port Whitby Harbor," and any sale made by them shall be effectual to vest in the purchaser or purchasers all the rights of the said Chester Draper or the Port Whitby Harbor Company to the said property, including the franchise of the said Company, and subject to the terms of the Acts of incorporation of the said Company, and subject to all the rights of Canada under the Order in Council transferring the said Harbor to the said Company. Port Whitby Harbor may be sold.

No. 19.

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

BILL.

An Act respecting the Port Whitby Harbor Company.

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

Second reading, Thursday, 21st Feb., 1878.

[PRIVATE BILL.]

Mr. BURK..

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1878.

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No. 20.] **BILL.** [1878.

An Act to amend the Act respecting the Election of Members of the House of Commons.

WHEREAS it is expedient to amend the Act intituled: "*An Act respecting the Election of Members of the House of Commons*," passed in the thirty-seventh year of Her Majesty's reign; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 37 V., c. 9.

1. Section one of the said Act is hereby amended by striking therefrom the words "and be returnable on such days as the Governor General shall determine" and substituting therefor the words "on the day of issue." Section 1 amended.

2. No envelopes shall be used with the ballot papers and the following sections of the said Act are therefore amended in the manner herein provided: Section twenty-eight, subsection four, by striking out the words "and envelopes" in the second line; Section forty-three by inserting between the words "on" and "which" in the seventh line the words "the back of," and by striking out the words "and an envelope" at the end of the eighth line; The proviso to section forty-three by striking out the words "and envelope" from the fourth line; Section forty-five by striking out the words "and envelope" in the first line, and so much of the said section as relates to the envelopes; Section fifty-four by striking out the words "or envelope" in the second line and in the fourth line, and also the words "either or both" in the second line, and by inserting in the second line the word "it" before the word "cannot"; Section fifty-five by striking out after the word "officer" in the seventh line the words "all those contained in the same envelope when such "envelope contains more than one," in the eighth and ninth lines, and the words "all those contained in the same envelope, when such envelope contains more than one," in the eleventh and twelfth lines thereof. No envelopes to be used. Sections amended in consequence. Section 28. Section 43. Section 45. Section 54. Section 55.

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Section 27 repealed.

3 Section twenty-seven of the said Act is hereby repealed and the following substituted therefor :

New Section 27. Ballot papers, form of.

"**27**. The ballot of each voter shall be a printed paper, in this Act called a ballot paper (with an annex) showing the names and description of each candidate alphabetically arranged in the order of their surnames, or if there be to two or more candidates with the same surname, in the order of their other names ; the names and description of each candidate shall be set forth in the ballot paper as th y have been set forth in the nomination paper, and the ballot paper and annex shall be in the form Schedule I to this Act."

Section 35 repealed.

4. Section thirty-five is hereby repealed, and the following substituted therefor :—

New Section 35. Who may be present in the polling station.

"**35**. In addition to the Deputy Returning Officer and the Poll Clerk, the candidates and their agents (not exceeding two in number for each candidate in each polling station) and, in the absence of agents, two electors to represent each candidate, on the request of such electors, and no others, shall be permitted to remain in the room where the votes are given, during the whole time the poll remains open :

Agents authorized in writing.

"Provided always, that any agent bearing a written authorization from the candidate, shall always be entitled to represent such candidate in preference to, and to the exclusion of any two electors who might otherwise claim the right of representing such candidate under this section."

Section 43 repealed.

5. Section forty-three is hereby repealed, and the following substituted therefor :—

New Section 43. Regulations for voting, and conduct of elector and Deputy Returning Officer.

"**43**. 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 Poll Clerk ; 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 the back of which such Deputy Returning Officer shall have previously put his initials so placed that when the ballot is folded they can be seen without opening it ;" and on the annex to which he shall have placed a number corresponding to that opposite the voter's name on the voters' list.

Oath of voter if required.

"Provided that such elector, if required by the Deputy Returning Officer, the Poll Clerk, one of the candidates or one of their agents, or by any elector present, shall, before receiving his ballot, 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 as to

make the oath applicable to the election of a member of the House of Commons of Canada, and which oath the Deputy Returning Officer or Poll Clerk is hereby authorized to administer."

"The Deputy Returning Officer shall instruct him how and where to affix his mark, and how to fold his ballot paper, but without inquiring or seeing for whom the elector intends to vote except only in the case of his physical incapacity mentioned in section forty-eight." Deputy Returning Officer to instruct elector.

6. Section forty-five of the said Act is hereby repealed, and the following substituted therefor :— Section 45 repealed.

"**45.** The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments of the polling station and there mark his ballot paper, making a cross with a pencil on any part of the ballot paper within the division (or if there be more than one to be elected within the divisions) containing the name (or names) of the candidate (or candidates) for whom he intends to vote, and shall then fold up such ballot paper so that the initials on the back can be seen without opening it and hand it to the Deputy Returning Officer, who shall without unfolding it, ascertain by examining his initials and the number upon the annex that it is the same that he furnished to the elector, and shall first detach and destroy the annex and shall then immediately, and in the presence of the elector, place the same in the ballot box." New Section 45. Mode of voting and marking ballots, &c.

7. Section forty-seven is hereby repealed and the following substituted therefor :— Section 47 repealed.

"**47.** No elector shall be allowed to take his ballot paper out of the polling station, or to show it when marked to any person, (except only in the case of the physical incapacity of the elector provided for by section forty-eight) so as to allow the name of the candidate for whom he votes to be known, under a penalty of *two hundred dollars*; and no person shall directly or indirectly induce or endeavour to induce any voter to show his ballot paper after he has so marked it, under a penalty of *two hundred dollars* for so doing, and for each case of such offence." New sect. 47. Ballot not to be carried away or shewn.

8. Section forty-eight of the said Act is hereby repealed, and the following substituted therefor : — Section 48 repealed.

"**48.**" The Deputy Returning Officer on application of any voter who is unable to read or is 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 of the candidates, or of the sworn electors representing them in the polling station, and of no other person, and by placing such ballot paper in the ballot box; and the Deputy Returning Officer shall require the voter making such application, before voting to make oath of his incapacity to vote without such assistance in the form following :— New sect. 48. Case of voter unable to mark his voting paper.

"I solemnly swear (*or if he be one of the persons entitled by law to affirm in civil cases*, solemnly affirm) that I am Oath of voter in such case.

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unable to read and to understand the ballot papers so as to mark the same, (*or*) that I am incapacitated by physical cause (*as the case may be*) from voting without the assistance of the Deputy Returning Officer."

Duty of D. R. O. in such case."

"The Deputy Returning Officer shall enter opposite the name of the voters whose ballots have been so marked, in addition to what is required in the forty-ninth section of the said Act, the reason why each ballot paper was marked by him.

Section 54 repealed.

9 Section fifty-four of the said Act is hereby repealed, and the following substituted therefor:—

New sect. 54. Elector spoiling his ballot paper.

"**54**. A voter who has inadvertently dealt with the ballot paper given him, in such manner that it cannot be conveniently used, may, on delivering the same to the Deputy Returning Officer, obtain another ballot paper in the place of that so delivered up."

Section 55 repealed.

10. Section fifty-five of the said Act is hereby repealed, and the following substituted therefor:—

New sect. 55. Counting votes by D. R. Officers.

"**55**. Immediately after the close of the poll, the Deputy Returning Officer shall, in the presence of the poll clerk and the candidates or their agents, and if the candidates and their 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 each candidate: In doing so he shall

Rejecting ballots.

reject all ballot papers which have not been supplied by the Deputy Returning Officer, all those by which votes have been given for more candidates than are to be elected, and all those upon which there is any writing or mark by which the voter could be identified."

Duty of D. R. O. after counting the votes.

"The other ballot papers being counted, and a list kept of the number of votes given to each candidate, and of the number of rejected ballot papers, all the ballot papers indicating the votes given for each candidate 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."

Section 61 repealed.

11. The sixty-first section of the said Act is hereby repealed, and the following substituted therefor:

New sect. 61. Return of candidate elected, except in case of order of a Judge for a re-count.

"**61**. The Returning Officer shall, immediately after the *fourth* day after such verification, unless before that time he receives notice that he is required to attend before a judge for the purpose of a re-count of the votes given at the election, transmit his return to the Clerk of the Crown in Chancery, that the candidate having the largest number of votes has been duly elected, and shall forward to each of the respective candidates a duplicate or copy thereof, and such return shall be in the form Schedule S to this Act."

Form of Return.

"The Returning Officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings, in which report he shall make any observation he may think proper as to the state of the ballot boxes or ballot papers as received by him:

"The Returning Officer shall also transmit to the Clerk of the Crown in Chancery, with his return, the ballot papers, the original statements of the several Deputy Returning Officers, referred to in section fifty-seven 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 Officers: Certain documents to be sent with Return.

"Such return and report shall be sent through the post office, after being registered." How sent.

And the fifty-ninth and every other section or provision of the said Act (if any) which may be inconsistent with this section are hereby so amended as to be in accordance with it and with the next following section of *this* Act, and shall be construed subject to their provisions. Inconsistent enactments repealed.

12. Section sixty-six of the said Act is hereby repealed, and the following substituted therefor: Section 66 repealed.

"**66.** No person shall be allowed to inspect any ballot papers in the custody of the Clerk of the Crown in Chancery, except under the rule or order of one of Her Majesty's Superior Courts, or a Judge thereof; such rule or order to be granted by such Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers; and any such order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place and mode of inspection or production, as the Court or Judge making the same may think expedient, and shall be obeyed by the Clerk of the Crown in Chancery." New sect. 66. In what cases only ballot papers may be inspected: order of a Judge required.

13. Section sixty-seven of the said Act is hereby repealed. Section 67 repealed.

14. In case it is made to appear within *four* days after that on which the Returning Officer has made the final addition of the votes for the purpose of declaring the candidate (or candidates) elected, on the affidavit of any credible witness, to the County Judge of any County, or in Quebec to a Judge of the Superior Court ordinarily discharging his duties in any Judicial District in which the electoral district or any part thereof is situated, that any Deputy Returning Officer at any election in such electoral district in counting the votes has improperly counted or rejected any ballot papers at such election, the said Judge shall appoint a time within *four* days after the receipt of the said affidavit by him, to recount the votes, and shall give notice in writing to the candidates or their agents of the time and place at which he will proceed to re-count the same, and shall summon and command the Returning Officer and his election clerk to attend then and there with the parcels containing the ballots used at the election, which command the Returning Officer and his election clerk shall obey: Provision for re-count of votes by a Judge. Order of Judge to D. R. Officers.

(1.) The said Judge, the Returning Officer and his election clerk, and each candidate, or his agent appointed to attend such re-count of votes, or in case any candidate cannot attend, Who may be present at the re-count.

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then not more than one agent of such candidate, and no other person except with the sanction of the Judge, shall be present at such re-count of the votes;

Opening packets of ballots and re-counting the votes.

(2.) At the time and place appointed, the said Judge shall proceed to re-count all the votes or ballot papers returned by the several Deputy Returning Officers, and shall, in the presence of the parties aforesaid, if they attend, open the sealed packet containing—(1) the used ballot papers which have been counted; (2) the rejected ballot papers; (3) the spoiled ballot papers—and no other ballot papers; and in re-counting the said votes care shall be taken that the mode in which any particular elector has voted shall not be discovered;

Re-count to be continuous

Exception.

During excepted time documents to be under seal.

(3.) The Judge shall, as far as practicable, proceed continously with such re-count of the votes, allowing only time for refreshment, and excluding (except so far as he and the parties aforesaid agree) the hours between six o'clock in the evening and nine on the succeeding morning (except Sunday); During the excluded time the said Judge shall place the ballot papers and other documents relating to the election close under his own seal and the seals of such other of the parties as desire to affix their seals, and shall otherwise take precautions for the security of such papers and documents;

Mode of proceeding with the re-count.

Certificate of result.

Casting vote.

(4.) The Judge shall proceed to re-count the vote according to the rules set forth in section fifty-five of "*The Dominion Elections Act*, 1874," as hereby amended, and shall verify or correct the ballot paper account and statement of the number of votes given for each candidate: and upon the completion of such re-count, or as soon as he has thus ascertained the result of the poll, he shall seal up all the said ballot papers in separate packets, and shall forthwith certify the result to the Returning Officer, who shall then declare to be elected the candidate having the highest number of votes; and in case of an equality of votes the Returning Officer shall give the casting vote, as provided in section sixty of "*The Dominion Election Act*, 1874."

Return not to be made until after Judge's certificate.

(5.) The Returning Officer, after the receipt of a notice from the Judge of such re-count of ballots, shall delay making his return to the Clerk of the Crown in Chancery until he receives a certificate from the Judge of the result of such re-count, and upon receipt of such certificate, the Returning Officer shall proceed to make his return as provided in "*The Dominion Elections Act*, 1874," but in conformity with and accompanied by the said certificate.

Section 115 repealed.

15. Section one hundred and fifteen of the said Act is hereby repealed, and the following substituted therefor:

New sec. 115. Production of Writ of Election, &c., not required in suits under this Act.

"**115.** It shall not be necessary on the trial of any suit or prosecution under this Act, to produce the writ of election or the return thereof, or the authority of the Returning Officer founded upon any such writ of election, but general evidence of such facts shall be sufficient evidence: and if the original ballot papers or other papers are required,

the Clerk or Registrar of the Court having cognizance of the election petition may, at the instance of any of the parties thereto, notify the Clerk of the Crown in Chancery to produce the same on the day fixed for the trial, and the said Clerk of the Crown in Chancery shall, on or before the said day deposit the same with such Clerk or Registrar, taking his receipt therefor."

16. Section one hundred and thirty-one of the said Act is hereby repealed, and the following substituted therefor : Section 131 repealed.

"**131**. One copy of this Act, and of such instructions approved by the Governor in Council as may be required to carry out the elections according to the provisions of this Act, (with a copious alphabetical index prefixed), for the Returning Officer, and one for each of his Deputies, shall be transmitted, with the writ of election, to each Returning Officer." New sec. 131 Copies of Act and instructions to be sent to the Returning Officer.

17. Section one hundred and thirty-two of the said Act is hereby repealed and the following substituted therefor :— Section 132 repealed.

"**132**. The Clerk of the Crown in Chancery may cause to be made for each Electoral District such a number of ballot boxes as may be required ; or may give to the Returning Officers such instructions as may be deemed necessary to secure ballot boxes of a uniform size and shape, and also as to the mode of making the compartments in the polling stations,—such instructions being first approved of by the Governor in Council." New sec. 132. Furnishing ballot boxes, &c., by Clerk of the Crown in Chancery.

18. Schedule A of the said Act is hereby amended by striking out the words "on or before the day of next," after the word "Chancery," and substituting therefor the words "as by law directed." Schedule A amended.

19. Schedule I of the said Act is hereby repealed and the following substituted therefor :— Schedule I repealed.

I.

New Schedule I.

Ballot Paper and Directions for voting.

Election for the Electoral District of 18 .

I.	DOE John Doe, Township of Nepean, County of Carleton, Yeoman.	
II.	ROE Richard Roe, of Town of Prescott, County of Grenville, Merchant.	×
III.	STILES Geoffrey Stiles, of 10 Sparks Street, Ottawa, Physician.	
IV.	STILES John Stiles, of 3 Elgin Street, Ottawa, Barrister-at-Law.	

The names of the candidates will be as in the nomination paper. There is to be no margin on the left side of the ballot paper; and the horizontal division lines will be carried to the edge of the paper on the right side. The elector is supposed to have marked his ballot paper in favor of Richard Roe. The dotted line will be a line of perforations for easily detaching the annex.

And directions for voting.

DIRECTIONS FOR THE GUIDANCE OF ELECTORS IN VOTING.

The voter is to vote only for one candidate, unless two members are to be returned for the Electoral District, in which case he may vote for one or for two candidates as he thinks fit.

The voter will go into one of the compartments, and with a pencil there provided, place across in the division containing the name or names of the candidate or candidates for whom he votes, thus ×.

The voter will then fold the ballot, so as to show a portion of the back only, with the *number and the* initials of the Deputy Returning Officer; he will close it in the usual way and deliver it 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 he can return it to the proper officer, who, on being satisfied of the fact, will give him another.

If the voter votes for more candidates than he is entitled to vote for, or places any mark on the ballot paper by which he can afterwards be identified, his vote will be void, and will not be counted.

If the voter takes a ballot paper 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 *of five hundred dollars* or by imprisonment for a term not exceeding six months, with or without hard labor."

No. 20.

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

BILL.

An Act to amend the Act respecting the Election of Members of the House of Commons.

Received and read first time, Wednesday, 10th April, 1878.

Second reading, Thursday, 11th April, 1878.

Mr. Laflamme.

OTTAWA:

Printed by MacLean, Roger & Co.,

1878.

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No. 21] **BILL.** [1878.

An Act further to amend the Charter of the Quebec Fire Assurance Company.

Preamble.

WHEREAS the Quebec Fire Assurance Company have, by their petition, set forth that, since the passing of their Act of Incorporation and the Acts amending the same, there are a number of shareholders in the said Company, who, for twenty-five years and upwards, have not paid calls on their stock made by the said Company, and that their legal representatives are not known or cannot be found. and have prayed that authority to enable the said Company to sell the shares of the said shareholders in payment of such calls, and other and ordinary rights and privileges incident to Fire Insurance Companies, should be granted to them ; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Forfeiture and sale of shares for non-payment of calls and interest thereon.

1. If any shareholder or shareholders in the capital stock of the said Company, or the heirs or legal representatives of such shareholder or shareholders as are or may become deceased, has or have omitted or neglected to pay the instalment or instalments due upon share or shares held by him, her or them at the time required so to do, the Directors of the said Company may declare such share or shares as aforesaid to be forfeited, together with the amount previously paid thereon, and such forfeited share or shares may be sold at a public sale by the said Directors, after such notice as they may direct, and the monies arising therefrom shall be applied to the payment of such instalment or instalments,and also to the further payment to the said Company of interest on the amount of the said unpaid instalment or instalments from the date fixed for the payment of the same, at the rate of seven per cent. per annum, and to the other purposes of this Act, and the defraying of any expenses incident thereto, and to the sale of the said shares at public sale as aforesaid: Provided always, that in case the money produced by any sale of shares be more than sufficient to pay all arrears and interest, together with the expenses aforesaid, the surplus money shall be paid, on demand, to the owner of the said share or shares, or his legal heirs or representatives.

Proviso as to surplus money from sale.

What shall be sufficient proof in suits for calls.

2. In actions or suits at law by the Company against the proprietor of a share or shares of the capital stock of the Company for the recovery of any unpaid call or calls with interest, a certificate under the seal of the said Company, purporting to be signed by one of their officers, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him, shall be received in all courts of law as *primâ facie* evidence to that effect.

Insurance powers extended over Dominion and elsewhere.

3. All, each and every the powers by law vested in the said Quebec Fire Assurance Company by the Acts aforesaid, as respects insurance against loss and damage by fire, shall be, and are hereby, extended over the Dominion of Canada and elsewhere.

Power to reinsure and to insure other companies.

4. The said Company shall have power to cause themselves to be insured against any risk they may have incurred in the course of their business, or to insure any other Fire Insurance Company against any risk which such other Insurance Company may have incurred in the course of their business, and generally to do and perform all other necessary matters and things connected with and proper to promote these objects.

Local Boards of Directors.

5. For all or any of the purposes aforesaid, it shall be lawful for the Directors of the said Company to establish local boards and agencies for the carrying on of the business of the Company at any place, and in so doing to appoint, and from time to time remove, such local boards and agencies anywhere as they may deem advantageous for the said Company.

Investments of funds of the company.

6. It shall be lawful for the Company to purchase and hold for the purpose of investing therein any part of the funds or money thereof, any of the public securities of the Dominion, the bonds and debentures of any incorporated city or town, or municipal corporation, and foreign securities for the purpose only of making deposits as required by law at any place where they may transact businesss, and also to sell and transfer the same, and again to renew such investment when, and as often as a due regard to the interests of the Company shall require; and also to make loans of the funds of the said company on bond or mortgage, at any legal rate of interest, with power to receive the same in advance, and the same investments to call in and and re-loan the money so invested as occasion may require.

Deposit of money or securities abroad.

7. To enable the Company to extend their business to parts abroad, as contemplated by this Act, it shall be lawful for the said Company to make deposits of money or securities there, in compliance with the laws of the country, state or

states wherein it may be desirable to carry on their business of insurance.

Case of equality of votes, elections of Directors provided for.

8. If at any election of Directors of the said Company a greater number of persons than seven shall appear to have been elected as Directors, by having an equal number of votes, then the Directors, who shall have the greater number of votes, or the majority of them, shall determine which of the persons so having an equal number of votes, shall be the Director or Directors, so as to complete the whole number of seven.

Provision in case of failure of election.

9. In case it should happen that an election of Directors of the Company should not be made on the day appointed, it shall be lawfully held on any other subsequent day appointed by the Directors for the time being, and they shall so continue in office until a new election is made.

Transmission of shares; proof of in certain cases.

10. 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 manner as the Directors shall from time to time require, or by any by-law may direct.

Corporation continued.

11. The said Quebec Fire Assurance Company and the persons and parties holding shares therein, from time to time, shall be and continue to be a body politic and corporate by the name of the Quebec Fire Assurance Company, and by that name shall have perpetual succession and a common seal, with power to break or alter such seal, and by that name may sue and be sued, plead and be impleaded, in all courts whatsoever.

Acts of 1875 and 1877 to apply.

12. *The Insurance Acts of* 1875 *and* 1877 shall apply to the Acts hereinbefore mentioned, and to this Act and the said Company.

Inconsistent enactments repealed.

13. So much of the Acts mentioned in the preamble of this Act as shall be found inconsistent with the provisions of this Act, shall be, and is hereby repealed.

No. 21.

5th Session, 4th Parliament, 41 Victoria, 1878

BILL.

An Act further to amend the Charter of the Quebec Fire Assurance Company.

Received and read first time, Thursday, 21st February, 1878.

Second reading, Friday, 22nd Feb., 1878.

(PRIVATE BILL.)

Mr. TASCHEREAU.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1878.

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No. 22.] **BILL.** [1878

An Act respecting the Bank of Liverpool.

(Reprinted as proposed to be amended in Committee.)

WHEREAS the Bank of Liverpool, by its petition, has represented that it has sustained heavy losses in the course of its business, whereby the value of its paid-up capital stock has been reduced; and that in order to enable it advantageously to continue business and to realize the largest possible returns for its existing shareholders, it is necessary that it should be re-organized upon a different basis, and be authorized to reduce the nominal value of its present shares, and otherwise to adjust and regulate the same, and has prayed for the passing of an Act to enable it to do so, 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:— Preamble.

1. The nominal capital of the said Bank shall remain as it now is, but the nominal value of the shares of the said Bank shall be reduced to fifty per cent. of their present nominal value, so that the said capital shall be divided into double the number of shares it is now divided into, and new shares of the reduced nominal value shall be issued to the present holders of shares in the said Bank in lieu of the shares now held by them, and such new shares shall be deemed to be paid up to the same percentage only as the shares in lieu of which they are issued were paid up, and the remainder of the shares over the number now subscribed for shall be considered as unissued; the Board of Directors are hereby authorized to make such arrangements as to the details of the conversion of the shares in conformity hereto as shall be found most convenient; and in so doing to provide for the conversion or appropriation of such unissued shares in such manner as to do justice to the holders thereof: Provided always, that nothing herein contained, or done hereunder, shall in any way affect or diminish the present liability of the shareholders of the Bank to the creditors thereof under the "*Act relating to Banks and Banking*," or the present liability of holders of shares unpaid or not paid in full, to pay up in full the amount of such shares to the present nominal value. Shares to be reduced and how. Proviso

2. The said Bank is hereby authorized to issue as part of the unissued balance preferential stock to the extent of one hundred and fifty thousand dollars, in three thousand shares of fifty dollars each, the dividends on which stock shall be preferential, as between the holders thereof and the holders Preferential stock may be issued.

of the ordinary stock, at such rate, not exceeding eight per cent. in any one year, as shall be fixed by the Board, until such period as seven per cent. can be paid on all stock, when such preference shall cease, notwithstanding that the dividend may at a subsequent period be less than seven per cent.; and during the period previous to the payment of seven per cent. on all stock dividends shall only be declared or paid on the ordinary stock out of the balance of profits which shall in any year remain after payment of the dividend on the said preferential stock: Provided that the existing shareholders shall, under the terms of issue, have a preferential right to subscribe for the new issue, within such time, not less than thirty days, as shall be fixed by the by-law authorizing the issue, in proportion to the number of paid-up shares held by each.

Preference to existing shareholders.

Liability of preferential stockholder limited.

3. Each holder of the said preferential stock shall, as regards any shares of the said preferential stock, be liable only to the amount of the said preferential stock.

This Act to be accepted by shareholders.

4. This Act shall not have any force or effect whatever until it has been accepted by the shareholders, by a resolution passed at a general meeting of such shareholders; which resolution, to have effect, must be concurred in by a majority of the holders of paid-up stock present or represented at such meeting, voting as provided by the "*Act relating to Banks and Banking.*"

No. 22.

5th Session, 4th Parliament, 41 Victoria, 1878

BILL.

An Act respecting the Bank of Liverpool.

(Reprinted as proposed to be amended in Committee.)

[PRIVATE BILL.]

Mr. FORBES.

OTTAWA:
Printed by MACLEAN, ROGER & Co.
1878.

No. 23.] **BILL.** [1878.

An Act to establish Township Municipalities in the District of Keewatin.

Preamble.

WHEREAS it is expedient to establish township municipalities in and for the Icelandic Settlement in the District of Keewatin, and to provide for other municipalities in the said District as settlement is proceeded with: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation.

1. In the construction of this Act the word "Municipality" shall mean a township or two or more townships united for the purposes of this Act.

Existing Municipalities described.

2. The first municipality shall include townships 18 and 19, ranges 3 and 4 east, in the said District and Settlement;

The second municipality shall include townships 20 and 21, ranges 3 and 4 east, in the same District and Settlement;

The third municipality shall include townships 22 and 23, ranges 3 and 4 east, in the same District and Settlement;

And the fourth municipality shall include Big Island, in Lake Winnipeg.

Each to be a Corporation: General Corporate powers

3. The inhabitants of each of the said municipalities respectively, shall be a corporation. Each such municipality shall have power to sue and be sued, contract and be contracted with by its corporate name, to have perpetual succession and a common seal, with power to alter or change the same at pleasure, to acquire and hold real or personal property, for the use of the municipality and to alienate the same, and generally to have such powers as are hereinafter mentioned, or as may be necessary for the purposes for which the said municipalities are established.

By whom exercised.

4. The powers of every municipality shall be exercised by the reeve and council thereof.

Council and Councillors Qualification.

5. The council of every municipality shall consist of five councillors. Any person otherwise duly qualified or entitled to vote at a municipal election may be elected a councillor, unless he is disqualified for any one of the following reasons, viz.:—

1. Being a Sheriff or Sheriff's officer;
2. Having been convicted of felony;
3. Having directly or indirectly any contract with the municipality;

Quorum.

Four members of the council shall be a quorum for the despatch of business, and the majority of a quorum present at any meeting shall decide all questions brought before the council at such meeting.

Powers of Lt.-Governor as to first election.

6. The Lieutenant Governor shall appoint the day and place of the first election of councillors in each municipality, the returning officer thereat, the hours at which the election shall commence and close, and the day on which the council shall first meet, and shall make such other provisions as he may think necessary for the proper holding of such first election.

As to subsequent elections.

7. At subsequent elections, the Clerk of the municipality shall be the Returning Officer.

Voters at first election.

8. Any male freeholder or householder in the municipality, of the full age of twenty-one years, and not having been convicted of felony, shall be entitled to vote at such first election, subject to the provisions hereinafter made as to his qualification.

Poll-book at the first election.

9. The Returning Officer, with such Clerk or Assistants as he may require, shall for the first election enter and record in a poll-book to be kept by him for the purpose, in the form of Schedule A to this Act the names of persons coming forward to vote, entering also a description, as indicated, of the property upon which as freeholders or house holders they vote; and he shall declare elected the five persons who receive the greatest number of votes.

Return.

Electors' List at subsequent elections.

10. At subsequent elections, the Clerk of the Municipality, in case such municipality is divided into wards or polling sub-divisions, shall provide each Deputy Returning Officer with the voters' list copied from the Assessment Roll in the form of Schedule B to this Act, containing the names, alphabetically arranged, of all the persons within the ward or polling sub-division, as the case may be, entitled to vote at the election, and the Deputy Returning Officer or his sworn Poll Clerk shall check from the voters' list the name of each person offering to vote, and shall enter the same in the poll book prepared according to the form in Schedule A to this Act, and shall note the property upon which the person claims to vote opposite his name.

Poll-book.

Polling places; how arranged and by whom.

11. When a poll has been legally granted, in any municipality, ward, or polling sub-division, as the case may be, it shall be held in a room or building of convenient access, to be known as the polling place, with an outside door for the admittance of the voters, and having, if possible, another door through which they may leave after they have voted; and every such polling place shall have a compartment, furnished with the necessary materials for voters to mark their ballot papers, and where they will be screened from observation; and it shall be the duty of the Clerk of the municipality and Deputy Returning Officers respectively, to see that a proper compartment and proper materials for the purpose aforesaid are provided at each polling place.

12. The Clerk of the municipality shall also, in case such municipality be divided into wards or polling sub-divisions, deliver to the Deputy Returning Officer printed directions to voters, which shall be in the form of Schedule C to this Act, such printed directions to be placarded outside the polling place for which he is appointed to act, and also in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. Printed directions for voters, &c., in case of Ward.

13. In cases of municipalities which are not divided into wards or polling sub-divisions, the Clerk shall provide himself with the voters' list containing the names arranged alphabetically of all persons entitled to vote, with the necessary ballot papers and printed directions to voters ; and he shall perform the duties with respect to the whole municipality which are imposed by this Act upon a Deputy Returning Officer in respect of a ward or polling sub-division. When there is no division into Wards.

14. The votes shall be taken on the day and at the hour named for the election by ballot ; and where the municipality is divided into wards or polling sub-divisions, each elector shall vote in the ward or polling sub-division in which the property in respect of which he is entitled to vote is situated, and in no other. When and where votes shall be taken.

15. The Returning Officer appointed by the Lieutenant-Governor at the first election, shall procure or cause to be procured a ballot box, and the Clerk of the municipality at every subsequent election, shall procure or cause to be procured as many additional ballot boxes as the division of the municipality into wards or polling sub-divisions may render necessary. Ballot boxes by whom furnished.

2. The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot paper can be introduced therein, and cannot be withdrawn therefrom unless the box be unlocked. Construction.

3. When it becomes necessary for the purposes of an election to use the ballot boxes, it shall be the duty of the Clerk of the municipality, two days at least before the polling day, to deliver one of the ballot boxes to every Deputy-Returning Officer appointed for the purposes of the election. Delivering to R.-Officer.

4. The ballot boxes, when returned to the Returning Officer appointed by the Lieutenant-Governor or the Clerk of the municipality, as the case may be, shall be preserved by him for use at elections for the municipality; and it shall be the duty of the Clerk to have ready for use at all times as many boxes as there are wards or polling sub-divisions in the municipality. To be kept by Clerk.

5. After the first meeting of the Council of a municipality, and as soon as the Clerk of the municipality is appointed, it shall be the duty of the person appointed by the Lieutenant-Governor as Returning Officer to deliver over the ballot boxes to the Clerk of the municipality. To be delivered over to Clerk

6. If the Returning Officer or Clerk, as the case may be, fails to furnish ballot boxes in the manner herein provided, he shall incur a penalty of *one hundred dollars* in respect Penalty for default.

of every ballot box which he has failed to furnish in the manner prescribed.

Duty of Deputy-Returning Officer.

7. It shall be the duty of the Deputy-Returning Officer in every ward or polling sub-division not supplied with a ballot box within the time prescribed, forthwith to procure one to be made, and he may issue his order upon the Treasurer of the municipality in which such ward or polling sub-division is situate, for the cost of the ballot box, and the Treasurer shall pay to the Deputy Returning Officer the amount of the order.

Ballot papers, how furnished

16. Where a poll is required, the Clerk of the municipality shall forthwith cause to be printed, at the expense of the municipality, such a number of ballot papers as will be sufficient for the purposes of the election. Every ballot paper shall contain the names of the duly nominated candidates, arranged alphabetically in the order of their surnames, and if there are two or more candidates of the same surname, then in the order of their other names.

In case of Wards.

17. In municipalities divided into wards or polling sub-divisions, ballot papers shall be prepared for each ward or polling sub-division, containing the names of candidates for Councillors in the ward. The ballot paper shall be in the form of Schedule D to this Act.

Form.

Furnishing ballots to electors.

18. The Deputy Returning Officer shall furnish to each elector who presents himself at the polling place for the purpose of recording his vote, where the proper entries respecting the person so claiming to vote have been made in the voters' list in the manner prescribed, with a ballot paper to be used for recording such vote in the manner herein prescribed; and the Deputy Returning Officer shall sign his name or his initials on the back of such ballot paper previously to its being used.

How the voter should proceed in voting.

19. Upon receiving from the Deputy Returning Officer the ballot paper so prepared as aforesaid, the person receiving the same shall forthwith proceed to the compartment provided for the purpose, and shall then and therein mark his ballot paper in the manner mentioned in the directions contained in Schedule C to this Act, by placing a cross on the right hand side, opposite the name of any candidate (or candidates if more than one is to be elected) for whom he desires to vote, thus: $\times$; and he shall then fold the ballot paper across so as to conceal the names of the candidates and the marks upon the face of such paper, and so as to expose the initials of the Deputy Returning Officer, and leaving the compartment, shall without delay, and without showing the front to any one or so displaying the ballot paper as to make known to any person the names of the candidates for or against whom he has marked his vote, deliver such ballot paper so folded to the Deputy Returning Officer, who shall, without unfolding the same, or in any way disclosing the names of the candidates, or the marks made by such elector, verify his own name or initials, and at once deposit the same in the ballot box in the presence of all

Deposit of ballot.

persons entitled to be present and then present in the polling place; and the voter shall forthwith leave the polling place.

Voter to be left alone.

20. While any voter is in any balloting compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in any position from which he can observe the mode in which the voter marks his ballot paper.

Ballot not to be taken from polling place.

21. No person who has received a ballot paper from the Returning Officer shall take the same out of the polling place, and any person who does so shall forfeit his right to vote at that election; and the Deputy Returning Officer shall note the fact of his having done so on the poll book.

Case of voters not able to mark their ballot.

22. In case any person claiming to be entitled to vote is incapacitated from marking the ballot paper in the manner herein described from being unable to read or from blindness or any other physical cause, the Deputy Returning Officer upon being applied to shall mark the ballot paper as such voter may desire and place it in the ballot box, and shall state the reason for doing so on the voters' list opposite such voter's name.

Ballot spoiled.

23. If any person has spoiled a ballot paper, the Deputy Returning Officer, upon having the paper so spoiled returned to him, shall issue to the person a second ballot paper; and the paper so spoiled shall be returned to the Clerk of the municipality marked "cancelled."

Who may be in the polling place.

24. During the time appointed for polling no person shall be entitled or permitted to be present in any polling place other than the officers, clerks, candidates, or agents authorized to attend at such polling places, and such voter as is for the time being actually engaged in voting.

Opening box and counting votes.

25. Immediately after the close of the poll in every polling place, the Deputy Returning Officer shall, in the presence of the Poll Clerk and of such of the candidates or their agents as may be present, open the ballot box and count the votes.

Rules for counting.

26. When the poll is closed, the Deputy Returning Officer shall cast up the votes given for each candidate upon the ballot papers, and make up a written statement in words as well as in figures, of the number of votes given for each candidate and the number of ballot papers rejected and not counted by him, and he shall endorse the word "rejected" on every ballot paper so rejected.

Agents.

27. No more than two agents for any candidate shall be entitled to be present at the same time at the counting of the votes.

Certificate by Deputy-Returning Officer.

28. Every Deputy Returning Officer, upon being requested to do so, shall deliver to an authorized agent of any Candidate at his polling place, a certificate of the number of

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votes given at that place for each candidate and the number of rejected ballot papers.

Certificate to be made by Deputy-Returning Officer to Returning Officer and what it must show.

29. Every Deputy Returning Officer shall, at the close of the poll, certify under his signature on the voters' list in full words the total number of persons who have voted at the polling place at which he has been appointed to preside, and at the completion of the counting of votes after the close of the poll shall, in the presence of the agents of the candidates, make up into separate packets, sealed with his own seal, and the seals of such agents of the candidates as desire to affix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the election, the name of the Deputy Returning Officer. and of the Ward or polling sub-division and municipality,

(*a*) The statement of votes given for each candidate and of the rejected ballot papers ;

(*b*) The used ballot papers which have not been objected to and have been counted ;

(*c*) The ballot papers which have been objected to, but which have been counted by the Deputy Returning Officer ;

(*d*) The rejected ballot papers ;

(*e*) The spoiled ballot papers ;

(*f*) The unused ballot papers ;

(*g*) The voters' list, with the oath in the form of Schedule E of this Act annexed thereto : a statement of the number of voters whose votes are marked by the Deputy Returning Officer under the heads of "Physical incapacity," with the declaration of inability ; and the notes taken of objections made to ballot papers found in the ballot box.

Declaration of Deputy-Returning Officer.

2. Before placing the voters' list in its proper packet, the Deputy Returning Officer shall make and subscribe before the Clerk of the municipality, a Justice of the Peace or the Poll Clerk, his declaration under oath that the voters' list was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made ; which declaration shall be in the form of Schedule F to this Act, and shall thereafter be annexed to the voters' list.

Form.

To be delivered to the Clerk.

3. If the Clerk of the Municipality is not himself performing the duties of Deputy Returning Officer, the Deputy Returning Officer shall forthwith deliver such packets personally to the Clerk of the municipality.

Where the elector's mark may be placed

30. Notwithstanding the provision in section nineteen of this Act, a cross made anywhere between the lines which contain the name of a candidate shall be sufficient indication of the intention of the elector to vote for that particular candidate.

Duty of Clerk of Municipality and declaration of candidate elected.

31. When a poll has been duly held in each of the wards or polling sub-divisions, and the ballot papers and statements hereby directed to be returned to the Clerk have been so returned to him, the Clerk shall, without opening any of the sealed packets of ballot papers, cast up from said statements the number of votes given for each candidate for any office in respect whereof the election has not been

previously declared, together with the votes appearing by the statements previously returned for other wards to be given for the candidates, and shall at noon on the next day, at the Township Hall, or if there is no Township Hall, at some other public place, publicly declare to be elected the candidate or candidates having the largest number of votes polled.

Casting vote of Clerk in case of equality of votes.

32. In case it appears, upon the casting up of the votes as aforesaid, that two or more candidates have an equal number of votes, the Clerk of the municipality or other person appointed by-law to discharge the duties of Clerk in his absence or incapacity through illness, and whether otherwise qualified or not, shall, at the time he declares the result of the poll, give a vote for one or more of such candidates, so as to decide the election.

Not to vote otherwise.

2. Except in such case, no Clerk of the municipality shall vote at any municipal election held in his municipality.

Deputy-Returning Officer and Clerk may vote.

3. All Deputy Returning Officers and persons employed as Deputy Returning Officers and Poll Clerks, if otherwise qualified, shall be entitled to vote.

Assumption of office by candidates elected.

33. The person or persons so elected shall make the necessary declarations of office and qualification in the form of Schedule G to this Act and assume office accordingly.

Declaration of secrecy by election officers and agents.

34. The Clerk of the municipality, and every officer, clerk or agent authorized to attend a polling place or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy in the presence, if he is the Clerk of the municipality, of a Justice of the Peace, and if he is any other officer, or clerk, in the presence of a Justice of the Peace or of the Clerk of the municipality; and if he is an agent of a candidate, in the presence of a Justice of the Peace or of the Clerk of the municipality, or of the Deputy Returning Officer at whose polling place he is appointed agent; and such statutory declaration of secrecy shall be in the form mentioned in Schedule H to this Act, or to the like effect.

Form.

Secrecy of vote.

35. No person who has voted at an election shall in any legal proceeding to question the election or return, be required to state for whom he has voted.

Irregularities not affecting result, not to validate.

36. No election 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, or by reason of any mistake in the use of the forms contained in the Schedules to this Act, or by reason of any irregularity, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake or irregularity did not affect the result of the election.

Expenses of election how paid.

37. The reasonable expenses incurred by the Clerk of the municipality and by the other officers and clerks for printing,

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providing ballot boxes, ballot papers, materials for marking ballot papers, polling compartments, transmission of the packets required to be transmitted by this Act, and reasonable fees and allowances for services rendered under this Act, shall be paid to the Clerk of the municipality by the Treasurer of the municipality, and shall be distributed by the Clerk of the municipality to the several persons entitled thereto.

Councillors becoming disqualified after election.

38. If, after the election of any person as member of a Council, he is convicted of felony or infamous crime, or becomes insolvent within the meaning of the Insolvent Acts, or applies for relief as an indigent debtor, or remains in close custody, or assigns his property for the use of his creditors, or absents himself from the meetings of the council for three months without being authorized so to do by a resolution of the Council entered in its minutes, his seat in the council shall thereby become vacant, and the Council shall declare the seat vacant and order a new election.

Vacation of seat and new election.

39. In the event of any member of any municipal council forfeiting his seat at the council or his right thereto, or of his becoming disqualified to hold his seat, or of his seat becoming vacant by disqualification or otherwise, he shall forthwith vacate his seat, and in the event of his omitting to do so at any time after his election, proceedings to unseat any such member, as hereinafter provided, may be had and taken.

Resignation of seat.

40. Any member of a municipal council may, with the consent of the majority of the members present, to be entered on the minutes of the Council, resign his seat in the Council.

Case of no return; refusal to accept or other vacancy, provided for.

41. In case no return is made for one or more wards or polling sub-divisions, in consequence of non-election, owing to interruption by riot or other cause, or in case a person elected to the council neglects or refuses to accept office, or to make the necessary declaration of office within the time required, or in case a vacancy occurs in the council caused by resignation, death, judicial decision or otherwise, the head of the council for the time being, or in case of his absence, or of his office being vacant, the Clerk, or in case of the like absence or vacancy in the office of the Clerk, one

New election.

of the members of the council, shall forthwith, by warrant under the signature of such head, clerk or member, if procurable, require the Returning Officer and Deputy Returning Officers appointed to hold the last election for the municipality, ward and polling sub-division respectively, or any other persons duly appointed to those offices, to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy.

If previous to organization of Council.

42. In case such non-election, neglect or refusal as aforesaid, occurs previous to the organization of the council for the year, the warrant for the new election shall be issued by the head or a member of the council for the previous year or by the Clerk; but such neglect or refusal shall not

interfere with the immediate organization of the new council, provided a majority are present of the full number of the council.

Voters after first election.

43. After the first municipal election, any male person as mentioned in section eight, and whose name is entered upon the assessment roll of the municipality, shall be entitled to vote at municipal elections in the municipality.

Not felons.

44. No person having been convicted of felony may vote at a municipal election.

Owners and occupiers.

45. In case both the owner and occupier of any real estate are rated therefor, each shall be deemed rated within this Act.

Oath of voter as to qualification at first election.

46. If any person offering to vote at the first election, is challenged as unqualified by any qualified voter, the Returning Officer or Deputy Returning Officer as the case may be shall require the person so offering to make the following oath or declaration :—

Form.

You swear (*or* solemnly affirm) that you are a freeholder (*or* householder, as the case may be) in this municipality, that you are of the full age of twenty-one years, and legally qualified to vote at this election ; that you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you are about to tender at this election, that you have not received anything nor has antything been promised you, either to induce you to vote at this election or for loss of time, travelling expenses, hire of team, or any other service connected with this election ; that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election ; and that you have not voted before at this election ; either at this or any other polling place. So help your God.

Penalty for refusing.

The person making such declaration shall be permitted to vote at such election, but if he refuses to make such declaration his vote shall be rejected.

At subsequent elections.

2. At subsequent elections, if any person offering to vote is challenged as unqualified by any qualified voter, the Returning Officer or Deputy Returning Officer as the case may be shall require the person so offering to make the following oath or declaration :—

Form.

You swear (*or* solemnly affirm) that you are the person named or purporting to be named in the list of voters now shown to you (*showing the list and name to the voter*) ; that you are a freeholder (*or* householder *as the case may be*) ; that you are of the full age of twenty-one years ; that you have not voted before at this election either at this or any other polling place ; that you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election ; that you have not received anything, nor has anything been tendered you, directly or indirectly, either to induce you to vote at this election or for loss of time, travelling expenses, hire of team, or any other service connected with this election ; and

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that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election. So help you God.

Penalty for refusal.

The person making such declaration shall be permitted to vote at such election, but if he refuses to make such declaration his vote shall be rejected.

Penalties for false swearing or declaring.

47. Any person wilfully making a false declaration of his right to vote, shall, on conviction thereof before any two or more Justices of the Peace, be subject to a fine not greater than *one hundred dollars*, and in default of payment such fine shall be levied by distress; and if it be made to appear that there is not sufficient distress, then the offender may be imprisoned for a period not exceeding forty days; and the vote of any person wrongfully voting at any such election shall, on due proof thereof, be struck off and treated as null, should any election at which such vote has been cast be contested as hereinafter provided.

Nullity of vote.

Annual elections after the first.

48. After the first election, an annual election of councillors shall be held in every municipality on the second Monday in January in each year, commencing at ten o'clock a.m., and closing at four o'clock p.m.: Provided however, that if such day be a holiday the same shall be held on the next following day not being a holiday. The then existing council shall appoint the Deputy Returning Officer and arrange for the holding of such election

Proviso.

First meeting of Council in each year.

49. The council shall meet on the third Monday in January in each year; provided, however, that if such day be a holiday, the meeting shall be held on the next following day not being a holiday, and thereafter as often as the council may appoint.

Election of Reeve and appointment of other officers.

50. At the first meeting of the council in every year, the councillors shall elect one of their number to act as chairman, who shall be designated the "reeve." At such first meeting, or as soon as possible thereafter, the council may appoint a clerk, treasurer, collector, and assessor, or such officers as they may deem necessary, who shall hold office during the pleasure of the council, and receive such remuneration as the council may by by-law appoint.

Council may make by-laws for certain purposes.

51. In each municipality the council may pass by-laws, not contrary to law or to the provisons of this Act, for such municipality, in relation to matters coming within the classes of subjects hereinafter enumerated, that is to say:—

1. The raising of a municipal revenue by taxation upon person and property in the municipality, and the mode of collecting the same;
2. The expenditure of the municipal revenue;
3. Roads and bridges;
4. The prevention of cruelty to animals;
5. Line and boundary fences;
6. The prevention or removal of abuses prejudicial to agriculture, and not especially provided against by law;

7. The relief of the poor ;

8. The condition of streams, water-courses drains and ditches ;

9. Drainage works ;

10. The prevention and removal of nuisances ;

11. The prevention of fires ;

12. The preservation of the public health ;

13. The providing and regulating of pounds, and restraining or regulating the running at large of animals, and impounding them, and causing them to be sold in case they are not claimed or all lawful charges paid within a reasonable time ; Pounds

14. The appraising of damages to be paid by the owner of animals impounded for trespassing, contrary to the by-laws of the municipality ;

15. The determining of the compensation or fees to be allowed for the feeding, caretaking and selling of animals impounded ;

16. The construction of a municipal hall and other buildings ;

17. The encouragement of planting of trees on prairie land and along public highways ;

18. The taking of a census of the residents in the municipality ;

19. The imposition, regulation and performance of statute labour by residents and non-residents,and the commutation of the same at the rate of not more than $2 per day for each day of labour imposed ; and in case the commutation money be not paid, nor the work performed as required by by-law, then charging the amount and the collection thereof against the land as a statute labour tax. Statute labor.

20. The regulation of municipal elections and the preservation peace during such elections.

21. The enforcing of the by-laws of the municipality by fine and imprisonment ;

22. The regulation of the meetings of the council, and the general conduct of business ;

23. The duties of the clerk, treasurer, assessor, collector and other officers of the municipality, and their fulfilment not inconsistent with the provisions of this Act ;

24. Police regulations, the preservation of the peace and public morals within the municipality ;

25. The establishment and regulation of markets ;

26. The imposition of penalties for light weight or short count, or short measurement in anything marketed ;

27. The maintaining or assisting in maintaining in due proportion the registry offices in the county, according to the provisions of the law in that behalf ;

28. The division of the municpality by by-law into school sections, in which public schools may be established.

29. The levying and collecting, in any school section within the municipality, upon the application of the trustees thereof, of a school rate : Provided the application be made to the Council by the trustees on or before the first of August, such rate to be collected at the same time and in the same manner as other rates, and when collected to be paid over by the Treasurer of the municipality to the Treasurer of the trustees of the school section. School sections and school rates. Proviso.

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Assessments and assessment roll: what the roll must contain.

52. The assessor in every municipality shall prepare an assessment roll, in which after diligent enquiry he shall set down:

1. The names of all taxable persons resident in the municipality—that is of all persons resident in the municipality and owners of real property therein, adding a full description of all taxable property in the municipality, shewing the extent and value thereof.

2. The names of all persons resident out of the municipality but taxable therein, who have in writing required the assessor to enter their names and the lands owned by them on the assessment roll of the municipality.

3. The names of all male persons over twenty-one years of age not assessed for real or personal property but subject to a capitation tax for roads or schools under the by-laws of the municipality.

Roll to be provided yearly and how.

53. The assessment roll of every municipality shall be annually revised and corrected by the council thereof.

1. The said roll shall be returned to the clerk of the municipality by an assessor within such time as shall be provided for by a by-law passed by the said council;

2. The person or persons so assessed, if he or they complain of their assessment, shall, within one month after the time fixed for returning said roll, notify the clerk of his or their ground of complaint;

3. The said council shall, within two months after the time fixed for returning the roll, appoint a time and place for hearing said complaint, and after hearing the parties complaining, as well as the assessor or assessors, and such evidence as may be adduced, shall alter or amend the roll accordingly; and such decision shall be final.

4. The said roll so finally revised shall be taken and held as the roll of the municipality for all purposes, until a new roll shall have been made and returned as hereinafter provided;

5. The said council shall by by-law fix the time for making the assessment in the municipality annually;

By-law for levying a rate after final revision of roll.

6. The council may, in each and every year after the final revision of the roll, pass a by-law for levying a rate on all real and personal property on the said roll, to provide for all the necessary expenses of the municipality, and also such sum or sums of money as may be found expedient.

Rate to be uniform.

7. Any tax or rate imposed by the Council shall be uniform upon all property appearing upon the assessment roll.

What real estate shall be exempt.

54. The following real estate shall be exempt from taxation under this Act:—

1. Real estate vested in or held in trust for Her Majesty, or for the public uses of the District;

2. Real estate vested in or held in trust for the municipality;

3 Real estate vested in or held in trust for any tribe or body of Indians;

4. Every place of public worship, house of religion, churchyard, burying-ground, educational or charitable institution,

public road-way, square, township hall, gaol, and hospital, with the land requisite for the due enjoyment thereof;

C. P. Railway Company.

5. The following property of the Canada Pacific Railway Company : the buildings, right of way, permanent way, rolling stock and earnings of the Company, and all property thereof, except the land granted or to be granted by any Government in aid of the said railway.

Yearly report of Treasurer to Lt.-Governor in Council.

55. The Treasurer of every municipality shall, on or before the first day of November in each year, send to the Lieutenant-Governor in Council, a complete return of all the money collected in the municipality, and of all the money received from the District Treasury for municipal purposes, and of all money expended for municipal purposes during such year; with a brief statement of the nature of the works on which such money has been expended. Every such return shall be certified ascorrect by the Reeve and Treasurer of the municipality.

Questions between Municipalities, how settled.

56. All questions arising between municipalities shall be decided by the reeves of such municipalities respectively; or in case they cannot agree, by the Lieutenant-Governor in Council, whose decision shall be final.

Qualification of Councillors after first election.

57. The persons qualified to be elected as councillors in said municipality after the first election, shall, in addition to the qualification required for voters, be assessed in the said assessment roll for at least one hundred dollars freehold, or two hundred dollars leasehold.

Validity of By-laws, how determined.

58. If any dispute shall at any time arise as to the validity of any by-law, or resolution, or order of the municipality, the same shall be referred to the Court of Queen's Bench of Manitoba, whose decision shall be final; and the said Court shall have the power of enforcing its decision if necessary by a writ or writs under the hand and the seal of one of the Judges thereof, to be directed to the Sheriff or some officer appointed for the purpose

Vacating seats by absence.

New election.

59. In case the seat of any member of the council shall become vacant by death, resignation, or a continued absence from the meetings of the council for a period of three months, it shall be the duty of the council to direct a new election to be held, for the purpose of supplying such vacancy, and to appoint the time of holding the election.

Term of office of Councillor elected.

60. Any councillor elected to fill an occasional vacancy shall hold office for the unexpired term of the councillor in whose place he has been elected.

Who shall preside at meetings.

61. The Reeve of the said council shall preside at all meetings thereof, and in the event of his absence the council shall choose from among their number a person to preside, and in such case the said person so presiding shall have all the powers and exercise all the functions appertaining to the Reeve.

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Reeve to be a J. P.

62. The Reeve of the municipality shall in his own municipality be *ex-officio* a justice of the peace, and shall have the like powers as are exercised by justices of the peace.

Duty of Clerk to record proceedings.

63. It shall be the duty of the Clerk to truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council, and, if required by any member present, he shall record the name and vote of every member voting on any matter submitted, and he shall keep the books, records and accounts of the council, and shall preserve and file all accounts acted upon by the council, and also the originals or certified copies of all by-laws, and of all minutes of the proceedings of the council, all of which he shall so keep in his office, or in the place appointed by by-law of the council, and the council may by resolution provide that, in case the Clerk is absent, or incapable through illness of performing his duties of Clerk, some other person to be named in such resolution, or to be appointed under the hand and seal of such Clerk, shall act in his stead, and the person so appointed shall, while he so acts, have all the powers of the Clerk.

Provision in case of his absence.

Assessment rolls, &c., open to inspection.

Copies.

64. Any person may inspect the assessment rolls, voters' lists, poll books, and other documents in the possession of or under the control of the Clerk, at all reasonable times, and the Clerk shall, within a reasonable time, furnish copies thereof to any applicant at the rate of *ten cents* per hundred words, or at such lower rates as the Council appoints; and shall, on payment of the proper fee therefor, furnish within a reasonable time to any elector of the municipality, or to any other person interested in any by-law, order or resolution, or to his attorney, a copy of such by-law, order or resolution, certified under his hand and under the corporate seal.

Payment of Treasurer.

65. The Treasurer, may be paid either by salary or by a percentage, and before entering upon the duties of his office, shall give such security as the council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; and it shall be the duty of the council in each and every year to inquire into the sufficiency of the security given by such Treasurer, and report thereon.

His duties.

66. The Treasurer shall receive and safely keep all moneys belonging to the corporation, and shall pay out the same to such persons and in such manner as the lawful by-laws or resolutions of the council of the municipal corporation, whose officer he is, direct; but no member of the council shall receive any money from the Treasurer for any work performed or to be performed; and the Treasurer shall not be liable to any action at law for any moneys paid by him in accordance with any by-law or resolution passed by the council of the municipality of which he is the Treasurer.

His non-liability.

To submit statement

67. The Treasurer shall also prepare and submit

to the council half-yearly a correct statement of the moneys at the credit of the corporation whose officer he is; and in townships which have passed by-laws requiring this to be done, the Treasurer shall, on or before the twentieth day of December in each year, prepare and transmit to to the Clerk of the municipality a list of all persons who have not paid their municipal taxes on or before the fourteenth day of said month of December. half yearly to Council.

68. In case the Treasurer is dismissed from office, or absconds, it shall be lawful for his successor to draw any moneys belonging to such municipality. In case of his removal.

69. The council shall, as soon as may be convenient after the annual election, appoint an assessor for the municipality, and shall fill up any vacancy that occurs in the said offices as soon as may be convenient after the same occurs; but the council shall not appoint as assessor a member of the council. Appointment of Assessor.

70. The council may establish and maintain a lock-up house within the municipality, and may establish and provide for the salary or fees to be paid the constable to be placed in charge of such lock-up house, and shall have power to remove or suspend such constable for neglect of duty or other misconduct. Lock-up house.

71. The council shall have the power to appoint one or more constables within the municipality, whose duty it shall be to enforce and maintain law and order, and generally to perform all duties usually appertaining to constables; and the Council shall have power from time to time to remove any constable so appointed for misconduct in office, and to regulate the fees to be paid the said constables. Constables.

ASSESSMENTS.

72. All assessments imposed under this Act shall be due and payable, not only by the owner of the property upon which they are imposed, but also by the possessor or occupant of the said property as owner, and by the tenant or lessee of such property, but the payment of such assessment by any one such person shall discharge all the others concerned. Assessments when and by whom payable.

73. In the event of the payment of any assessment by the tenant or lessee of any such property, such tenant or lessee shall, unless he has otherwise agreed, have a right of personal action against the owner of the property assessed, or the lessor, holder or occupier of the same as owner as aforesaid for the recovery, with interest and costs, of the amount of such assessment, or of the price or value thereof, paid or contributed by him. Payment by tenant or lessee.

74. In such case such tenant or lessee shall be fully substituted, without any formality whatever, in the rights and privileges of the municipality upon the property in question. Right of tenant, &c, paying.

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Treasurer to be collector.

75. The Treasurer of the council shall be the Collector of all the assessments imposed within the limits of each municipality, and of all penalties imposed under this Act, except in any case in which the said assessments or penalties are required to be collected by any other officer, or in any other manner.

Duties of collector in collecting rates: Residents.

76. The Collector, after the final revision of the assessment roll, shall call at least once on the person taxed, or at the place of his usual residence or domicile, or place of business, if within the municipality in and for which such Collector has been appointed, and shall demand payment of the taxes payable by such person.

Non-residents.

1. If any person whose name appears on the roll be not resident within the municipality, the Collector, if he knows the person's address, shall transmit to him by post a statement and demand of the taxes charged against him on the roll.

Residents in default.

Levy.

2. In case any resident person neglects to pay his taxes for ten days after such demand, as aforesaid, the Collector may by himself or by his agent levy the same with costs by distress and sale of the goods and chattels of the person who ought to pay the same, or of any goods or chattels in his possession, whenever the same may be found within the District. The costs chargeable shall be those the council may by by-law allow for the same.

Notice of sale.

3. The Collector shall give notice by advertisement posted up in at least three of the most public places in the municipality, when and where the sale of the goods and chattels distrained is to be made, giving at least eight days public notice of the sale and of the name of the person whose property is to be sold; and at the time named in the notice the Collector or his agent shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary.

Sale.

Return of surplus to owner of goods.

77. If the goods and chattels seized are sold for more than the whole amount levied for and the costs attending the seizure and sale, the surplus shall on demand be returned to the person in whose possession such goods and chattels were when the seizure was made; but if any claim for such surplus is previously made by any other person, by reason of any alleged right of property or privilege upon such surplus, and such claim is admitted by the person for whose assessments the seizure was made, such surplus shall be paid to such claimant, and if such claim be contested, the surplus money shall be retained by the Treasurer until the respective rights of the parties be determined by a competent tribunal.

As to claims of other parties.

Treasurer's duties as to lands of non-residents.

78. On or before the fifteenth day of January in each year, the Treasurer of each local municipality shall prepare a statement of all non-resident lands, or lands vacated by the owners thereof which are in arrear for taxes for the previous year within the municipality, and on which there is no property to distrain, and in such statement he shall show opposite to each lot or part of lot the reason why he could not collect the same, by inserting the words "non-resident" or

"no property to seize," as the case may be. Such statement shall give a description of all the lands in arrears, showing the amount of arrears opposite each lot or parcel of land, and the cost of advertising the same. The Treasurer shall cause said statement to be inserted at least three weeks in succession in a weekly newspaper within the municipality; or if there be no paper published in the municipality, then in the one nearest thereto, always preferring the one having the largest circulation, if there be two or more papers published in the same place. The Treasurer shall state in said list or statement that all such lots or parcels of land will be offered for sale on the first Monday in March, immediately following said advertisement, commencing at twelve o'clock, noon, unless in the meantime the taxes have been paid. The sale shall take place within the municipality, and in addition to the aforesaid arrears and costs for advertising, the Treasurer shall on the day of sale add one dollar to each parcel of land he shall sell, which said dollar he shall be entitled to for sale made by him: Provided always that it shall be the duty of the Treasurer of the municipality to send a letter by post to the proprietor (when his residence is known) of any non-resident lands within one month after any tax has been imposed, informing him of the amount of taxes with which such non-resident lands are charged.

Public notice of arrears, &c.

Other details in notice.

Place of sale.

Proviso.

79. Every such notice shall specify the place, day and hour at which such sale will commence; each lot or parcel of land shall be designated therein by its range and number, or by its number in the plan and book of reference for registration purposes, if any such there be.

Further details in notice.

80. All the lots thus for sale in the municipality may be included in the same statement and in the same notice.

Only one statement.

81. All lands, goods and chattels to be sold under the authority of this Act for the payment of taxes or other dues, shall be offered to public competition;

Sale by public competition.

1. At the place, day and hour appointed for the sale of lands, the Treasurer of the council shall make known the amount of the sum to be raised as aforesaid upon each such property, to which amount he shall add the just proportion of the costs and expenses to be borne by each such property. The person who then and there offers to pay the Treasurer the amount of the said sum thus to be raised, with costs and expenses, for the smallest part, quantity or portion of the said lot, shall have such minimum portion adjudged to him by the Treasurer, who in making sale shall dispose of such portion of the property as appears to him best for the interests of the proprietor thereof, but such portion sold must lie adjacent to a road or road allowance.

Mode of sale.

2. If any purchaser fails to pay on the day of sale the amount of his purchase, the Treasurer shall adjourn the sale to any day, not more than eight days distant, by giving then and there notice of such adjourned sale in an audible and intelligible voice; and on the day of such adjourned sale the Treasurer shall again put up the said property for

Re-sale if purchaser fails to pay.

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sale, and shall sell the same or any portion thereof, unless the first purchaser has in the meantime paid the full amount of assessments and charges due thereon.

Certificate on payment.

3. On payment by the purchaser of the amount of his purchase money, the Treasurer shall give a certificate under his signature to such purchaser, specifying the particulars of such sale, and the purchaser may forthwith enter upon and take possession of such lot or parcel of land.

Limitation of rights of purchaser during one year.

4. No such purchaser of any lot of land shall carry any timber away therefrom during the first year he is in possession thereof; and it shall be the duty of the former proprietor, before he can recover possession of his land so sold, in addition to what he is bound to pay, to repay the said purchaser all the taxes, and the value of all *public* work which he has paid for or performed during the time the land was in his possession.

Provision for redemption by owner.

5. If within one year from the day of such sale, the original owner of the lot, or any one on his behalf, pays to the Treasurer the amount levied, together with ten per cent., in addition to the same, then such original owner shall thereby recover possession of the lot or parcel of land so sold, and the Treasurer shall on demand pay to the purchaser thereof, his heirs, assigns or representatives, the amount so received by him, and thereupon (subject to the condition in the next following subsection) the right acquired by the purchaser in the land shall thenceforth wholly cease and determine.

Or by another person.

6. Any person may redeem any such lot or parcel of land so sold, whether thereto authorized or not by the original proprietor, but for and in the name of such proprietor only.

Provision in such case.

7. Whenever any such redemption is effected by a person not specially authorized, the Treasurer shall mention in the receipt given by him for the redemption money, the name and designation of the person paying the same.

Receipts in duplicate.

8. Every such receipt shall be made in duplicate; one duplicate shall be delivered to the person paying the redemption money, and the other shall remain on record in the office of the Treasurer.

Their effect.

9. Every such receipt or copy thereof, certified by the Treasurer, shall be proof of the payment mentioned therein, and when registered in the proper registry office, shall secure to the person therein mentioned, his heirs or assigns, a privilege and mortgage over and prior to all other claims upon the lot or parcel of land so sold.

Transfer from Treasurer if no redemption within a year.

10. If at the expiration of one year from the time of such adjudication, the land so adjudged is not redeemed as aforesaid, then the Treasurer on demand by the purchaser, his heirs, assigns, or representatives, and upon payment of the arrears of any other assessments which in the meantime have become due thereon, shall execute a transfer in due form, conveying in the name of the municipality the property so adjudged, to such purchaser, his heirs, assigns or legal representatives. The Treasurer shall be entitled to one dollar for each transfer he executes as aforesaid, said dollar to be paid to him by the purchaser of the land.

Effect of transfer.

11. Such transfer shall entitle the person to whom it is made to be registered as proprietor of the said land, and shall

entitle the purchaser to a certificate of title as proprietor, and such certificate of title shall not only transfer to him all rights of property which the original holder had therein, but shall also purge and disencumber such land from all privileges and mortgages due thereon.

Saving as to Crown rights.

12. Whenever any lot of land situate in any township is sold before the issuing of Letters Patent from the Crown granting the same, such sale shall in no wise affect the rights of Her Majesty in such land, but shall solely have the effect of transferring to the purchaser such rights of pre-emption or other claim as the holder of such land or any other person had acquired, if any, in respect of the same.

Tax on persons limited.

82. The power given to municipal councils to tax persons under sub-section 1 of Section 51 of this Act, shall be confined to the persons and subjects hereinafter mentioned, that is to say: To all male residents of the municipality over twenty-one years of age, for statute labour and for the maintenance of public schools, provided that such tax shall not exceed four dollars *per capita* for statute labour, nor one dollar *per capita* for public schools.

Trial of controverted elections.

83 If the election of one or more of the councillors of any municipality be contested, such contestation may be decided by any Judge of the Court of Queen's Bench of the Province of Manitoba.

Petitioners.

1. Every such election may be so contested by one or more of the candidates, or by not less than ten of the inhabitants qualified to vote at such election;

Petition.

2. The said contestation shall be brought before the Judge by a petition signed by the petitioner or petitioners, or by an attorney duly authorized, setting forth in a clear manner the grounds of such contestation;

Service on party whose election is contested.

3. A true copy of the petition, with a notice stating the day on which the petition is to be presented to the Judge, shall be first duly served upon the councillor or councillors whose election is contested, at least eight days before the day on which the petition is presented to the Judge, and a return of the service shall be drawn up and signed in due form upon the original of the petition by the person who made the service. But no such petition shall be received by the Judge unless presented within the thirty days next succeeding the election complained of, nor unless security for costs be given by the petitioners;

Limitation of time.

Order of Judge for proof and hearing.

4. If the Judge is of opinion that the grounds set forth in the petition are sufficient in law to avoid the election, he shall order proof to be adduced, and the parties interested to be heard on the nearest day which he deems expedient, and shall proceed in a summary manner to hear and try the said contestation. The evidence may be taken down in writing or given orally in whole or in part, as the Judge shall order, and if the trial of such contestation is not concluded at the close of the term of the court, during which it began, the judge shall continue the same in vacation, and shall adjourn from day to day until he has pronounced his final judgment; and every such judgment in vacation shall have the same effect as if the same had been pronounced or had in term;

Evidence.

Judgment.

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Powers of the court.

Costs.

5. The court may, on such contestation, confirm the election, or declare the same to be null and void, and may in either case award costs to or against either party, which costs shall be taxed and recovered in the same manner and by the same means, as costs are taxed and recovered in actions of the like kind in the Province of Manitoba.

Objections how disposed of.

6. If any defect or irregularity in the formalities prescribed for the election are set forth in any such petition, as a ground of contestation, the court may admit or reject the objection, according as such defect or irregularity may or may not have materially affected the election ;

Order of Judge for new election if that in question is avoided.

7. If the Judge on any such contestation declare the election of any councillor to be void, such judge shall, in and by the judgment in that behalf, name the day not being sooner than fifteen, nor later than twenty days from the date thereof, for which a public meeting of the inhabitants of the municipality shall be called, in order to make another election, and the Judge shall cause a copy of such judgment to be sent to the Clerk of the municipality, who shall thereupon give public notice of the day so named for the election, when the electors shall proceed to the election of a councillor or councillors in the place of him or them whose election has been so declared null and void ; and the same formalities shall be observed at such election as are required to be observed at every general election of councillors.

Remuneration of Councillors.

84. The council may pass by-laws for remunerating themselves as councillors, but at not more than dollars per day for each day's attendance at the council board, and not more than cents per mile travelling each way.

Appointment of Auditors every year,

85. Every council, after the municipality has been one year in operation, or as nearly as may be, shall, at the first meeting thereof in every year after being duly authorized, appoint an auditor, and the electors of the municipality, at the time of the election of councillors, shall elect another, but

who may be.

no one who at the time, or during the preceding year is or was a member, or is or was clerk or treasurer of the council, or who has, or during such preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with, or in behalf of the corporation except as auditor, shall be appointed an auditor or elected as such by the municipality. The auditor shall be elected in the same manner as the councillors, and the names of the candidates for

Their duty.

the office of auditor shall be printed on the same ballot paper after the names of the candidates for councillors.

86. The auditors shall examine and report upon all accounts affecting the corporation, or relating to any matter under its control or within its jurisdiction, for the year ending on the 31st day of December, preceding the appointment.

SCHOOL ORGANIZATION.

Meeting for election of trustees.

87. Within ten days after the passage of the by-law dividing the municipality into school sections, the Clerk of the municipality shall cause to be posted in each school section a notice, calling upon the rate-payers to meet at a certain place and on a certain day (not exceeding eight days from

the date of posting such notice as aforesaid) to be named therein, for the purpose of electing three of their number as fit and proper persons to act as trustees of the school section.

Election of Chairman.

88. The rate payers present at each meeting, or a majority of them, shall elect a chairman to preside at such meeting, and a secretary to make a record of their proceedings.

Choice of fit persons to be elected.

89. The rate payers so present at such meeting shall name from amongst themselves fit and proper persons to be elected school trustees, whose names shall be taken down by the secretary.

Powers of Chairman.

90. The chairman of the meeting shall decide all questions of order, subject to an appeal to the meeting, and in case of an equality of votes upon the appeal, he shall give the casting vote; but he shall have no vote except as chairman.

Votes how taken.

91. The chairman shall take the votes of the rate-payers voting for trustees in the manner desired by the majority of the electors present, but, at the request of any two rate-payers, he shall grant a poll for recording by the secretary the names of the rate payers present and the persons for whom they vote.

Term of office of trustees first elected.

92. The trustees elected at such first meeting of the rate-payers of a school section as aforesaid shall continue to hold office as trustees as follows, that is to say :—The first person elected shall continue in office for two years, to be reckoned from the annual school meeting to be held next after his election, and thence until his successor has been elected ; the second person elected shall continue in office for one year, to be reckoned from the same period, and thence until his successor has been elected ; and the third and last person elected shall continue in office until the next ensuing annual meeting, and thence until his successor has been elected.

Afterwards.

93. After the first election, each trustee shall hold office for three years, and until his successor shall have been elected

Yearly meetings.

94. The annual meetings for the election of school trustees, shall be held on the second Wednesday of January in every year, at the hour of ten o'clock in the forenoon.

School corporation.

95. The inhabitants of every school section shall form a body corporate for school purposes, and the powers of every such school corporation shall be exercised as herein provided by trustees, who shall use a corporate seal.

Powers of school trustees.

96. The trustees shall exercise the following powers :—

1. To locate and purchase a school site : Provided always that such school site shall contain an area of not less than two acres.

2. To purchase books and other necessary appliances for the use of the school.

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3. To erect a school house at the expense of the school section to warm, furnish, and keep the same in repair.

4. To take possession of and hold all school property to themselves and their successors in office.

5. To employ a qualified teacher.

School tax. 6. To impose upon the rateable property of the school section so much taxes as may be necessary to enable them to meet all lawful expenses for the current year.

Collector. 7. To appoint a collector and to issue their warrant authorizing him to distrain and sell the goods and chattels of any rate payer for taxes, after ten days notice.

Pay him. 8. To pay the collector for his services a sum not exceeding ten per cent of the amount to be collected : Provided always that this percentage shall be charged in addition to the ordinary rate upon the taxes of those who have neglected to pay the amount levied upon them into the Treasurer of the school section.

Proviso.

School terms. **97**. The trustees in every public school section shall keep open a public school for a period of not less than six months in each year.

What children must attend. 2. All children between the ages of seven and fourteen years residing in the school section shall attend the public school for not less than four months in each year, unless they are receiving instruction elsewhere, or have been from ill health or other physical causes prevented from attending.

Capitation tax on children not attending. 3. Should a majority of the ratepayers so determine at the annual school meeting, the trustees shall impose a capitation tax on all children between the ages of seven and fourteen years residing in the school section who fail to attend the public school during the time it is kept open, such tax not to exceed twenty-five cents each per month, and such tax may be charged against the property of the parents or guardians, and collected in the same way as if it were a tax upon the land.

Accounts of trustees. **98**. At every annual school meeting the trustees shall submit a statement of the moneys they have received during the year by taxation or otherwise, the amount still due and from whom due, the amount expended, and the purposes for which it has been expended.

Audit of accounts. **99**. At the first school meeting, and at every annual school meeting thereafter, the rate payers shall elect some competent person to audit the school accounts, and the trustees shall submit such account for audit to the person so elected at least one week before the annual school meeting.

Notice of public school meetings. **100**. Every notice issued by the trustees calling a public school meeting must be put up in at least three places in the school section where it is most likely to be seen by the rate payers for not less than six days previous to the day on which the meeting is called; and such notice must be signed by a majority of the trustees and must state the object for which the meeting is called, and no other business than that stated in the notice shall be transacted at the meeting.

Secretary-Treasurer.

101. The trustees shall appoint some one to act as Secretary-Treasurer, who shall keep a record of alltheir proceedings, and shall give receipts for all moneys received and take receipts for all moneys paid by him.

Payments by him.

102. It shall not be lawful for the Treasurer to pay out money except upon an order signed by a majority of the trustees and sealed with the corporate seal.

Qualifications of teachers.

103. No one shall be held to be qualified to teach under the provisions of this Act unless such teacher possesses the following qualifications:—Having a good moral character, being not less than eighteen years of age and having passed a creditable examination before some one named as an examiner by the Lieutenant-Governor in Council in the subjects of orthography, reading, writing, arithmetic, grammar, geography and the general outlines of history, nor shall any teacher be employed for a longer period than the period during which a majority of the trustees hold office.

What children may attend.

104. The children residing within the school section, between the ages of seven and eighteen, shall have the right to attend the public school free of charge.

Saving s. 11 of 35 V. c. 49.

105. Nothing in this Act shall be held to repeal the provisions of the eleventh section of "The Northwest Territories Act, 1875," so far as they relate to the rights of the minority of the rate-payers in any school section.

How this Act may be repealed or amended.

Powers of Lt. Governor supplying want of officers or failure by non-compliance with provisions as to time.

106. This Act may be repealed or amended by any authority then having power to make laws respecting property and civil rights in the District of Keewatin; and if by reason of the non-existence in Keewatin of any officer or functionary required for giving effect to or carrying out the provisions of this Act, or the non-appointment, absence or vacancy in the office of any officer or functionary mentioned in this Act, or the failure of any election or other proceeding on the day hereby appointed therefor, it shall happen that any provisions or requirements of this Act cannot be otherwise properly carried out or complied with, or the object of this Act attained, the Lieutenant-Governor of Manitoba may, by Order in Council, appoint such officer or functionary, or direct by whom any act or duty shall be performed, or the day on which such election or proceeding shall be held.

Extension of Act to other parts of Keewatin.

107. The Lieutenant-Governer in Council may extend the provisions of this Act to any other part of the District of Keewatin as the same may become colonized.

SCHEDULE A.

FORM of Poll Book for the First Election.

Column for mark indicating that the Voter has voted.	Names of the Voters.	Description of Property in respect of which the Voter is entitled to vote.	Freeholder, Householder, Tenant or Farmer's Son.	Residence of Voter.	Objections.	Sworn or affirmed.	Refusal to swear or affirm.	Councillor.	Remarks.

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SCHEDULE B.

FORM in which the Voters' List, to be furnished to Deputy Returning Officers, is to be prepared.

Column for mark indicating that the Voter has voted.	Names of the Voters.	Description of Property in respect of which the Voter is entitled to vote.	Freeholder, Householder, Tenant or Farmer's Son.	Residence of Voter.	Objections.	Sworn or affirmed.	Refusal to swear or affirm.	Councillor.	Remarks.

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SCHEDULE. C.

Directions for the guidance of voters in voting.

The voter will go into one of the compartments, and, with the pencil provided in the compartment, place a cross on the right hand side, opposite the name or names of the candidate or candidates for whom he votes, thus ×

The voter will then fold up the ballot paper so as so show the name or initials of the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) sign on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper he may return it to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void so far as relates to that office, and will not be counted for any of the candidates for that office.

If the voter places any mark on the paper by which he may afterwards be identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the officer, he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

SCHEDULE D.

Form of Ballot Paper.

ELECTION of Members of the Municipal Council of the Municipality of , Ward No. day of January, 18 .

	FOR COUNCILLORS.
1	BULL. JOHN BULL, of the Municipality of Big Island, Doctor of Medicine.
2	JONES. MORGAN JONES, of the Municipality of Big Island, farmer.
3	McALLISTER. ALLISTER McALLISTER, of the Municipality of Big Island, farmer.
4	O'CONNELL. PATRICK O'CONNELL, of the Municipality of Big Island, lumber merchant.
5	RUAN. MALACHIE RUAN, of the Municipality of Big Island, farmer.
6	SCHULTZE. GOTTFRIED SCHULTZE, of the Municipality of Big Island, farmer.
7	FREDRICKSSON. FREDRICK FREDRICKSSON, of the Municipality of Big Island, gentleman.
	FOR AUDITOR.
1	JAUSSON. FREDERICK JAUSSON, of the Municipality of Big Island.
2	STEPHENSON. MACIEUS STEPHENSON of the Munlcipality of Big Island.

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SCHEDULE E.

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

I, C. D., the undersigned Deputy Returning Officer for polling sub-division No. , of the Municipality No. , in the District of Keewatin, do solemnly swear (*or if the person permitted by law to affirm*, do solemnly affirm) that to the best of my knowledge the annexed voters' list used in and for the said polling sub-division No. , of the said municipality No. , was so used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

(Signed) C. D.,
Deputy Returning Officer.

Sworn (*or* affirmed) before me at , this day of , A.D. 18 .

(Signed) X. T.,
Justice of the Peace,
or A. B.,
Clerk of the Municipality of .

NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

SCHEDULE F.

Declaration of Deputy Returning Officer under Section 9.

I, A. B., solemnly promise and declare that I will not at the election of members of the Municipal Council of the Municipality of , disclose to any person or persons the name of any person who has voted, and that I will not in any way whatsoever unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same; and I will keep secret all knowledge which may come to me of the person for whom any elector has voted.

Made and declared before me at , this day of , A.D. 18 .

C. D,
Justice of the Peace
(*or Clerk of the Municipality of* .)

[*Schedules G. and H. will be inserted in Committee.*]

No. 23.

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

BILL.

An Act to establish Township Municipalities in the District of Keewatin.

Received and read first time, Friday, 22nd February, 1878.

Second reading, Monday, 25th February, 1878.

Mr MILLS.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1878.

No 24.] **BILL.** [1878.

An Act to amend "The Insolvent Act of 1875, and amending Acts."

Preamble.

WHEREAS it is expedient to amend "*The Insolvent Act of* 1875, *and amending Acts.*" Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Interpretation.

1. In this Act the expression "non-trader" means any farmer, grazier, common labourer, workman for hire or other person who cannot be declared an Insolvent under the Act hereinbefore cited.

Discrimination between traders and non-traders in statement.

2. In the statement of liabilities and assets which the Insolvent is required, under the seventeenth section of the Act hereinbefore cited, to furnish to the Assignee, the Insolvent shall discriminate between his liabilities to traders and to non-traders.

After notification non-traders not bound to accept composition.

At any time after the making of the assignment, or the issue of the writ of attachment and previous to the first meeting of creditors, any creditor who is a non-trader may notify the Assignee in writing that such is the case, and that he purposes to avail himself of the provisions of this Act; and no non-trader who shall have so notified the Assignee shall be bound to accept the composition, or sign the discharge of the Insolvent, but the claim of such non-trader shall nevertheless be ranked by the Assignee upon the dividend sheet for a dividend or dividends in like manner as the claims of other creditors; and the receipt signed by the non-trader for such dividend shall be a receipt *pro tanto* in respect of such claim as aforesaid

Votes of non-traders in matters of insolvency.

3. A non-trader, that is;—Any farmer, grazier, common labourer, workman for hire, or other person who cannot be declared insolvent under the Acts hereinbefore cited, who has availed himself of the provisions of this Act may attend at meetings of the creditors of the Insolvent and may vote thereat in the same manner as other creditors, except that such non-trader shall not vote upon any question touching the acceptance of any offer of composition, or the granting of the discharge of the Insolvent; and in calculating the number of creditors and the amount of the claims against the Insolvent upon which the acceptance of a deed of composition and discharge, or the consent to the discharge of the Insolvent is based, non-traders who have availed themselves of the provisions of this Act and the amount of their claims shall not be counted; and no deed of composition and discharge, nor any discharge from the Court or Judge

Rights of non-traders saved.

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shall in any way impair the right of a non-trader who has availed himself of the provisions of this Act, to recover from the Insolvent any balance that may remain unpaid of the claim of such non-trader, but such balance may be recovered in like manner as if no proceedings in insolvency had been entered into, notwithstanding the acceptance by the non-trader of any dividend from the Assignee as hereinbefore provided: provided always that no non-trader shall avail himself of the provisions of this or the next preceding section, in the case of an Insolvent whom the said non-trader has compelled to place himself under the Insolvent laws, or whose assignment he has demanded.

Proviso.

No. 24.

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

BILL.

An Act to amend "The Insolvent Act of 1875," and amending Acts.

Received and read first time, Friday, 21st February, 1878.

Second reading, Monday, 25th February, 1878.

Mr. BOURASSA.

OTTAWA:
Printed by MACLEAN, ROGER & Co.
1878.

No. 25.] **BILL.** [1878.

An Act to prevent frauds by the unlawful sale and disposal of bottles used in the manufacture of mineral-water and other drinks.

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

Names and marks on each bottle may be registered.

1. All persons engaged in the manufacture, bottling or selling of soda or mineral-water, porter, ale, cider, or small beer in bottles, with their names or other marks stamped thereon, may file and have registered in the office of the Minister of Agriculture, a description of the names or marks so used by them as their Trade Marks.

Penalty on persons using or assisting others to use bottles bearing such names or marks without leave of owner.

2. It shall be unlawful for any person hereafter, without the written permission of the owner of the name or mark so filed, to fill with mineral-water or any other beverage, any such bottles so marked or stamped; or when empty, to sell, dispose of, buy, give away or traffic in any such bottles so marked or stamped, with the names or mark so registered, or to give any such bottles away when empty,—so as to wrong the rightful owner of the name or mark so registered. Any person so offending shall be liable to a penalty of *fifty cents* for each and every bottle so filled, bought, sold, given away, used or trafficked in, for the first offence; and of *five dollars* for each and every bottle so filled, bought, sold, given away, used or trafficked in, for every subsequent offence, upon conviction on summary proceedings before any justice of the peace under the Acts respecting the duties of justices of the peace, out of sessions, in relation to summary convictions and orders.

What shall be evidence of the offence.

3. The fact that any person other than the rightful owner of such name or mark as aforesaid using, without such written permission as aforesaid, such bottles for the sale therein of any mineral-water or other beverage, shall be presumptive evidence of the unlawful use and purchase of such bottles.

Proceedings for punishment of persons contravening this Act.

4. If any such owner, or the agent of such owner, makes oath or affirmation before any justice of the peace, that he has reason to believe and does believe that any of his bottles, stamped and registered as aforesaid, are being unlawfully used by any person or persons selling or manufacturing mineral-water or other beverages; or that any junk dealer or vendor of bottles, or any person who may be reasonably suspected of an offence against this Act, has any of such bottles secreted upon his premises or in any other place, then the

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said justice shall proceed to have the same brought before him by search warrant under the existing provisions respecting goods unlawfully taken from their owner and in the possession of another person, which are hereby declared fully applicable to the purposes of this Act; and the justice shall have power in a summary way under the Acts cited in section two of this Act to bring or cause to be brought before him the person in whose possession such bottles may have been found, and to examine into the circumstances of his said possession thereof; and if he finds on summary examination that such person has contravened any of the foregoing provisions, the justice shall impose the penalty aforesaid, and if the same be not forthwith paid, shall commit the offender to prison for a term not to exceed fifteen days.

No. 25.

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

BILL.

An Act to regulate the sale and disposal of bottles used in the manufacture of mineral-water and other drinks.

Received and read first time, Tuesday, 26th February, 1878.

Second reading, Wednesday, 27th February, 1878.

MR. MCDONALD,
(*Toronto Centre*).

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.,
1878.

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No. 26.] **BILL.** [1878.

An Act respecting the Grand Trunk Railway Company of Canada.

Preamble.

WHEREAS the Grand Trunk Railway Company of Canada desire to have a duplicate seal to be used in Canada for the transaction of such business as the Board of Directors of the Company may from time to time designate; And whereas the said Company desire to enlarge the operations of the fund authorized to be created by the eleventh section of "*The Grand Trunk Consolidated Debenture Stock Act*, 1874," called a Superannuation and Provident Fund, and to establish either in connection therewith or separately, an Accident Insurance Fund for the benefit of their employés and officers; And whereas, also, several railway companies in Canada incorporated by the Local or Provincial Legislatures, have been given powers to arrange with any other Company to lease or work the lines held by the said Companies so incorporated, or to arrange with other Companies for the working or leasing of the railways held by such other companies or for running powers thereon, and in several of the said Acts power is assumed to be given to any other Company to enter into such arrangements with the Companies incorporated by the Local Legislature aforesaid; And whereas the said Local Legislatures cannot confer on the Grand Trunk Railway Company of Canada power to deal with any such matters, and it is expedient that the latter should be empowered to make such arrangements and to hold the stock or bonds of such companies where deemed necessary; And whereas the Grand Trunk Railway Company of Canada, for the purpose of better developing and promoting their business and meeting the growing requirements of trade, desire to have the power now possessed by them for making traffic arrangements with companies outside of the Dominion of Canada enlarged and simplified, and also to be empowered to hold stock or bonds in such companies; And whereas the Grand Trunk Railway Company of Canada have prayed for an Act conferring the said powers and making provision in respect of the aforesaid matters, and it is expedient to grant the prayer of their petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Duplicate seal for Canada.

1. It shall be lawful for the Grand Trunk Railway Company of Canada to have and keep a duplicate seal for the transaction of such of their business in Canada or the United States of America as the Board of Directors of the said Company may from time to time designate, and the said seal may

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be used and affixed in all such cases by such officer or officers as the Board of Directors of the said Company may, by resolution, from time to time, direct; on or across the said seal the word "Canada" shall be cut or engraved, and the said seal shall only be used for the transaction of such business as is herein mentioned.

Company may provide for Accident Insurance for employés.

2. It shall be lawful for the Grand Trunk Railway Company of Canada to make either separately or in connection with the Superannuation and Provident Fund, authorized to be created by "*The Grand Trunk Consolidated Debenture Stock Act*, 1874," provision for insurance against accident to its employés, which may include insurance against death, the payment of allowances during any period when they may be unable from accident or sickness to follow their ordinary calling, and the providing of suitable medical or surgical attendance.

Continuation to fund by the company.

3. The Company may contribute to such fund annually any amount not exceeding one hundred and fifty per cent. of the amount which may be subscribed annually to such fund by the members thereof, and the amount so subscribed by the Company shall be considered as and forming part of the "working expenses" of the said Company as defined in "*The Grand Trunk Arrangements Act*, 1862," and shall for all purposes of priority of payment be considered as a payment of wages due to the servants of the Company.

37 V. c. 65 to apply.

4. The provisions of the Act hereinbefore firstly cited establishing the Superannuation and Provident Fund shall as regards the scheme and the management thereof, apply to the Insurance Fund by this Act created, whether the same be organised in connection with the said Superannuation and Provident Fund or separately.

Working arrangements with other companies may be made.

5. It shall be lawful for the Grand Trunk Railway Company of Canada to lease or enter into working arrangements with, or to agree for running powers over the line of any Railway Company which by its Act of Incorporation or the Statutes relating thereto has power to make any such arrangements with any other company, upon such terms and conditions and for such period as may be agreed upon by the respective Boards of Directors of the said Companies and the Board of Directors of the Grand Trunk Railway Company of Canada: provided, however, that no such lease or agreement shall take effect until it shall have been submitted to and received the approval of two-thirds of the shareholders of the said Grand Trunk Railway Company of Canada, voting in person or by proxy, as provided for in section forty-eight of "*The Railway Act*, 1868."

And also in the United States.

6. The Company shall have power to make working arrangements with any Railway Company in the United States of America or to agree for running powers over the line or lines of any such company or companies, or to lease any such lines of railway upon such terms and conditions as the Board of Directors of the said Grand Trunk Railway

Company of Canada may consider prudent and beneficial to the said Company : Provided however, that no such agreement or lease shall be valid or binding until it shall have been approved of by at least two-thirds of the shareholders of the said Grand Trunk Railway Company of Canada as mentioned in the next preceding section.

Shares and securities of other companies may be held.

7. It shall be lawful for the Grand Trunk Railway Company of Canada to hold shares, bonds, or other securities or any of them in any Company, entering into any such transaction with them as is contemplated in sections five and six of this Act, subject, however, to such approval by the proprietors as is provided in the said sections.

No. 26.

5th Session, 4th Parliament, 41 Victoria, 1878.

BILL.

An Act respecting the Grand Trunk Railway Company of Canada.

Received and read first time, Tuesday, 26th February, 1878.

Second reading, Wednesday, 27th Feb., 1878.

(PRIVATE BILL.)

MR. MITCHELL.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street, 1878.

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No. 27] **BILL.** [1878.

An Act respecting the Northern Railway Company of Canada.

Preamble.

WHEREAS the Northern Railway Company of Canada have presented a petition praying that an Act may be passed to remove doubts as to the power of the said Company to work or lease the line of railway of the North Simcoe Railway Company and to confirm the lease of the said North Simcoe Railway already executed, and also to give power and authority to the said the Northern Railway Company of Canada to make agreements for the leasing working, using or purchasing of lines of railway or tramway companies contiguous and subsidiary to the said the Northern Railway Company of Canada, and also for general powers to enter into agreements with other companies for the use or working by lease or otherwise, of the line of railway of the said the Northern Railway Company of Canada; and whereas the said the Northern Railway Company of Canada have, by their petition, further prayed that the rights of the said Company in regard to all branches, sidings switches or tracks, now or hereafter laid upon private property by the said Company to mills, factories and the like, adjoining their said line of Railway, be defined and secured; 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:—

A certain agreement confirmed.

1. The agreement between the said the North Simcoe Railway Company and the said the Northern Railway Company of Canada, bearing date the fourteenth day of January last for the leasing by the said the North Simcoe Railway Company of their line of railway, when constructed, to the said Northern Railway Company of Canada, and duly approved by the respective proprietors of stock in the said companies, is hereby confirmed.

Arrangements may be made with other companies.

2. It shall be lawful for the said the Northern Railway Company of Canada to enter into agreements with any other company or companies holding a railway or tramway now or hereafter to be constructed and which may be contiguous or subsidiary to the line of railway of the said the Northern Railway Company of Canada or to the line of any railway or tramway company at any time worked by the said the Northern Railway Company of Canada, for the lease or purchase by, or for the using, or working, by either company respectively, of the lines of the other company or

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companies or of any parts thereof, or for amalgamation with such company or companies, and upon such terms and conditions, as to the Directors of the respective companies may seem fit; and all such agreements shall be valid and binding according to the terms and tenor thereof, provided that the assent of at least two-thirds of the stockholders present and entitled to vote at a special general meeting of the respective companies to be called for that purpose shall have been first obtained.

Railway materials on lands of certain other owners vested in the company.

3. In all cases in which the said the Northern Railway Company of Canada have laid down or may hereafter lay down or put in any switches, sidings, branches or tracks from their line of railway or from any lines worked by them to any mills, factories and the like, for the mutual advantage of the Company and of the respective proprietors of the mills, factories or lands to, over or upon which the same may be laid, the iron or iron and steel material so laid down or put in by the said Company shall always remain and continue to be the property of the said Company, and in the event of any such agreements being at any time terminated from any cause whatever, it shall be lawful for the said Company without the consent or leave of such proprietors or any of them to enter upon such lands and to remove all such iron or iron and steel material as may have been so laid down by the said Company.

No. 27.

5th Session, 4th Parliament, 41 Victoria, 1878

BILL.

An Act respecting the Northern Railway Company of Canada.

Received and read first time, Tuesday, 26th February, 1878.

Second reading, Wednesday, 27th Feb., 1878.

[PRIVATE BILL]

Mr. Cook.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.,
1878

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No. 28.] **BILL.** [1878.

An Act to revive and amend the Act incorporating the Montreal and Champlain Junction Railway Company.

Preamble.

WHEREAS it has been found impracticable to build the line of railway authorized to be constructed under and by virtue of an Act passed by the Parliament of Canada, in the thirty-third year of Her Majesty's Reign, chaptered fifty-five, and intituled "*An Act to incorporate the Montreal and Champlain Junction Railway Company*," within the time limited for that purpose; and whereas the Honorable James Ferrier and other Provisional Directors of the said Company have, by their petition, represented that since the passing of the said Act no work has been done towards the commencement and completion of the said railway, and have prayed that the said Act may be revived and amended, and also for an extension of the time fixed for the commencement and completion of the said railway, and for other privileges; 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:—

Act revived.
Time for construction limited.

1. The Act hereinbefore cited is hereby revived and declared to be in full force and effect, and the time limited for the commencement of the said railway is extended for three years from the passing of this Act; and the time for the completion thereof is extended to ten years from the passing of this Act.

Additional provisional directors.

2. The following persons are added to the list of Provisional Directors of the Company: Sir Alexander Tilloch Galt, K.C.M.G., and Joseph Hickson, Esquire.

Arrangements may be made with Grand Trunk Railway.

3. It shall be lawful for the Montreal and Champlain Junction Railway Company and the Grand Trunk Railway Company of Canada, to enter into arrangements to work the traffic now carried over the railway of the Champlain Railroad Company, leased to the said Grand Trunk Company, between St. Isidore or the point of junction of the proposed road with the existing railway and Caughnawaga, over the railway of the said Montreal and Champlain Junction Railway Company, *via* St. Lambert, and for the use of the materials now upon the said piece of railway lying between the places named in the construction of the said Montreal and Champlain Junction Railway.

No. 28.

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

BILL.

An Act to revive and amend the Act incorporating the Montreal and Champlain Junction Railway Company.

Received and read first time, Tuesday, 26th Febrnary, 1878.

Second reading, Wednesday, 27th February, 1878.

(PRIVATE BILL.)

Mr. SCRIVER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1878.

No. 29.] **BILL.** [1878.

An Act to authorize and provide for the winding up of the Canada Agricultural Insurance Company.

Preamble.

WHEREAS the Canada Agricultural Insurance Company, by its petition, has represented that it has met with heavy losses, and is unable efficiently to continue its business; and that the shareholders of the said Company have determined that it is for their interest that the said Company should be wound up, and for that purpose have appointed, by resolution, Philip S. Ross and William T. Fish, trustees or liquidators, and that it is necessary that legislative provision should be made for the winding up of the said Company, and the liquidation of its affairs; and have prayed for the passing of an Act to authorise such winding up; 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:—

Liquidators appointed.

1. The said Philip S. Ross and William T. Fish shall be liquidators to realize and wind up the assets and affairs of the said Company, and shall have all the powers conferred upon directors by the Act of Incorporation of the said Company, save and except that no business shall be transacted by the said liquidators representing the said Company, or by the said Company, other than such as shall be requisite for the winding up of its affairs in manner hereinafter provided; and in the event of the death, resignation, refusal or incapacity to act, of either or both of the said liquidators, the shareholders, at any meeting to be called for the purpose, may appoint another liquidator, or other liquidators; and during any such vacancy the remaining liquidator shall continue the winding up, with all the powers herein conferred, until such vacancy shall be filled.

Affairs of the company to be wound up.

2. The said liquidators shall proceed, according to their discretion, with the realization of the assets of the Company, as speedily as possible, without undue sacrifice; and for that purpose, may make such arrangements as they may deem requisite or necessary, with any other company or companies, and upon such terms and conditions as they may deem desirable; and from and out of the proceeds of such assets they shall pay first all costs of liquidation and all privileged claims upon the said Company; and after paying in full all privileged claims, then all ordinary claims and liabilities, or so much thereof as the said liquidators may be able to pay from the assets of the said Company; and in the event of a surplus remaining in the hands of the liquidators

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after the payment of all claims and liabilities, they shall divide such surplus among the shareholders of the said Company in proportion to their rights.

Provision for admission of claims.

3. The said liquidators shall formally notify all persons having claims or pretending to have claims against the said Company, within thirty days after notice received from any such person or persons of his, her or their claims, whether or not the same is admitted, in whole or in part, and if admitted, then all proceedings at law or in equity, on the part of any claimant or claimants, shall from thenceforth be barred and estopped; but if not admitted, the claimant or claimants shall proceed at law to establish his, her or their claim in the usual course; and all claims so admitted, and all claims not admitted, but established by a judgment, together with the costs adjudged against the said Company, shall be entitled to a *pro rata* share, from time to time, of the realised assets of the Company; but no writ of attachment, sequestration, distress, or execution shall be issued or put in force against the estate and effects of the said Company; and no costs incurred by any creditor, after his claim shall be admitted, or if admitted in part only, after such admission, unless such admission shall be adjudged insufficient, shall rank upon the assets of the Company in liquidation.

Responsibility of liquidators.

4. The liquidators shall be responsible each for his own acts and deeds only, and otherwise as the directors of the said Company would be, and upon the final winding up of the said Company the liquidators shall report to a final meeting of shareholders called for the purpose, which meeting shall have the power to dissolve the said Company, and to abandon the charter thereof, which charter shall thereupon lapse and become extinguished; and at such final meeting the shareholders may make such orders respecting the disposition or custody of the books and muniments of the Company as they may deem fit.

Dissolution of the company.

No. 29.

5th Session, 3rd Parliament, 41 Victo

BILL.

An Act to authorise and provide winding up of the Canada tural Insurance Company.

Received and read first time, Tues February, 1878.

Second reading, Wednesday, 27th Fe

[PRIVATE BILL.]

Mr.

OTTAWA:
Printed by MACLEAN, ROGER &
1878.

No. 30.] **BILL.** [1878.

An Act to grant certain powers to the Agricultural Mutual Assurance Association of Canada and to change its name.

(*Reprinted as proposed to be amended in Committee.*)

Preamble.

WHEREAS the Agricultural Mutual Assurance Association of Canada have, by their petition, prayed that for he better management of the affairs of the said Association additional powers be conferred on them, and that the name of the said Association may be changed, and it is expedient that the prayer of the said petition be granted; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The members of the Agricultural Mutual Assurance Association of Canada, incorporated under the provisions of chapter fifty-two of the Consolidated Statutes for Upper Canada, intituled "*An Act respecting Mutual Insurance Companies*," as amended so far as the said Association is concerned, by an Act passed by the Legislature of the late Province of Canada in the twenty-seventh year of Her Majesty's reign chaptered fifty-two and intituled "*An Act to grant certain powers to the County of Middlesex Mutual Fire Insurance Company and to change its name*," together with such other persons as may hereafter become members of the Company hereby incorporated, shall be and are hereby constituted a body politic and corporate in law, in fact and in name, by the style and title of the Agricultural Mutual Fire Insurance Company, for the purpose of carrying on the business of insurance against loss by fire and lightning, and doing all things appertaining thereto or connected therewith, with all the powers, privileges and rights hereinafter mentioned; and shall and may have perpetual succession, and shall be capable in law of contracting and being contracted with, and suing and being sued, pleading and being impleaded in any court of law or equity in their corporate name aforesaid, and they and their successors shall and may have a common seal, and may change the same at their will and pleasure: Provided always, that nothing in this Act contained shall be construed to affect any contract, matter or thing concerning the said Association heretofore incorporated, otherwise than is herein expressed, or to affect any action, suit or proceeding against the said Association heretofore incorporated at the time of the passing of this Act, but every such action, suit or proceeding may, at the option of the claimant, be carried on against the Company

Corporate name and general powers.

Proviso: existing rights not affected.

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hereby incorporated, which is in such case for all the purposes thereof substituted for the said Association heretofore incorporated; and that all the members of the said Association heretofore incorporated shall be members of the Company hereby incorporated, and liable as such members for all undertakings to such Association; and all such undertakings and all other property real and personal, debts, rights, claims and privileges heretofore belonging to or vested in the said Association heretofore incorporated, and all their interest in the same, shall be held by and are hereby vested in the said Agricultural Mutual Fire Insurance Company hereby incorporated, in the same manner and with all such benefits and liabilities attaching to the same as existed at the time of the passing of this Act; and all the policies and other contracts of insurance and other engagements made or entered into by or on behalf of the said Association heretofore incorporated, shall continue to be valid and binding under this Act as against the Company hereby incorporated; and any person having any claim or demand against the said Association heretofore incorporated shall have the same claim or demand against the Company hereby incorporated.

Property and rights vested in new Company.

New Company liable for certain engagements.

Of whom Company shall be composed.

2. The said Company shall be composed of its policy-holders, who shall own and control all its property and affairs as hereinafter provided, and each policy-holder, during the continuance of his policy, shall be and is hereby constituted a member of the said Company.

Business and powers of the Company.

3. The said Company shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire or lightning on any house, store or other building whatsoever, and on any goods, chattels or personal estate whatsoever, for such time or times and for such premiums or considerations, and under such modifications and restrictions and upon such conditions, as may be bargained and agreed upon and set forth by and between the Company and the person or persons agreeing with them for such insurance, subject to the provisions hereinafter set forth; and generally to do and perform all other necessary matters and things connected with and proper to promote those objects; and all policies or contracts of insurance issued or entered into by the said Company shall be signed by the President or one of the Vice-Presidents, and countersigned by the Managing Director or Secretary, or otherwise as may be directed by the by-laws, rules and regulations of the Company, and being so signed and countersigned shall be deemed valid and binding upon the Company, according to the tenor and meaning thereof.

Policies, how signed.

Head office and officers continued.

4. The head office of the Company shall be continued at the City of London, in the Province of Ontario; and the Directors and officers of the Association as heretofore incorporated shall continue to be the corresponding officers of the Company hereby incorporated until otherwise provided.

GENERAL MEETINGS.

5. A meeting of the members for the election of directors shall be held in every year, within two months after the thirty-first day of December in each year, at such time and place as may be prescribed by the by-laws of the Company. Annual meeting.

6. At annual meetings, in addition to the election of Directors, a report of the transactions of the Company for the year which shall have ended on the previous thirty-first day of December, shall be presented and read, together with a full and unreserved statement of its affairs, exhibiting receipts and expenditures, assets and liabilities. Annual Report and Statement.

7. Notice of any annual or special meeting of the members of the Company shall be published in one or more newspapers for at least two weeks previous to the day of such meeting; and the Board of Directors may convene at any time a general meeting of the Company upon any urgent occasion, giving notice thereof as herein provided. Notice to be given of meetings.

8. Each member of the company shall be entitled, at all meetings of the Company, to the number of votes proportioned to the amount by him insured, according to the following rates, that is to say: For any sum under fifteen hundred dollars, one vote; from fifteen hundred to three thousand dollars, two votes; from three thousand dollars to six thousand dollars, three votes; and one vote for every additional three thousand dollars; but no member shall be entitled to vote while in arrear for any assessment or premium due by him to the Company. Scale of votes according to amount of insurance.

ELECTION OF BOARD OF DIRECTORS.

9. The Board of Directors of the said Company shall consist of nine members, three of whom shall retire in rotation annually, the then senior of whom shall be the first to retire but who shall be eligible for re-election. Board of Directors.

10. The election of Directors shall be held and made by such members of the Company as attend for that purpose in their own proper persons, or are represented by proxy, all of which proxies shall bear date and be filed with the Secretary at least three months before the election at which they are to be used. Election of Directors.

11. The election of directors shall be by ballot. Ballot.

12. If at any such election two or more members have an equal number of votes, in such manner that a greater number of persons than the whole number to be elected appear to have been chosen directors by a majority of votes, then the said members of the Company shall proceed to elect by ballot, until it is determined which of the persons so having an equal number of votes, shall be the director or directors, so as to complete the whole number of directors to be elected; and the directors shall at their first meeting after any such Ties at elections how decided.

Election of President and

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Vice-President.

election, proceed to elect by ballot among themselves, a president and vice-president, and at such election the secretary shall preside.

Qualification of Directors.

13. The directors shall be members of the Company, and insurers therein, for the time they hold office, to the amount of eight hundred dollars at least.

Paid officers not eligible.

14. No agent or paid officer, or person in the employment of the company, shall be eligible to be elected a director, or shall be allowed to interfere in the election of directors for the Company.

Quorum of Directors.

Equality of votes.

15. Three directors shall constitute a quorum for the transaction of business; and in case of an equality of votes at any meeting of the board, the question shall pass in the negative.

Directors disagreeing may record their dissent.

16. Any director isagreeing with the majority of the board at any meeting, may have his dissent recorded, with his reasons therefor.

Vacancies in the office of Director, how filled up.

17. If any vacancy happen among the directors during the term for which they may have been elected, by death, resignation, ceasing to have the necessary qualification under the thirteenth section of this Act, insolvency, or by being absent without previous leave of the board from the board for three regular meetings in succession, which shall *ipso facto* create such vacancy, such vacancy shall be filled up for the remainder of the term, by any person duly qualified to be nominated by a majority of the remaining directors, and as soon as may be after the vacancy occurs.

Provision in case of failure of election of Directors on proper day.

18. In case an election of directors be not made on the day on which it ought to have been made, the Company shall not for that cause be dissolved, but the election may be held on any subsequent day, at a meeting to be called by the directors, or as otherwise provided by the by-laws of the Company, and in such case the directors shall continue to hold office till their successors are elected.

GENERAL POWERS OF THE BOARD OF DIRECTORS.

Appointment of manager and other officers.

19. The board may from time to time appoint a manager, secretary, treasurer, and such other officers, agents, or assistants as to them may seem necessary; prescribe their duties, fix their compensations or allowances; take such security from them as may be required by this Act for the faithful performance of their respective duties, and remove them and appoint others instead; the board may also adopt a tariff of rates for insurance, and vary the same from time to time, and determine the sum to be insured on any property; they may hold their meetings monthly, or oftener if necessary, for transacting the business of the Company; and they shall keep a record of their proceedings.

Board may adopt a tariff of rates.

Meetings of the Board.

20. The board of directors may, from time to time, make and prescribe such by-laws as to them may appear needful and proper, respecting the funds and property of the Company, the duty of the officers, agents and assistants thereof, the effectual carrying out of the objects contemplated by this Act, the holding of the annual meeting, and all such other matters as appertain to the business of the Company, and are not contrary to law, and may from time to time alter and amend the said by-laws, except in cases with regard to which it is provided that any such by-laws shall not be repealed, or where such repeal would affect the rights of others than the members of the Company, in any of which cases such by-law shall not be repealed. Every by-law of the board shall be duly entered on the minutes, and when confirmed at any subsequent meeting of the members, shall be held to be and have the same force and effect as a by-law of the Company.

The Board may pass by-laws.

When by-laws are not repealable.

When resolution of the Board to have the effect of a by-law.

21. The board of directors shall superintend and have the management of the funds and property of the Company, and of all matters relating thereto, and not otherwise provided for.

The Board to manage the property, &c., of the Company.

22. The board of directors may make arrangements with any mutual or other insurance company for the re-insurance of risks on such conditions with respect to the payment of premiums thereon as may be agreed between them.

Risks that may be insured against.

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

Cancellations of Policies.

Proportional payment of losses.

24. Any member of the company may with the consent the directors, withdraw therefrom upon such terms as the directors may require.

Members withdrawing.

25. The board of directors of the company may invest the capital and funds of the company in shares of any chartered bank in Canada, in mortgages on freehold real estate, municipal debentures, and the public securities of the Dominion, or of any Province thereof; and may, in the name

Investment of capital and funds of the Company.

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Recovery of assessments.

of the Company, recover from any member of the company, in any court of competent jurisdiction, any premium or assessment upon his premium note payable by him.

Directors may issue debentures and promissory notes for loans.

26. The board of directors of the company may issue debentures or promissory notes in favour of any person, firm, building society, banking or other company for the loan of money, and may borrow money therefrom on such debentures or promissory notes for any term not exceeding twelve months, and on such conditions as they may think proper, and may renew the same from time to time for any such term, the whole of the assets, including premium notes of the Company, being held liable to pay the same at maturity, but no such debenture or promissory note shall be for a less sum than one hundred dollars; And provided always, that all the debentures and promissory notes at any one time outstanding shall not exceed one-fourth of the amount remaining unpaid upon the same premium notes.

Assets of the Company to be liable for the same.

POLICIES OF INSURANCE.

Cash premium insurance.

27. The said Company may effect any insurance upon the cash premium principle for a period not exceeding three years on farm and other non-hazardous property, and for one year or less on any other class of property, but the amount of cash insurances in any one year shall be limited so that the cash premiums received thereon during any one year shall not be in excess of two-thirds of the amount still payable in respect of premium notes on hand on the thirty-first day of December of the previous year; and all the property and assets of the Company, including premium notes shall be liable for all losses which may arise under insurances for cash premiums.

Amount limited.

Policies to be binding on the Company.

28. All policies of insurance issued by the board of directors sealed with the seal of the Company, signed by the president or vice-president, and countersigned by the secretary or acting secretary shall be binding on the Company; Provided that any fraudulent misrepresentation contained in the application therefor, or any false statement respecting the title or ownership of the applicant or his circumstances, or the concealment of any encumbrance on the insured property, or on the land on which it may situate, or the failure to notify the Company of any change in the title or ownership of the insured property, and to obtain the written consent of the Company thereto, shall render the policy void, and no claim for loss shall be recoverable thereunder, unless the board of directors in their discretion shall see fit to waive the defect.

Proviso in case of fraud, &c.

Double insurance.

29. If an insurance subsists by the act or with the knowledge of the insured in the Company and in any other office at the same time, the insurance in the Company shall be void, unless the double insurance subsists with the consent of the directors signified by endorsement on the policy, signed by the secretary or other officer authorized to do so, or otherwise acknowledged in writing.

Notification of insurance in another Company.

30. Whenever notification in writing shall have been received by the Company from an applicant for insurance, or from a person already insured, of his intention to insure, or of his having insured an additional sum on the same property in some other company, the said additional insurance shall be deemed to be assented to,unless the Company when so notified shall within two weeks after the receipt of such notice, signify to the party in writing, their dissent; and in case of dissent the liability of the insured on the premium note or undertaking shall cease from the date of such dissent on account of any loss that may occur to the Company thereafter, and the policy of the assured shall be void at the option of the directors of the Company.

Dissent of the Company to the additional insurance.

Policy to be void on alienation of property insured.

31. In case any property, real or personal, be alienated by sale, insolvency, or otherwise, the policy shall be void, and shall be surrendered to the directors of the Company, to be cancelled; and thereupon the assured shall be entitled to receive his deposit note or notes, upon payment of his proportion of all losses and expenses which had accrued prior to such surrender; but the assignee may have the policy transferred to him, and upon application to the directors such assignee on giving proper security to their satisfaction for such portion of the deposit or premium note or undertaking as remains unpaid, and with their consent within thirty days next after such alienation may have the policy ratified and confirmed to him, and by such ratification and confirmation, the said assignee shall be entitled to all the rights and privileges and be subject to all the liabilities and conditions to which the original party insured was entitled and subject: Provided however, that in cases where the assignee is a mortgagee, the directors may permit the policy to remain in force, and to be transferred to him by way of additional security, without requiring any premium note or undertaking from such assignee, or his becoming in any manner personally liable for premiums or otherwise; but in such cases the premium note or undertaking and liability of the mortgagor in respect thereof shall continue in nowise affected.

Assignee may have the policy assigned.

Assignment to a mortgagee.

Where the premises are altered, or risks increased.

32. If any alteration be made in any house or building insured by the proprietor thereof, or if the risk on any house or building or other property insured be increased by any means whatever after the insurance has been made thereon with the Company, whereby it is exposed to greater risk or hazard from fire, than it was when the insurance was effected, the insurance thereon shall be void, unless previous notice thereof be given in writing and the requisite additional premium note or deposit after such alteration be given or paid to the directors; but no alterations or repairs in buildings not increasing such risk or hazard shall affect the insurance previously made thereon.

Objections may be waived by the Directors.

33. It shall be optional with the directors to pay or allow claims which are void under sections twenty-nine, thirty, thirty-one and thirty-two of this Act, in case the said

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directors think fit to waive the objections mentioned in the said sections or any of them; they shall also have power to compromise any claim that any person or persons may have against the Company or that the Company may have against any person or persons.

PREMIUM NOTES AND ASSESSMENTS.

Company may accept premium notes.

34. The Company may accept premium notes for insurances, and may issue policies thereon; such notes to be assessed for the losses and expenses of the Company in manner hereinafter provided.

Part payment may be demanded at the time of application for insurance.

35. The directors may demand a part or first payment of the premium note at the time that application for insurance is made; and such first payment may be in cash or by promissory note, and may be credited upon the said premium note or against future assessments.

Assessment of premium notes.

36. All premium notes belonging to the Company shall be assessed under the direction of the board of directors, at such intervals from their respective dates, for such sums as the directors shall determine, and for such further sums as they may think necessary to meet the losses and other expenditure of the said Company during the currency of the policies for which the said notes were given, and in respect to which they are liable to assessment; and every member of the Company or person who has given a premium note, shall pay the sums from time to time payable by him to the Company during the continuance of his policy, in accordance with such assessment: and any such assessment shall become payable in thirty days after notice of such assessment shall be mailed to such member, or person who has given the premium note, directed to his post office address, as given in the original application, or in writing to the secretary of the Company.

Notice to be given of the assessment.

Policy to be void, if any assessment or note is not paid within thirty days.

37. If the assessment on the premium note or on any note given for insurance on the cash system upon any policy be not paid within thirty days after the day on which the said assessment on the said note shall have become due, the policy of insurance, for which such assessment shall have been made or note given shall be null and void as respects all claim for losses occurring during the time of such non-payment; Provided always, that the said policy shall be revived when such assessment or note shall have been paid, unless the secretary give notice to the contrary to the assessed party in the manner in this Act provided; but nothing shall relieve the assured party from his liability to pay such assessment or note or any subsequent assessments, nor shall such assured party be entitled to recover the amount of any loss or damage which may happen to property insured under such policy while such assessment or note shall remain due and unpaid, unless the board of directors in their discretion shall decide otherwise.

But shall be revived by subsequent payment.

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38. A notice of assessment upon any premium note mailed as aforesaid shall be deemed sufficient if it embody the number of the policy, the period over which the assessment extends, the amount of the assessment, the time when and the place where payable. Requisites of notice of assessment.

39. The assessment upon premium notes shall alway be in proportion to the amount of the said notes. Assessment, how proportioned.

40. If any member or other person, who has given a premium note, shall, for thirty days after notice of assessment shall have been mailed to him in manner aforesaid, neglect or refuse to pay the said assessment, the Company may sue for and recover the same with costs of suit, and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment. Company may sue for assessments on premium notes.

41. Whenever any assessment is made on any premium note given to the Company for any risk taken by the Company, or as a consideration for any policy of insurance issued, or to be issued by the Company, and an action is brought to recover such assessment, the certificate of the secretary of the Company, specifying such assessment, and the amount due to the Company on such note by means thereof, shall be taken and received as *primâ facie* evidence thereof in any court in Canada. Certificate of the Secretary to be *primâ facie* evidence of amount due to the Company.

42. For the purpose of keeping down if possible, the assessment which the Company may now by law make, so as not to exceed the sum of one dollar on each hundred dollars insured, should a disastrous year or series of years occur, and to provide for the speedy and certain payment of losses incurred, the Company may raise from any savings they may be able to effect in favorable years, out of the assessments collected on the premium notes of the Company, while such collection does not exceed one dollar on each hundred dollars, on isolated farm property or detached buildings, for three years, a guarantee or equalization fund, not to exceed with the amount at present deposited fifty thousand dollars, and all the said fund shall be invested in such securities as may be approved of by the Minister of Finance of Canada, and the said fund and all the interest that may accrue thereon shall belong to the said Company, and shall be applied for the purpose mentioned in the commencement of this section, and when not required for such purpose, shall be applicable to the payment of any losses, debts, and expenses of the Company. Guarantee fund may be formed. Investment thereof.

43. Forty days after the expiration of the term of insurance, the premium note given for such insurance, shall, on application therefor, be given up to the signer thereof, provided all losses and expenses with which the said note may be chargeable shall have been paid. When premium note is to be returned.

PAYMENT OF LOSSES.

44. In case of any loss or damage by fire happening to any member upon property insured with the Company, such Notice of loss.

member shall give notice thereof to the secretary of the Company forthwith, and the proofs, declarations, evidences, and examinations, called for by or under the policy, must be furnished to the Company within thirty days after the said loss, and upon receipt of notice and proofs of claim as aforesaid, the board of directors shall ascertain and determine the amount of such loss or damage, and such amount shall be payable in three months after the receipt by the Company of such proofs.

In cases of disputes, the value to be determined by arbitration.

45. If the party be not satisfied with the determination of the board of directors, all questions as to the value of property damaged or destroyed may be submitted to three disinterested persons as referees, one of whom shall be named by the board and one by the suffering party, and the third by the two referees, or on their failing to agree in their choice, by the county judge in the county in which the loss may have taken place, and the decision or award of a majority of them shall be binding.

Limitation of suits against Company.

46. No action or suit either at law or in equity shall be brought against the Company upon any policy or contract of insurance granted or entered into by the Company after the lapse of one year next after the happening of the loss or damage, in respect of which such action or suit is brought, saving in all cases the right of parties under legal disability; and all policies to be issued by the Company shall have a condition to this effect endorsed thereon.

This condition endorsed upon policies.

Interest and costs where more is recovered than the Directors determine.

47. If upon the trial of such action a greater sum be recovered than the amount determined upon by the directors, the party suffering shall have judgment therefor against the Company with interest thereon from the time such loss or damage would become payable under section *forty-four* of this Act with costs of suit.

Costs where no more is recovered than the amount so determined by Directors.

48. If no more be recovered than the amount so previously determined upon by the directors, the plaintiff in the suit shall have judgment for such amount only, and he shall not be entitled to costs against the defendants, and the defendants shall be entitled to costs against the plaintiff, as in the case of a verdict for the defendant.

Issue of execution against Company.

49. No execution shall issue against the Company upon any judgment until after the expiration of three months from the recovery thereof.

Justices of the Peace, &c., may swear and examine witnesses regarding loss.

50. Any justice of the peace, or any one having lawful authority to administer an oath or affirmation in any legal proceeding, may examine on oath or solemn affirmation any party or person who comes before him to give evidence touching any loss by fire in which the Company is interested, and may administer any oath or affirmation required under this Act.

Directors may retain amount of premium notes.

51. If there be any loss on property insured by the Company, the board of directors may retain the amount of the

premium note or other note given for insurance thereof, until the time has expired for which insurance has been made, and at the expiration of the said time the insured shall have the right to demand and receive such part of the retained sum as has not been assessed for.

MISCELLANEOUS PROVISIONS.

Liability of members.

52. No member of the Company shall be liable in respect of any loss or other claim or demand against the Company, otherwise than upon and to the extent of the amount unpaid upon his premium note nor to any amount over and above his proper premium.

Treasurer to give security.

53. The treasurer or other officer having charge of the money of the Company shall give security to the satisfaction of the board of directors in a sum of not less than two thousand dollars for the faithful discharge of his duties.

Suits in Division Courts where brought.

54. Any suit which is or would be in the Province of Ontario cognizable in a division court, upon or for any premium note, or cash premium, or any sum assessed or to be assessed thereon, may be entered and tried and determined in the court for the division wherein the head office or any agency of the Company is situate.

Lands that may be held by the Company.

55. The Company may hold lands, but such lands only as are requisite for the accommodation of the Company, in relation to the transaction of their business, or such lands as have been *bonâ fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts contracted in the course of their dealings previously to such conveyance, or purchased at sales upon judgments obtained for such debts, and may, from time to time, sell and convey or lease any such lands.

Liens on lands for premium notes abolished.

56. Any lien for the premium note upon lands on which the insured property is situate shall cease to exist after this Act comes into effect.

CHANGE OF NAME.

Name of Company may be changed.

57. It shall be lawful for the Company at any time it may be desired by a majority of its members at a special general meeting convened for the purpose, to change the name of the Company, to "The London Mutual Fire Insurance Company of Canada," and after so doing the said Company shall thereafter be known as the London Mutual Fire Insurance Company of Canada, but such change shall not affect any of the powers, rights, or privileges conferred by this Act, or any liability contracted thereunder: Provided always, that notice of such special general meeting shall be published by the Directors at least once in each week for one month previous to the day fixed for the same, in some newspaper published in the City of London, Ontario, and that such notice shall specify that the object of scuh meeting is to consider the advisability of changing the name of the Company.

No. 30.

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

BILL.

An Act to grant certain powers to the Agricultural Mutual Insurance Association of Canada.

(Reprinted as proposed to be amended in Committee.)

MR. MACMILLAN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1878.

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No. 31.] **BILL.** [1878.

An Act to amend the Act incorporating the Sydenham Harbour Company.

Preamble
4, 5 V., c. 56.

WHEREAS the Sydenham Harbour Company have, by their petition, represented that the said Company was incorporated by an Act of the Legislature of the late Province of Canada, passed in the fourth and fifth years of Her Majesty's reign, chaptered fifty-six and intituled, "*An Act "to incorporate certain persons therein named under the style "and title of The Sydenham Harbour Company;*" and that in and by the said Act it is enacted that the whole capital stock of the said Company, inclusive of any real estate which the said Company may have or hold by virtue of the said Act, shall not exceed five thousand pounds, to be held in eight hundred shares of six pounds five shillings each; and that the said capital stock of five thousand pounds has been fully paid in to the said Company and invested on capital account, and that the said Company has also invested on capital account the further sum of thirty thousand dollars, and that the actual paid up capital of the said Company is now virtually the sum of fifty thousand dollars; and that the qualification of voters at general meetings of the shareholders of the said Company fixed by the said Act is inequitable, and the qualification of Directors of the said Company prescribed by the said Act is insufficient; and whereas the said company hath prayed that an Act may be passed to amend the said Act, to change the name of the said Company and to grant further powers to the same, and it is expedient to grant the prayer of the said petition as hereinafter mentioned; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name of Company changed

1. The first section of the Act hereinbefore cited, incorporating the said Company is hereby amended by striking out the words "The Sydenham Harbour Company" where they occur therein, and inserting in lieu thereof the words "The Oshawa Harbour Company, Limited."

New paid up stock may be issued.

2. It shall be lawful for the Directors of the said Company to issue new paid up capital stock thereof to the extent of thirty thousand dollars, in shares of twenty-five dollars each, and to allot the same to holders of stock in the capital of the said Company at the time of such allotment, in the proportions of their respective stock therein to the capital stock of the Company, and thereafter the capital stock of the Company shall be and remain fifty thousand dollars, divided into two

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thousand shares of twenty-five dollars each, unless and until the said capital stock shall be further increased.

Qualification of Directors.

3. No person shall be elected or appointed a Director of the said Company unless he shall have been a shareholder thereof to at least the number of twenty shares thereof, not in arrear in respect of any call thereon, for at least one month next before the time of his election or appointment; and the major part of the Directors of the Company shall at all times be persons resident in Canada, and subjects of Her Majesty by birth or naturalization; and the said Company shall have power by by-law to increase the qualification of Directors thereof.

Present Directors continued.

4. The persons who are now Directors of the said Company shall be the Directors thereof until replaced by others duly elected in their stead.

Bonds or debentures may be issued.

5. It shall be lawful for the Directors of the Company, from time to time, to issue bonds or debentures in the name and on behalf of the Company, not exceeding in the aggregate at any one time, the paid up capital stock of the Company, which debentures shall be a first charge on the property, tolls and revenue of the Company, and be in sums of not less than one hundred dollars each, and bear interest at such rate and be payable at such times and places as the Directors of the said Company may determine; and the said debentures may be further secured by mortgage of the property, tolls and revenues of the Company.

Directors may take stock in a tramway Company.

6. It shall be lawful for the Directors of the Company to take and subscribe, on behalf of the Company, stock in any company which may be incorporated or chartered to build a railroad or tramway from or near the harbour of the said Company, near to, or through the Village of Oshawa, in the County of Ontario, and out of the funds of the Company to pay all calls that may be made upon such stock: Provided however, that a by-law for that purpose shall be first passed by the Directors and ratified by a general meeting of the shareholders, specially called for the purpose of considering the same.

Proviso:

Capital stock may be further increased.

7. The Directors of the Company may at any time, and from time to time, make by-laws further increasing the capital stock of the Company to any amount they may deem requisite in order to the due carrying out the objects of the Company, but not exceeding in the whole one hundred thousand dollars; and they shall by such by-laws, specify the amount of such increase, and the number and value of the shares of such new stock, and prescribe the manner in which the same shall be allotted and paid in; but no such by-law shall have any force or effect until after it shall have been sanctioned by a vote of not less than two-thirds of the shareholders present in person or represented by proxy at a general meeting of the shareholders duly called for the purpose of considering the same.

Increase to be approved by shareholders.

8. All the provisions of the "*Canada Joint Stock Companies Clauses Act*, 1869," shall apply to the Company, except so far as they may be inconsistent with this Act and the Act hereby amended, and except sections eight, nine, eighteen, forty and forty-three.

32 & 33 V., c. 12 to apply.

9. Sections seven, eight, nine, eleven, thirteen, fourteen, seventeen and eighteen of the hereby amended Act, are hereby repealed, and the twelfth section of the said Act is hereby amended by striking out the words "not exceed in value five thousand pounds, to," in the third line thereof, and the words, "eight hundred" in the third and fourth lines thereof.

Certain sections of amended Act repealed.

Section 12 amended.

No. 31.

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

BILL.

An Act to amend the Act incorporating the Sydenham Harbour Company.

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

Second reading, Thursday, 28th February, 1878.

(PRIVATE BILL.)

Mr. Gibbs.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington street.
1878.

No. 32.] **BILL.** [1878.

An Act to facilitate the Colonization of Dominion Lands, by providing for the Incorporation of Railway Companies and aiding the construction of Railways traversing such Lands.

NOTE.—*Section* 29, *included in brackets, is intended to be introduced by Resolution of a Committee of the whole House.*

WHEREAS it is expedient to provide facilities for colonizing and settling the public lands owned by the Dominion; and whereas, the construction of railways will afford the best means for the purpose, and it is desirable to facilitate the incorporation of Companies with such view, and to afford aid to such works by grants or through sales, as hereinafter provided, of Dominion Lands, which may be enhanced in value thereby: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

APPLICATION OF ACT.

1. This Act shall apply exclusively to the construction and operation of railways in Manitoba and the Territories of the Dominion. Extent of Act.

2. In this Act the word "*Territories*" shall be held to mean the North-West Territories, the District of Keewatin, and generally any part of Canada not included within the limits of any Province. Interpretation.

INCORPORATION.

3. Any number of persons, not less than fifteen, may form themselves into a Company for the purpose of constructing, maintaining and operating a railway for public use in the conveyance of persons and property in the Province of Manitoba and the Territories of Canada, or wholly within the Territories of Canada, and for that purpose may make and sign Articles of Association, in which shall be stated the name of the Company, the places from and to which the road is to be constructed, maintained and operated, the length of such road, as near as may be, and the route or proposed route thereof, the amount of the capital stock of the Company, which shall not be less than twelve thousand dollars for every mile of road constructed or proposed to be constructed, the number of shares of which the said capital stock shall consist, no share being less than $; the names and places of residence of the Directors of the Company, who shall be seven in number, and who shall manage its affairs for the first year, and until others are chosen in their places. Formation of Railway company. Articles of association. Capital. Shares. Directors.

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Subscriptions.

4. Each subscriber of such Articles of Association shall subscribe thereto his name, his place of residence, and the number of shares of stock he agrees to take in the Company.

Articles to be filed with Minister of the Interior.

5. On compliance with the provisions hereinafter stated, such Articles of Association shall be filed in the Department of the Minister of the Interior, at Ottawa, who shall endorse thereon the day they are filed, and record the same in a book to be provided by him for that purpose, and, thereupon, the persons who have so subscribed such Articles of Association, and all persons who shall become stockholders of such Company, shall be a corporation by the name specified in such Articles of Association, and shall have the powers and privileges granted to and imposed on corporations by and subject to the provisions contained in the "*Railway Act*, 1868," and the acts amending the same, and which shall be included wherever the said Act is mentioned herein, in so far as they are not inconsistent with the provisions of this Act, or provide for any matter expressly provided for by this Act.

Incorporation.

Railway Act, 1868, to apply.

Conditions previous to filing of articles.

Subscriptions and payment of stock, &c.

6. Such Articles of Association shall not be filed and recorded in the Department of the Minister of the Interior until at least fifty per cent. of the stock required shall have been subscribed, in good faith, and ten per cent. of the amount so subscribed paid to the Receiver-General, and there is endorsed thereon, or annexed thereto, an affidavit made by at least three of the Directors named in the said Articles of Association, that the amount of stock required by this section has been subscribed in good faith, and ten per cent. paid, in cash, as aforesaid, and that it is intended, in good faith, to construct, maintain and operate the road mentioned in such Articles of Association, which affidavit shall be recorded with the Articles of Association aforesaid; Provided always that the money so paid to the Receiver-General may be drawn upon the order of the Directors named in the said Articles of Association, for the payment of engineering and other work actually performed on the Railway, upon the Report of an Engineer appointed by the Government for the purpose.

Proviso: as to money deposited with Receiver-General.

Proof of articles of association.

7. A copy of any Articles of Association filed and recorded in pursuance of this Act, or a copy of the record thereof, with a copy of the affidavit aforesaid endorsed thereon or annexed thereto, and certified to be a true copy by the Minister of the Interior or his Deputy, shall be presumptive evidence of the incorporation of such Company, and of the facts therein stated.

Opening books of subscription.

8. When such Articles of Association and affidavit are filed and recorded in the Department of the Minister of the Interior as aforesaid, the Directors named in the said Articles of Association may, in case the whole of the capital stock has not before been subscribed, open books of subscription for the capital stock of the Company in such places and after giving such notice as they may deem expedient, and may continue to receive subscriptions until the whole capital stock is subscribed.

9. At the time of subscription every subscriber shall pay to the Directors ten per cent. of the amount subscribed by him, in cash, and no subscription shall be received or taken without such payment, and the money so received shall be deposited with the Receiver-General as hereinbefore provided. Ten per cent. to be paid on subscription.

10. There shall be a Board of Directors of every Company formed under this Act who shall manage the affairs of said Company. Board of Directors.

1. The said Directors, except such as may be appointed by the Government as hereinafter provided, shall be chosen by a majority of the votes of stockholders voting at such election in such manner as may be prescribed in the By-laws of the Company, and they may and shall continue to be Directors until others are elected in their places. How chosen after first appointment.

2. In the election of Directors, each stockholder shall be entitled to one vote for each share of stock held by him. Votes.

3. Vacancies in the Board of Directors, except of in the case of Government Directors as hereinafter provided, shall be filled in such manner as may be prescribed by the By-laws of the Company. Vacancies.

4. Every Company formed under this Act shall be subject to the regulations concerning the election of Directors in "the Railway Act," 1868. Railway Act, to apply.

5. The overseers of the first election of Directors shall be appointed by the Board of Directors named in the Articles of Association. Overseers of first election.

6. No person shall be eligible for election as a Director, except in the case of Directors appointed by the Governor in Council as hereinafter provided, unless he is a stockholder owning stock absolutely in his own right to the value of $ and qualified to vote for Directors at the election at which he shall be chosen. Qualification of Directors.

7. At every election of Directors the books and papers of the Company shall be exhibited to the meeting, provided a majority of the stockholders present require it. Exhibition of books, &c.

8. Provided that the interests of the public may, until the Railway is in operation, be represented on the Board of Directors of any Company formed under this Act by a Director who may be appointed by the Governor in Council, and it shall not be necessary for any Director so appointed by the Governor in Council to hold stock in the said Company, and such Director, in addition to the power he possesses as Director, shall have the right to examine at any time the books and accounts of the Company, and to report to the Minister of the Interior any information he may desire in reference to the financial condition of the Company: Provided always, when any Railway which is being built by Government Director until railway is in operation: his powers.

Proviso: to

go out when railway is finished.

a Company under this Act is finished and equipped, the right of the Government to appoint a Director shall cease, and the Company shall have the sole management of the railway.

President and Officers.

11. The Directors shall appoint one of their number President; they may also appoint a Treasurer and Secretary, neither of whom shall be a Director, and such other officers and agents as shall be prescribed by their By-laws.

Instalments on stock.

12. The Directors may require subscribers to the capital stock of the Company to pay the amount by them respectively subscribed in such a manner and by such instalments as they may deem proper.

Forfeiture for non-payment after notice.

2. If any stockholder neglects to pay any instalment as required by resolution of the Board of Directors, the said Board may declare that his stock and all previous payments thereon shall be forfeited to the use of the Company, but they shall not declare it so forfeited until they shall have caused a notice in writing to be served on him personally or by depositing the same in the Post Office properly enclosed and addressed to him at the Post Office nearest his usual place of residence, stating that he is required to make such payment, at the time and place specified in the said notice, and that if he fails to make the same his stock and all previous payments thereon will be forfeited for the use of the Company, which notice shall be served as aforesaid at least 120 days previous to the date on which such payment is required to be made

Railway Act to apply.

3. In cases unprovided for in this Act, the President and Directors shall have the powers and duties assigned to such officers by "the Railway Act 1868."

Stock to be transferable when all calls have been paid.

13. The stock of every Company formed under this Act shall be deemed personal estate and shall be transferable in the manner prescribed by the By-laws of the Company, but no shares shall be transferable until all previous calls thereon shall have been fully paid in: and it shall not be lawful for any such Company to use any of its funds in the purchase of any stock in its own or in any other Corporation, and the making of any such purchase by any officers or member of the Company shall be a misdemeanor.

Company not to buy its own other stock.

Capital may be increased if found insufficient; with consent of Governor in Council.

14. In case the capital stock of any Company formed under this Act is found to be insufficient for constructing and operating its road, such Company may, with the concurrence of three fourths in amount of its stockholders, and with the concurrence of the Governor in Council, increase its capital stock from time to time, to any amount required for the purposes aforesaid. Such increase must be sanctioned by a vote in person or by proxy of two thirds in amount of all the stockholders of the Company, at a meeting of such stockholders called by the Directors of the Company for the purpose by a notice in writing to each stockholder, to be served on him personally or by depositing the same in the Post Office properly enclosed and addressed to him at the Post Office nearest

Increase how made.

Notice of meeting.

his usual place of residence, at least 30 days previous to the date on which such meeting is to be held; and such notice must state the time and place of meeting, its object, and the amount by which it is proposed to increase the capital stock of the Company.

Proceedings at meeting.

2. The proceedings of such meeting must be entered on the minutes of the proceedings of the Company, and thereupon the capital stock of the Company may be increased by the amount sanctioned by the vote of three fourths in value of all the stockholders of the Company; subject also to the approval of the Governor in Council.

Order in Council to be laid before Parliament.

15. It shall be the duty of the Government to lay on the table of both Houses of Parliament every Order in Council approving or withholding approval of the proposed increase of stock of any Company, with the reasons for the action taken in the matter.

Liabilities of stockholders to creditors of company.

16. Each stockholder of any Company formed under this Act shall be individually liable to the creditors of the Company in an amount equal to the sum unpaid on the stock held by him for all the debts and liabilities of such Company, until the whole amount of the capital stock so held by him shall have been paid to the Company; and all the stockholders of such Company shall be jointly and severally liable for all the debts due or owing to any of its labourers or servants for services performed for such corporation, but shall not be liable to an action therefor before an execution shall have been returned unsatisfied in whole or in part against the corporation; and then the amount due on such execution shall be the amount recoverable, with costs, against such stockholders: Provided always, that no stockholder shall be liable for more than the amount of his unpaid stock.

Limited to unpaid stock.

Persons holding stock as representing others, or as security, not liable personally.

17. No person holding stock in any Company as executor administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally liable as stockholder, but the person pledging the stock shall be considered as holding the same, and shall be liable accordingly; and the estates and funds in the hands of such executor, administrator, guardian or trustee shall be liable in the like manner and to the same extent as the testator or intestate, or the ward or person interested in such trust fund would be if he were living and competent to act and held the same stock in his own name.

Railway not to run within forty miles of C. P. Railway.

18. No Company shall be incorporated under the provisions of this Act for the construction of any Railway having the same general direction as the Canada Pacific Railway or any branch thereof, at a nearer mean distance than forty miles.

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POWERS.

Powers.

19 The Company shall have power and authority :

Survey of line.

2. To cause such an examination and survey of the line of its proposed Railway to be made as may be necessary for the selection of the most advantageous route, and, for such purpose, by its officers or agents and servants, to enter upon the lands or waters of any person, but subject to responsibility for all damages which may be done thereto;

Purchase of real estate for railway purposes.

3. To purchase, hold and use all such real estate and other property as may be necessary for the construction and maintenance of the Railway, or for obtaining ballast or material for embankments, causeways, dams or like works, with proper roadways for land taken for such purposes to the line of the railway, or for the construction of highways crossing the same, and for the stations and other accommodations required to accomplish the objects of its incorporation, and to alienate such lands required by payment or compensation if not longer required for railway purposes : Provided that, when any line of Railway is changed or abandoned, the property covered thereby, granted to the Company for the purposes thereof, shall revert to the then present owner of the property of which it originally formed a part upon payment to the Railway Company of the amount which they originally paid for the land ;

Proviso : if the railway be not made on land purchased.

Width of land which may be taken generally.

4. To lay out its Railway line not exceeding six rods in width, and to construct the Railway, and, for the purposes of embankments, to take as much more land as may be necessary for the proper construction and security of the Railway, and to cut down any standing trees that may be in danger of falling thereon, making compensation therefor as provided in this Act for lands taken for the use of the Company ;

PLANS AND SURVEYS.

Plans, &c.

21. Plans, surveys and maps shall be made and corrected as follows :

Surveys and profile map.

2. The Company, before constructing any part of its Road, shall make surveys and levels of the lands through which the Railway is to pass, and a map or plan and profile of the route intended to be adopted, which shall be certified by the President and Engineer of the Company.

Change of route.

3. The Directors of the Company, by a vote of two thirds of their whole number, may, with the approval of the Governor in Council, change the route of any uncompleted part of their Railway if it shall appear to them that the line can be improved thereby, and in such case they shall make a survey, map or plan, profile, and certificate of such alteration or change ;

Survey of new route.

Book of reference and what to contain.

4. The Company shall cause a Book of Reference for the Railway, in connection with the map or plan and profile

thereof, to be prepared, in which shall be set forth a general description of the lands through which the railway is to pass, a description of each parcel of land required for the purposes of the Railway, together with the names of the owners and occupiers thereof so far as they can be ascertained; and also setting forth everything necessary for the right understanding of such map or plan;

Examination by Minister.

5. The map or plan and Book of Reference shall be severally examined and certified by the Minister of the Interior or his Deputy, and a duplicate thereof, so examined and certified, shall be deposited in the Department of the Minister of the Interior;

Deposit.

Copies to be deposited to the Registrars.

6. The Company shall be bound to furnish copies of such map or plan, profile and Book of Reference, or of such parts thereof as relate to each Registration District or County in any Province or Territory through which the Railway is to pass, and to deposit such copies in the offices of the Registrars for such Districts or Counties respectively;

Profiles, &c., with Public Works.

7. All profiles and plans showing the grades, bridging, embankments, and generally the character of the work, shall be deposited in the Department of the Minister of Public Works.

Plans, &c., with registrars to be open to inspection.

8. The copies of the map or plan and Book of Reference deposited in the offices of the Registrars as provided in the sixth subsection, and copies of the plans and sections of any alterations, shall be received and retained by the Registrars, and shall remain on record in the offices of such Registrars, respectively; and any person may resort to such copies, and make extracts or copies thereof as occasion requires, paying to the Registrars at the rate of *ten cents* for every hundred words;

Fee for copies.

Proof of plans.

Book of reference, &c.

9. A copy of any such map or plan, profile or Book of Reference as in this section mentioned, or of any alteration or correction thereof as hereinafter provided, or of any extract therefrom, certified by the Minister of the Interior or his Deputy, or by the Minister of Public Work or his Deputy, or by the Registrar having custody thereof, as the case may be, shall be received in any Court of Law or Equity or elsewhere as evidence of the contents of any such map or plan, profile or book of reference, or of such alteration or correction thereof;

Corrections of errors, how to be made.

10. Any omission, misstatement, or erroneous description of such land or of the owners or occupiers thereof, in any map or plan or Book of Reference may, after ten days notice having been given by the Company to the owners of such lands, be corrected by the Registrar within whose District or County the land in question lies, upon application made to him for that purpose, and, if it appears to such Registrar that such omission, misstatement or erroneous description arose from mistake, he shall certify the same accordingly, setting forth the facts, and the said certificates shall be kept

by him along with the other documents to which it relates, and the said Registrar shall forthwith advise the Minister of the Interior thereof, setting forth the facts, and thereupon such map or plan or Book of Reference shall be deemed to be corrected according to such certificate, and the Company may make the Railway in accordance therewith ;

Work not to be commenced until book, &c., deposited.

11. Until such original map or profile and Book of Reference and the plans and sections of any proposed alterations have been so deposited, the execution of the Railway, or of such part thereof as is affected by the alterations, as the case may be, shall not be proceeded with ;

Scales of map, &c. and of profiles.

12. Every such map shall be drawn upon such scale and on such paper as may be designated for that purpose by the Minister of the Interior, and shall be certified and signed by the President or Engineer of the Company ; and every profile or plan relating to the construction of the road shall be drawn upon such scale and on such paper as may be from to time designated for that purpose by the Minister of Public Works, and shall be certified and signed by the President and Engineer of the Company.

DUTY OF RAILWAY COMPANY.

21. It shall be the duty of the Company :

Transport.

a. To take and convey passengers and goods on the Railway, receiving tolls or compensation therefor ;

Conveniencies for use.

b. To erect and maintain all necessary and convenient buildings, stations, fixtures and machinery for the accommodation and use of passengers, goods and general business ;

Times of transport.

c. To regulate the time and manner of moving passengers and goods over the Railway, and to publish such regulations and all changes made therein for the information of the public ;

To inform passengers as to next station to be arrived at.

d. To cause to be carried on each passenger train, placards, bearing, in conspicuous letters, the names of the several stations of the Railway ; and, immediately after leaving a station, the conductor, or a brakesman, shall put up in the forward end of each passenger car, except sleeping or saloon cars, the placard shewing the name of the next station at which such train will stop. On arriving at such station such placard shall be removed, and immediately after leaving that for the next station put up, and so on successively, throughout the entire length of the Railway ; and

Penalty for default.

any Company failing or neglecting to indicate, as above, to passengers, the name of the station next to be arrived at shall, for each such instance of failure or neglect, incur a penalty of *ten dollars*, recoverable in Her Majesty's name in any Court having jurisdiction ;

Insuring safety, &c.

e. To use every means within their power to ensure the safety and comfort of persons travelling by the Railway.

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f. To make an Annual Report to the Minister of Agriculture of the operations of the year ending on the 31st day of October, which Report shall be verified by the oaths of the President and Superintendent or Managing Director of the Company, and shall be filed in the Department of the Minister of Agriculture by the first day of December in each year, and such Report shall contain the following statement in tabular form— Annual Report to Minister of Agriculture.

GENERAL PROVISIONS.

22. If any Company formed under this Act shall not, within three years after its Articles of Association are filed and recorded in the Department of the Minister of the Interior, actually begin the construction of the Railway, and should the proposed Railway be under one hundred miles in length, shall not finish the road and put it in operation within five years of the time of filing its Articles of Association as aforesaid, its corporate existence and powers shall cease. Forfeiture if Railway be not begun or not in operation within certain times.

23. Any Company formed under this Act for the construction of a Railway over one hundred miles in length, and less than *two* hundred miles, shall within three years after its Articles of Association have been filed and recorded in the Department of the Minister of the Interior have actually begun the construction of the Railway, and shall within seven years finish the road and put it in operation ; and if the line proposed to be constructed is over *two* hundred miles in length, the Company shall within three years have actually begun the work of construction, and shall finish such road and put it in operation within ten years ; and any Company which constructs a part of the Railway line which it is chartered to build shall retain its corporate powers for and so far as respects the owning and operating the road so completed, but shall not have the right to prevent the formation of a new Company for the purpose of completing and operating the remainder of the railway, and the two Companies may be amalgamated into one, thereupon such terms as a majority of the proprietors in each Company may agree to, and in case they cannot agree, upon such terms as the Governor in Council may fix as just and reasonable. Time allowed in proportion to length of railway. Charter to be retained as to portion completed. But not to prevent formation of new company for remainder.

24. No Company incorporated under this Act shall lay down or use in the construction of its line of Railway, any iron or steel rails of less weight than fifty-six pounds to the lineal yard, except for turn-outs, sidings and switches. Weight of rails to be used.

5. As often as any contractor for the construction of any pa2 of the railway which is in process of construction shall be indebted to any labourer for thirty or any number of days labour performed in constructing the railway, such labourer may give notice of such indebtedness to the Company, in the manner herein provided, and the Company shall thereupon become liable to pay such labourer the amount so due him for such labour, and an action may be maintained against the Company therefor : Provided Company liable for wages not paid by contractors. Proviso.

always, that the amount for which the Company may thus be liable shall not exceed the value of the work performed within the time under the contract :

Notice to company.

2. Such notice shall be given to the Company by such labourer within twenty days after the performance of the labour for which the claim is made ;

What the notice must contain.

3. Such notice shall be in writing, and shall state the amount and number of days labour, and the time when the same was performed, for which the claim is made, and the name of the contractor from whom payment is due ; and shall be signed by such labourer or his attorney, and shall be served on an engineer, agent, or superintendent of the Company having charge of the section of the railway upon which such labour was performed, personally, or by leaving the same at the office or usual place of business of such engineer, agent, or superintendent, with some person of suitable age ; but no action shall be maintained against any Company under the provisions of this section unless the same is commenced within thirty days after notice is given to the Company by the labourer as above provided.

Limitation of time for action.

Reservation of lands on the line for aid to company.

26. The Governor in Council may, for the purpose of aiding in the construction of any railway to be constructed under the provisions of this Act, reserve every alternate section of ungranted land by odd numbers, to the extent of ten sections per mile, five sections per mile on each side of the line of the railway, exclusive of the sections which under the Dominion Lands Act may have been reserved as school sections or may have been allotted to the Hudson's Bay Company ; and for any line or part of a line of Railway west of the 102nd meridian of west longitude twelve sections per mile, and for any line of Railway connected with the Canadian Pacific Railway and extending into the Peace River District twenty sections per mile ; and whenever twenty-five consecutive miles of any portion of any railway shall have been completed, equipped and in operation, the Governor in Council may convey to the Company the land so reserved, or a part thereof, along the said railway so far as the same is completed, and for each consecutive ten miles of the remainder of the Railway, the Governor in Council may, as the same may be completed, convey the lands so reserved along nine miles thereof to the Company :

When to be granted to company.

Or company may be paid a certain amount out of proceeds of sale of lands on the lien.

2. Or, should the Governor in Council deem it expedient, instead of conveying lands to the Company, the Company may be paid the moneys received from the sales of lands on the line of and within six miles of such Railway from time to time until the Company shall have received a sum not exceeding ten thousand dollars per mile, after which the Company's claims to any further aid from the sale of such lands shall cease ; Provided always, that not more than ninety per cent. of the value of the actual work done shall be paid out of the proceeds of any land sales until the road is finished and equipped and in operation to the satisfaction of the Governor in

Proviso.

Council: Provided also, that no agreement made by the Government with any Company, or any Order in Council promising aid under this subsection or the preceding subsection shall be valid or binding until it shall have lain before the House of Commons for one month without being disapproved, unless sooner approved by a resolution of the House.] Proviso: for consent of Parliament.

3. The Governor in Council shall have the right to appoint an engineer to examine the Railway at any time when payment is asked for under the next preceding subsection, and to report to the Government at the expense of the Company; and to appoint such other officers as may be required to carry out this Act: Appointment of Government engineers.

4. The Governor in Council may vary or entirely change the mode of disposal of Dominion Lands lying within a certain distance of a Railway constructed under this Act, as regards homesteads, preemptions, sales and bounty land entries from those contained in the Dominion Lands Act, by reducing the quantity of land which may be granted in free homesteads or by withdrawing the homestead right altogether on such lands, and may fix a price for such lands and order that such lands may be sold exclusively for cash, with or without conditions of actual settlement as may be deemed expedient. Governor in council may vary certain provisions of Dominion Lands Act as to lands within a certain distance of railway.

27. The Minister of the Interior may, in his discretion, and subject to any vested rights, cause the lands immediately bounding the line of any Railway under this Act, to be laid out in a tier of lots ten chains wide, containing eighty acres each, abutting the allowance for the right of way for the said Railway on either side thereof, with a road upon the other or outer front of the same, and may, if deemed by him expedient, make the homesteads of persons found thereon at the time of the survey of the lands to conform to such lots: Provided that no person proving his right to a homestead on one of such narrow lots shall be entitled to purchase more than one of the adjoining lots of eighty acres. Minister of Interior may cause lands on railways to be laid out in a certain way. Proviso.

28. Nothing in this Act shall be construed as binding the Government to acknowledge any right to land settled on, or for any improvements effected on and within the limits of any tract reserved for a village or town site along or upon the line of railway, after public notice shall have been given of such land being reserved for such purpose; and in case of any person having settled on land found to be necessary for a village or town site as above, although such settlement may have been effected previous to public notice as above, the Minister of the Interior may resume possession of such land, and compensate such person by allotting him other land in lieu thereof and paying him for his improvements. Act not to bind Government to acknowledge certain rights on lands reserved on line of railway, for villages or towns.

29. The provisions of the Dominion Lands Act shall remain in force as to all lands within the limits of a tract containing railway lands, except as the same may be varied by or under Provisions of Dominion Lands Act to remain except

as varied under this Act, and except certain sections of the said Act.

this Act, and except also sections thirty-six, thirty-seven, thirty-eight, thirty-nine and forty of the said Dominion Lands Act, relating to mining lands, also section forty-six of the said Act, relating to wood lots, which said sections shall not be held to operate as to railway lands or as to Dominion lands within the limits of any tract containing railway lands: Provided also that the quantity of land which may be secured by any person or persons in connection with carrying on coal mining under section forty-four of the Dominion Lands Act, shall be restricted to three hundred and twenty acres.

Proviso: as to coal mining lands.

Charter of company may be cancelled Parliament in certain cases.

30. Parliament may at any time annul or dissolve any Company formed under this Act for non-compliance with the requirements thereof; but such dissolution shall not take away or impair any remedy given against any such Company, its shareholders, officers or servants, for any liability which has been previously incurred by any of them.

Proviso.

Saving rights of crown, &c.

31. Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person or of any body politic corporate or collegiate, such only excepted as are herein mentioned.

Railway Act to apply.

32. "*The Railway Act*, 1868," and the Acts amending the same, so far as applicable and so far as not inconsistent with the provisions of this Act, are hereby incorporated with it and extended to all Railway Companies incorporated under it.

Governor may appoint persons to perform certain acts, where the officials mentioned in Railway Act are wanting.

33. When there are no officers or functionaries in the Territories to perform the duties imposed by "*The Railway Act*, 1868," in any case, the Governor-in-Council may appoint other persons than the officers or functionaries mentioned in that Act, to perform the duties thereby imposed.

No. 32.

5th Session, 3rd Parliament, 41 Victoria, 18

BILL.

An Act to facilitate the Colonizat of Dominion Lands, by providing the incorporation of Railway Co panies and aiding the construction railways traversing such Lands.

Received and read first time, Wednesday, 2 February, 1878.

Second reading, Tuesday, 5th March, 1878

Mr. MILLS.

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1878.

No. 33] **BILL.** [1878.

An Act to declare Life Assurance Policies non-forfeitable.

WHEREAS it is expedient to declare, that, under certain conditions, Life Assurance Policies issued in Canada, shall not be subject to forfeiture: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Every policy of Assurance issued or to be issued by any company duly licensed by the Minister of Finance, on the life or lives of any individual or individuals residing in Canada, shall, after the receipt of seven yearly payments by such company, be binding on the said Company, and shall not be liable to be forfeited on any grounds whatsoever, provided that the assured has not travelled or resided beyond the limits prescribed in his policy, nor engaged in any hazardous occupation contrary to its terms, and has paid all premiums due on such policy, and any such company, when such policy shall become a claim, shall not be at liberty to allege that there was fraudulent misrepresentation of the state of health, or of the age of the party or parties assured, but in case of proof that the party assured was older at the time of applying for the assurance than the application indicated the company shall be entitled to compute the difference of premium between the age represented and the actual age, and the Company may deduct from the sum mentioned in the policy the difference and also interest thereon at eight per cent. per annum. Policies non-forfeitable after payment of seven yearly payments. No contestation on alleged fraudulent misrepresentation of age or health.

2. Every such company shall, within sixty days after the receiving proof of death, pay such claim to the legal representative or representatives, assignee or assignees, of the assured; and if any contention shall arise as to the proper legal representative or assignee, or if the company be unable to discover any such, the company shall pay over the insurance money into the Court of Chancery, or such other Court as may be competent to deal with such claims, together with interest thereon at the rate of eight per cent. to be reckoned from and after the lapse of the said sixty days, and such moneys shall only be payable to whomsoever may establish his, her, or their claim thereunto. Claims to be paid within sixty days. Into Court if disputed.

3. It shall not be competent for any company to resist or defeat payment of any claim arising under a policy of assurance, although it may be shown that the assured had committed suicide, if the said policy had been duly assigned with the consent of the company; provided that not less than seven yearly payments had been made and accepted on such policy. Claim to be paid notwithstanding suicide, if assigned and premiums paid for seven years.

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Cash surrender value of policy to be paid by company on certain conditions.

4. It shall be obligatory on the part of every company on demand of the assured or of the assignee of any policy, to pay to the assured or assignee the "cash surrender value" of such policy which shall not be less than the "reserve" necessary to "re-assure" such policy after a surrender charge has been deducted therefrom not exceding twelve and a half per cent. of the "insurance value" of an ordinary life policy at the then age of the assured and year of the policy; or if the assured or assignee desires or demands it, he shall be entitled after two annual premiums have been paid on any term policy, to a paid-up policy for the proportionate part of the assurance that the number of annual premiums which have been paid bears to the number of annual premiums stipulated to be paid according to the terms of the policy;—and on every ordinary life policy the amount for which a paid policy must be granted shall be the same which the "cash surrender value" would purchase as a single premium according to the nett rates for single premiums based on the "actuary's" table of mortality, and four and a half per cent. interest.

Or a paid-up policy granted in case of term policy.

Paid-up policy in ordinary cases.

Thirty days' grace and notice for payment of premiums.

Revival of policy within a year.

5. Thirty days' grace shall be allowed for payment of any premium after it falls due, and every company shall issue a notice and mail the same, postage paid, to the last known address of the assured or assignee, such notice to set forth the date when the premium falls due, and instructions to whom it shall be paid in Canada, and every policy may be revived by the assured or his assignee within twelve months from the last payment, by tendering payment of the arrears, with interest at eight per cent., accompanied with a certificate from a duly qualified medical practitioner that there is no change in the health of the assured since the date of the last payment: Provided always, that any Company shall within two years have the privilege of cancelling any policy by giving the assured or his assignee six months' notice thereof, and paying eighty per cent. of the premiums back in cash.

Proviso: company may cancel policy within two years.

This Act to be endorsed on policies issued after 1st July, 1878.

6. Every policy that may be issued by any company in Canada, after the first day of July next shall have this Act duly printed or endorsed thereon, and any condition or conditions contained in such policy, contrary hereto, shall be null and void.

Act to apply to existing policies not in litigation.

7. This Act shall apply to all policies in force in the year one thousand eight hundred and seventy-eight, provided no claim thereunder is in litigation at the time of the passing of this Act.

No. 33.

5th Session, 3rd Parliament, 41 Vi

BILL.

An Act to declare Life Policies non-forfeital

Received and read first time, Wed February, 1878.

Second reading, Thursday, 28t 1878.

Mr

OTTAWA:

PRINTED BY MACLEAN, ROG

1878.

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No. 34.] **BILL.** 1878.

An Act to incorporate the Calais and St. Stephen Railway Bridge Company.

Preamble.

WHEREAS Prescott M. Purrington, O. B. Heath, James Belmore, Joseph Hutchings, George A. Lowell, and Samuel Lawrence, have by their petition prayed that they and others may be incorporated for the purpose of building a Railway Bridge across the St. Croix River, at or near the Town of St. Stephen, in the Province of New Brunswick, and the City of Calais, in the State of Maine, one of the United States of America; and whereas the building of the said bridge would be a work for the general advantage of Canada; 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:—

Declaratory.

1. The Calais and St. Stephen Railway Bridge is hereby declared to be a work for the general advantage of Canada.

Certains persons incorporated.

2. Freeman H. Todd, Henry F. Eaton, Robert Watson, George M. Porter, Zachariah Chipman, Prescott M. Purrington, O. B. Heath, James Belmore, Joseph Hutchings, George A. Lowell, and Samuel Lawrence, and such other persons and corporations as shall become shareholders in the Company hereby incorporated, their heirs, successors, administrators and assigns, shall be and are hereby constituted a body corporate and politic, by the name of the "Calais and St. Stephen Railway Bridge Company."

Corporate name.

Railway Act to apply.

3. "*The Railway Act*, 1868," is hereby incorporated with this Act, and shall form part hereof and be construed herewith as forming one Act.

Powers of the Company.

4. The Company hereby incorporated shall have full power and authority, under this Act, to construct, maintain, work and manage a railway bridge across the St. Croix River, from some point between the New Brunswick and Canada Railroad Engine House and the Passenger Depot in St. Stephen to the boundary line of the Province of New Brunswick to connect with a bridge from the City of Calais.

Power to take lands.

5. The Company shall have full power and authority to purchase, acquire, take and hold all such lands, lands covered with water, beaches, and other property as may be necessary for the purpose of constructing the said bridge or for the convenient using of the same, and also for the construction and using of such branch railway, not exceeding

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one mile in length, as may be necessary to make connections or to approach the said bridge, and to use any of the public highways for the purpose of constructing and working the same or any of them, with the consent of the Municipal Council having jurisdiction over such highway.

Provisional Directors.

6. The persons named in the second section are constituted the Board of Provisional Directors of the said Company and shall hold office as such until the first election of Directors under this Act, and shall have power and authority immediately after the passing of this Act, to open stock books and procure subscriptions of stock for the undertaking ; and the said Provisional Directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing, and it shall be their duty as hereinafter provided, to call a general meeting of shareholders for the election of Directors.

All shareholders to have equal rights.

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

Capital stock.

8. The capital stock of the said Company shall be ten thousand dollars, divided into shares of one hundred dollars each, with power to increase the same to seventy-five thousand dollars.

First meeting of shareholders.

9. So soon as five thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent. *bonâ fide* paid thereon, the hereinbefore mentioned Directors or a majority of them, shall call a meeting of the shareholders of the said Company, at such time and place as they may think proper, giving at least two week's notice thereof, at which meeting the shareholders shall elect seven Directors from the shareholders, which Directors shall hold office until the next annual meeting of the shareholders as hereinafter provided.

Annual general meeting.

10. The annual general meeting of the shareholders shall be held at such place and time as shall be fixed by by-laws of the Company, and notice thereof shall be given as provided in the next preceding section.

Height of Bridge.

Draw.

11. The said bridge shall be constructed at a height of four feet above high-water level, and shall have a draw in the main channel of the river, which draw shall be sixty feet wide in the clear.

Bridge may be leased.

12. It shall be lawful for the said Company to enter into any agreement with any railway or railroad company or companies in the Dominion of Canada, or in the United States of America, for leasing the said bridge, branch railway and other works or any of them, or the entire or partial use thereof at any time or times, or for any period, to such railway or railroad companies, and generally to make any

agreement or agreements with any such company or such companies, touching the use by one or the other or others of the bridge or branch railway or any part thereof, or touching any service to be rendered by the one company to the other or others and the compensation therefor, and any such railway or railroad company or companies may agree for the loan of its credit (either by direct guarantee or traffic contract or otherwise) to, or may subscribe to or become the owner of the stock of the Company hereby created, in like manner and with like rights as individuals; and any agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof, and any company accepting and executing such lease, shall be and is empowered to exercise all the rights and privileges in this charter conferred, subject to the limitations and reservations (if any) in such agreement or lease expressed,

Agreement to be binding.

13. When the said railway bridge is completed and ready for traffic, all cars of all railways or railroads terminating at or near the Town of St. Stephen aforesaid, or in the State of Maine, at or near the City of Calais, now constructed or hereafter to be constructed (including the cars of any other railway company which may be brought over such railways,) shall have the right to be hauled and forwarded over the said bridge at corresponding tariff rates for the persons and property transported, so that no discrimination in tariff for such transportation shall be made in favor of or against any railway or railroad whose cars or business may be forwarded over the bridge.

No preference to any particular Railway

14. In case of any disagreement, and as often as the same may arise, as to the rights of any railroad or railway, whose cars or business shall pass over the said work hereby authorized to be constructed, or the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by the Company hereby incorporated and another by the Company with whom the disagreement shall have arisen, and a third (who shall be some person experienced in railway affairs) by the Supreme Court of the Province of New Brunswick, upon application to such Court,—due notice thereof having been given to the parties interested; and the award of the said arbitrators, or the majority of them, shall be final: Provided that the terms of the said award shall not be binding for a longer term than five years.

Differences, how settled.

15. At all meetings of the stockholders of the Company hereby incorporated, each stockholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy, and the Directors of the said Company may also at any meeting of the Board vote by proxy, such proxy to be held by another Director: Provided that no more than two proxies shall be held by one Director of the other Directors, and not less than four Directors shall be present in person at any meeting of the Board of Directors for the transaction of business.

Votes on stock.

Proviso.

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Power to the company to amalgamate with another.

16. It shall be lawful for the said Company to unite, amalgamate, and consolidate its stock, property and franchises with the stock, property and franchises of any other Company, incorporated, or which may be incorporated by the laws of the State of Maine, one of the United States of America, for a similar purpose with the Company hereby incorporated, and to enter into all contracts and agreements therewith, necessary to such union and amalgamation.

Proceedings for such purpose.

17. The directors of the Company hereby incorporated, and of any corporation proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement in duplicate under the corporate seals of each of the said corporations, for the amalgamation and consolidation of the said corporations,—prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the directors and other officers thereof, and who shall be the first directors and officers thereof, and their places of residence, the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation, and how and when and for how long, directors and other officers of such new corporation shall be elected, and when elections shall be held, with such other details as they shall deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations, and the after management and working thereof.

Agreement to be submitted to shareholders.

18. Such agreement shall be submitted to the stockholders of each of the said corporations at a meeting thereof to be held separately for the purpose of taking the same into consideration ; notice of the time and place of such meetings and the object thereof shall be given by written or printed notices, addressed to each of the persons in whose names, at the time of giving such notice, the capital stock of such corporations shall stand on the books of such corporations, and delivered to such persons respectively or addressed to them by mail, at their last known post office address or place of residence, and also by a general notice to be published in a newspaper published in the Town of St. Stephen, and in the City of Calais, once a week for two successive weeks. At such meetings of stockholders, such agreement shall be considered and a vote by ballot taken for the adoption or rejection of the same,—each share entitling the holder thereof to one vote, and the said ballots to be cast in person or by proxy ; and if two thirds of the votes of all the stockholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the Secretary of each of such corporations under the corporate seals thereof ; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said corporations, one of the duplicates of the agreement so adopted and of the said certificates thereon shall be filed in the office of the Secretary of State of the Dominion of Canada, and the other in the office of the Secretary of State of the State of Maine, and the said

agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the Company and of such other corporation ; and a copy of such agreement so filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation.

Powers of consolidated corporation.

19. Upon the making and perfecting of the said agreement and act of consolidation, as provided in the next preceding section and the filing of the said agreement as in the said section provided, the several corporations, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, powers, privileges and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united.

All property of several corporations transferred to new corporation.

20. Upon the consummation of such act of consolidation as aforesaid, all and singular the property, real, personal and mixed, and all rights and interest appurtenant thereto, all stock subscriptions, and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed : Provided however, that all rights of creditors and liens upon the property of either of such corporations, shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said corporations, shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it ; and provided also, that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding, such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

Proviso ; existing rights saved.

Limitation of time.

21. The said railway bridge shall be commenced within three years and completed within seven years from the passing of this Act.

No. 34.

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

BILL.

An Act to incorporate The Calais and St. Stephen Railway Bridge Company.

Received and read, first time, Friday, 1st March, 1878.

Second reading, Monday, 4th March, 1878.

(PRIVATE BILL.)

Mr. APPLEBY.

OTTAWA:

PRINTED by MACLEAN, ROGER & Co.

1878.

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No. 35.] **BILL.** [1878.

An Act to amend an Act intituled "An Act respecting La Banque Jacques Cartier."

WHEREAS in and by the second section of an Act passed in the fortieth year of Her Majesty's reign, intituled "*An Act respecting La Banque Jacques Cartier*," it is provided that a certain arrangement made by deed passed at Montreal on the tenth day of March, one thousand eight hundred and seventy six, before Maitre Dumouchel, Notary, between La Banque Jacques Cartier, and certain persons formerly Directors of the said Bank, of which arrangement a copy is annexed as a schedule to the said Act, was thereby confirmed, and whereas doubts may arise as to whether the provisions of the said Act have affected or may be held to affect any suits or actions pending between any person or persons and the present or former Directors of the said Bank or any of them, and it is expedient to remove such doubts; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 40 V. c. 55.

1. Nothing in the said Act contained has affected or shall be held to affect any suit or action pending when the said Act came into force, between any shareholder of the said Bank and any persons who are or have been Directors of the said Bank, for any cause of action arising out of the administration and management by such persons of the affairs of the said Bank, but such suit or action shall be decided as if the said Act had not been passed. Suits or actions not affected by the Act cited.

No. 35.

5th Session, 4th Parliament, 41 Victoria, 1878.

BILL.

An Act to amend an Act intituled "An Act respecting La Banque Jacques Cartier."

PRIVATE BILL.

Received and read first time, Friday, 1st March, 1878.

Second reading, Monday, 4th March, 1878.

Mr. CASGRAIN.

OTTAWA:
Printed by MACLEAN, ROGER & Co.
1878.

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No. 36.] **BILL.** [1878.

An Act to authorize the extension of certain Letters Patent to George B. Burland.

Preamble.

WHEREAS George B. Burland, of the city of Montreal, in the District of Montreal, in the Province of Quebec, has, by his petition, represented that he is the holder of the letters patent under the Great Seal of the heretofore Province of Canada, dated the first day of April, in the year of Our Lord one thousand eight hundred and fifty-seven, for a new Bank Note Printing Ink, called "*The Canada Bank Note Printing Tint*;" the said letters patent having on the day aforesaid been granted to one George Matthews, who, on or about the twenty-seventh day of January, in the year of Our Lord one thousand eight hundred and sixty-four, assigned the same to the said George B. Burland and to one George L'Africain; that on or about the fifth day of February in the year of Our Lord one thousand eight hundred and sixty-eight the said George L'Africain assigned all his rights and interests in the said letters patent to the said George B. Burland, who is now the sole owner of the said letters patent; that on or before the expiration of the said letters patent, which were granted for the term of fourteen years, to wit: on the thirtieth day of March, in the year of Our Lord one thousand eight hundred and seventy-one, the said letters patent were duly extended for another term of seven years; that for at least ten or twenty years to come Canada cannot support two bank note engraving and printing establishments; that the banks and the public in general are interested in the regular and proper use of calcined green oxide of chromium in the preparation of ink, in the manner usual with printers and engravers of bank notes guaranteed by the said letters patent, as a protection against counterfeiting; and whereas the said George B. Burland has, by his said petition, prayed for the passing of an Act to authorize an extension of the said letters patent, 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:—

Letters patent may be renewed and extended.

1. Notwithstanding anything to the contrary contained in "*The Patent Act of* 1872," it shall be lawful for the Commissioner of Patents to receive the application of the said George B. Burland for a renewal and extension of the said letters patent and to grant such renewal and extension of the said letters patent to the said George B. Burland for another period of ten years, to be reckoned from and after the first day of April, in the year of Our Lord one thousand eight hundred

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and seventy-eight, and to extend the effect of the said letters patent to the whole Dominion of Canada in as full and ample a manner as if the original letters patent above mentioned had been issued by the said Commissioner of Patents under and in virtue of the said "*The Patent Act of* 1872" as amended by chapter fourteen of the Statutes of Canada, passed in the thirty-eighth year of Her Majesty's reign.

Rights acquired in the interim saved

2. Any person who by use, or otherwise, shall, within the period between the first day of April, in the year of Our Lord one thousand eight hundred and seventy-eight, and the renewal and extension of the said letters patent under this Act, have acquired any right in respect of such use of calcined green oxide of chromium in the preparation of ink, in the manner usual with printers and engravers of bank notes, shall continue to enjoy the same to all intents and purposes as if this Act had not been passed.

No. 36.

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

BILL.

An Act to authorize the extension of certain Letters Patent to George B. Burland.

Received and read first time, Friday, 1st March, 1878.

Second reading, Monday, 4th March, 1878.

(PRIVATE BILL.)

MR. CASGRAIN.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington street.
1878.

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No. 37.] **BILL.** [1878.

An Act to provide for the greater convenience and safety of passengers travelling on the Railways of Canada.

WHEREAS it is expedient to provide greater convenience and safety to passengers travelling on the public Railways of Canada: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Hereafter, railway tickets sold by any officer, agent or servant of any railway company in Canada, for use on any regular train, may be used by the holder thereof for the trip specified thereon, at any other time as well as on the day they bear date, any notice to the contrary written or printed thereon or otherwise notwithstanding; provided always, that this section shall not apply to tickets sold for use on special or other irregular excursion trains: The word "trip" in this Act means the distance between the places from and to which the passenger's ticket entitles him to be carried. Railway tickets to be good for other times than the day of issue. Exception. Trip defined.

2. The holder of any such ticket issued for a trip on any regular train, may remain over at any intermediate station without forfeiting his or her right to be afterwards carried to the place specified on the said ticket; provided always that any person attempting to travel a second time or oftener with a ticket that has been used before on the same trip or a portion of trip, shall be guilty of a misdemeanor, and shall be liable in a penalty of *fifty dollars* for each such offence. Passenger may stay over at anystation. Proviso: Penalty for trying to use the ticket more than once for the same distance

3. No passenger shall be required to produce a ticket or pay his or her fare on any regular train, if the Company fails to find him or her a seat, and any such passenger shall only be required to pay for the distance travelled after being furnished with a seat. No payment unless for a seat.

4. No Company shall exact any extra charge from passengers who fail to provide themselves with tickets prior to entering any coach or carriage belonging to the Railway Company, any rule or custom to the contrary notwithstanding. No extra charge for paying in the car.

5. Whenever it may happen that the seats in the regular passenger coaches or carriages are fully occupied, passengers may take vacant seats in any other coach or carriage that may be attached to and form part of the train, without extra Passengers in cars where all seats are full may take seats in any other.

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Proviso.

charge therefor, provided such coach or carriage belongs to the Railway Company, and is destined for the use of any particular class of passengers: any rule or custom to the contrary notwithstanding.

Passengers refusing to pay their fare how dealt with.

6. Any passenger who refuses or neglects to pay his or her fare when demanded, shall, if furnished with a seat be liable to a penalty of not more than *twenty dollars* or imprisonment for not more than *ten* days, and may be placed under arrest by any officer of the Company, and carried to any station to be dealt with by any of Her Majesty's Justices of the Peace: but it shall not be lawful for the officers of the Company to force or permit any such passenger to leave the train except at a station of the Railway.

As to starting from station.

7. Whenever a passenger train stops at any station it shall do so for a period of not less than three minutes, and timely warning shall in every case be given of the approach of the train to any such station.

Express Companies may require transport, &c., and on what terms.

8 Any express company may require any railway company to furnish proper facilities and accommodation for the transport of goods, wares or merchandise, articles or property, belonging to or in charge of such express company, on express and passenger trains, and such other facilities and accommodation as may be required for the transaction of an express business on and by means of such railway, upon payment of reasonable rates of remuneration therefor to be fixed by the railway company and approved of by the Governor in Council; and the same facilities and accommodation shall be furnished to all express companies by any railway company as are now or may hereafter be furnished to any express company doing business in Canada, and at like rates of remuneration therefor.

Railings round car tops.

9. For the prevention of accidents to brakesmen and others, each and every railway company in Canada shall put a railing not less than one foot in height and properly made and secured, round the top of every car, whether used for passengers, freight or any other purpose.

Bridges and buildings, &c. close to track.

10. Each and every railway company shall so construct or alter every bridge passing over their railway that the lowest part of such bridge shall be at least seven feet above the top of any car used thereon; and no building or part on either side of the track thereof shall be constructed or allowed to remain within three feet of the outside of any car when standing at or passing by such building.

Penalty for contravention.

11. For any wilful contravention of this Act, the railway company in default shall, in addition to being liable in damages for any loss or any injury to person or property occasioned by such contravention, to a penalty of *fifty dollars*, recoverable by any person who will sue for the same, for his own use.

12. The Governor in Council may appoint a competent Civil Engineer as Railway Inspector, whose duty it shall be to inspect all bridges, culverts, crossings, viaducts, embankments and tracks belonging to and forming part of any Railway in Canada, and who shall have power to order the repairing or rebuilding of any portion of the roadway, including every such bridge, culvert, crossing, viaduct or embankment, if he shall deem such to be necessary for the safety of the passenger trains of the company, such repairs to be effected within a reasonable time after notice to that effect in writing to the Manager or chief officer of the Company.

Appointment of a Government Railway Inspector.

His duty and powers.

13. This Act shall come into force on the first day of July, *anno domini* one thousand eight hundred and seventy-eight, and shall apply to every railway company whose railway is subject to the control of the Parliament of Canada.

Commencement and extent of Act.

No. 37.

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

BILL.

An Act to provide for the greater convenience and safety of passengers travelling on the Railways of Canada.

Received and read first time, Friday, 1st March, 1878.

Second reading, Monday, 4th March, 1878.

Mr. TROW.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1878.

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No. 38] **BILL.** 1878.

An Act to extend to the Province of Prince Edward Island "The Railway Act, 1868," and certain Acts amending the same.

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

Acts in Schedule extended to P.E.I.

1. The Acts of the Parliament of Canada passed in the former sessions thereof and mentioned in the Schedule to this Act, are and each of them is hereby extended to and shall apply to and be in force in the Province of Prince Edward Island, save and except so far only as any provision of any such Act may be therein declared to be applicable to one or more only and not to the whole of the Provinces composing the Dominion at the time of the passing of such Act and mentioned therein. Exception.

How this Act shall not be construed.

2. Nothing in this Act shall be construed as a declaration that any of the said Acts or any part thereof had not, or has not, or would not have, without the passing of this Act, force or effect in or in relation to the Province of Prince Edward Island.

Application to a judge; to whom to be made in P.E.I.

3. Whenever under any of the provisions of the said Acts any application is to be made to a judge, such application may, in the Province of Prince Edward Island, be made to a judge of the Supreme Court or of a County Court.

As to compensation to be paid into Court.

4. The compensation referred to in the thirtieth sub-section of section nine of "*The Railway Act*, 1868," may, in the Province of Prince-Edward Island, be paid into the office of the Supreme Court, which shall be held to be "the Court" referred to in sub-sections thirty-one, thirty-two and thirty-three of the said section.

Sect. 49 of 31 V. c. 68, amended.

5. The forty-ninth of "*The Railway Act*, 1868," is hereby amended by adding after the words "Ontario, Nova Scotia, or New Brunswick," wherever they occur in that section, the words "or Prince Edward Island."

SCHEDULE.

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

CHAP.	TITLE.
	Act passed in the Session 31st Victoria, 1868.
68	An Act respecting Railways, (known as "*The Railway Act*, 1868.")
	Act passed in the Session 34th Victoria, 1871.
43	An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their Railways, and to amend "*The Railway Act*, 1868."
	Acts passed in the Session 36th Victoria, 1873.
80	An Act to amend the general Acts respecting Railways.
81	An Act to amend the Act thirty-fourth Victoria, chapter forty-three, intituled "An Act to enable certain Railway companies to provide the necessary accommodation for the increasing traffic over their railways, and to amend '*The Railway Act*, 1868.'"
	Act passed in the Session 38th Victoria, 1875.
24	An Act further to amend the General Acts respecting Railways.
	Acts passed in the Session 39th Victoria, 1876.
15	An Act to make provision for the crossing of navigable waters by railway or other road companies incorporated under Provincial Acts.
32	An Act to amend "*The Railway Act*, 1868."
	Act passed in the Session 40th Victoria, 1877.
45	An Act to amend "*The Railway Act*, 1868."

No. 38.

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

BILL.

An Act to extend to the Province of Prince Edward Island "*The Railway Act*, 1868," and certain Acts amending the same.

Received and read first time, Monday, 4th March, 1878.

Second reading, Tuesday, 5th March, 1878.

Mr. MACKENZIE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1878.

No. 39.] **BILL.** [1878.

An Act respecting the Canada Vine Growers Association.

Preamble.

WHEREAS it is expedient to make provision for the encouragement of the cultivation of vines, and the manufacture of wine in the Dominion; and whereas the Canada Vine Growers Association is in the possession of property, the value of which chiefly depends upon its adaptation and usefulness for carrying on the business of vine growing and wine making: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time under 20, 30 V. c. 121, s. 2, extended.

1. The period specified in the second section of the Act of the Legislature of the late Province of Canada, twenty-ninth and thirtieth Victoria, chapter one hundred and twenty-one, intituled: "*An Act for the incorporation of the Canada Vine Growers Association*" as amended by the Act of the Parliament of Canada, thirty-first Victoria, chapter ninety-two, section one, is extended for a further period of seven years to commence from and after the fifteenth day of August, one thousand eight hundred and seventy-eight.

No. 39.

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

BILL.

An Act respecting the Canada Vine Growers Association.

Received and read first time, Monday, 4th March, 1878.

Second reading, Tuesday, 5th March, 1878.

[PRIVATE BILL.]

Mr. SMITH,
(Peel.)

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1878.

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No. 40.] **BILL.** [1878.

An Act for the amendment of the Law of Evidence in certain cases of misdemeanour.

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

Defendant or wife may be made witnesses in certain cases.

1. On the trial of any indictment or other proceeding for the non-repair of any public highway or bridge, or for a nuisance to any public highway, river, or bridge, or of any other indictment or proceeding instituted for the purpose of trying or enforcing a civil right only, every defendant to such indictment or proceeding, and the wife or husband of any such defendant, shall be admissible witnesses and compellable to give evidence.

No. 40.

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

BILL.

An Act for the amendment of the Law of Evidence in certain cases of misdemeanour.

Received and read first time, Tuesday, 5th March, 1878.

Second reading, Thursday, 7th March, 1878.

Mr. KIRKPATRICK.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1878.

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No. 41.] **BILL.** [1878.

An Act to amend the Law relating to Larceny of things attached to or growing on Land.

Preamble.

WHEREAS it is expedient to facilitate the prosecution and conviction of lawless but irresponsible persons trespassing on and stealing from and plundering wood and timber lands, and to define the time within which in cases of summary conviction the complaint or information may be laid: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Complaint, &c., may be made within 12 months for summary conviction under 32, 33 V., c. 22.

1. In cases of prosecution for summary conviction under section twenty-two of the Act of the Parliament of Canada passed in the session held in the thirty-second and thirty-third years of Her Majesty's Reign, chapter twenty-one, intituled "*An Act respecting Larceny and other similar offences*," the complaint may be made and the information may be laid, at any time within twelve months from the time when the matter of the complaint or information arose.

How value of articles stolen may be computed, under ss. 21, 22.

2. In computing the value of the articles stolen, where more than one, in all cases of prosecution under sections twenty-one and twenty-two of the said Act, different and continuous acts of trespass and stealing on the same land and from the same party within the period hereinbefore limited, may be taken into consideration in the same proceeding as one offence.

No. 41.

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

BILL.

An Act to amend the Law relating to Larceny of things attached to or growing on Land.

Received and read, first time, Tuesday, 5th March, 1878.

Second reading, Thursday, 7th March, 1878.

Mr. PALMER.

OTTAWA:

PRINTED by MACLEAN, ROGER & Co.

1878.

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No. 42.] **BILL.** [1878.

An Act to amend an Act intituled "An Act respecting the Intercolonial Railway," passed in the 39th year of the Reign of Her Majesty Queen Victoria.

Preamble.

Acts of N.S., cap. 83 of 1863, and cap. 96 of 1866, cited.

WHEREAS by an Act passed by the Legislature of Nova Scotia, being chapter eighty-three, of the year one thousand eight hundred and sixty-three, which said Act was amended by an Act of the same Legislature, that is to say, by chapter ninety-six, of the year one thousand eight hundred and sixty-six, certain rights were conferred on the Halifax Street Railway Company, and in the event of the Government of Nova Scotia assuming the possession of such railway, a certain tribunal and mode of valuation was thereby ordered and appointed; And, whereas it was not intended by the Act of the Parliament of Canada cited in the title to this Act, that the said provisions of the said two Statutes of the Province of Nova Scotia should be annulled and set aside; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows: —

Proviso added to s. 2 of 39 V. c. 16.

Nothing in 39 V. c. 16 or 31 V. c. 10, to affect injuriously the rights of the Halifax Street Railway Co. under the said Provincial Acts.

1. The following proviso shall be added to, and read after the last word of, the second section of the said Act of the Parliament of Canada, and shall form part thereof; that is to say: "Provided always, that nothing in this Act or in the Act intituled *An Act respecting the Public Works of Canada*, shall injuriously affect or prejudice in any way the rights, franchises and properties of the said Halifax Street Railway Company, as granted to them and acquired by them, under the said Acts of the Provincial Legislature, and as regards compensation for and the tribunal to ascertain the value of any and all of the properties, franchises, and chartered rights of the said Company, which may have been interfered with by the Government of Canada, and the Government of Canada shall stand on the same footing and shall be subject to the same obligations as the Government of the Province of Nova Scotia would have been subject to under and by virtue of the said Acts of the Legislature thereof."

No. 42.

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

BILL.

An Act to amend an Act intituled "An Act respecting the Intercolonial Railway," passed in the 39th year of the Reign of Her Majesty Queen Victoria.

Received and read first time, Thursday, 7th March, 1878.

Second reading, Friday, 8th March, 1878.

HON. MR. TUPPER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1878.

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No. 43] **BILL.** [1878.

An Act further to amend the Acts respecting Stamps on Bills and Notes.

WHEREAS to prevent the frauds and mal-practices with respect to Stamps issued under the Act hereinafter mentioned, it is necessary to amend the same in the manner hereinafter mentioned; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Sections four, five, six, seven, eight, ten, of the Act passed in the thirty-first year of Her Majesty's Reign and intituled: "*An Act to impose duties on Promissory Notes and Bills of Exchange*," section eleven of the same Act as amended by the Act passed in the thirty-third year of Her Majesty's reign, intituled: "*An Act to amend the Act imposing duties on Promissory Notes and Bills of Exchange*," and section twelve of the said Act as amended by the said last mentioned Act and by the Act passed in the thirty-seventh year of Her Majesty's reign, and intituled: "*An Act to amend the law relating to Bills of Exchange and Promissory Notes, and the stamps thereon*," and section three of the said last cited Act, are hereby repealed, subject to the provision hereinafter made as to things done before this Act comes into force, and the following provisions are enacted in lieu thereof. Repeal of certain provisions, 31 V., c. 9. 33 V., c. 13. 37 V., c. 47.

2. The word "instrument" in this Act means and includes any promissory note, bill of exchange or part thereof, letter of credit, draft or order, receipt, or other document upon which a duty is payable under the Act first above cited: the the word "maker" includes "drawer," and the word "made" includes "drawn." Interpretation.

3. The duty imposed by the Act first cited on any promissory note, draft, letter of credit or receipt, or on any bill of exchange or part thereof, shall be paid as follows:— How the duty imposed by 31 V., c. 9, shall be paid hereafter.

(1.) When the duty does not exceed three cents it may be paid by affixing thereto an adhesive stamp of the description herein mentioned representing the amount of such duty; If not over 3 cents.

(2.) When the duty exceeds three cents, and the instrument is made in Canada, the duty thereon shall be paid in whole or in part by making it upon stamped paper, using in each case stamped paper of the denomination then issued nearest in value to the duty to which such instrument is liable; If over that amount, by stamped paper;

(3.) When no denomination of stamped paper has been issued exactly representing the duty to which the instru- Or stamped paper and adhesive stamps.

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ment is liable, the difference between the duty represented by the stamped paper on which such instrument is made, and the amount of duty to which it is liable under this Act shall be paid by affixing thereto an adhesive stamp or stamps of the kind herein mentioned to the amount of such difference ;

Instruments made out of Canada but payable in it.

(4.) If the instrument is made out of Canada, but payable in Canada, the duty thereon shall be paid when such instrument is accepted, endorsed by, or becomes the property of any bank, corporation or individual in Canada, by affixing thereto an adhesive stamp or stamps of the kind herein mentioned, or by having impressed thereon at some revenue office an embossed stamp to the amount of such duty or to the amount nearest to such duty for which such embossed stamp can be obtained, and by affixing thereto an adhesive stamp or adhesive stamps to the amount of the rest of the duty.

Cancelling adhesive stamps when used.

4. When an adhesive stamp is used it shall be identified with the instrument to which it is affixed in the following manner :—

On unstamped paper.

(1.) When used on unstamped paper, the signature or part of the signature of the maker or some material point of the instrument, or in the case of an instrument made out out of Canada, then the signature or part of the signature of the acceptor or first endorser in Canada, shall be written upon the adhesive stamp on the blank space therein provided for that purpose.

On stamped paper.

(2.) When used on stamped paper, the adhesive stamp or stamps shall be affixed to such paper in the place indicated by any device or instructions in that behalf, printed thereon, and the signature of the maker of the instrument, or some material part of the instrument, shall be written upon the part provided for that purpose on each adhesive stamp so used.

Stamps not properly cancelled to be of no avail.

5. If no essential part of the instrument, nor any part of the signature of the maker of such instrument when made in Canada, nor any part of the signature of the maker, or of the acceptor, or first endorser, in Canada, when made out of Canada, be written on each adhesive stamp affixed thereto, such adhesive stamp shall be of no avail, and if used on stamped paper the stamp borne by such paper shall be void and of no effect.

Penalty for contravention of this Act.

6. If any person, in Canada, makes, draws, accepts, endorses, signs, becomes a party to, holds as collateral security, or for other purpose, or transfers, with or without endorsation, any instrument chargeable with duty under the Acts above cited or this Act, which, if made in Canada, is not made on stamped paper or stamped as herein required, or if made out of Canada, which has not been stamped as herein required, such person shall thereby incur a penalty of *one hundred dollars* recoverable in like manner as pecuniary penalties imposed by the Act first above cited ; and section fourteen of of the said Act shall apply in any such case.

Recovery thereof.

7. In suing for the penalties hereby imposed, it shall be sufficient to prove:— Proof in suits for penalty.

(1.) That the instrument, in respect of which the penalty is alleged to have been incurred, if the duty thereon does not exceed three cents, has not an adhesive stamp affixed to it of the proper value; or, Duty not over 3 cents.

(2.) If made on stamped paper representing less than the duty to which the instrument is liable, that the adhesive stamp or stamps to the amount of duty to which such instrument is liable in excess of the duty represented by the stamped paper on which it is written, have not been affixed; or, Instruments on stamped paper.

(3.) If the instrument is made out of Canada, that adhesive stamps to the full amount of duty to which it is liable have not been affixed; or, Made out of Canada.

(4.) That no part of the signature of the maker, acceptor or endorser of any instrument to which adhesive stamps are affixed, nor any material part of the instrument, has been written over such stamps, as hereby required; or, that the adhesive stamp or stamps were not affixed by the party hereby required to affix them, or at the time when such party was hereby required to affix them. Stamps not properly cancelled.

8. Every instrument made, drawn, accepted, endorsed, signed, recognized, held or transferred, in contravention of this Act, shall be invalid and of no effect in law or in equity, and the acceptance, or payment, or protest thereof shall be of no effect. Instruments as to which this Act is contraveued invalid.

9. The Governor in Council may from time to time cause to be prepared, for the purposes of this Act, embossing presses, embossing dies, and also stamped paper and adhesive stamps of such denominations as he may deem necessary, such stamps and stamped paper bearing respectively such devices as he may direct; but the device on each embossing die or stamp, and on each adhesive stamp, shall express the value thereof,—that is to say, the sum at which it shall be reckoned in payment of the duties imposed by the Act first above cited; and he may cause the cost thereof to be defrayed out of any unappropriated moneys forming part of the Consolidated Revenue Fund. Governor-in-Council may cause stamps and dies, adadhesive stamps, &c., to be prepared.

10. The Governor in Council may from time to time make, repeal or alter regulations,— Governor-in-Council may make regulations for carrying out this Act.

(1.) For redeeming spoiled stamped paper by the issue of new stamped paper or stamps of equal value in exchange therefor; but no such stamped paper shall be so redeemed unless when presented in quantities at one time representing a value of not less than five dollars;

(2.) For securing stamped paper when placed in the hands of stationers or printers for printing thereon the forms of

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dutiable instruments without prepayment of the value thereof;

(3.) For determining the remuneration or discount to be allowed to parties who obtain, on prepayment, and keep for sale stamps or stamped paper; but such remuneration shall in no case exceed five per cent. on the value represented by such stamps or stamped paper; and from the allowance or discount, so fixed the value of the paper, apart from the value of the stamp printed or embossed thereon, shall be deducted;

(4.) For stamping or embossing printed or written forms of instruments subject to duty under this Act.

How this Act shall be construed.

11. This Act shall be read and construed as one Act with the said Act passed in the thirty-first year of Her Majesty's reign, chapter nine, intituled: "*An Act to impose duties on Promissory Notes and Bills of Exchange*," and the Acts amending it, in so far as they are not repealed by or inconsistent with this Act; and the said Acts and this Act may be cited together as "*The Stamp Act of* 1867 *and amendments.*"

Short title.

Commencement of this Act.

12. This Act shall come into force and effect upon from and after the day of , 187 , when the sections hereby repealed of former Acts and all other provisions inconsistent herewith shall be repealed, subject to the provision of sub-sections thirty-five, thirty-six and thirty-seven of section seven of "*The Interpretation Act*" as to the effect of such repeal.

No. 43.

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

BILL.

An Act further to amend the Act respecting Stamps on Bills and Notes.

Received and read first time, Thursday, 7th March, 1878.

Second reading, Friday, 8th March, 1878.

Mr. LAURIER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1878.

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No. 44. **BILL.** [1878.

An Act to provide for the creation and registration of Homestead Exemption Estates in the Territories of Canada.

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

1. Any man, being the owner of an estate in fee simple or for life, in land situate in the Territories of Canada, with a dwelling house thereon occupied by him, may register as a homestead an extent of such land not exceeding *eighty* acres, if in a rural locality, or the lot on which such dwelling house stands if in an incorporated city, town or village, in the office for the Registry of Titles to Lands for the place in which the land lies, describing the property clearly in the instrument for effecting such registration: Provided that if the estate of such owner be only for life, it shall be so stated in the instrument of registration, and in such case the exemptions hereinafter provided shall apply only to such estate, which shall be understood by the word "homestead" when used in this Act. Who may register a homestead and of what extent. Proviso: as to estate for life.

2. The homestead so registered shall, while occupied by such owner, or by his widow or any of his minor children, should their names be registered as hereinafter provided, be wholly exempt from seizure or sale under execution, or under any Act respecting insolvency, for any debt of such owner contracted after such registration, provided the value of the homestead does not then exceed *four* thousand dollars, and if its value exceeds that amount then it shall be so exempt to that amount, except— Duration and amount of homestead exemption. Exceptions.

(1.) For the amount of any mortgage given to secure the purchase money of the property, or any debt to the Crown on the purchase thereof or being a lien thereon; Purchase money, &c.

(2.) For the amount of any taxes due thereon; Taxes.

(3.) For the amount of any mortgage by such owner, provided his wife, if he be a married man having a wife then living, has joined with him in such mortgage. Mortgage joined in by wife.

3. In case the proprietor of any homestead is married, he may make an affidavit before the Registrar or his Deputy, or before some Justice of the Peace or Commissioner for taking affidavits, in the form of Schedule A to this Act, and the Registrar thereupon shall enter the wife's name Registration by married man and its effect.

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upon the certificate of title to such homestead, and the wife shall thereupon become a joint owner of a life interest therein.

In what manner only the homestead may be alienated or devised.

4 The homestead shall not be alienated by such owner being a married man, except the transfer be executed by his wife, if living, jointly with him; or if the wife be dead and there be a minor child or children of such owner, then with the express approval in writing of a Stipendiary Magistrate for *any* of the Territories or of a judge of some court of record for the place where the homestead is situate; and any devise thereof by him shall only take effect subject to the provisions hereinafter made.

How homestead in fee simple shall go on decease of owner.

5. After the decease of the owner, the homestead if held in fee simple and not alienated as aforesaid, and subject to the exceptions in section two, shall go to his widow, and if he leaves no widow, or after her decease, or if her right is forfeited under the proviso to this section, to his minor child, or children, for his, her or their use respectively, so long as they or any of them shall continue minors, and shall be exempt from liability for any debt contracted by any of them except as aforesaid: Provided always, that if the wife has separated from her husband and lives in adultery with another, then upon the husband producing a certificate from the Court or Judge having jurisdiction in an action of *crim. con.* of the fact having been proven, the Registrar shall then cancel the wife's name from the register and from the certificate of title; and after her name is so cancelled, she shall have no estate or interest in such homestead.

Proviso: if wife is guilty of adultery.

Her right forfeited.

Provision in case of agreement with a creditor who thinks the homestead worth more than $4,000.

6. If any creditor, assignee in insolvency or other party representing the creditors of the registered owner of a homestead exempted from liability for the debt claimed, is of opinion that the homestead is of greater value than *four thousand dollars*, such owner, with the written consent of his wife, may agree upon a value with such creditor or representative of creditors, and upon the portion of the homestead which shall represent the excess of such value over *four thousdnd do'lars*, and which can be conveniently set off and divided from the remainder, and in case of such agreement such proportion only shall be sold in satisfaction as aforesaid: But if they do not agree upon such value and portion, then the whole homestead shall be liable to be sold in satisfaction as aforesaid, upon payment of the sum of *four thousand* dollars by the creditor or party representing creditors to the registered owner, with the written consent of his wife if alive, or if she do not give her consent then into some Government Savings Bank to be drawn out only on the written order of such owner and his wife, or of the survivor of them, and with the same exemptions from liability for debts as the homestead had; and if the registered owner be not alive, the homestead, if held in fee simple, may be sold in satisfaction of his debts as aforesaid, subject to the rights of his widow and minor children or child therein.

If there be no such agreement.

If the owner be deceased.

Application for registration and affidavit in support thereof.

7. The instrument by which the Registrar is required to register a homestead shall be in the form of Schedule B to this Act or to the like effect, and the truth of the statements therein made shall be declared to before a Justice of the Peace, who shall attest the same, and the allegations made in such instrument by the applicant for registration shall be verified upon oath or solemn declaration by at least one credible witness, whose affidavit or declaration shall be appended to or endorsed upon the requisition for a homestead registration, and shall be in the form given in Schedule C to this Act; and any wilfully false statement so declared to by the applicant for registration or sworn or declared to by the witness, shall be punishable as wilful and corrupt perjury, and shall, as shall any fraud committed for the purpose of obtaining such registration, render the same void and of no effect.

Entry of homestead rights on certificate of title by the Registrar.

8. Whenever all the lands embraced in any certificate of title granted under the Registration Act, are registered as a homestead, the Registrar shall enter a memorial in the register book and upon the certificate of title, in the words "registered as a homestead," giving the date, hour, and minute when the application for registration was fyled; and if the proprietor of any lands exceeding eighty acres in extent registers a part of such lands as a homestead, a description of the part to be registered, with a diagram thereof, shall be entered in the register book and on the certificate of title.

Duty of minor child or children, or guardian on death of both parents, in order to secure homestead rights.

9. In case the husband and wife both die, leaving a minor child or children, such minor child or children, in order to continue in possession of the homestead estate, shall within six months after the death of the last deceased parent, fyle with the Registrar an affidavit taken before some Justice of the Peace setting forth the facts; or should there be a guardian of such minor child or children, then such affidavit may be fyled by the guardian; and the Registrar, upon such affidavit being deposited with him, shall note the age of the youngest of the minor children, and shall enter upon the duplicate certificates of title to the property the date when the homestead estate will terminate.

Right of widow when husband dies intestate.

10. Where the husband dies intestate, his widow may retain her life estate in the homestead, or the share of her husband's property which descends to her by the law of the Territories relating thereto, but not both.

And if the husband leaves a will.

11. Where the husband dies testate, his widow may take that share of her husband's estate to which she is entitled by descent, or the property devised to her, or her life estate in the homestead, but not more than one of them; and in any case where she elects to take by descent or devise, she shall notify the Registrar of the Registration District in which the homestead lands are situate in the form of Schedule D to this Act, or as near thereto as may be; and the Registrar shall recall the certificate of title, and he shall cancel the homestead estate upon the certificate of title and in the register book, marking the date hour and minute of such cancellation.

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Homestead rights on wife's lands.

12. All the provisions of this Act shall apply to lands of which a woman is the owner, and on which she resides, and the husband may acquire the same rights in the lands of the wife by registration effected by her under this Act as the wife acquires in the lands of the husband, by registration effected by him, and subject to the same conditions and rights of her minor child or children.

How this Act may be repealed or amended.

13. This Act may be amended or repealed by any Act or ordinance lawfully passed by any authority having power to make laws touching property and civil rights in the place where such amendment or appeal is intended to take effect.

Interpretation.

14. The word "Territories" in this Act shall be held to include the North-West Territories, the District of Keewatin, and generally all the possessions of Canada not included within the limits of any Province.

Short title.

15. This Act may be cited as "*The Homestead Exemption Act*, 1878."

SCHEDULE A.

AFFIDAVIT OR DECLARATION OF MARRIAGE

I, A. B., of Township Range in the Territories *or* Province of , make oath (*or* solemn declaration) and say that I was married to C. D. at on the day of A.D. 18 , who is now living, and who is years of age.

A. B.

Sworn *or* declared before me, E. F.

Legal additions.

On the day of in the year 18 .

SCHEDULE B.

REQUISITION TO REGISTER AS A HOMESTEAD.

To the Registrar of

Take notice that I hereby require you to register as a homestead under the Act of the Parliament of Canada, intituled (*title of this Act*) the property hereinafter mentioned, of which I am the owner in fee simple (*or* for life)—that is to say:—(*here describe the property clearly, its location, boundaries, extent, &c.*) now occupied by me, and on which there is a dwelling-house in which I (*or* I and my wife H. B.) now reside; and I solemnly declare that the value of the said property (*or* of my life estate therein) does not, to the best of

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my knowledge and belief, exceed *four thousand dollars*. In faith whereof I have signed this notice and have declared solemnly to the truth of the statements made therein, at in this day of 18 .

A. B.

Declared to before me and signed by the said A. B., in my presence, C. D., of &c.

On the day of in the year 18

Legal additions.

SCHEDULE C.

AFFIDAVIT OR DECLARATION OF WITNESS TO REGISTRATION.

I, E. F., of Township Range make oath (*or* solemnly declare) and say :—That I know the above named A. B., that he (*or* she) is the person named as proprietor in the certificate of title to the said lands (*or if the owner of a life estate*, the person named in the encumbrance *or* in the transfer thereof *as the case may be*) ; and that the value of the said property does not to the best of my knowledge and belief exceed *four thousand dollars*.

E. F.

Sworn (*or* declared) before me, and signed by the said E. F. in presence of C. D.

Legal additions.

On the day of in the year 18 .

SCHEDULE D.

APPLICATION TO HAVE HOMESTEAD CANCELLED.

To the Registrar of

Take notice that I, A. B., have elected under the authority of the Act of the Parliament of Canada, intituled (*title of this Act*) to take the property devised to me by my late husband, C. D., in his last will and testament, bearing date of (*here insert date of will*), *or* the property which descends to me from my late husband who died (*here insert date of husband's death*) in preference to my homestead estate in (*here describe the property clearly, its location, boundaries, &c.*), in faith whereof I have signed this notice freely and

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without undue influence, on this day of 18 .

A. B.

Signed by the said A. B. in my presence, of C.D., &c.

Legal additions.

On the day of in the year 18

No. 44.

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

BILL.

An Act to provide for the creation and registration of Homestead Exemption estates in the Territories of Canada.

Received and read first time, Thursday, 7th March, 1878.

Second reading, Friday, 8th March, 1878.

Mr. MILLS.

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1878.

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No. 45.] **BILL.** [1878

An Act whereby judgments obtained against Railway Companies for debts incurred for working expenses, may be enforced by execution against Railway property, and to authorize the appointment of a Receiver and Manager in certain cases.

Preamble.

WHEREAS the remedy of creditors for the value of materials, work, wages, and other incidentals necessary for the working of railways is inconvenient and expensive, and beyond the means of persons who ordinarily supply such necessaries:

And whereas it is desirable that a summary method should be given to enforce the payment of such debts, which in the event of the appointment of a Receiver would have to be paid by such Receiver before any portion of the earnings could be applied in payment of securities charged upon revenues, tolls and property of the Company; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

No bond or other security issued by a Railway company to have preference over a judgment for working expenses.

1. No bond, coupon, debenture, mortgage, or other security, which has been or shall be issued by any Railway Company subject to the control of the Parliament of Canada, shall by reason of any lien, charge, incumbrance or preferential claim on the revenue and assets of the Company, be held or construed to prevent a judgment against the property of the Company for a debt incurred for working expenses, from being enforced by execution, nor shall such security have priority to working expenses as hereinafter defined, or to an execution therefor.

Working expenses defined.

2. The expression "working expenses" shall mean and include all expenses of maintenance of the railway, including maintenance of the stations, buildings, works and conveniences belonging to the railway, and the maintenance of the rolling and other stock and movable plant used in working the railway; and also all such rents or annual sums as may be payable in respect of any railway, or warehouses, wharves, or other property leased to or held by the Company, or in respect of the hire of engines, carriages or waggons let to the Company, rent, charges or principal and interest on lands belonging to the Company purchased but not paid for, or not fully paid for, and also all expenses of and incident to working the railway and the traffic thereon, including stores and consumable articles, also rates, taxes, insurance

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and compensation for accidents or losses, also all salaries and wages of persons employed in and about the working of the railway and traffic thereof, and all secretarial and establishment expenses, including agency, legal and other like expenses; and generally all such charges (if any) not above otherwise specified as in the case of English railway companies, are usually carried to the debit of revenue as distinguished from capital account; Provided that no actual levy shall be made by virtue of such execution, without an order or certificate being made by a judge of the court in which such judgment has been obtained, stating that in his opinion proceedings upon such execution will not stop the traffic of the Railway Company against which such judgment shall have been obtained.

Proviso: for certificate of judge as to non-stoppage of traffic.

Judgment, creditor may obtain the appointment of a Receiver or Receiver and Manager.

His duties.

Discharge.

3. Any person who has recovered any judgment against any railway company, may obtain the appointment of a Receiver and if necessary of a Manager, of the undertaking of the Company, on application by petition in a summary way, to any Superior Court of any of the Provinces according to the situation of the railway of the Company, having equity jurisdiction, and if such railway be in more than one Province, then to the Court of Exchequer; and all money received by such Receiver or Manager, shall, after due provision for the working expenses of the railway, and other proper outgoings in respect of the undertaking, be applied and distributed under the direction of the court in payment of the debts of the Company, and otherwise according to the rights and priorities of the persons for the time being interested therein; and on payment of the amount due to every such judgment creditor as aforesaid, the court may, if it think fit, discharge such Receiver or such Receiver and Manager.

Saving of other remedies.

4. The provisions of this Act shall not restrict a creditor of any railway company from adopting any other remedy than that herein provided which he would have without this Act.

5th Session, 3rd Parliament, 41 Victoria,

BILL.

An Act whereby judgments obtai against Railway Companies for d incurred for working expenses be enforced by execution against R way property, and to authorize appointment of a Receiver and M ager in certain cases.

Received and read first time, Monday, March, 1878.

Second reading, Wednesday, 13th Ma 1878.

Mr. IRVIN

OTTAWA:

PRINTED BY MACLEAN, ROGER & C

1878.

No. 46.] **BILL.** [1878.

An Act to amend "*An Act respecting conflicting claims to lands of occupants in Manitoba.*"

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

1. Section seven of the Act passed in the thirty-eighth year of Her Majesty's Reign intituled "*An Act respecting conflicting claims to lands of occupants in Manitoba,*" is hereby repealed and the following substituted: Sect. 7 of 38 V. c. 53, repealed.

"7. The commissioners shall not receive or proceed upon any claim until the party by whom or on whose behalf the same is made, or if such party consists of more than one person then until some one of such persons, has made and produced before the Commissioners an affidavit or affirmation in writing, signed by him, that to the best of his knowledge and belief his claims are well founded, that he is not aware of any adverse claims (if there be none), or if he is aware of any adverse claim, that he has, at least one month before the making of such affidavit, caused to be served upon the party making, having, or supposed to have, such adverse claim, a notice in writing of his claim and of his intention to bring the same before the Commissioners at the time appointed by them for hearing the claims of the respective parties, and a copy of such notice shall be affixed to the affidavit or affirmation." New section substituted. Affidavit to be made and notice given to adverse party before claim shall be proceeded on by the commissioners.

2. The Commissioners shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any Court of law in civil cases; and any wilfully false statement made by any witness on oath or solemn affirmation before the Commissioner shall be a misdemeanour, and shall be punishable in the same manner as wilful and corrupt perjury; but no party or witness shall be compelled to answer any question that he would not be compelled to answer in a Court of law in a civil case. Power to compel attendance of witnesses, &c. Perjury. Proviso.

No. 46.

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

BILL.

An Act to amend "An Act respecting Conflicting Claims to Land of Occupants in Manitoba."

Received and read first time, Monday, 11th March, 1878.

Second reading, Tuesday, 12th March, 1878.

Mr. MILLS.

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1878.

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No. 47 **BILL.** [1877

An Act to provide for the transfer of lands, and estates and interests in lands, in the Territories of Canada, by Registration of Titles.

Preamble.

WHEREAS, it is expedient to provide for the registration of titles to land and to facilitate its transfer, in the Territories of Canada; and to prevent doubts arising as to the validity of titles to land, and unneccessary expenses in obtaining abstracts of titles; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

PART I.

PRELIMINARY.

Short Title.

1. This Act may be cited as the "Territories Real Property Act, 1878."

Interpretation of terms.

2. For the purposes of this Act, in its construction, and in all the instruments purporting to be made or executed in pursuance thereof, the terms hereinafter defined shall (if not inconsistent with the context and subject-matter) bear the meanings set against them respectively:—

Court.

Court shall be held to mean any Court which, by any law of Canada, or by any Ordinance of the Lieutenant Governor in Council or Act of the Legislature of any of the Territories, has jurisdiction over the person or persons, or over the subject matter referred to.

Certificate of title.

Certificate of Title shall be held to mean the instrument executed by the Registrar in the form of schedule E to this Act, a duplicate of which constitutes a separate page in the Register Book, vesting the fee simple or any less estate, as the case may be, in land brought under the operation of this Act, in the person or persons therein named.

Dealing.

Dealing shall be held to mean any transaction of whatever nature under this Act by which land is affected.

Encumbrance.

Encumbrance shall be held to mean any charge on land created for the purpose of securing the payment of an annuity or sum of money other than a debt, and all life-rent interests and other provisions affecting land.

Encumbrancee.

Encumbrancee shall be held to mean the person in whose favour an encumbrance is granted.

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Encumbrancer. *Encumbrancer* shall be held to mean the proprietor of any land, or of any estate or interest in land charged with an encumbrance.

Grant. *Grant* shall be held to mean any grant of land by the Crown, or the instrument by which the Crown conveys a title in fee simple to lands.

Instrument. *Instrument* shall be held to mean any grant, certificate of title, mortgage, will, probate, exemplification of will, bond, release, discharge, letter of attorney, caveat, municipal road by-law, or any other document or writing relating to the transfer or other dealing with land, or evidencing title thereto.

Land. *Land* shall be held to include land commonly so called, extending indefinitely upwards and downwards, and all messuages, tenements and hereditaments, corporeal and incorporeal, of every kind and description, or any estate or interest therein, together with all paths, passages, ways, waters, water-courses, privileges, liberties, easements, plantations, gardens, mines, minerals and quarries, and all meadows, pastures, trees and timber thereon, or thereunder lying or being, unless any such are specially excepted.

Lunatic. *Lunatic* shall be held to mean any person, not an infant who shall have been found upon enquiry by any court or commission of enquiry being legally competent, to be a lunatic, or from infirmity of mind to be incapable of managing his or her own affairs.

Memorial. *Memorial* shall be held to mean the entry signed by the Registrar on the crown grant or certificate of title embodied in the register, of any instrument presented for registration, with the time of registration.

Mortgage. *Mortgage* shall be held to mean the instrument in form schedule—to this Act executed by a debtor to his creditor, by which his estate or interest in a certain lot or parcel of land is pledged for the repayment of money, at a certain specified time or times, with or without interest, or for the performance of some covenant or condition set out in the instrument.

Mortgagee. *Mortgagee* shall be held to be the person in whose favour a mortgage has been granted, or has been transferred or transmitted.

Mortgagor. *Mortgagor* shall be held to be the proprietor of land, or an estate or interest in land, pledged as a security for debt.

Non compos. *Person of unsound mind* shall be held to mean any person, not an infant, who is incapable, from infirmity of of mind, to manage his own affairs.

Proprietor. *Proprietor* shall be held to mean any registered proprietor of an estate in fee simple in land, and shall include any

body politic or corporate, which may be at the time capable of holding lands in the Territories.

Register shall be held to mean the Register of titles to land to be kept in accordance with this Act. Register.

Registrar shall be held to mean any person appointed under this Act as Registrar of titles, and shall include the Registrar now in office. Registrar.

Registration District includes the whole Territories until they are divided into Registration Districts. Transmission.

Secretary of State shall be held to mean the Secretary of State of Canada. Secretary of State.

Territories shall be held to mean the North-West Territories, the District of Kee-way-din, and generally any part of Canada not included within the limits of any Province, and every separate Province or District which may hereafter be formed out of them or any of them shall be held to be a Territory for the purposes of this Act. Territories.

Transfer shall be held to mean the passing of land, or of any mortgage or encumbrance on land, under this Act, whether for valuable consideration or otherwise, and the creating of certain encumbrances by an instrument in writing,—and the instrument of transfer. Transfer.

Transmission shall be held to mean the acquirement of interest in land, consequent on the death of the proprietor, by will or intestacy, or by bankruptcy, marriage, or decree of court, or otherwise than by transfer.

PART II.

THE REGISTRAR AND HIS DUTIES.

3. The Governor may, from time to time, as occasion may require, by commission under the Great Seal of Canada, appoint a fit person to the office of Registrar of Titles in and for the Territories of Canada, or within the limits of any one of them, and shall, in like manner, fill any vacancy occurring by death, resignation, removal, or forfeiture of office; and the person so appointed Registrar shall hold his office during pleasure, and shall keep an office in a place to be named for that purpose in his commission, or at such other place as may be appointed from time to time for that purpose; and it shall be the duty of such Registrar to carry into execution the provisions of this Act so far as such execution devolves upon the Registrar. Appointment. Vacancies. Duty.

4. The Governor in Council may, whenever the public interest renders such a step necessary, divide the Territories of Canada into Registration Districts, and appoint a Registrar for each District; but no such division shall be made, nor additional Registration offices established, nor Registrars appointed, until the necessary appropriation is voted by Parliament. Registration Districts. Proviso.

5. The Registrar in office when this Act takes effect, is hereby continued therein, subject to the provisions and requirements of this Act. Registrar now in office.

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Registrar's bond: and sureties.

6. Before any Registrar appointed under the authority conferred by this Act is sworn into office, he, and two or more sufficient sureties, shall enter into a joint and several bond in writing under their hands and seals to Her Majesty, in a penal sum to be fixed at not less than *four thousand dollars, nor more than ten thousand dollars*, which bond shall be subject to the approval of the Governor in Council; and the same may be taken before any two Justices of the Peace or any Judge or Stipendiary Magistrate of the Province or Territory where the person resides at the time of his appointment, and shall be conditioned for the true and faithful performance by the said Registrar or his Deputy of his duty in respect of all things directed to be done by or required of him by this Act or any law in that behalf, and shall be in the form of Schedule A to this Act, or to the like effect.

How taken.

Condition.

Sureties to justify.

7. The sureties in such bond shall justify under oath, and the execution by the Registrar and sureties shall be verified under oath by a subscribing witness; and such bond and the affidavits of justification shall be executed in duplicate, in the form A in the schedule to this Act, or to the like effect; and one of such duplicates, with the affidavits appended, shall be forthwith transmitted to the Secretary of State, to be fyled in his office, and the other shall be fyled in the office of the Lieutenant-Governor of the Territories, or of the registration district for which the Registrar may have been appointed.

Custody of bond, &c.

New bond when required.

8. The Registrar shall, when required by the Secretary of State, execute a new bond in the form and to the effect provided in the next preceding section, or furnish such other security, as may be deemed expedient.

Liability of Registrar and sureties for his misconduct.

9. If the Registrar in any manner misconducts himself in his office, or neglects to perform his duty in every respect as required of him by this Act, or commits or suffers to be committed any undue or fraudulent practice in the execution thereof, then such Registrar shall, together with his sureties so far as their obligations extend, be liable to pay all damages, with full costs of suit, to any person injured thereby, to be recovered by action in any of Her Majesty's Courts having jurisdiction; and any Deputy executing the office of Registrar during any vacancy by death, resignation, or removal from office of the Registrar, shall, together with the sureties of the Registrar as far as their obligations extend, be for the same cause and in like manner liable as the Registrar and his sureties are in this section declared to be liable, but this shall not exempt the Registrar or his Deputy, as the case may be, from any further responsibility to parties sustaining damage or loss as aforesaid.

And of his deputy in case of vacancy

Oath of office.

10. Every Registrar, before he enters upon the execution of his office, shall take, before some Judge or Stipendiary Magistrate in the Territories, the oath of office in the form of Schedule B to this Act, and which shall be transmitted to the Secretary of State.

May appoint deputies.

11. The Registrar may appoint a Deputy or Deputies, and such other officers as may be necessary for carrying out the provisions of this Act.

Their powers.

12. Any Deputy Registrar may perform all the duties required under this Act, in the same manner, and to the like effect as if done by the Registrar.

Oath of office of deputies.

13. Every Deputy Registrar shall, before he enters upon the execution of his office, take, before some Judge or Stipendiary Magistrate in the Territories an oath to the same effect as that appointed to be taken by the Registrar, and which shall be transmitted to the Secretary of State.

May act for Registrar.

14. Whenever, by any law or Ordinance in force in the Territories, anything is appointed to be done by the Registrar, the same may be lawfully done by his Deputy Registrar.

Registrar or deputy not to act as agents, &c.

15. No Registrar, Deputy Registrar or Clerk in his office, shall, directly or indirectly, act as the agent of any corporation, society, company, person, or persons investing money and taking securities on real estate within his Registration District, nor shall such Registrar, Deputy Registrar, or Clerk, advise, for any fee or reward, or otherwise, upon titles of land, or practice as a conveyancer, nor shall he carry on or transact within the Registry office any business or occupation whatever other than his duties as such Deputy or Clerk, upon pain of dismissal from office.

Nor carry on other business in Registry office.

Residence

16. Every Registrar and Deputy Registrar shall reside within two miles of his office, which shall be kept at the place named in his commission.

Days and hours of office.

17. The Registrar, or his Deputy, shall attend for the discharge of all duties belonging to his office, from the hour of ten in the forenoon until four in the afternoon, every day in the year, Sundays and legal holidays excepted; and no instrument shall be registered by him, or received for registration, except during the days and hours on and at which he is herein required to attend at his office for the discharge of his duties.

Seal of office.

18. The Registrar shall have a seal of office, approved by the Governor in Council, with which he shall seal all certificates of title, and stamp all instruments which have been presented to him for the purpose of authorizing an act of registration.

Copies of documents in Registrar's office.

19. The Registrar shall, when required, and upon the payment of the legal fees, furnish, attested with the seal of his office, exemplifications, copies and abstracts of any uncancelled instrument affecting land, which may be deposited, fyled, kept or registered in his office, and such exemplification or certified copy shall be received as evidence in every Court of Law or Equity in the Territories or the Provinces of Canada, in the same manner and with the same effect as if the original in his office was produced.

To be evidence

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Governor in Council to provide Registry office.

20. As soon after the passing of this Act as practicable, and whenever, at any subsequent period, a new Registration Office is established, the Governor in Council shall provide, at the public expense, and shall thereafter maintain in a proper state of repair, a building of stone or brick to serve as the office of the Registrar, and as the place of deposit and preservation of the registers, duplicates, instruments and documents connected with the registration of titles, and shall fit up the said office with such fire-proof safes and other secure places as may be necessary,

And so for any new Registration district.

Transmission of documents to new office.

21. Whenever any new Registry Office is established, and a part of the Territories is set apart as a new Registration District, the Registrar of the Territories or District from which such new Registration District is detached, shall deliver to the Registrar of such new District the registry book or books and all other books and indexes of names, and of lots and parts of lots, and all instruments and documents which have been kept according to this Act for any lands situate within the limits of the new District; and the Registrar receiving such books and his successors shall keep the same among the registry books of his office, and deal with them in all respects in like manner as those originally supplied to and kept therein.

Separate books for each township, &c.

22. Lands situate in different townships and in registered plans of different cities, towns and villages shall be registered in different books, and shall not be included in the same certificate of title.

Penalty on Registrar refusing to transmit documents to new office.

23. Any Registrar who unlawfully refuses to deliver such books, plans, indexes and instruments as aforesaid within six months after demand in writing therefor made upon him by the Registrar entitled to receive them, shall be guilty of a misdemeanour, and upon conviction thereof shall be liable to a fine in the discretion of the Court, not exceeding *five hundred dollars*, and shall be dismissed from his office.

Duty of Registrar resigning, or removed.

Penalty for disobedience.

Mis lemeanor.

24. In case any Registrar resigns his office, or is removed therefrom, he shall forthwith deliver up all books, plans, indices and instruments in his possession as Registrar, to the person who is appointed Registrar in his stead, or to any person who may be specially appointed in writing by the Minister of the Interior to receive the same; and if such Registrar refuses to do so, the Minister of Justice may direct the Sheriff of the Territory or District to seize and take immediate possession of the same wheresoever found, and the Registrar so refusing shall be guilty of a misdemeanor and shall upon conviction thereof be liable to a fine in the discretion of the Court, not exceeding *two thousand dollars*, and to any term of imprisonment, if the Court think fit to impose it, not exceeding one year, or to both.

Register of titles: form and mode of keeping.

25. The Registrar shall keep a book, to be called the Register of Titles, and shall bind up therein the duplicates of all grants, and of all certificates of title to be issued as hereinafter provided for; and each grant and certificate of

title shall constitute a separate folium of such book, and the Registrar shall record therein the particulars of all instruments, dealings, and other matters by this Act required to be registered or entered in the register, and affecting the land included under each grant or certificate of title. Particulars to be entered in it.

26. The Registrar shall also keep a book, to be called the Presentation Book, in which shall be entered by a short description every instrument which is given in for registration, with the day, hour and, minute of presentation; and for purpose of priority between mortgagees, transferees and others, the time of presentation shall be taken as the time of registration. The Registrar, in entering memorials upon the grants and certificates of titles embodied in the Register, and in endorsing a memorial upon an instrument to be issued, shall take the time from the presentation book as the time of registration. Presentation book: its form and use. Entries of memorials on grants and certificates of titles.

27. Every grant shall be deemed and taken to be registered under the provisions and for the purposes of this Act, so soon as the same shall have been marked by the Registrar with the folium and volume on and in which it is embodied in the Register; and every transfer and other instrument purporting to transfer, or in any way to affect land under the provisions of this Act, shall be deemed to be so registered as soon as a memorial thereof, as hereinafter described, shall have been entered in the Register upon the folium constituted by the existing grant or certificate of title of such land. Registration of grants. And of transfers and other instruments.

28. Except as hereinafter otherwise provided, every instrument presented for registration shall be in duplicate, and shall, unless a Crown Grant, be attested by a witness, and shall be registered in the order of time in which the same is presented for that purpose; and instruments registered in respect of or affecting the same estate or interest shall, notwithstanding any express, implied, or constructive notice, be entitled to priority according to the time of registration, and the Registrar, upon registration thereof, shall fyle one duplicate in his office, and shall deliver the other to the person entitled thereto; and so soon as registered every instrument shall, for the purposes of this Act, be deemed and be taken to be embodied in the Register as part and parcel thereof, and such instrument when so constructively embodied, and stamped with the seal of the Registrar, shall thereupon create, transfer, surrender or discharge, as the case may be, the estate or interest therein mentioned in the lands mentioned in the said instrument. Instruments for registration to be in duplicate. How altered. Order of registration. Effect of registration.

29. In every instrument creating or transferring any estate or interest in land under the provisions of this Act, there shall be implied the following covenant by the party creating or transferring such estate or interest, that is to say: That he will do such acts and execute such instruments as in accordance with the provisions of this Act may be necessary to give effect to all covenants, conditions, and purposes expressly set forth in such instrument, or by this Act declared to be implied against such party in instruments of a like nature; Certain covenants to be implied in instruments creating or transferring any estate or interest in land.

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Effect of implied covenant: how pleaded.

and in any declaration in an action for a breach of any such covenant, the covenant alleged to be broken may be set forth, and it shall be lawful to allege that the party against whom such action is brought did so covenant, precisely in the same manner as if such covenant had been expressed in words in such memorandum of transfer or other instrument, any law or practice to the contrary notwithstanding; and every such implied covenant shall have the same force and effect and be enforced in the same manner as if it had been set out at length in such instrument; and where any memorandum of transfer or other instrument in accordance with the provisions of this Act is executed by more parties than one, such covenants as are by this Act to be implied in instruments of a like nature, shall be construed to be several and not to bind the parties jointly: Provided always, that every covenant and power to be implied in any instrument by virtue of this Act may be negatived or modified by express declaration in the instrument itself.

How understood as to more parties than one.

Proviso: how negatived or modified.

Particulars required in memorials.

30. Every memorial entered in the Register shall state the nature of the instrument to which it relates, the day, hour and minute of the presentation of such instrument for registration, and the names of the parties thereto, and shall refer by number or symbol to such instrument, and shall be signed by the Registrar.

Memorial registered to be recorded on duplicate grant, &c.

31. Whenever a memorial of any instrument has been entered in the Register, the Registrar shall, except in the case of transfer or other dealing endorsed upon any grant, certificate, or other instrument as hereinafter provided, record the like memorial on the duplicate grant, certificate, or other instrument evidencing title to the land intended to be dealt with or in any way affected, unless the Registrar shall, as hereinafter provided, dispense with the production of the same; and the Registrar shall endorse on every instrument so registered a certificate of the time at which the said instrument was presented to be registered, and shall authenticate each such certificate by signing his name and affixing his seal thereto, and such certificate shall be received in all Courts of Law as conclusive evidence that such instrument has been duly registered.

Certificate of time of registration.

Its effect.

No instrument except lease for a year or less valid until registered.

32. No instrument, until registered in manner hereinbefore described, shall be effectual to transfer any land or portion thereof, or any estate or interest therein (except a lease hold interest for a year or for a less period), under the provisions of this Act, or render such land liable as security for the payment of money; but upon the registration of any instrument in manner hereinbefore described, the land specified in such instrument shall pass, or, as the case may be, shall become liable as security, in manner and subject to the covenants, conditions, and contingencies set forth and specified in such instrument or by this Act declared to be implied in instruments of a like nature; and should two or more instruments executed by the same proprietor, and purporting to transfer the same land or portion thereof, be presented at the same time to the Registrar for registration and endorse-

Effect of registration.

When two instruments to the same effect have been pre-

ment, he shall register and endorse that instrument under which the person claims who shall present to him the grant or certificate of title to such land. sented at the same time.

33. The Registrar shall not register any instrument purporting to transfer, or otherwise to deal with or affect any land under the provisions of this Act, except in the manner herein provided, nor unless such instrument be in accordance with the provisions hereof, but any instrument substantially in conformity with the schedules to this Act for an instrument of like nature shall be sufficient: Provided that the Registrar shall have power to reject any instrument appearing to be unfit for registration. Form of instruments for registration. Proviso.

34. The Registrar may register the following documents :— What documents may be registered.

1. Grants from the Crown.

2. Certificates of Title.

3. Mortgages.

5. Probates of Wills.

6. Exemplifications of Wills probated.

7. Bonds of agreement for the sale or purchase of land.

8. Transfers given by any public officer under sale by virtue of his office.

9. Powers of Attorney, under which any instrument affecting land can be executed.

10. Certificates of decrees of forfeiture and all judgments and other judicial determinations affecting any title or interest in land.

11. Certificates of the fyling or dismissal of any bill, or the taking of any proceedings in any court of competent jurisdiction whereby any title to or interest in any land may be brought in question.

12. Certificates of the payment in full of any sum secured by mortgage.

13. Certificates of the payment of any tax for the payment of which the land is offered for sale.

14. And all other instruments in any wise affecting lands in the Territory or Registration District for which the Registration Office is established. All other instruments affecting land.

35. The Registrar may exercise the following powers in addition to the other powers conferred under this Act, that is to say :— Further powers of Registrar.

To require production of title.

1. He may require the proprietor or mortgagee, or other person interested in any land in respect of which any transfer, lease, mortgage, encumbrance, or other dealing, or release from any mortgage or encumbrance about to be transferred or transmitted, or in respect of which any transfer or transmission is about to be registered, or registration abstract granted, under this Act, to produce any grant, certificate of title, conveyance, mortgage, lease, or other instrument in his possession or within his control, affecting such land or the title thereto.

To summon parties to produce instruments, and give explanations respecting lands or titles.

Penalty for refusing the same.

2. He may summon any such proprietor, mortgagee or other person as aforesaid to appear, and give any explanations respecting such lands, or the instruments affecting the title thereto; and if, upon requisition made by the Registrar, such proprietor, mortgagee or other person refuses or wilfully neglects to produce any such instrument or allow the same to be inspected, or refuses or wilfully neglects to give any information or explanation which he is hereinbefore required to give, or knowingly misleads or deceives any person hereinbefore authorized to demand any such information, he shall, for each such offence, incur, upon conviction, a penalty not exceeding *five hundred dollars*; and

And Registrar may refrain from registering.

the Registrar, if the information or explanation so withheld appears to him material, shall not be bound to proceed with the registration of such transfer or other dealing, or with the issuing of such registration abstract, as the case may be.

Form of and mode of enforcing summons.

3. And every such summons issued by the Registrar as above mentioned, shall be in the form contained in Schedule C. to this Act or to like effect, and may be enforced by him in like manner and by the like proceeding, and with the like penalty as provided in sections *one hundred and fourteen and one hundred and fifteen* for the case of any instrument issued in error or wrongfully retained.

Administering oaths, &c.

4. He may administer any oath or take any affirmation or declaration in lieu of an oath from any one entitled by law o affirm or declare.

Correcting errors in certificates of title, &c.

Proviso: as to mode of correction.

Its effect.

5. He may, upon such evidence as shall appear to him sufficient in that behalf, correct errors in certificates of title or in the Register, or in entries made therein respectively, and may supply entries omitted to be made; provided always, that in the correction of any such error he shall not erase or render illegible the original words, and he shall affix the date upon which such correction was made or entry supplied, with his initials; and every certificate of title so corrected, and every entry so corrected or supplied, shall have the like validity and effect as if such error had not been made or such entry omitted, except as regards any entry actually or constructively embodied in the Register prior to the actual time of correcting the error or supplying the omitted entries.

He may enter caveat on be-

6. He may enter a caveat, on behalf of Her Majesty or on behalf of any person who may be under the

disability of infancy, lunacy, unsoundness of mind or absence from the Territories, to prohibit the transfer or dealing with any land belonging, or supposed to belong, to the Crown or to any such person as hereinbefore mentioned, and also to prohibit the dealing with any land in any case in which it shall appear to him that an error has been made by misdescription of such land or otherwise, in any certificate of title or other instrument, or for the prevention of any fraud or improper dealing.

half of Her Majesty and certain other persons.

And prohibit dealing with land in certain cases.

7. He may mark or stamp any instrument produced to him with a memorandum indicating such production, and the number distinguishing the application in reference to which the same was produced.

May mark documents presented to him.

8. The Registrar shall endorse upon the grant from the Crown or upon the certificate of title, as the case may be, a memorial of every mortgage, encumbrance, lease, rent-charge, term of years, or other dealing affecting the land, and such memorial shall be endorsed upon the duplicate in the possession of the proprietor as well as upon the duplicate which is in the Register.

9. The Registrar, in case he shall see reasonable cause for so doing, may dispense with the production of any grant, certificate of title, lease, or other instrument, for the purpose of entering the memorial by this Act required to be entered upon the dealing with land; and upon the registration of such dealing the Registrar shall note in the entry of the memorial in the Register that no entry of such memorial has been made on the duplicate grant or other instrument, and such dealing shall, thereupon, be as valid and effectual as if such memorial had been so entered: Provided always that before registering such dealing the Registrar shall, in such case, require the party dealing to make an affidavit that such grant or instrument has not been deposited by way of lien or as security for any loan, and satisfactorily to account to the Registrar for its non-production, and shall give at least thirty days' notice of his intention in some newspaper published in the Registration District, if there be such newspaper, or in the absence of such publication, to give such public notice as the Registrar may think necessary.

May dispense with instruments as respects entry of memorial.

Note on such entry.

Proviso: may require affidavit of party not producing such instrument.

10. The Registrar may require the proprietor of any land within his Registration District desiring to transfer or otherwise to deal with the same under the provisions of this Act, to deposit with the Registrar a map or plan of such land, with the several measurements marked thereon, certified by a licensed surveyor, and upon one of the following scales:—

May require a plan of land dealt with.

(*a.*) If the land, or the portion thereof proposed to be transferred or dealt with, is of less area than one acre, then such map or plan shall be on a scale not less than one inch to two chains.

Scales of such map or plan.

(*b.*) If such land, or the portion thereof proposed to be transferred or dealt with, is of greater area than one

acre, but not exceeding five acres, then such map or plan shall be on a scale not less than one inch to five chains.

(*c.*) If such land, or the portion thereof proposed to be transferred or dealt with, is of greater area than five acres, but not exceeding eighty acres, then such map or plan shall be on a scale not less than one inch to ten chains.

(*d.*) If such land, or the portion thereof, proposed to be transferred or dealt with, is of greater area than eighty acres, then such map or plan shall be on a scale of one inch to twenty chains.

If party refuses to comply.

And if such proprietor neglects or refuses to comply with such requirements as aforesaid, it shall not be incumbent on the Registrar to proceed with the registration of such transfer or dealing: Provided always, that subsequent sub-divisions of the same land may be delineated upon the map or plan of the same so deposited, if such map be upon a sufficient scale in accordance with the provisions herein contained; and the correctness of the delineation of each such sub-division shall be acknowledged in manner prescribed for the case of the deposit of an original map.

Proviso: as to subsequent sub-divisions of the land.

As to parts of different legal subdivisions.

11. Where parts of different legal sub-divisions are included in the same tranfer, the map shall represent the whole of such legal sub-divisions, and shall indicate the location of the lands to be transferred: Provided always, that this shall not be necessary in the case of lots in a city, town or village, the plan of which has been registered.

Proviso.

Fees.

12. The Registrar shall demand and receive the several fees specified in Schedule D. to this Act, and may perform the duties and authorize the acts for which fees are specified therein.

Fees to be accounted for and paid to Receiver General.

13. The Registrar shall keep a correct account of all sums of money received by him in accordance with the provisions of this Act, and shall pay the same to the *Receiver-General* at such times and in such manner as shall be directed by the Governor in Council.

PART III.

CROWN GRANTS, CERTIFICATES OF TITLE, ABOLITION OF ESTATES TAIL, PROVISION FOR WIVES AND CHILDREN, TRUSTS, JOINT ESTATES.

Crown grants, form and registration of.

36. Crown Grants of land in the Territories shall be grants in fee simple, in accordance with the provisions of this Act, and Grants therefor shall be made out in duplicate in the form given in Schedule E to this Act, and the grants shall be registered in the office of the Registrar General, and one duplicate, with a memorandum of registration endorsed thereon, shall be forwarded to the Registrar of the Registra-

tion District in which the land so granted is situate; and in case any grant for lands in the Territories shall have been issued prior to the passing of this Act, the Registrar General shall forward to the said Registrar a copy of such Grant for the purpose of registration, and such copy shall be registered as a duplicate. Grants issued prior to this Act.

37 Any mortgage or other encumbrance created by any party rightfully in possession of lands prior to the issue of the grant, may be fyled in the office of the Registrar General, who shall endorse upon the duplicate of the grant a memorandum of such encumbrance, and when so entered and endorsed the said mortgage or encumbrance shall be as fully valid as if made subsequent to the issue of the grant; and should more than one mortgage or encumbrance be fyled, they shall be registered in the order of time in which they have been fyled in the office. Encumbrances prior to the grant. If more than one.

38. When lands contained in a grant from the Crown have been transferred or transmitted in the manner hereinafter provided for, the Registrar shall make out in duplicate a certificate of title in favour of the new proprietor, in the form contained in Schedule F to this Act; one duplicate of which he shall register in the same manner as hereinbefore provided for grants from the Crown, and the other he shall deliver to the new proprietor; and in like manner a fresh certificate of title shall be issued at every fresh transfer *or transmission*, and the previous certificate of title shall be cancelled; and the title of the proprietor under each fresh certificate shall be valid and effectual in every respect as if he had been the original grantee in the grant from the Crown of the land contained in the certificate. Certificate of title to land transferred after grant. Duplicate to proprietor. And so at every fresh transfer. Title under fresh certificate.

39. The duplicate certificate of title issued by the Registrar to any purchaser of land upon a genuine transfer or transmission from the registered proprietor thereof, shall be taken by all courts of law as conclusive evidence that the person named therein as proprietor of the land, is the absolute and *indefeasible* owner thereof, and the title of such proprietor shall not be subject to challenge, except on the ground of fraud or misrepresentation, to which he shall have been proved to be a party; and a certified copy of any registered instrument, signed by the Registrar and sealed with the seal of his office, shall be received in evidence in the same manner as the original. Effect of duplicate of certificate as evidence. Indefeasible title except in case of fraud proved. Certified copy of any registered title: its effect.

40. It shall not be lawful for any grantee of Crown Lands, his heirs, representatives or assignees, by any transfer, transmission or dealing with the said lands, to change the fee-simple of the lands granted into any limited fee or fee-tail, but the land, whatever form of words may be used, in any instrument of transfer or transmission or dealing, shall be and remain an *absolute estate* in the proprietor for the time being. Limited fees or fees-tail prohibited. Estate to be absolute in proprietor for time being.

41. When conditions are contained in any instrument of transfer *or transmission*, they shall not be registered, but any Conditions of transfer not to be

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registered: but caveat may be founded on them.

person who may consider himself entitled to challenge the right of the proprietor of land, because of any condition contained in any such instrument, may enter a caveat in the manner hereinafter provided, to stop all dealings in the land conveyed by such instrument, until his rights be determined in the manner provided in Part XI of this Act.

When proprietor desires to change his estate.

Execution of encumbrance.

42. When a proprietor, in view of marriage, desires to make provision for his intended wife and the children of the marriage, or where a proprietor desires to make provision for his son or daughter or other person in view of his or her marriage, or where in his life time he desires to make provision for his wife or children, or where he desires to charge his estate in favour of any person, or for any lawful object whatever, he may execute an encumbrance in the form contained in Schedule G to this Act, or as near thereto as circumstances will permit, and the said encumbrance, when registered, shall fully and effectually charge the land with the encumbrance so created.

When he desires to limit his estate to one for life.

43. When the proprietor of land desires to limit his own estate in the land to an estate for life, it shall be lawful for him to do so by a transfer, as set forth in Schedule H to this Act, or as near thereto as circumstances will permit; but he shall, by the same instrument, transfer from himself the fee simple, and his estate for life shall be deemed and taken to be a life rent enjoyment of the fruits of the estate, and an encumbrance on the fee simple, and it shall be registered by the Registrar as such, and endorsed on the duplicate certificate of title to be issued to the registered proprietor of the fee simple.

When transfer is to trustees, trusts not to be entered: duty of Registrar.

44. When the proprietor of land transfers or transmits the same to trustees, the Registrar shall not make any entry in the Register of the trusts, but he shall register the fact that the persons in whose favour the instrument is granted are trustees, by adding the words "as trustees" after their names and designations in the Register, and on the duplicates of the certificates of title to be issued in their favour; and the instrument creating the trust, or a duplicate or certified copy thereof, shall be preserved in the Registry.

When encumbered lands are subsequently divided, &c.

45. When lands have been mortgaged or encumbered, and have been subsequently divided and transferred to different proprietors without the mortgage or encumbrance being discharged, and when several parcels of land are embraced in the same mortgage or encumbrance, the memorial made by the Registrar on each certificate of title shall disclose the fact that other lands than the parcel for which the certificate of title is given, are held as security under such mortgage or encumbrance.

When there are two or trustees.

46. When two or more trustees are appointed by any instrument of transfer or transmission to execute a trust, and one or more of them die, the survivors or survivor of them may execute the trust, unless the terms of the instrument express a contrary intention, and the Registrar shall add after the words "as trustees" in the certificate of title, the words

"with survivorship" or "no survivorship" or "with survivorship to a quorum," or as the case may be.

Caveat as to lands held in trust.

47. The grantor of the instrument of trust, or the beneficiaries thereunder, or any one of the trustees, or the guardians or next friends of any infant having interest, may by caveat, as hereinafter provided, stay the registration of any instrument of transfer or dealing with the land by the trustees, until the caveator has been heard as to his interest in the manner provided in Part XI hereof. Effect.

Disclaimer by trustee not accepting.

48. Any person who shall not have given his consent to act as a trustee under any instrument of trust, may, either before or after the instrument of transfer or transmission creating such trust is registered, execute an instrument of disclaimer, and the Registrar shall take notice of such disclaimer, if received before the instrument of trust has been registered, by adding after the words "as trustee" following the name and designation of the person refusing to act the word "disclaimer;" and if the duplicate certificate of title has already been issued, he may call it in for correction at the expense of the disclaiming trustee, but only when the said trustee has not acted in the trust. Registration.

Transfers, &c., to two or more to be deemed in common unless otherwise provided.

49. All transfers and devises of lands, or of any interest therein, made to two or more persons, except as provided in the next following section, shall be construed to create estates in common and not in joint tenancy; unless it manifestly appears from the tenor of the instrument that it was intended to create an estate in joint tenancy.

Exception as to mortgage, &c., joint tenancy.

50. The next preceding section shall not apply to mortgages, nor to transfers in trust, nor to transfers made to husband and wife; and every estate vested in executors or trustees, husband and wife as such, shall be held by them in joint tenancy.

Tenancy by the courtesy abolished.

51. Tenancy by the courtesy being inconsistent with the provisions respecting the descent of real estate made by Act 38 Victoria, chapter 49, intituled "*An Act to amend and consolidate the Laws respecting the North-West Territories*" is hereby declared to have been thereby abolished and is hereby abolished in all the Territores of Canada.

And in dower.

52. Tenancy in dower is hereby abolished.

Wife's right and children on death of husband. Testate or intestate.

53. When a husband dies, whether testate or intestate, as to any land of which he is then owner in fee simple, leaving a widow surviving him, one third of such lands shall *descend* to her in fee simple, provided that her right is not barred by her electing to take the homestead for life, or as hereinafter mentioned: and the widow's share shall be transferred to her by his administrator. Proviso.

Husband's and children's rights when

54. When a wife dies intestate as to any lands of which she is then the proprietor in fee simple, leaving a widower

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a wife dies intestate.

surviving her, one third of her lands, or the value of such third, shall go to him, provided his right is not barred as hereinafter mentioned.

Wife's rights barred by marriage settlement.

Proviso.

55. Whenever an estate in lands is transferred to an intended wife, or to any person in trust for her, as a marriage settlement in lieu of her right in the lands of her husband, the same shall be a bar to her right in such lands: Provided always, that she, at the time of the execution of such transfer or settlement, subscribed the instrument creating such marriage settlement as an assenting party thereto.

Husband's rights barred by instrument of transfer.

Proviso.

56. Whenever an estate in lands or other property is transferred to an intended husband, or to any person in trust for him, as an equivalent for or in lieu of any right in the lands of his intended wife, the same shall be a bar to such right or claim: Provided that he at the time of the execution of such transfer or settlement subscribed the instrument making such transfer or settlement, as an assenting party thereto.

Wife to make election between lands devised, &c., or her legal right.

Proviso.

57. If lands be devised to a wife or any other provision be made for her by the will of her husband or by marriage settlement without her consent, in lieu of her right to the lands of her husband, which descend to her under section fifty-three of this Act, she shall make her election whether she will take the Estate so devised or the settlement so made, or whether she will retain the right to that portion of the lands which so descend to her; but she shall not be entitled to both unless it plainly appears from the will or marriage settlement to have been the intention of the testator that she should have the lands so devised in addition to that portion of her husband's lands which descend to her under the provisions of this Act.

Forfeiture of wife's rights,

58. If a wife shall have left her husband, and shall have lived after leaving him, in adultery, she shall take no part of the estate of her husband.

Or of husband's.

59. If a husband shall have left his wife and shall have lived in adultery after leaving her, he shall take no part of her estate.

Illegitimate children to inherit from mother.

60. Illegitimate children shall inherit from the mother as if they were legitimate, and through the mother if dead, any property or estate which she would, if living, have taken by purchase, gift, devise, or descent from any other person.

And mother from them.

61. When an illegitimate child dies intestate without issue, the mother of such child shall inherit, subject to any rights acquired by the husband or wife, as the case may be, under section fifty-three or fifty-four of this Act.

Provision of 38 Vic., cap. 49, not to apply to lands held in trust.

62. The provisions of the Act 38 Victoria, chapter 49, entitled "*An Act to amend and consolidate the laws respecting the North-West Territories*," as to the descent of lands, do not and shall not extend or apply to lands held by the deceased

in trust for any other person or persons; and such lands shall, if they do not, under the instrument creating the trust, devolve in trust on any certain person or party, go to the administrator of the deceased trustee, and be by him administered in conformity with the conditions contained in the instrument creating the trust

How such lands shall be dealt with.

PART IV.

SUCCESSION TO LAND IN CASES OF INTESTACY.

63. From and after the passing of this Act, all lands, (except lands held in trust), which by the operation of the law relating to real property now in force within the Territories would upon the death of the owner intestate in respect of such land, pass to his heir or heirs at law, shall, instead thereof, pass to and become vested in *his personal representatives*, or the administrator of his estate, in like manner as chattels real.

Lands not in trust vested in personal representatives.

64. Lands so passing shall be included by the Administrator in his inventory and account, and be disposable in like manner as personal assets, without distinction as to order of application for payments of debts or otherwise, except that debts shall be paid out of personalty as far as can be done; and the net proceeds of such lands, after payment of the debts and liabilities of the intestate, or the lands themselves, if there are no such debts and liabilities or if such debts can be satisfied out of his personal property, shall go to and be transferred by the administrator to the persons entitled as heirs of the deceased proprietor, subject to the provisions hereinafter made for partition among such persons, if they cannot be conveniently divided among the persons entitled.

Administrators duty as to lands.

If there are no debts which can be paid out of personalty.

65. It shall be lawful, from time to time, for the Court, upon the application of the Administrator or of any person beneficially interested, and after such previous notice to other parties and after such inquiry as it shall think fit, to order and direct the course of proceeding, which shall be taken in regard to the time and mode of sale of such land; the letting and management thereof until sale; the application for maintenance, or advancement or otherwise of shares of infants; the expediency and mode of effecting a partition if applied for; and generally in regard to the administration of the property for the greatest advantage of all persons interested: Provided that any partition under this section shall be subject to the provisions hereinafter made as to partitions in other cases, unless the Judge should (as he may do for cause shown) vary or dispense with any of the said provisions, or any of the requirements thereof.

Court on application may make certain orders as to lands of intestate.

Proviso, as to partition.

66. Provided further that in any case wherein, upon such inquiry, the Court shall be satisfied that a partition of the land in the manner hereinafter mentioned would be more advantageous to the parties interested therein, it shall be lawful for the Court to appoint one or more arbitrators to

Court may in certain cases order partition by arb trators.

effect such partition, and to exercise in regard thereto, under the direction and control of the Court, such powers as the Court may, by any order confer; And the report and final award of the said arbitrators, setting forth the particulars of the land allotted to each party interested shall, when signed by them and confirmed by the order of the Court, and when also registered, be effectual without the necessity of any further proceeding, to vest in each allottee the land so allotted, and to empower the Registrar to grant a certificate of title to each such allottee.

Award to be final when confirmed by Court.

Certificates to allottees.

If allotment is subject to any charge.

67. In whatever way the partition is made, it shall be the duty of the Registrar to issue to each allottee a certificate of title accordingly, and to open a folium in the Register for each allottee in manner hereinafter provided in the case of transfers. And if such allotment be made subject to the charge of any money payable to any other party interested for equalizing the partition, such charge shall, when registered, take effect according to the terms and conditions in regard to the time and mode of payment and otherwise which shall be expressed in such award, without the necessity of any further instrument being made or executed, and a memorial thereof shall be entered on the folium of the Register and on the certificate of title delivered to the allottee.

Court may make rules for guidance of administrators as to real estate.

Proviso.

68. It shall be lawful for the Court, from time to time, to make rules for the ordinary guidance of administrators in relation to the real estate administered as personal assets, either by inserting the same in letters of administration, or promulgating the same in like manner with other general rules affecting the practice of the Court; Provided that no rules shall prejudice or control the effect of any special order to be made by the Court, upon such an inquiry as aforesaid in any particular case.

Application of preceding provisions.

69. The preceding provisions shall be alike applicable to any executor to whom, in case of *partial intestacy*, land shall pass under this Act, and to any administrator of the estate of a deceased person, and to any other person fulfilling a like duty.

Lands liable for debts of deceased.

70. All lands of a deceased person, testate or intestate, with respect to them, except only the widow's share thereof, shall be liable, in proportion to their respective values, in the hands of the administrator or of the devisee, for the debts and liabilities of the deceased, after payment of debts, liabilities and bequests out of his personalty, unless he died testate, and by his will has directed otherwise, in which case his directions shall be obeyed as to any surplus left after the satisfaction of his debts and liabilities.

PART V.

TRANSFERS.

Form of transfer.

71. When land under the provisions of this Act, or any portion of such land, is intended to be transferred, or any

right-of-way or other easement is intended to be created or transferred, the registered proprietor may execute a transfer in the Form contained in Schedule H to this Act, which transfer shall, for description of the land intended to be dealt with, refer to the grant or certificate of title of such land, or shall give such description as may be sufficient to identify the same, and shall contain an accurate statement of the land or easement intended to be transferred or created, and a memorandum of all leases, mortgages, and other encumbrances, to which the same may be subject, and of all rights of ways, easements and privileges intended to be conveyed ; and such transfer, if it be endorsed on the instrument evidencing the title of the transferror, need not be executed in duplicate.

What to contain.

If endorsed on instrument of title.

72. Whenever any easement or any incorporeal right other than an annuity or rent charge, in or over any land subject to the provisions of this Act, is created for the purpose of being annexed to or used and enjoyed together with other land under the provisions of this Act, the Registrar shall enter a memorial of the instrument creating such easement or incorporeal right upon the folium of the Register constituted by the existing grant or certificate of title of such other land.

When easement or incorporeal right is created.

Memorial to be registered.

73. If the transfer purports to transfer the whole or part of the land mentioned in any grant or certificate of title, the transferor shall deliver up the duplicate grant or certificate of title of the said land, and the Registrar shall when registering the transfer enter in the Register and on the duplicate grant or certificate of title, a memorandum cancelling the same, either wholly or partially, according as the transfer purports to transfer the whole or part only of the land mentioned in such grant or certificate of title ; Provided always that in case the whole of the land mentioned in any grant or certificate of title is transferred, the Registrar may, except when a tenancy in common is thereby created or cancelled, instead of cancelling the same enter in the Register and on the duplicate grant or certificate of title, a memorial of such transfer, and deliver the duplicate to the transferee.

If the whole or part of land mentioned in grant or certificate of title is transferred.

Proviso : if the whole is transferred.

74. The Registrar, upon cancelling any grant or certificate of title, either wholly or partially, pursuant to any such transfer, shall make out to the transferee a certificate of title to the land mentioned in such transfer, and every such certificate of title shall refer to the original grant of such land and to the instrument of transfer, and the Registrar shall retain every transfer and cancelled grant or certificate of title, and in the case of a partially cancelled grant or certificate of title, shall return the duplicate to the grantee after the memorandum partially cancelling the same has been entered thereupon, or may, whenever required thereto by the proprietor of an unsold portion of land included in any such partially cancelled grant or certificate of title, or by a registered transferee of such portion, or of any part thereof, or where such a course may appear more expedient, make out to such proprietor or transferee a certificate of title for such portion or any part thereof, of which

New certificate to transferree.

Form and contents.

Duty of Registrar.

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he is the proprietor or transferee, upon the delivery of the partially cancelled grant or certificate of title to the Registrar to be cancelled and returned.

Covenants to be implied in every transfer.

75. In every instrument transferring an estate or interest in land under the provisions of this Act, subject to mortgage or encumbrance, there shall be implied the following covenant by the transferee, that is to say : That such transferree will pay the interest, annuity or rent charge secured by such mortgage or encumbrance, after the rate and at the time specified in the instrument creating the same, and will indemnify and keep harmless the transferor from and against the principal sum secured by such instrument, and from and against all liability in respect of any of the covenants therein contained or under this Actim plied, on the part of the transferor.

Transfers of mortgages, leases, &c

76. Mortgages, encumbrances and leases, may be transferred by a transfer executed in the form contained in Schedule I to this Act. The transfer must be registered in the manner hereinbefore set forth, and transferees shall have priority, according to the date and time of registration. And any mortgagee may transfer a part of the sum secured by the mortgage by a transfer executed in the form of Schedule J to this Act, and the part so transferred shall continue to be secured by the mortgage,and may be given priority over the remaining part, or may be deferred, or may continue to rank equally with it under the security of the original mortgage, as may be stated in the instrument of transfer, and the Registrar shall enter on the certificate of Title a memorial of the amount of the mortgage so transferred, the name of the transferee, and how the sum so transferred is to rank, and shall notify the mortgagor of the facts.

Effect of registration thereof.

77. Upon the registration of any transfer of any mortgage, encumbrance or lease, the estate or interest of the transferor, as set forth in such instrument, with all rights, powers and privileges thereto belonging or appertaining, shall pass to the transferee, and such transferee shall thereupon become subject to and liable for all and every the same requirements and liabilities to which he would have been subject and liable if named in such instrument originally as mortgagee, encumbrancee, or lessee of such land, estate or interest.

Further rights of transferee.

78. By virtue of every such transfer the right to sue upon any mortgage or other instrument, and to recover any debt, sum of money, annuity, or rent charge thereunder, (notwithstanding the same may be deemed or held to constitute a *chose* in action) and all interest in any such debt, sum of money, annuity, or rent charge, shall be transferred so as to vest the same in law in the transferee thereof :

Proviso : as to trusts.

Provided always that nothing herein contained shall prevent the court from giving effect to any trusts affecting the said debt, sum of money, annuity, or rent charge in case the transferee shall hold the same as trustee for any other person.

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PART VI.

LEASES.

Form of lease —and what to contain.

79. When any land under the provisions of this Act is intended to be leased or demised for a life or lives, or for any term of years exceeding one year, the proprietor shall execute a lease in the form contained in Schedule K to this Act, and every such instrument shall, for description of the land intended to be dealt with, refer to the grant or certificate of title of the land, or shall give such other description as may be necessary to identify such land; and a right for or covenant by the lessee, to purchase the land therein described, may be stipulated in such instruments, and in case the lessee pays the purchase money stipulated, and otherwise observes his covenants expressed and implied in such instrument, the lessor shall be bound to execute a transfer to such lessee of the said land and the fee simple thereof, and to perform all necessary acts, by this Act prescribed, for the purpose of transferring land to a purchaser in fee simple: Provided always that no lease of mortgaged orencumbered land shall be valid and binding against the mortgagee or encumbrancee, unless such mortgagee or encumbrancee shall have consented to such lease prior to the same being registered, and that no lease for a period exceeding one year shall be valid unless registered.

Stipulation for sale and purchase.

Proviso : as to land encumbered.

Leases under a year.

80. Any lease or agreement for a lease which shall have been granted for a term not exceeding one year, shall be valid without registration : Provided that no right or covenant to purchase the freehold, contained in any such lease or agreement, shall be valid as against any subsequent purchaser of the reversion, unless such lease or agreement be registered.

Proviso : as to stipulation for purchase.

Lessee abandoning possession.

Power of Registrar.

81. Where a lessee or his assignee has delivered to the lessor or his agent the duplicate of the lease accompanied by some writing signed by the lessee or his assignee, evidencing his intention to give up possession of the land comprised in such lease, the Registrar may, upon application to him by the lessor, and production of such evidence as he may require, that the lessee or his assignee has abandoned the occupation of the land comprised in the said lease, make an entry in the Register of the surrender of such lease; and a lease may be extended in the manner hereinafter provided as to mortgages and encumbrances.

Conditions implied against lessee.

82. In any memorandum of lease, unless a contrary intention appears therein, there shall be implied the following covenants against the lessee, that is to say :

1. That he will pay the rent thereby reserved at the times therein mentioned, and all rates and taxes which may be payable in respect of the demised property during the continuance of the lease.

2. That he will at all times during the continuance of the said lease keep, and at the termination thereof yield up,

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the demised [property] in good and tenantable repair, accidents and damage to buildings from fire, storm, and tempest, and reasonable wear and tear, excepted.

And powers in favour of lessor.

83. In any memorandum of lease unless a different intention appears therein, there shall also be implied the following powers in the lessor, that is to say:—

To distrain.

1. That he may distrain, according to law.

To inspect premises.

2. That he may, by himself or his agents, twice in every year during the term, at a reasonable time of the day, upon giving the lessee two days previous notice, enter upon the demised property and view the state of repair thereof, and may serve upon the lessee, or leave at his last or usual place of abode, or upon the demised premises, a notice in writing of any defect, requiring him within a reasonable time, to be therein mentioned, to repair the same.

To re-enter on default of compliance with conditions.]

3. That in case the rent or any part thereof is in arrear for the space of *one* calendar months, or in case default shall be made in the fulfilment of any covenant, whether expressed or implied, in such lease on the part of the lessee, and shall be continued for the space of six calendar months, or in case the repairs required by such notice as aforesaid shall not have been completed within the time therein specified, such lessor may enter upon and take possession of such demised premises.

Duty of Registrar in case of re-entry.

84. In any such case the Registrar, upon proof to his satisfaction of lawful re-entry and recovery of possession, by a lessor, shall note the same by entry in the Register, and the estate of the lessee in such land shall thereupon determine, but without releasing the lessee from his liability in respect of the breach of any covenant in such lease expressed or implied, and the Registrar shall cancel such lease if delivered up to him for that purpose.

Short form of lease: conditions implied. Schedule J.

85. Whenever in any lease made under this Act, the lessee shall adopt any of the forms of words in column one of the form contained in Schedule L to this Act, and distinguished by any number therein, such lease shall be taken to have the same effect and be construed as if he had inserted therein the form of words contained in column two of the same Schedule and distinguished by the same number; and every such form shall be deemed a covenant with the lessor and his transferees by the lessee, binding the latter and his heirs, executors, administrators and transferees, but it shall not be necessary in any such lease to insert any such number. There may be introduced into or annexed to any of the forms in the first column any expressed exceptions from or expressed qualifications thereof respectively, and the like exceptions or qualifications shall be taken to be made from, or in corresponding forms in the second column.

Surrender effected

86. Whenever any lease or demise which is required to be registered by the provisions of this Act is intended to be

surrendered, and the surrender thereof is effected otherwise than through the operation of a surrender in law, or than under the provisions of any law relating to bankrupt estates, there shall be endorsed upon such lease or counterpart thereof the word "surrendered," with the date of such surrender, and such endorsement shall be signed by the lessee and the lessor as evidence of the acceptance thereof, and shall be attested by a witness, and the Registrar shall thereupon enter in the Register a memorial recording the date of such surrender, and shall likewise endorse upon the lease a memorandum recording the fact of such entry having been so made in the Register, and upon such entry having been so made, the estate or interest of the lessee in such land shall vest in the lessor or in the person in whom, having regard to intervening circumstances, if any, the said land would have vested if no such lease had ever been executed, and production of such lease or counterpart bearing such endorsed memorandum, shall be sufficient evidence that such lease has been so surrendered ; Provided, that no lease subject to mortgage or encumbrance shall be surrendered without the consent of the mortgagee or encumbrancee.

Surrender otherwise than by operation of law.

Duty of Registrar.

87. When the lessee of any land for a term of years shall be deceased, it shall be lawful for his executor, administrator, or other persons lawfully administering his estate, to apply, with the consent of the person or persons beneficially entitled to such leasehold interest, to the court or a judge thereof, for leave to commute the liability of the estate of the deceased lessee under such lease, by paying into court such sum of money as the court or judge may order, *ex parte* or otherwise as to such court or judge shall seem fit; and upon the production to the Registrar of such order as aforesaid, and a certificate from the Registrar of such Court that the terms thereof have been complied with, it shall be lawful for the Registrar to enter in the Register the word "cancelled" upon the Register folium of such lease and upon the lease if produced to him for that purpose, and thereupon such lease shall be cancelled and of no effect.

Case of death of lessee provided for :—Proceedings

Duty of Registrar.

PART VII.

MORTGAGES AND ENCUMBRANCES.

88. Whenever any land subject to the provisions of this Act is intended to be charged or made security in favour of any mortgagee, the mortgagor shall execute a mortgage in form contained in Schedule M to this Act, or to the like effect ; and whenever any such land is intended to be charged with or made security for the payment of an annuity, rent charge, or sum of money, in favour of any encumbrancee, the encumbrancer shall execute an encumbrance in form contained in Schedule G to this Act, or to the like effect, which must be registered as hereinbefore provided for.

Forms of mortgage and of encumbrance.

89. The mortgagor and mortgagee, the encumbrancer and the encumbrancee, or their respective transferrees, may, before and after the expiration of any mortgage or encum-

Extension of mortgage, encumbrance or

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lease, how effected.

brance, and the lessor and lessee or their respective transferrees may before, at, or after the expiration of any lease, if agreeing to an extension of time for such mortgage, encumbrance or lease, upon the same terms as mentioned in the mortgage, encumbrance, or lease, cause to be endorsed upon the mortgage, encumbrance, or lease the word "extended," signed by the mortgagor and mortgagee, encumbrancer and encumbrancee, or lessor and lessee, or their respective transferrees, and duly witnessed, which shall mean a further extension for one year, or if the agreement is for a longer or shorter time, may add such further words as may be required; and such extended term shall have the same effect as if the same were expressed in the original instrument, and upon being presented to the Registrar he shall enter a memorial in the Register of such extension, and on the duplicate of such mortgage, encumbrance, or lease fyled, as the case may require; and if any reduction of interest or rent is agreed upon, or other alteration of terms made in consideration of such extension, such reduction, increase or alteration shall also be added: Provided that in the case of an extension of a lease of land which is under mortgage or encumbrance, the consent of the mortgagee or encumbrancee must also be obtained in writing.

Duty of Registrar.

Proviso: as to lease in case of encumbrance, &c.

Mortgage or encumbrance not a transfer.

90. Mortgage and encumbrance under this Act shall have effect as security, but shall not operate as a transfer of the land thereby charged.

Notice to mortgagor or encumbrancee in case of failure to observe covenants.

91. In case default be made in payment of the principal sum, interest, annuity, or rent charge, or any part thereof, thereby secured, or in the observance of any covenant expressed in any mortgage or encumbrance registered under this Act, or that is herein declared to be implied in such instrument, and such default be continued for the space of *one* calendar month, or for such longer period of time as may therein for that purpose be expressly limited, the mortgagee or encumbrancee may give to the mortgagor or encumbrancer notice in writing to pay, within a time to be specified, the money then due or owing on such mortgage or encumbrance, or to observe the covenants therein expressed or implied, as the case may be, and that all remedies competent will be resorted to unless such default be remedied, or where the mortgagor or encumbrancer cannot be found, may give such notice in that behalf to the mortgagor or encumbrancer in such manner as a judge of the court in chambers on summary application *ex parte* may direct.

Power of mortgagee or encumbrancee to enter into possession and receive rents, &c—or apply for sale.

92. After such default in payment, or in observance of covenants, continuing for the further space of *two* calendar months from the service or giving of such notice, or for such longer period as may, in such instrument, be for that purpose limited, the mortgagee or encumbrancee may enter into possession of the mortgaged or encumbranced lands and receive the rents and profits thereof, or he may distrain upon the occupier or tenant of the said land for the rent then due, or by summons call the mortgagor or encumbrancer before a Judge of the Court in Chambers, to

show cause why the lands subject to the mortgage or encumbrance should not be sold by public auction under direction of the Registrar. If no cause be shown to the satisfaction of the judge, he shall order the public sale of the lands to take place at such place and time as shall appear most suitable, but not less than three months from the date of the order, and it shall be the duty of the Registrar, before registering any transfer pursuant to the sale, to see that the sale of the lands has been publicly notified during these three months by the mortgagee or encumbrancee, by the publication of such notice of sale in some newspaper printed in the Territory or district, or as near thereto as may be, or as may be directed by the judge ordering the sale, or as regulated by the rules of the court in that behalf.

Judge may order sale, after a certain delay.

Duty of Registrar.

Public notice.

93. Whenever a mortgagee or encumbrancee gives notice to the mortgagor or encumbrancer, and to the tenant or occupier or other person liable in that behalf to pay over to him the rents and profits, all the powers and remedies of the mortgagor or encumbrancer in regard to receipt, and recovery of, and giving discharges for such rents and profits, shall be suspended and transferred to the said mortgagee or encumbrancee until such notice be withdrawn, or the mortgage or encumbrance shall be satisfied, and a discharge thereof duly registered, and in every such case the receipt in writing of the mortgagee or encumbrancee shall be sufficient discharge for any rents and profits therein expressed to be received, and no person paying the same shall be bound to enquire concerning any default or other circumstance affecting the right of the person giving such notice, beyond the fact of his being duly registered as mortgagee or encumbrancee of the land; Provided that nothing herein contained shall interfere with the effect of any rule, order or judgment of the court in regard to the payment of rent under the special circumstances of any case, nor shall prejudice any remedy of the mortgagor or encumbrancer against the mortgagee or encumbrancee for wrongful entry, or for an account.

After notice of entry; tenant to pay rent to mortgagee or encumbrancee.

Proviso: as to rule of Court on the matter.

94. After such default the mortgagee or encumbrancee may prepare the conditions of sale, which shall be deposited with the Registrar at least one week before the date fixed for the sale, to be open to the inspection of any one desirous to examine the same.

Conditions of sale, to be made and deposited, &c.

95. When the mortgaged lands consist of distinct parcels, the parcels shall be sold separately, and no more of them shall be disposed of than is necessary to satisfy the mortgage in principal and interest, and the costs and other expenses lawfully incurred.

Sale of land divided into parcels.

96. At the sale the Registrar may, if he shall think it necessary, take the assistance of a licensed auctioneer, but, in any case, the sale shall be under the direction of the Registrar, who shall receive the bids and settle summarily any question which may arise in the course of the proceedings, and shall declare to what bidder the land has been

Powers and duty of Registrar as to sale.

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knocked down, and his decision shall not be subject to question or appeal on matters of form or order; but when any question arises involving the competency of the whole proceeding, or the right of any particular bidder to be preferred, the parties feeling themselves aggrieved may appeal to the court, and in a summary manner, if no form to be regulated by the rules of court hereinafter referred to shall have been provided.

Appeal to Court in certain cases.

97. The mortgagee or encumbrancee may bid at the sale, *and become the purchaser of the land;* and the Registrar or some one authorized by him shall knock down the lands to the highest bidder, and upon payment of the price shall issue his certificate of sale and payment.

Mortgagee or encumbrancee may bid *and buy.*

98. The said Registrar shall thereupon deal with the certificate in all respects as a valid transfer of the lands, and shall make the necessary memorials and issue such certificate of title as may show that the purchaser is the registered owner of the lands.

Transfer—and duty of Registrar.

99. The Registrar shall prepare a scheme of ranking on the price obtained for the said lands, providing first for the costs, then for the payment of the first mortgage or encumbrance affecting the said lands, then for subsequent mortgages or encumbrances in the order of their priority, until the price be exhausted, if so much is required, and he shall pay over the surplus of the price, if any, to the mortgagor or encumbrancer. It shall be the duty of the mortgagees and encumbrancees, and all other parties claiming to rank upon the said sum, to deposit with the Registrar memoranda of their claims and the mortgages, encumbrances or other titles in support thereof, within such time as shall be prescribed by any rules of Court, and the Registrar shall deal therewith, and proceed with his scheme of ranking in such manner as may be provided by any rules of Court in that behalf.

Registrar to prepare scheme of ranking and distribution of proceeds of sale.

Duty of claimants on proceeds.

100. When any question arises in the course of the ranking upon which the claimants are not agreed, and which involves the position in point of priority, under the scheme of ranking of any claimant, or any principle of law affecting the rights of parties, the Registrar shall report the same to the Court, and the Court shall order the case to be set down for hearing, and shall hear and determine the same, and deal with it as with any cause regularly brought before the Court under the rules thereof. And the Registrar shall be entitled to charge for and retain for his services in connection with the sale and ranking, such fees as may, from time to time, be authorized by any rule of Court in that behalf.

Questions as to ranking to be decided by Court.

Fees to Registrar.

101. When lands have been so sold before the Registrar and any appeals under section finally disposed of, the sale shall be final, and it shall not be lawful for the mortgagor or encumbrancer, or any mortgagee or encumbrancee, or any other party or parties whatever, to challenge or impugn the same on any ground whatever, and the bidder preferred and

Sale not to be impugned.

Rights of adjudicatee.

in whose favour the certificate before mentioned has been issued and registered, shall be the absolute owner of the land so sold, as fully and completely as if he had been the original grantee in a Crown grant of the said lands.

Discharge of mortgage or encumbrance.

102. Upon the production of any mortgage or encumbrance having thereon an andorsement signed by the mortgagee or encumbrancee, and attested by a witness, discharging the land from the whole or part of the principal sum or annuity secured, or discharging any part of the land comprised in such instrument from the whole of such principal sum or annuity, the Registrar shall make an entry in the Register noting that such mortgage or encumbrance is discharged wholly or partially, or that part of the land is discharged as aforesaid, as the case may require ; and upon such entry being so made the land, or the estate or interest in, or the portion of the land mentioned or referred to in such endorsement as aforesaid,shall cease to be subject to or liable for such principal sum or annuity, or, as the case may be, for the part thereof noted in such entry as discharged.

Duty of Registrar.

Effect of entry of discharge.

Death of annuitant or cessation of encumbrance.

103. Upon proof of the death of the annuitant, or of the occurrence of the event or circumstance upon which, in accordance with the provisions of any encumbrance, the annuity or sum of money thereby secured shall cease to be payable, and upon proof that all arrears of the said annuity and interest or money have been paid, satisfied, or discharged, the Registrar shall make an entry in the Register noting that such annuity or sum of money is satisfied and discharged, and shall cancel such instrument ; and upon such entry being made the land shall cease to be subject to or liable for such annuity or sum of money, and the Registrar shall, in any or either such case as aforesaid, endorse on the grant, certificate of title, or other instrument evidencing the title of the mortgagor or encumbrancer to the land mortgaged or encumbered, a memorandum of the date on which such entry as aforesaid was made by him in the Register, whenever such grant, certificate of title, or other instrument is presented to him for that purpose.

Entry by Registrar.

Its effect.

Duty of Registrar.

Payment into Court if mortgagee desires to pay off, and there is no person in Registration District entitled to receive and discharge.

104. If any mortgagor becomes entitled to pay off the mortgage money, and the registered mortgagee shall be absent from the Registration District, and there be no person authorised to give a receipt to the mortgagor for the mortgage money, it shall be lawful for the *Court* to receive such mortgage money with all arrears of interest then due thereon, in trust for the mortgagee or other person entitled thereto, and thereupon the interest upon such mortgage shall cease to run or accrue and the Registrar shall, upon presentation of the receipt of the proper officer of the *Court* for the amount of the said mortgage money and interest, make an entry in the Register discharging such mortgage, stating the day and hour on which such entry is made, and such entry shall be a valid discharge for such mortgage and shall have the same force and effect as is hereinbefore given to a like entry when made upon production of the mortgage with the receipt of the mortgagee, and the Registrar shall endorse

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on the grant, certificate of title, or other instrument as aforesaid, and also on the mortgage, whenever those instruments shall be brought to him for that purpose, the several particulars hereinbefore directed to be endorsed upon each of such instruments respectively.

Covenant to repair and insure, implied against mortgagor.

105. In every mortgage there shall be implied against the mortgagor remaining in possession, a covenant that he will repair and keep in repair and insure all buildings or other improvements erected and made upon the land, and that the mortgagee may at all convenient times, until such mortgage be redeemed, be at liberty with or without surveyors or others, to enter into and upon such land to view and inspect the state of repair of such buildings or improvements

PART VIII.

POWERS OF ATTORNEY.

To be in form of Schedule.

106. The registered proprietor of any land under the provisions of this Act may authorize and appoint any person to act for him or on his behalf in respect of the transfer or other dealing with such land in accordance with the provisions of this Act by executing a power of attorney in the form contained in Schedule N hereto annexed or as near thereto as circumstances will permit, and a duplicate thereof shall be

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deposited with the Registrar, who shall enter in the Register a memorandum of the particulars therein contained and the date and hour and minute it is deposited with him.

Revocation, orm of.

107. Any such power of attorney may be revoked by a revocation order in the form contained in Schedule O hereto annexed, and after the registration of any revocation of a power the Registrar shall not give effect to any transfer or other instrument signed pursuant to such power unless under any registration abstract outstanding at the time.

Notice of revocation to Attorney.

108. After the registration of any revocation of a power of attorney, the Registrar shall notify the person to whom the power of Attorney was given that the power has been revoked, and he shall surrender the same to the Registrar upon the receipt of such notice; and any attempt to exercise the power after such notice has been given by the Registrar shall be deemed a felony and shall be punishable upon conviction by not less than years and not exceeding years imprisonment at the discretion of the Court.

Penalty for attempting to act after revocation.

PART IX.

REGISTRATION ABSTRACT.

Registrar to grant abstract on application of owner, to enable him to deal with land when he is out of the Territories.

109. The Registrar, upon the application of any registered proprietor of land subject to this Act, shall grant to such proprietor a registration abstract in the form contained in Schedule P hereto annexed, enabling him to transfer or otherwise deal with his land at any place without the limits of the Territories, and shall at the same time enter in the Register a memorandum recording the issue of such

registration abstract, and shall endorse on the grant, certificate of title or other instrument evidencing the title of such applicant proprietor, a like memorandum; and after the issuing of such registration abstract no transfer or other dealing in any way affecting the land in respect of which such registration abstract is issued shall be entered in the Register until such abstract shall have been surrendered to the Registrar to be cancelled, or the loss or destruction of such abstract has been proven to his satisfaction: Provided always, that this shall not prevent a sale of the property upon any decree or judgment of Court subsequently obtained or for unpaid taxes legally imposed. Proviso.

110. Whenever any dealing is intended to be transacted after any such registration abstract has been issued, a transfer or other instrument, as the case may require, shall be prepared in duplicate in the form herein appointed, and shall be produced to some one of the persons hereinafter appointed as persons before whom the execution of instruments without the limits of the Territories may be proven, and upon a memorial of such instrument being entered upon the registration abstract and authenticated by the signature of such authorized person as aforesaid in manner herein directed for the entry of memorials in the Register, such instrument shall be held to be registered and such transfer or other dealing shall be as valid and binding as if the same had been entered in the Register by the Registrar; and whenever a memorial of any instrument which has not been endorsed upon the instrument evidencing the title to the estate or interest intended to be dealt with, has been entered upon the registration abstract, such authorized person as aforesaid, shall record a like memorial on the duplicate grant, certificate of title, lease, or other instrument evidencing title, as aforesaid, and the certificate of registration endorsed on the instrument of which the memorial has been so entered and signed by such authorized person and sealed with his seal of office, shall be received in all courts of law as conclusive evidence that such instrument has been duly registered.

Mode of dealing with such land by owner when he is out of the Territories.

And see Part xiii.

Entry on Registration abstract.

Certificate and its effect.

111. Upon the delivery of such registration abstract to the Registrar, he shall record in the Register in such manner as to preserve their priority, the particulars of every transfer or other dealing, recorded therein, and shall fyle in his office duplicates of every memorandum of transfer or other instrument executed thereunder which may for that purpose be delivered to him, and shall cancel such abstract and note the fact of such cancellation in the Register; and if a freehold estate in such land or in any part thereof be transferred, the grant or certificate of title shall be delivered up to the Registrar who shall thereupon proceed as is hereinbefore directed for the case of transfer of land.

Duty of Registrar on presentation of abstract having dealings entered on it.

112. Upon proof at any time to the satisfaction of the Registrar that any registration abstract is lost or is so obliterated as to be useless, then upon proof of the several matters and things, if any, that have been done thereunder, it shall

Provision in case of loss of Registration abstract.

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be lawful for the Registrar, as circumstances may require, either to issue a new registration abstract, or to direct such entries to be made in the Register, or such other matter or thing to be done, as might have been made or done if no such loss or obliteration had taken place.

PART X.

TRANSMISSIONS.

Devises to be deemed transfers.

113. Whenever the proprietor of any lands dies testate, the lands devised by him shall vest in the devisees, and when probate, or an exemplification or office copy, of the will of the deceased proprietor is produced and left with the Registrar for the purpose of recording the same in the register, he shall enter the date of the will and of the probate and the date, hour,and minute of the production of the same,or of the exemplication or office copy,to him, the date of the death of such proprietor when the same can be ascertained, and such other particulars as he may deem necessary,and such probate, exemplification or office copy of the will shall be regarded as a transfer of the lands, and certificates of title in conformity to the provisions of this Act shall be issued to the devisees, of their respective estates ; the residue of any estate not devised shall vest in the executor in trust as hereinafter provided.

Residue to executor.

Case of will and executor, but lands not devised : or intestacy.

114. Whenever the proprietor of any lands dies leaving a will and an executor or executors, but leaving lands not devised, such lands shall be transmitted to the executor or administrator of the deceased proprietor, and in case of intestacy, the lands of the intestate shall go in trust for the purposes of this Act to such person as the court shall appoint to administer the estate of the deceased proprietor, and the executor, or administrator, shall, before dealing with such lands, make application in writing to the Registrar to be registered as proprietor, and shall produce to the Registrar the probate of the will of the deceased proprietor, or letters of administration, or the order of the Court authorizing him to administer the estate of the deceased proprietor, or an office copy of the said probate, letters of administration or order, as the case may be, and thereupon the Registrar shall enter in the Register a memorial of the date of the will and of the probate or of the letters of administration or order of the Court as aforesaid, the date, hour and minute of the production of the same to him, the date of the death of such proprietor, when the same can be ascertained, with such other particulars as he may deem necessary, and upon such entry being made, the executor or administrator, as the case may be, shall be deemed to be the proprietor of such lands, and the Registrar shall note the fact of such registration by memorandum under his hand on the probate of the will, letters of administration, order, or other instrument as aforesaid : Provided always, that the title of the executor or administrator to such land, shall relate back and take effect as from the date of the death of the deceased proprietor ; Provided also, that the duplicate grant, or certificate of title granted to the deceased proprietor, shall be delivered up to be cancelled, and the Registrar shall issue to the executor or administrator a fresh

Lands to go to executor or administrator in trust : duty of executor or administrator.

Duty of Registrar.

Executor or administrator deemed owner.

Proviso : as to date.

Proviso : as to duplicate, grant, &c., to deceased owner.

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certificate of title stating therein the fact that the new registered proprietor is the executor or administrator.

Lands not devised.

115. The undevised lands of any deceased proprietor shall be held by the executor or administrator for the heirs and creditors, subject to the trust imposed by the provisions of this Act, but any person dealing with the executor or administrator with reference to the said lands, and who is not prevented by any rule or order of court, or by any caveat, from being entered upon the register as proprietor, or as mortgagee or encumbrancee of such lands, shall when registered become the indefeasible owner of the estate or interest for which he is registered, and shall have no concern in the conduct of such executor or administrator.

Mortgage, encumbrance or lease transmitted by will or intestacy.

116. Whenever any mortgage, encumbrance or lease affecting land is transmitted in consequence of the will or intestacy of the proprietor thereof, probate, or an office copy of the will of the deceased proprietor, or letters of administration, or the order of the Court authorising a person as aforesaid to administer the estate of the deceased proprietor, accompanied by an application in writing from the executor, or administrator, claiming to be registered as proprietor, in respect of such estate or interest, shall be produced to the Registrar, who shall thereupon enter in the Register and on the instrument evidencing title to the mortgage, encumbrance, or lease transmitted, the date of the will and of the probate, or of the letters of administration, or order of the Court as aforesaid, the date and hour of the production of the same to him, the date of the death of such proprietor when the same can be ascertained, with such other particulars as he may deem necessary, and upon such entry being made, the executor, or administrator, as the case may be, shall be deemed to be the proprietor of such mortgage, encumbrance, or lease, and the Registrar shall note the fact of such registration by memorandum under his hand on the letters of administration, probate, or other instrument as aforesaid.

Registration or production of certain documents.

Effect of Registration

Registration by assignee or trustee in bankruptcy, of owner.

117. Upon the bankruptcy of the proprietor of any land, the assignee or trustee of such bankrupt shall be entitled to be registered as proprietor in respect of the same, and the Registrar, upon receipt of an office copy of the appointment of such assignee or trustee, or such other evidence of the appointment of such assignee or trustee as may be required by the law for the time being, shall enter in the Register a memorandum notifying the appointment of such assignee or trustee, and upon such entry being made, such assignee or trustee shall be deemed and taken to be the proprietor of such land, and a certificate of title shall be issued in his favor.

Or of lessee.

Of land not mortgaged or encumbered.

118. Upon the bankruptcy of any lessee, the Registrar, unless the land be subject to a mortgage or encumbrance under the provisions of this Act, shall, upon the application in writing of the lessor accompanied by a statement in writing signed by the assignee or trustee of such bankrupt

certifying his refusal to accept such lease, or upon the order of the Court on the application of the lessor, enter in the Register a note of such refusal, or order, and such entry shall operate as a surrender of such lease.

If the land leased is mortgaged or encumbered.

119. Upon the bankruptcy of any lessee where the land is subject to mortgage, or encumbrance, the Registrar shall, upon the application in writing of the mortgagee or encumbrancee accompanied by a statement in writing signed by the assignee or trustee of such bankrupt certifying his refusal to accept such lease, enter in the Register a note of such application and refusal, and such entry shall vest the interest of the bankrupt in such lease in such mortgagee or encumbrancee: Provided that no such entry shall be made unless it be proved to the satisfaction of the Registrar that the applicant, mortgagee, or encumbrancee, has given thirty days' notice in writing of his intended application to every subsequent mortgagee or encumbrancee or has obtained their written consent to such entry.

Proviso for notice.

Saving of rights of action commenced or accrued.

120. Under the preceding provisions as to a bankrupt lessee, no entry of the assignee or trustee's refusal to accept shall operate to prejudice any action or cause of action which shall previously have been commenced or have accrued in respect of any breach or non-observance of any covenants in such lease.

If lands of person deceased or bankrupt are subject to trusts.

121. Any person registered in place of a deceased person or bankrupt proprietor, shall hold the land in respect of which he is registered upon the trusts and for the purposes to which the same is applicable by this Act or by law, and subject to any trusts and equities upon which the deceased or bankrupt proprietor held the same, but, for the purpose of any registered dealings with such land, he shall be deemed to be the absolute proprietor thereof; Provided always, that the person or persons beneficially interested in in any such lands or any estate or interest therein, may apply to a court or judge having jurisdiction to have the same taken out of the hands of the assignee or trustee having charge by law of such bankrupt property, and transferred to some other person or persons, and the court or judge, upon reasonable cause being shown, shall name some suitable person or persons as proprietor of the lands, or the estate or interest in question, as the case may be, and upon the person or persons so named accepting the proprietorship and giving the necessary security for the due fulfilment of the trusts, the court or judge shall make an order directing the Registrar to cancel the certificate to the assignee or trustee, and to make a new certificate to the person or persons so named; and the Registrar, upon the production of such order, shall cancel the certificate to the assignee or trustee, and shall enter in the register a memorandum notifying the appointment by order of the court of such other proprietor or proprietors in trust, and a certificate of title shall be issued to him or them.

Proviso.

Transmission by right of

122. When any person is registered as joint proprietor with any other person of an estate in fee simple in any land

where there is right of survivorship upon the death of one, the Registrar may, upon the application of the person entitled and proof to his satisfaction of any such occurrence as aforesaid, register such surviving person as proprietor of such estate or interest in manner hereinbefore prescribed for the registration of a like estate or interest upon a transfer of the land, and shall issue a certificate of title accordingly.

survivorship in lands held jointly.

Registration.

123. No execution issued prior to or after the passing of this Act shall bind, charge, or affect any land until the Registrar shall have been served with a copy of a writ of *fieri facias* issued out of a Court of competent jurisdiction, or of a decree or order of such Court in the matter, accompanied by a statement signed by any party interested, or by his solicitor, specifying the land sought to be affected thereby. The Registrar upon such service shall, after marking upon such copy the time of the service, enter a notice thereof in the Register whereupon the same shall operate as a *caveat* against any alienation other than in pursuance of the said writ, decree, or order, while the same remains in force, and after any land so specified shall have been sold under any such writ, decree, or order, the Registrar shall on receiving a transfer thereof in one of the Forms contained in Schedule G to this hereto, make an entry thereof in the Register, and on such entry being made the purchaser shall be deemed the transferree and proprietor of such land: Provided that until such service and entry shall have been made as aforesaid, no sale or transfer under any such writ, decree, or order shall be valid as against a purchaser for valuable consideration, notwithstanding such writ was actually lodged for execution at the time of the purchase, and notwithstanding the purchaser had actual or constructive notice of the lodgment of such writ. Upon production to the Registrar of sufficient evidence of the satisfaction of any writ, decree a copy whereof shall have been served as aforesaid, he shall cause an entry to be made in the Register to that effect, and on such entry such writ, decree or order shall be deemed to be satisfied. Every such writ, decree, or order shall cease to bind, charge, or affect any land specified as aforesaid unless a transfer upon a sale under it shall be registered within three months from the day on which the copy thereof was served.

Execution not to bind lands until copy of writ or decree is served on the Registrar.

His duty on such service, which shall operate as a caveat.

And when the land is sold.

Proviso : as to dealings before service of writ or decree.

Duty of Registrar on proof of satisfaction of writ, &c.

Sale must be within three months.

124. Whenever the Court shall have given any judgment, decree, or order, preferring as proprietor of lands any person other than the registered proprietor thereof, the Registrar on being served with an office copy of such judgment, decree, or order, shall enter in the Register, and on the grant or other instrument evidencing title to the said land, the date of the said judgment, decree, or order, the date, hour and minute of its production to him, and the name and description of the person in whom the said judgment, decree or order purports to vest the said land, such person shall thereupon be deemed to be registered proprietor of such land and shall receive a certificate of title accordingly; but unless and until such entry shall be made, the said judgment, decree, or order, shall have no effectual operation.

As to judgements, &c, preferring some other to the registered owner.

Duty of Registrar on service of copy.

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PART XI.

CAVEATS.

Who may lodge a caveat with Registrar: and for what purpose.

125. Any person claiming to be interested under any will, settlement, or trust deed, or any instrument of transfer or transmission, or under any unregistered instrument, or otherwise howsoever, in any land, may lodge a caveat with the Registrar to the effect that no disposition of such land be made either absolutely, or in such manner and to such extent only as in such caveat may be expressed, or until notice shall have been served on the caveator, or unless the instrument of disposition be expressed to be subject to the claim of the caveator, as may be required in such caveat, or to any lawful conditions expressed therein.

Form.

(1.) A caveat may be in the form contained in Schedule R to this Act, and shall be verified by the oath of the caveator or his agent, and shall contain an address within the Territory at which notices may be served.

Registrar's duty or receipt.

(2.) Upon the receipt of a caveat, the Registrar shall make a memorandum thereon of the date, hour, and minute of the receipt thereof, and shall enter a memorandum thereof in the Register, and shall forthwith send a notice of such caveat through the post office or otherwise to the person against whose title such caveat has been lodged.

Its effect while in force.

(3.) So long as any caveat remains in force prohibiting the transfer or other dealing with any land, the Registrar shall not enter in the Register any memorandum of transfer or other instrument purporting to transfer or otherwise deal with or affect the land in respect to which such caveat is lodged.

Proceedings for setting it aside.

(4.) The proprietor or other person claiming land may, by summons, call upon the caveator to attend before a Court of competent jurisdiction or a judge thereof, to show cause why the said caveat should not be withdrawn, and the said Court may, upon proof that such last-mentioned person has been summoned, and upon such evidence as the Court or Judge may require, make such order in the premises either *ex-parte* or otherwise as to the said Court or Judge may seem fit. And where a question of right or title requires to be determined, the proceedings followed shall be as nearly as may be in conformity with the rules of Court in relation to civil causes.

Proceedure.

Application by caveatee to Registrar to remove it.

(5.) Except in the case of a caveat lodged by the Registrar, the caveatee may make application in writing to the Registrar to remove such caveat, and thereupon the Registrar shall give twenty-one days notice in writing to the caveator that the caveat may, except as hereinafter provided, be withdrawn, and after the lapse of twenty-one days from the date of the service of such notice at the address mentioned in the caveat, the Registrar shall remove such caveat from the Register by entering a memoran-

Notice.

dum that the same is discharged, unless he shall have been previously served with an order from the Court or a Judge thereof extending the time as hereinafter provided.

Address of caveatee.

(6.) Such caveatee shall in such application give an address in the Territory at which notices and proceedings may be served.

Right of caveator in such case.

(7.) The caveator may, either before or after receiving such notice from the Registrar, apply by summons to the Court or a Judge thereof for an order to extend the time beyond the twenty-one days mentioned in such notice, and such summons may be served at the address given in the application of the caveatee, and it shall be lawful for the Court or Judge upon proof that the caveatee has been summoned, and upon such evidence as the Court or Judge may require, to make such order in the premises either *ex-parte* or otherwise as the Court or Judge may think fit.

Power of Court or Judge.

Caveator may withdraw caveat.

(8.) The caveator may, by notice in writing to the Registrar, withdraw his caveat at any time, but such withdrawal shall not prejudice the power of the Court or Judge to make an order as to payment by the caveator of the costs of the caveatee incurred prior to the receipt by the caveatee of notice in writing of the withdrawal of such caveat.

Costs.

Entry of withdrawal, &c.

(9.) An entry shall be made by the Registrar in the Register of the withdrawal, lapse, or removal, of any caveat or of any order made by the Court.

No further caveat except by Registrar.

(10.) It shall not be lawful for the same person or for any one on his behalf to lodge a further caveat in relation to the same matter, but nothing herein contained shall prejudice the right of the Registrar to enter or continue any caveat under the powers vested in him by this Act.

Liability of person entering caveat wrongfully.

(11.) Any person other than the Registrar lodging or continuing any caveat wrongfully and without reasonable cause, shall be liable to make compensation to any person who may have sustained damage thereby, and such compensation may be recovered by proceedings at law if the caveator has withdrawn such caveat, and no proceedings shall have been taken by the caveatee as herein provided, but if proceedings have been taken by the caveatee then such compensation shall be decided by the Court or Judge acting in the same proceedings.

PART XII.

ATTESTATION OF INSTRUMENTS.

How to be witnessed.

126. Powers of attorney in the form of Schedule N to this Act, and instruments requiring to be registered under the provisions of this Act, other than grants from the Crown, orders in council, instruments under the seal of any corpo-

ration, or certificates of any judicial proceedings, attested as such, shall be witnessed by one person who shall attest the instrument in the form contained in Schedule Q to this Act;

Oath of witness.

and the witness so attesting the instrument shall appear before the Registrar, Deputy Registrar, or a Commissioner for the taking of affidavits, and take oath in the form contained in Schedule T to this Act.

Instruments executed without the Territories.

127. Instruments requiring to be registered under the provisions of this Act executed without the limits of the Territories shall be witnessed by one person who shall make an affidavit in the form given in Schedule T to this Act, before one of the following persons:—

In Canada.

(1) If made in any Province of Canada, before a Judge of any Court of Record, any Commissioner authorized by a Superior Court to take affidavits, or before any Notary Public under his official seal; or

In United Kingdom.

(2) If made in the United Kingdom, before a Judge of any Court of Record, before the Mayor of any city or incorporated town under the common seal of such city or town, or before any Notary Public certified under his official seal; or

In British colony, &c.

(3) If made in any British Colony or Possession, before a Judge of any Court of Record, the Mayor of any city or incorporated town under the common seal of such city or town, or any Notary Public under his official seal; or

In a foreign country.

(4) If made in a foreign country, before the Mayor of any city or town certified under the common seal of such city or town, or before the British Consul, Vice-Consul, or Consular Agent residing therein, or before any Judge of any Court of Record certified under his official seal:

If under seal of a corporation.

Instrument executed under the seal of a corporation shall not require any attestation under this section.

PART XIII.

JURISDICTION OF THE COURT.

Appeal by person dissatisfied with acts or omissions of Registrar.

128. If any person is dissatisfied with any act, omission, refusal, decision, direction, or order of the Registrar, such person may require the Registrar to set forth in writing under his hand the grounds of such act, omission, refusal, direction, decision, or order, and such person may then apply to any court of competent jurisdiction by petition, setting forth the particulars and the grounds of his dissatisfaction, and thereupon the Registrar shall be served with such petition and the Court shall have jurisdiction to hear the said petition, and shall make such order in the premises as the circumstances of the case may require, and as the Court may direct, to the costs of the parties who appearing upon such petition.

Registrar may refer doubtful points to the Court.

129. Whenever any question arises with regard to the performance of any duties, or the exercise of any of the functions by this Act conferred or imposed upon the Registrar, or whenever in the exercise of any of the duties of the Registrar any question arises as to the true construction or legal validity or effect of any instrument, or as to the persons entitled, or to the extemt or nature of the estate, right or interest, power or authority, of any person or class of persons, or the mode in which any entry ought to be made on the Register or certificate of title, or as to any doubtful or uncertain right or interest stated, or dealt with by the Registrar, it shall be competent for him to refer the same in the form contained in Schedule S to this Act, to the Court, which may if it sees fit allow any of the parties interested to appear before it and summon any others of such parties to appear and show cause either personally or by counsel or attorney in relation thereto: And if upon such reference the said Court, having regard to the parties appearing before it, thinks proper to decide the question, it shall have power so to do, or to direct any proceedings to be instituted for that purpose, or, at the discretion of the said Court and without deciding such question, to direct such particular form of entry to be made on the Register or certificate of title as under the circumstances appears to be just.

Court to direct proceedings, &c.

Power of Registrar in cases of fraud or error.

130. If it appears to the satisfaction of the Registrar that any grant, certificate of title, or other instrument has been issued in error, or contains any misdescription of land, or of boundaries, or that any entry or endorsement has been made in error on any grant, certificate of title or other instrument, or that any such grant, certificate, instrument, entry, or endorsement has been fraudulently or wrongfully obtained, or that any such grant, certificate, or instrument is fraudulently or wrongfully retained, he may summon the person to whom such grant, certificate, or instrument has been so issued, or by whom it has been so obtained or is retained, to deliver up the same for the purpose of being cancelled or corrected as the case may require, and in case such person refuses or neglects to comply with such summons, or cannot be found, the Registrar may apply to the court to issue a summons for such person to appear before the Court or a Judge thereof, and show cause why such grant, certificate, or other instrument should not be delivered up to be cancelled or corrected as aforesaid, and if such person, when served with such summons, neglects or refuses to attend before such the Court or Judge at the time therein appointed, it shall be lawful for the Court or Judge to issue a warrant authorising and directing the person so summoned to be apprehended and brought before the said Court or a Judge thereof for examination.

Summoning persons interested.

May apply to Court if persons does not attend.

Power of Court in case of disobedience to summons.

Examination of persons so summoned.

131. Upon the appearance, before the Court or Judge, of any person summoned or brought up by virtue of a warrant as aforesaid, it shall be lawful for the said Court or Judge to examine such person upon oath, and, in case it appears right so to do, to order such person to deliver up such grant, certificate of title, or other instrument as aforesaid;

And powers of Court or Judge to compel to obedience.

and upon refusal or neglect by such person to deliver up the same pursuant to such order, to commit such person to the common gaol of the Territory for any period not exceeding six months, unless such grant, certificate of title, or instrument be sooner delivered up, and in such case or in case such person has absconded so that summons cannot be served upon him as hereinbefore directed, the said Court or Judge may direct the Registrar to cancel or correct any certificate of title or other instrument, or any entry or memorial in the Register relating to such land, and to substitute and issue such certificate of title or other instrument, or make such entry as the circumstances of the case may require, and the Registrar shall obey such order.

And to direct the Registrar.

Further power of Court or Judge to direct the Registrar.

132. In any proceeding respecting land or in respect of any transaction or contract relating thereto, or in respect of any instrument, caveat, memorial, or other entry affecting land, it shall be lawful for the Court or Judge by decree or order to direct the Registrar to cancel, correct, substitute, or issue any certificate of title, or make any memorial or entry in the Register, or otherwise to do every such act or make every such entry as may be necessary to give effect to the judgment, or decree, or order of the Court.

Proceedure, practice and appeal in cases under this Act.

133. In the conduct of actions and other proceedings provided for under this Act, there shall be the same rights of appeal, and the same rules of procedure and practice shall apply as are in force or exist for the time being in respect of actions and other proceedings of a similar nature in any Court of competent jurisdiction in which such action or proceeding may be tried or taken, and such Court shall have power to make additional or altered rules and regulations and new or altered forms of proceedings, and from time to time to repeal, alter, or vary the then existing rules and regulations, and to make new rules and regulations and forms of proceedings for the practice and procedure of the Court in regard to matters which may arise under the provisions of this Act.

Power to Courts to make or alter rules, &c, as to such cases.

And to regulate fees in cases under this Act.

134. Any Court of competent jurisdiction shall have the power to fix and regulate from time to time the fees payable upon all proceedings before the Court, and until the said Court shall otherwise order, the fees payable shall be according to the fees payable in respect to proceedings of a similar nature in the Court.

PART XIV.

EJECTMENT.

Who may commence proceedings for possession.

135. The following persons may summon any person in possession of any land to appear before a Judge of any Court of competent jurisdiction, to show cause why the person summoned should not give up possession to the applicant:

Owner last registered

(1.) The last registered proprietor of the land.

(2.) A proprietor of land whereon a mortgage or mortgages appears on the Register, provided he has obtained the consent of the first mortgagee. Owner with consent of first mortgagee.

(3) A mortgagee or his transferee where default has been made in making payment in accordance with the terms of the mortgage, and a right to enter into possession has accrued. Mortgagee after default.

(4.) A lessor with power to re-enter where the lessee or tenant is in arrear for three months, whether there be or be not sufficient distress found on the premises to satisfy such rent, and whether or not any previous demand has been made for the rent. Lessor with power to re-enter.

(5.) A lessor against a lessee or tenant where a legal notice to quit has been given or the term of the lease has expired. Lessor after notice to quit.

136. The summons shall contain a description of the land, and shall require the person summoned to appear before the Court on a day not earlier than sixteen days after the service of the summons, and thereupon or so soon after as a Judge shall be in attendance the summons shall come on to be heard. The summons shall be served in the same manner as a writ of ejectment is required to be served What the summons must show. Service.

137. On the day appointed for the hearing of the summons, if the person do not appear, then upon proof to the satisfaction of a Judge of the due service of such summons and upon proof of title by the proprietor, mortgagee, or lessor, and if any consent is necessary, upon the production and proof of such consent, the Judge may order immediate possession to be given to the plaintiff, and such order shall have the effect of, and may be enforced as a judgment in ejectment. Hearing and Judge's order thereon in default of appearance.

138. If the person summoned appears, he may show cause why he refuses to give up possession of such land, and if he proves, to the satisfaction of the Judge, a right to the possession of the land, the Judge shall dismiss the summons with costs against the proprietor, mortgagee, or lessor, or he may make an order and impose any terms he may think fit: Provided that the dismissal of the summons shall not prejudice the right of the plaintiff to take any other proceedings against the person summoned to which he may be otherwise entitled: Provided also that in the case of a lessor against a lessee, founded on the non-payment of rent, if the lessee, before the hearing, pay or tender all rent due, and all costs incurred by the lessor, the Judge shall dismiss the summons. Dismissal if the person summoned shews causes for retaining possession. Proviso. Proviso.

139. When an order for possession shall have been obtained under the provisions herein contained, the plaintiff or his bailiff shall be entitled to enter and take possession of the land named in such summons without the issuing of any writ of *habere facias possessionem*, if such plaintiff or his bailiff finds no person in possession of the land, or the Effect of Judge's order for possession.

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person or persons in possession voluntarily give up and surrender possession to such plaintiff or his bailiff.

PART XV.

PARTITION OF LANDS OR ESTATES OR INTEREST THEREIN.

Any co-tenant may demand partition or sale.

140. In all cases where there are several persons proprietors of the same lands, or having any estate or interest therein, whether as tenants in common, co-partners, joint tenants, or tenants in *entirety*, such persons, including mortgagees, encumbrancees and other creditors having liens upon lands, and other parties whomsoever may be compelled to make or suffer partition or sale of the said lands or any part or parts thereof.

Petition for partition or sale.

141. Any person interested in any lands in the Territories, or the duly authorized agent of any such person, or the guardian of any infant entitled to immediate possession of any estate therein, or the administrator of the estate of the intestate, may fyle a petition in the Court praying that partition of such lands may be made, or that the same may be sold under the direction of the Court or of any Judge thereof, should the Court or Judge consider a sale more advantageous for the persons interested.

Form of petition: what it must shew.

142. The person petitioning shall entitle his proceedings in the court in which they are instituted, in the form contained in Schedule to this Act, and shall set forth his interest therein, and his place of residence, and the estates, encumbrances, and interests of all persons therein so far as the same are known to the person or persons petitioning; he shall describe the lands sought to be partitioned or sold, and if there be any person or persons who have any estate, share or interest in the said lands, unknown to the petitioner or petitioners, he shall set forth the fact thereof in such petition, and shall annex to such petition copies of the grants or certificates of title to the lands to be partitioned or sold, with the liens and encumbrances entered thereon, certified by the Registrar of the District in which such lands are situate.

If any co-tenants be unknown.

Documents in support to be fyled.

Attestation of allegations in petition.

143. The truth of the petition and the matters contained therein shall be verified by the oath or affirmation of at least one petitioner or his or their agent or guardian, as the case may be. Such oath or affirmation may be taken before a Judge of the Court or a Commissioner for taking affidavits therein.

Limitation of time in case of will or intestacy.

144. No proceedings for partitioning lands so held under any will or any transfer from the administrator of an intestate, shall be taken until six months after the death of the testator or intestate in whom the lands, or the estate or interest therein to be partitioned or sold, was vested.

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145. Whenever any of the parties interested, other than the petitioner or guardian, is an infant, and it is proved to the satisfaction of the Court or any Judge thereof, that at least days' notice has been served on such infant, if a resident in the Territories, that proceedings will be taken under this Act for the partition or sale of the lands, and that the Court or Judge will be asked at the time and place specified in such notice to appoint a guardian to represent the said infant in such proceedings, the Court or Judge may thereupon appoint a suitable and disinterested person to be a guardian for such infant for the special purpose of taking charge of his or her interests in the proceedings on such petition. When any party interested is an infant.

146. If any of the parties having such interest are unknown, or if known reside out of the Territories, or Registration District, as the case may be, or cannot be found therein, or have no known attorney or agent residing therein, the petition and notice may be served upon them or any of them by publication of notice, which shall set forth the names of the plaintiffs and defendants, and shall be directed to the defendants and to all unknown persons having or claiming any estate or interest in the land, and the notice shall describe the land as it is described in the petition, stating the time and place when and where the petition will be presented to the Court, and calling upon all persons to appear at the time and place named, and to state what claims, if any, they have to the said lands, and stating also, that in default of their appearing the said matter will be proceeded with in their absence. Notice in case of parties unknown or not in the Territories.

147. The form of every such notice shall be settled by the Judge before the publication thereof. Form.

148. Every guardian appointed under the authority of this Act, except a Solicitor or Attorney, as hereinafter provided, shall, before entering upon his duties, execute to the Judge, a bond in such penalty and with such sureties as the Court or any Judge thereof directs, conditioned for the faithful discharge of the trust committed to the said guardian, and to render a just and true account of his trust when required by the Court or any Judge thereof, and upon such further conditions as the Court or Judge may direct, and no proceedings shall be taken until such bond has been fyled in the office of the Clerk of the Court, *or* registered as an incumbrance upon the lands of the guardian and the sureties named in the bond. Guardian to give security if not a Solicitor or Attorney.

149. The acts of the guardian in relation to the proceedings upon the petition shall be as valid as if done by such infant after having arrived at his majority. Power of guardian.

150. Any one entitled to practice in the Court as solicitor or attorney may be appointed guardian without entering into bonds, but the person so acting shall not give any consent on behalf of the said infant, but the Court or Judge And if an Attorney or Solicitor.

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may do so where it is deemed advisable in the interest of such infant.

Guardian for party who has not been heard of for three years or more.

151. If any one interested in the estate respecting which proceedings are taken or are proposed to be taken under this Act has not been heard of for at least three years, and it is uncertain whether such person be living or dead, the Judge before whom the proceedings are being taken may appoint a suitable and disinterested person to be a guardian for the special purpose of taking charge of the interest of such person, or in the event of his being dead of those who through him are entitled to a share of his estate, or interest the said lands; and the person so named guardian shall give a bond with sureties in the manner provided in the case of a guardian for an infant by this Act; and the acts of the guardian so appointed shall be as valid as if done by the person or persons whose interests he represents.

Bond.

Power.

If any party is reasonably believed to be dead.

152. The Court in which the proceedings are taken may, upon proof which affords reasonable ground for believing such absent person dead, and upon the application of the guardian so appointed, or upon the application of any one interested in the lands represented by such guardian, deal with the share, estate, or interest of such person, or, with the proceeds thereof, and order the transfer of such share of the payment of such proceeds, or the income or produce thereof, as the case may require, to the person or persons who, assuming the absent person to be dead, appear entitled to the same.

Guardians may apply to Court for direction.

153. Any guardian appointed under this Act may apply to the Court from time to time for direction and guidance in the management of the share, estate, or interest of which he has charge, and for compensation for his services in connection therewith; and the Court or Judge may make all such orders and give such directions in reference thereto as to the said Court or Judge appear just.

Case of mortgagee or encumbrancee of an undivided share.

154. Wherever a mortgage, encumbrance, or lien is on the undivided estate or interest of any one or more of the parties, it shall be a lien only on the share, estate, or interest of such person or persons after partition has been made; and the just proportion of the costs of the proceedings in partition shall be first charged in preference to such mortgage, encumbrance or lien, and shall, when partition is made, be reported to the Registrar by the Court or Judge; and no mortgagee, encumbrancee, or holder of any lien upon lands, shall have his estate or interest impaired or affected by not having been made a party to the partition.

Rights not affected by not being made a party.

Court to settle time for notice.

155. The Court or Judge shall determine what notice shall be necessary in each case before proceeding to make partition or sale, and shall inform the petitioners accordingly.

Hearing on allowance of petition.

156. Upon the allowance of the petition, the persons interested in the lands may appear in person or by Attorney or Solicitor, and by a concise statement of facts under oath by

way of plea or answer, show title as to their estate or interest in the whole or in any part of the lands mentioned in the petition within days after they have received notice to plead or answer.

Signing judgment if no contest.

157. If none of the persons plead or answer within days of the service as aforesaid of the rule or order of allowance of the said petition, the petitioners shall be at liberty to sign judgment of partition; and thereupon, and upon giving and serving days, notice thereof in manner herein provided, and upon exhibiting the evidence and proof required in this Act may apply to the Court or Judge for the rule or order mentioned in the next and following sections.

Effect.

Primâ facie evidence of title in petitioner.

158. The petitioners shall exhibit *primâ facie* evidence of their title at the time of making the order of partition; or if an issue in fact has been ordered, or a special case stated as aforesaid, then upon the final determination of the questions of law or fact so ordered to be tried, or in any or either of the cases aforesaid, the Court or Judge shall by rule or order, determine and declare the shares, estates, or interest of all the persons concerned; and if the persons agree among themselves as to the partition to be made, they may so certify to the Court or Judge, describing the property which each is to receive, and the Court or Judge may make an order in favour of each of the parties interested in accordance with such agreement; but should there be any persons having any share, estate, or interest whose rights were unascertained or undetermined, no partition shall be made, and the Court or Judge shall make an order for sale, and shall in such order state the time, place, and conditions upon which sale shall be made.

Order of Court or Judge.

Parties may agree on partition, &c.

In default of agreement order for sale.

Division of proceeds among claimants.

159. The proceeds of such sale shall, after deducting al costs, be divided among the persons whose shares, estates and interests have been sold in proportion to their respective rights in the lands; and the shares of such as are of full age shall be paid to them by , and in the case of infants and unknown or absent persons, shall be invested for them in the name of representative and his successors in office, until by law fully claimed by them or their legal representatives.

If it doubtful whether all parties interested have been ascertained;

Security in such case.

160. Should there be any doubt as to whether all the parties interested were ascertained, the Court or Judge may, in its or his discretion, require any person receiving money from such sale to give security that he will refund the whole or any portion of the money so received should it thereafter appear that some other party was entitled thereto. Such security shall be taken in the name of and his successors in office.

Investment of shares of minors or absentees.

161. All moneys arising from such partition and sale to which any minor, unknown or absent party is entitled, shall be invested in Dominion stock or other public security of the Dominion of Canada, but the Court or Judge may, if it or he thinks fit, direct the interest, or an adequate portion

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thereof, accruing from time to time on the share of any minor, to be applied towards his maintenance.

Court or Judge to give certificates of sale to purchasers.

162. The Court or Judge ordering the sale of property of tenants in common, co-partners, joint tenants, and tenants in entirety, shall give certificates of sale to the purchasers of each separate parcel, describing the lands sold in accordance with the provisions of this Act, and the price paid, and the Registrar shall cancel the previous certificates of title, and the encumbrances thereon, so far as they have been paid, and shall issue a new certificate of title to the person or persons named in the certificate of sale from the Judge for the lands therein described.

PART XVI.

MISCELLANEOUS PROVISIONS.

No title by prescription or adverse possession.

Proviso.

163 No right of proprietorship shall be acquired in land by adverse possession or prescription, but when any person has gone innocently into possession from confusion of boundaries or other cause, he shall be entitled to reasonable compensation from the proprietor for any improvements he may have made thereon, *and shall have a first lien upon the land for such compensation.*

Equitable mortgagee or lien by deposit of title.

Right of holder.

164. An equitable mortgage or lien may be created by deposit of the grant, or certificate of title. The holder shall have the power at any time during the existence of his equitable mortgage or lien to enter a caveat in manner set forth in Part XI. hereof, to prevent the transfer of, and all dealing with the land, and when he has obtained a judgment of any Court of competent jurisdiction for the actual sum due, he shall be entitled to apply for and obtain an immediate order for the sale of the lands and payment out of the proceeds, as in the case of an express mortgage by deed.

Guardian or committee may act for person he represents.

Where there is no guardian or committee.

165. Where any person, who, if not under disability, might have made any application, given any consent, done any Act, or been party to any proceeding under this Act, is a minor, idiot, or lunatic, the guardian or committee of the estate, respectively, of such person may make such application, give such consent, do such act, and be party to such proceeding as such person if free from disability might have made, given, done, and been party to, and shall otherwise represent such person for the purposes of this Act: And where there is no guardian or committee of the estate of any such person aforesaid being infant, idiot, or lunatic, or where any person, the committee of whose estates if he were idiot, or lunatic, would be authorized to act for and represent such person under this Act, is of unsound mind and incapable of managing his affairs, but has not been found an idiot or lunatic under inquisition, it shall be lawful for any Court of competent jurisdiction or a Judge thereof to appoint a guardian of such person for the purpose of any proceedings under this Act, and from time to time change such guardian. And where such Court or a Judge thereof sees fit, it or he may appoint a person to act as the next friend of a married woman

Court or Judge may appoint one *ad hoc* or as next friend.

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for the purpose of any proceeding under this Act, and from time to time remove or change such next friend.

Registrar may cancel separate grants, &c., to same person and issue one certificate for the whole land included in them.

166. Upon the application of any proprietor of lands held under separate grants or certificates of title, or under one grant or certificate of title, and the delivering up of such grant, or grants, certificate, or certificates of title, it shall be lawful for the Registrar to issue to such proprietor a single certificate of title for the whole of such land or several certificates each containing a portion of such lands, in accordance with such application and as far as the same may be done consistently with any regulation for the time being in force respecting the parcels of land that may be included in one certificate of title; and upon issuing any such certificate of title the Registrar shall enter on the new certificate of title all the memorials to which the piece of land is at the time subject, and shall cancel the grant or previous certificate of title of such land so delivered up, and shall endorse thereupon a memorandum setting forth the occasion of such cancellation and referring to the certificate of title so issued.

Provision in case of loss or destruction of grant or certificate, &c.

167. In the event of a grant or certificate of title of land being lost or destroyed, the proprietor of such land, together with other persons, if any, having knowledge of the circumstances, may make a *statutory* declaration stating the facts of the case, the names and descriptions of the registered owners, and the particulars of all mortgages, encumbrances, and other matters, affecting such land and the title thereto, to the best of declarant's knowledge and belief, and the Registrar, if satisfied of the truth of such declaration and the *bona fides* of the transaction, may issue to the proprietor of such land a provisional certificate of title of such land, which provisional certificate shall contain an exact copy of the original grant or certificate of title bound up in the Register, and of every memorandum and endorsement thereon, and shall also contain a statement why such provisional certificate is issued; and the Registrar shall at the same time enter in the Register notice of the issuing of such provisional certificate and the date thereof and why it was issued, and such provisional certificate shall be available for all purposes and uses for which the grant or certificate of title so lost or destroyed would have been available and as valid to all intents as such lost grant or certificate: Provided always, that the Registrar before issuing such provisional certificate shall give at least thirty day's notice, of his intention so to do, in some newspaper published in the Registration District, or if there be no such newspaper then in

Provisional certificate by Registrar.

Entry in Register.

Proviso: Notice, Registrar.

Owner subdividing land to fyle a map.

168. Any proprietor subdividing land for the purpose of selling the same in allotments, as a town plot, shall deposit with the Registrar a map in duplicate of such town plot, provided that such map shall exhibit distinctly all roads, streets, passages, thoroughfares, squares, or reserves, appropriated or set apart for public use, and also all allotments into which the said land is divided, marked with distinct numbers and symbols; and every such map shall be signed

How certified.

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by the proprietor or his agent and certified as accurate by declaration of a Dominion Lands Surveyor before the Registrar, or a Justice of the Peace.

Implied covenants, &c., in any instrument may be negatived.

169. Every covenant and power declared to be implied in any instrument by virtue of this Act, may be negatived or modified by express declaration in the instrument or endorsed thereon; and in any declaration in an action for a supposed breach of any such covenant, the covenant alleged to be broken may be set forth, and it shall be lawful to allege that the party against whom such action is brought did so covenant, precisely in the same manner as if such covenant had been expressed in words in such memorandum of transfer or other instrument, any law or practice to the contrary notwithstanding; and every such implied covenant shall have the same force and effect and be enforced in the same manner as if it had been set out at length in such instrument, and where any memorandum of transfer or other instrument in accordance with the provisions of this Act is executed by more parties than one, such covenants as are by this Act to be implied in instruments of a like nature, shall be construed to be several and not to bind the parties jointly.

Effect of implied covenant.

Owner of land, &c., must allow his name to be used in certain cases.

170. The proprietor of any land or of any lease, mortgage or charge, shall, on the application of any beneficiary or person interested therein, be bound to allow his name to be used by such beneficiary or person in any action, suit or proceeding, which it may be necessary or proper to bring or institute in the name of such proprietor concerning such land, lease mortgage or charge, or for the protection or benefit of the title vested in such proprietor, or of the interest of any such beneficiary person, but nevertheless such proprietor shall in any case be entitled to be indemnified in like manner as, if being a trustee, he would, before the passing of this Act, have been entitled to be indemnified in a similar case of his name being used in any such action, suit, or proceeding by his *cestui que trust*.

Proviso.

Act not to affect jurisdiction in cases of fraud, &c.

171. Nothing contained in this Act shall take away or affect the jurisdiction of any competent Court on the ground of actual fraud, or over contracts for the sale or other disposition of land, or over equitable interests therein.

As to exception of mines and minerals in grant, &c.

172. Whenever in any grant or instrument under this Act any mines or minerals are excepted from the grant or transfer, the Registrar on issuing a certificate of title shall therein insert the words so used in the grant or instrument.

Registrar and persons under him not liable personally for things done *bonâ fide* by virtue of this Act: but damages to be paid out of the lands assurance

173. Neither the Registrar nor any person acting under his authority shall be individually liable to any action, suit, or proceeding for or in respect of any act or matter *bonâ fide* done or omitted to be done in the exercise or supposed exercise of the powers of this Act, but where any sum by way of compensation or damage has been judicially decreed to be paid by the Crown in respect of any act or matter *bonâ fide* done or omitted to be done by the Registrar or any person acting under his authority, the same shall be paid

from a fund called the Lands Assurance Fund to be created in manner hereinafter provided and of which the Finance Minister of the Dominion shall be the Treasurer; And where any sum has been judicially decreed to be paid to any person for any act or omission by the Registrar or any person acting under his authority not done *bonâ fide*, and where the plaintiff after due execution has not been able to obtain the same from the estate of the defendant, the amount adjudged and the costs shall be paid from the Lands Assurance Fund.

Fund hreby created.

How paid in cases not *bonâ fide*.

174. The Lands Assurance Fund shall be formed by deducting from the amount of fees received by the Registrar for the purposes of this Act, and by the Minister of the Interior upon the issue of Grants the amount of ten per cent. per annum, and accumulating the same with the interest thereon until the Fund shall reach the sum of , after which the ten per cent shall not be deducted unless at any time the fund shall be diminished by payments, when the addition to it of a like sum of ten per cent shall be resumed until the Fund shall again reach the amount of and so on in perpetuity.

How such fund shall be formed.

175. Whenever in any action, suit, or other proceeding affecting the title to land, or any estate or interest therein, subject to the provisions of this Act, it becomes necessary to determine the fact whether the transferree, mortgagee, encumbrancee, or lessee is a purchaser or transferree for valuable consideration or not, any person who is a party to such action, suit, or other proceeding, may give in evidence any transfer, mortgage, encumbrance, lease, or other instrument affecting the title to such land, estate, or interest in dispute, although the same may not be referred to in the certificate of title, or may have been cancelled by the Registrar.

How purchaser for valuable consideration shall be ascertained.

176. The Governor in Council shall have power from time to time to alter any of the forms in the schedules to this Act, to provide any additional forms he may deem necessary, and to make such rules and regulations as may be necessary to carry into effect the provisions of this Act; and to make such rules and regulations as may to him appear necessary for giving effect to this Act in cases unprovided for, according to its true intent and purpose.

Governor in Council may alter forms, and make rules for carrying out this Act.

PART XVII.

PENALTIES.

177. If any person wilfully makes any false statement or declaration in any dealing in land under this Act, or suppresses or conceals, or assists, or joins in, or is privy to the suppressing, withholding or concealing from the Registrar any material, document, fact, or matter of information, or wilfully makes any false declaration required under the authority or made in pursuance of this Act, or if any person in the course of his examination before any Judge or the Registrar wilfully or corruptly gives false

Punishment for making false statement, concealing facts, giving false evidence, &c., or other fraud in matters under this Act.

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evidence, or if any person fraudulently procures or is privy to the fraudulent procurement of any certificate of title or instrument or of any entry in the Register or of any erasure or alteration in any entry in the Register, or knowingly misleads or deceives any person hereinbefore authorised to require explanation or information in respect to any land or the title to any land under the operation of this Act, or in respect to which any dealing or transmission is proposed to be registered, such person shall be guilty of a misdemeanor, and shall incur a penalty, not exceeding or may, at the discretion of any Court of competent jurisdiction by which he is convicted, be imprisoned for any period not exceeding three years.

Misdemeanor and fine.

And further offences as—

178. If any person is guilty of the following offences or any of them, that is to say :—

Forging signature, &c. of Registrar.

(1.) Forges, or procures to be forged or assists in forging the signature or seal of the Registrar, or the name, signature, or handwriting of any officer of the Registry office in cases where such officer is by this Act expressly or impliedly authorized to affix his signature; or

Stamping with forged seal.

(2.) Stamps or procures to be stamped, or assists in stamping any instrument or document with any such forged seal; or

Forging any name, &c., to any instrument.

(3.) Forges or procures to be forged, or assists in forging the name, signature or handwriting of any person whomsoever, to any instrument or document which is by this Act, or in pursuance of any power contained in this Act, expressly or impliedly authorised to be signed by such person ; or

Knowingly using any false document.

(4.) Uses with an intention to defraud any person whomsoever, any instrument or document upon which any impression or part of the impression of any seal of the Registrar has been forged, knowing the same to have been forged, or any instrument or document the signature to which has been forged, knowing the same to have been forged; or

Fraudulently using true seal of Registrar.

(5.) Fraudulently uses or procures to be used for any purpose the actual seal of the Registrar, in which case such fraudulent use shall be a like offence in all respects as a forgery thereof,—

Felony. Punishment.

Such offender shall be deemed to be guilty of felony, and shall be punished at the discretion of the Court by imprisonment in any gaol for any term less than two years, or in the Penitentiary for any term not less than two years nor exceeding ten years.

Conviction not to affect civil remedy.

179. No proceeding or conviction for any act hereby declared to be a misdemeanor or felony shall affect any remedy which any person aggrieved or injured by such act may be entitled to at law or in equity against the person who has committed such act, or against his estate.

180. Except in any case as to which it is otherwise herein provided, all offences against the provisions of this Act may be prosecuted, and all pecuniary penalties or sums of money imposed by or under the provisions of the same, may be sued for and recovered in the name of the Attorney General of Canada before any Court of competent jurisdiction, and shall belong to the Crown for the public uses of the Dominion. Recovery and application of penalties not otherwise provided for.

PART XVIII.

REPEAL OF EXISTING LAWS, COMMENEMENT.

181. So much of any Act or Ordinance now in force in the Territories as is inconsistent with the provisions of this Act is hereby repealed. Repeal clause.

182. This Act shall come into force upon from and after the first of July, one thousand eight hundred and seventy-eight. Commencement of act.

SCHEDULE A.

(*Sections 6 and 7.*)

FORM OF BOND OF REGISTRAR.

TERRITORIES OF CANADA.

Know all Men by these presents that we, of the of , in the , in the Territories of the Dominion of Canada hereinafter called "The Principal"); and (*insert names and additions of Principal and Sureties.*) of the of in the of in the aforesaid and of the of (hereinafter called "The Sureties"), are respectively held and firmly bound unto our Sovereign Lady the Queen, her heirs and successors, in the respective penal sums following, that is to say:—"The Principal" in the sum of dollars of lawful money of Canada, and each of "The Sureties" in a sum of dollars of like lawful money, to be paid to our said Sovereign Lady the Queen, her heirs and successors; for which said respective payments, well and faithfully to be made, we severally,—and not jointly, or each for the other,—bind ourselves, and our respective heirs, executors, and administrators, firmly by these presents, sealed with our respective seals.

Dated this day of in the year of our Lord One Thousand Eight Hundred and and in the year of *Her* Majesty's reign.

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Whereas "The Principal," having been appointed to the office or employment of the Registrar of
is required by law to give security to the Crown for the due performance of the duties appertaining thereto; and "The Sureties"
have consented to become his sureties for such his performance of the said duties; and this Bond is given in pursuance of (*insert the title of this Act.*)

Now the condition of this obligation is, that if "The Principal" faithfully discharges the duties of the said office and duly accounts for all moneys and property which may come into his custody by virtue of the said office, his obligation shall be void.

Signed, sealed and delivered in the presence of

Signatures and Seals.

AFFIDAVITS TO BE ANNEXED TO THE BOND.

Affidavit of Attestation.

TERRITORIES OF CANADA, of To WIT: I of the of in the of

on the of make oath and say that I was personally present, and did see (*as the case may be*) of the obligors in the above bond or writing obligatory, named, duly execute the said Instrument by signing, sealing, and, as (his *or* their respective acts and deeds, *as the case may be*) delivering the same; and that I am a subscribing witness to such execution.

Sworn before me, at the of
in the said of
this day of A.D.
One thousand eight hundred and *seventy*
, a J. P. for the said

A separate affidavit in this form will be made by a witness to the execution by each obligor, if the same person does not witness the execution by all of them.

Affidavit of a Surety.

TERRITORIES of
of
To WIT:

I, one of the sureties in the foregoing Bond named, make oath and say as follows:

1. I am seized and possessed to my own use of real, (*or* real and personal) estate, in the of in Canada, of the actual value of dollars over and above all charges upon, or incumbrances affecting the same.

2. My Post Office address is as follows: (*insert it*)

Sworn before me at the of
in the of in the
Province of this
day of A.D. One thousand
eight hundred and *seventy*
a J. P. for the said

A separate Affidavit to be made by each Surety.

The Indorsement on the Bond shall show:—1. The date of its receipt by the Secretary of State or Lieut.-Governor; 2. The names of the Principal and Sureties, and the amount for which each is bound; 3. The date of the Bond; 4. The office for the faithful discharge of the duties whereof it is given; 5. The Registration number; 6. The folio on which it is entered in the Register of Bonds; 7. The folio and book in which it is recorded in the office of the Secretary of State and Registrar-General of Canada, certified by the signature of the Secretary or his Deputy, and the said Bond and Suretyship shall be held to be given under this Act and the Act 31 Vict., chap. 37, and the Acts amending it, and subject to all the provisions thereof.

SCHEDULE B.

(*Section* 10)

FORM OF REGISTRAR'S OATH OF OFFICE.

TERRITORIES OF CANADA.

County of
To Wit:

I (*name and describe deponent*), having been appointed by the *Governor General* of Canada to the office of Registrar, in and for the [*name of Registration Diistrict, &c.,*] do swear, that I will well, truly, and faithfully perform and execute all duties required of me, under the laws of Canada (and the ordinance, *if any*, of the Territories) relating to the said office, so long as I continue therein, and that I have not given, directly or indirectly, nor authorized any person to give, any money, gratuity or reward whatsoever for procuring the said office for me.

Sworn before us at , the day of A. D. 187 .

A. B., J.P.,
C. D., J.P.,
In and for the said *County*.

Signature of Registrar.

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SCHEDULE C.

(*Section* 35.)

SUMMONS.

(In the matter of *The Territories Real Property Act*, 1878.)

A. B. (*insert addition*) is hereby summoned to appear before me at the on the day of , one thousand, eight hundred and , at of the clock in the [fore *or* after] noon, then and there to be examined at the instance of C. D (*insert addition*), concerning (*describe the case*), and the said A. B. is hereby required to bring with him and produce at the time and place aforesaid (*describe documents*), and all other writings and documents in his custody or power in anywise relating to the premises.

Given under my hand the day of one thousand eight hundred and

Registrar of Titles.

SCHEDULE D.

(*Section* 35.)

FEES PAYABLE FOR THE PERFORMANCE OF THE SEVERAL ACTS, MATTERS, AND THINGS HEREIN SPECIFIED.

For every certificate of title	$ 2 00
" Registering transfer, mortgage or encumbrance	2 00
" Registering lease	2 00
" Registering transfer, discharge of mortgage or of any encumbrance, or the transfer or surrender of any lease	1 00
" Extension of a mortgage or lease	1 00
" Every power of attorney	1 00
" Every registration abstract	4 00
" Cancelling registration abstract	1 00
" Every revocation order	1 00
" Noting caveat	2 00
" Cancelling or withdrawing caveat and service of notice to the caveator or caveatee	1 00
" Every search	0 50
" Every general search	1 00
" Every instrument declaratory of trusts, and for every will or other instrument deposited.	1 00
" Registering recovery by proceeding as in law or re-entry by lessor	1 00
" Registering the vesting of lease in mortgagee where assignees refuse to accept the same	1 00
" Entering notice of writ of order of the court or judge	1 00
" Taking declaration in case of lost grant or other instrument	2 00
" Taking affidavit or statutory declaration	1 00
" Certified copies of instruments, per folio of 100 words	0 10

SCHEDULE E.

Section 36.

FORM OF GRANT FROM THE CROWN.

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To all whom these presents shall come, Greeting :

Whereas the lands hereinafter described, are part of the lands known as "Dominion Lands" and mentioned in an Act of the Parliament of Canada, passed in the thirty-fifth year of Our Reign and intituled: "*An Act respecting the Public Lands of the Dominion.*"

And whereas (*insert name and description of Grantee.*) ha applied for a grant of the said lands and (*his*) claim to such grant having been duly investigated by us, (*he*) ha been found duly entitled thereto, (*State how Grantee becomes entitled to the Grant.*)

Now Know Ye, that by these presents we do grant, convey and assure, unto the said and assigns for ever, all th parcel or tract of land, situate, lying and being in the in our Dominion of Canada, and being composed of (*insert description of the land granted*), containing by admeasurement acres, more or less, to have and to hold the said parcel or tract of land unto the said and assigns for ever; saving and reserving, nevertheless, unto us, our successors and assigns, the free user, passage and enjoyment of, in, over and upon all navigable waters that now are or may be hereafter found on or under, or flowing through or upon any part of the said parcel or tract of land

Given under the Great Seal of Canada: Witness, and our (*name and titles of Governor General.*)

At Ottawa, this day of in the year of Our Lord one thousand eight hundred and *seventy* and in the year of Our Reign.

Ref. No. } *By Command,*
Reg. No. }

Signatures.

Secretary of State.
Minister of the Interior.

[INDORSE]

DOMINION LANDS.

Grant to
Situate in the
Dated
Recorded

Lib. Fol.

Signature.
Deputy Registrar General of Canada.

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SCHEDULE F.

(*Section* 38.)

TERRITORIES  OF CANADA.

Register Book.
—
Vol. .....
Folium.....

CERTIFICATE OF TITLE.,

Regiter,s vol. , folio .

A. B. of is now seized of an estate of fee simple, subject, nevertheless, to such mortgages, encumbrances, liens and interests as are notified by memorial under written or endorsed hereon 'in (*here describe the land accurately*), and being (*or* being part of) section of land, in Towinship Range, in the said Territories of Canada (*or* Distrct of Kee-way-din, *as the case may be*), containing, acres ; which was originally granted on the day of in the year of Our Lord one thousand eight hundred and , under the hand and seal of , then *Governor General* of the Dominion of Canada. In witness whereof I have hereunto signed my name and affixed my seal this day of , one thousand eight hundred and .

(*Signed*)

Signature.

Registrar.

SCHEDULE G.

(*Sections* 42, 83.)

FORM OF ENCUMBRANCE.

I, A. B., being registered as proprietor, subject however to such mortgages and encumbrances as are notified by memorandum underwritten or endorsed hereon, of that piece of land of (*description*) part of Section Township Range , containing acres, be the same a little more or less. (*Here state rights of way, privileges, easements, if any, iutended to be conveyed along with the land; and if the land dealt with does not contain all included in the original grant, set forth the boundaries and accompany it by a diagram in accordance with Section of this Act,*) which land was originally granted in Her Majesty's name on the day of 187 , under the Great Seal of Canada, by (*His Excellency the Right Hon. Sir Frederick Temple, Earl of Dufferin,*) then *Governor General* of Canada, under the authority of an Act of the Parliament of Canada, intituled "*An Act respecting the Public Lands of the Dominion* ;" And desiring to render the said land available for the purpose of securing to and for the benefit of C. D. of (*description*) the (*sum of money, annuity or rent charge*) hereinafter mentioned, do hereby ENCUMBER the said land for the benefit of

the said C.D. with the (*sum, annuity or rent charge*) of $,to be raised and paid at the times and in the manner following, that is to say—(*Here state the times appointed for the payment of the sum, annuity or rent charge intended to be secured, the interest, if any, and the events on which such sum, annuity or rent charge shall become and cease to be payable, also any special covenants or powers and any modification of the powers or remedies given to an encumbrancee in this Act*): And subject as aforesaid, the said C. D. shall be entitled to all powers and remedies given to an encumbrancee by "*The Territories Real Property Act*, 1878."

In witness whereof I have hereunto signed my name this day of

Signature of Encumbrancee.

See Form of Attestation in Schedule S.

Insert memorandum of mortgages and encumbrances.

For Form of Transfer of Encumbrance, see Schedule Q (*a*).

STAMP

SCHEDULE H.

(*Sections* 43, 71.)

FORM OF TRANSFER.

I, A.B., being the registered proprietor, subject however to such mortgages and encumbrances, as are notified by memorandum underwritten, or endorsed hereon, of all that certain tract of land containing acres, be the same a little more or less, and being Section, Township , Range , in the Territories of Canada (*or* District of Kee-way-din, as the case may be.) (*Here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with does not contain all included in the original grant, set forth the boundaries and accompany it by a diagram in accordance with Section of this Act*) which land was originally granted in Her Majesty's name, on the day of 187 , under the Great Seal of Canada, by His Excellency (*the Right Honourable Sir Frederick Temple, Earl of Dufferin*) then *Governor General* of Canada, under the authority of an Act of the Parliament of Canada, intituled: "*An Act respecting the Public Lands of the Dominion*," do hereby in consideration of the sum of $, paid to me by E. F. the receipt of which sum I hereby acknowledge, TRANSFER to the said E. F. all my right, title and interest in the said piece of land.

In witness whereof, I have hereunto subscribed my name this day of ,

(*Signature.*)

For Form of Attestation see Schedule S.

SCHEDULE I.

(*Section* 76.)

(*Endorse memorandum of mortgages and encumbrances*) ?

FORM OF TRANSFER OF MORTGAGE, ENCUMBRANCE, OR LEASE BY ENDORSEMENT.

I, the within mentioned C. D., in consideration of $, this day paid to me by X. Y., of , the receipt of which sum I do hereby acknowledge, hereby transfer to him the mortgage [encumbrance *or* lease, *as the case may be*] within written, together with all my rights, powers, title, and interest therein.

In witness whereof, I have hereunto subscribed my name this day of .

C. D., *Transferor.*

Accepted, X. Y., *Transferee.*

For Form of Attestation see Schedule S.

SCHEDULE J.

(*Section* 76.)

FORM OF TRANSFER OF PART OF MORTGAGE OR ENCUMBRANCE BY ENDORSEMENT.

I, the within mentioned C.D., in consideration of $, this day paid to me by X.Y., of , the receipt of which sum I do hereby acknowledge, hereby transfer to him $ of the mortgage [*or* encumbrance *as the case may be*] within written, together with all my rights, powers, title, and interest therein, and the sum so transferred shall be preferred [*or* deferred *or* rank equally, *as the case may be*] to the remaining sum secured by the mortgage.

In witness whereof, I have hereunto subscribed my name this day of

C. D., *Transferor.*

Accepted, X. Y., *Transferee.*

For Form of Attestation see Schedule S.

SCHEDULE K.

(*Section*, 79.)

FORM OF LEASE.

I, A. B., being registered as proprietor, subject however to such mortgages and encumbrances as are notified by memorandum underwritten or endorsed hereon, of that piece of land (*describe it*) part of , section

, Township , Range containing acres, be the same a little more or less, (*Here state rights of way, privileges, easements, if any, intended to be conveyed along with the land; and if the land dealt with does not contain all included in the original grant, set forth the boundaries and accompany it by a diagram in accordance with section of this Act,*) which land was originally granted in Her Majesty's name on the day of 18 , under the Great Seal of Canada, by His Excellency the *Right Honourable Sir Frederick Temple, Earl of Dufferin*, then *Governor General* of Canada, under the authority of an Act of the Parliament of Canada, intituled "*An Act respecting the Public Lands of the Dominion*," do hereby LEASE to E. F., of (*here insert description*), all the said lands to be held by him the said E. F., as tenant, for the space of years from (*here state the date and term*) at the yearly rental of $, payable (*here insert terms of payment of rent*), subject to the covenants and powers implied under "The Territories Real Property Act, 1878 (*unless any are negatived or modified, in which case here set forth such negation or modifications*).

I, E. F. of (*here insert description*), do hereby accept this lease of the above-described lands, to be held by me as tenant, and subject to the conditions, restrictions, and covenants above set forth.

(*Signature of Lessor.*)

(*Signature of Lessee.*)

Dated this day of

For Form of Attestation *see* Schedule S.

(*Here insert memorandum of mortgages and encumbrances,*)

For Form of Transfer of Lease, see Schedule Q (*a*).

SCHEDULE L.

(*Section* 85.)

1. The lessee will not transfer or sublet.

1. The lessee, his executors, administrators, or transferees, will not, during the said term, transfer, assign, or sublet the premises hereby leased, or any part thereof, or otherwise by any act or deed procure the said premises, or any part thereof, to be transferred or sublet, without the consent in writing of the lessor or his transferees first had and obtained.

2. The lessee will fence.

2. The lessee, his executors, administrators, or transferees, will, during the continuance of the said term, erect and put upon the boundaries of the said land, or on those boundaries on which no substantial fence now exists, a good and substantial fence.

3. The lessee will cultivate.

3. The lessee, his executors, administrators, or transferees, will, at all times during the said term, cultivate, use and manage in a proper husband-like manner, all such parts of the land as are now or shall hereafter, with the consent in writing of the said lessor or his transferees, be broken up or converted into tillage, and will not impoverish or waste the same.

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4. The lessee will not cut timber.

4. The lessee, his executors and administrators or transferees, will not cut down, fell, injure or destroy any living timber or timber-like tree standing and being upon the said land, without the consent in writing of the aid lesssor or his transferees.

5. The lessee will insure against fire in the name of the lessor.

5. The lessee, his executors, administrators, or transferees, will insure, and during the said term keep insured, against loss or damage by fire, in the name of the lessor or his transferees, in some public insurance office approved of by him or them, to the amount of their full value, all buildings which shall, for the time being, be erected on the said land, and which shall be of a nature or kind capable of being insured against damage by fire, and will, when required, deposit with the lessor or his transferees, the policy of such insurance, and within seven days after each premium shall become payable, the receipt for such premium ; and on any breach or non-observance of this covenant, the lessor or his transferees may, without prejudice to and concurrently with the powers granted to him and them by this lease, and by The Territories Real Property Act, 1878, insure such buildings, and the costs of effecting such insurance shall, during the said term, be a charge upon the said land. All moneys which shall be received under and by virtue of any such insurance shall be laid out and expended in making good the loss or damage.

6. The lessee will paint outside every third year.

6. The lessee, his executors, administrators, or transferees, will, in every third year during the continuance of the said term, paint all the outside woodwork and ironwork belonging to the leased property with two coats of proper oil colors, in a workmanlike manner.

7. The lessee will paint and paper inside every fourth year.

7. The lessee, his executors, administrators, or transferees, will, in every fourth year during the continuance of the said term, paint the inside wood, iron and other work now or usually painted, with two coats of proper oil colors, in a workmanlike manner, and also re-paper with paper of the same quality as at present, such parts of the said premises as are now papered, and also whiten or color such parts of the said premises as are now whited or colored respectively

8. The lessee will not use the premises as a shop.

8. The lessee, his executors, administrators, or transferees will not convert, use or occupy the said premises, or any part thereof, into or as a shop, warehouse, or other place for carrying on any trade or business whatsoever, or permit or suffer the said premises or any part thereof to be used for any such purpose, or otherwise than as a private dwelling house, without the consent in writing of the said lessor or his transferees.

9. The lessee will not carry on any offensive trade.

9. The lessee, executors, administrators, or transferees will not, at any time during the said term, use, exercise, or carry on, or permit, or suffer to be used, exercised, or carried on, in or upon the said premises, or any part thereof, any noxious, noisome, or offensive art, trade, business, occupation, or calling, and no act, matter or thing whatsoever shall, at any

time during the said term, be done in or upon the said premises, or any part thereof, which shall or may be or grow to the annoyance, nuisance, grievance, damage, or any disturbance of the occupier or owners of the adjoining lands and properties.

10. The lessee will carry on the business of publican, and conduct the same in an orderly manner.

10. The lessee, his executors, administrators, or transferees will at all times during the continuance of the said term use, exercise, and carry on in and upon the premises, the trade or business of a licensed victualler or publican and seller of fermented and spirituous liquors, and keep open and use the house, inn, and buildings, standing and being upon the land as and for an inn or public-house, for the reception, accommodation, and entertainment of travellers, guests and other persons resorting thereto, or frequenting the same, and manage and conduct such trade or business in a quiet and orderly manner, and will not do or commit, or suffer to be done or committed, any act, matter or thing whatsoever, whereby or by means whereof any license shall be allowed to expire or to become void, or shall or may be liable to be forfeited, suspended, taken away, or refused.

11. The lessee will apply for renewal of license.

11. The lessee, his executors, administrators, or transferees will, from time to time during the continuance of the said term, at the proper times for that purpose, apply for, and endeavour to obtain such license or licenses as is, or are, or may be necessary for carrying on the said trade or business of a licensed victualler or publican in and upon the said premises, and keeping the said house or inn open as and for an inn or public-house as aforesaid.

12. The lessee will facilitate the transfer of license.

12. The lessee, his executors, administrators, or transferees will, at the expiration or other sooner determination of the said term, sign and give such notice or notices, and allow such notice or notices of a transfer or renewal of any license, as may be required by law to be affixed to the said house or inn to be thereto affixed and remain so affixed during such time or times as shall be necessary or expedient in that behalf, and generally will do and perform all such acts, matters, and things as shall be necessary to enable the said lessor or his transferees, or any person authorized by him or them to obtain the transfer of any license then existing and in force, or the renewal of any license or any new license.

SCHEDULE M.

(*Section* 88.)

FORM OF MORTGAGE.

I, A. B., being registered as proprietor, subject however to such mortgages and encumbrances as are notified by memorandum underwritten or endorsed hereon, of that piece of land (*description*) part of Section Township , Range , containing acres, be the same a little more or less, (*Here state rights of way, privileges,*

easements, if any, intended to be conveyed along with the land; and if the land dealt with does not contain all included in the original grant, set forth the boundaries and accompany it by a diagram in accordance with Section of this Act) which land was originally granted in Her Majesty's name, on the day of , 18—, under the Great Seal of Canada, by (*His Excellency the Right Honourable Sir Frederick Temple, Earl of Dufferin*) then *Governor General* of Canada, under the authority of an Act of the Parliament of Canada, intituled: "*An Act respecting the Public Lands "of the Dominion*," do hereby, in consideration of the sum of $, lent to me by E.F., of (*here insert description*) the receipt of which sum I do hereby acknowledge,—covenant with the said E. F., that I will pay to him, the said E. F., the above sum of $, on the day of . Secondly, that I will pay interest on the said sum at the rate of , by the $ in the year, by equal payments on the day of , and on the day of in every year. Thirdly (*here set forth special covenants, if any*); and for the better securing to the said E. F., the repayment in manner aforesaid of the principal sum and interest, I hereby MORTGAGE to the said E.F., the land above described.

In witness whereof, I have hereto signed my name this day of

Signature of Mortgagor.

See Form of Attestation Schedule Q.

(*Insert memorandum of mortgages and encumbrances.*)

For Form of Transfer of Mortgage, see Schedule O.

SCHEDULE N.

(*Section* 106.)

POWER OF ATTORNEY.

I, A. B. (*insert addition*) do hereby appoint C. D. (*insert addition*) my attorney to sell to any person all or any lands, leases, mortgages, or encumbrances, whether now belonging to me, or which shall hereafter belong to me, under or by virtue of *The Territories Real Property Act*, 1878, or of which I am now or shall hereafter be the proprietor under the said Act, ; also to mortgage all or any such lands or leases for any sum, at any rate of interest; also to charge the same with any annuity of any amount; also to lease all or any such lands as shall be of freehold tenure for any term of years, not exceeding *twenty-one* years in possession, at any rent; also to surrender, or obtain, or accept the surrender of any lease in which I am or may be interested; also to exercise and execute all powers which now are or shall hereafter be vested in or conferred on me as a lessor, mortgagee, or annuitant under the said Act (*or otherwise according to the nature and extent of the powers intended to be conferred,*) and for me, and in my name, to sign all such transfers and other instruments, and to do all such acts, matters, and things as may be necessary or expedient for carrying out the powers hereby given, and for recovering all sums of money that are now or may become due or owing to me in respect of the premises, and for enforcing or varying any contracts, covenants, or conditions, binding upon any lessee, tenant, or occupier of my said lands, or upon any other person in respect of the same, and for recovering and main-

taining possession of the said lands, and for protecting the same from waste, damage, or trespass.

Dated this day of

Signature of Constituent.

See Form of Attestation, Schedule S

SCHEDULE O.

(*Section* 107.)

FORM OF REVOCATION.

I, A. B., of hereby revoke the power of attorney given by me to , dated the day of

In witness whereof I have hereunto subscribed my name this day of

Signature of Constituent.

See Form of Attestation, Schedule S.

SCHEDULE P.

(*Section* 109.)

TERRITORIES OF CANADA.

REGISTRATION OF ABSTRACT.

(*Here insert Copy of Grant or Certificate of Title.*)

Pursuant to the provisions of "*The Territories Real Property Act*, 1878." this Registration Abstract is issued for the purpose of enabling registered proprietor of the land described in the above written Grant or Certificate of Title, to deal with the above-described land at places without the limits of the said *Territories*, and shall continue in force from the date hereof until the day of or until the same be surrendered to me for cancellation.

In witness whereof I have hereunto signed my name and affixed my seal this day of

(*Signature*)

[L. S.] Registrar of Titles

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SCHEDULE Q.

(*Section* 123.)

FORM OF TRANSFER OF LAND UNDER WRIT OF FIERI FACIAS.

I Sheriff of the person appointed to execute the writ hereinafter mentioned, in pursuance of a writ of *fieri facias*, tested the day of one thousand eight hundred and and issued out of (*insert name of Court*) a Court of competent jurisdiction in an action wherein is the plaintiff, and the defendant, which said is registered as the proprietor of the land hereinafter described, subject to the mortgages and encumbrances notified hereunder, do hereby, in consideration of the sum of paid to me, as Sheriff aforesaid, by E. F. (*insert addition*) TRANSFER to the said E.F. all that piece of land (*here insert a sufficient description of the land, and refer to the debtor's certificate of title or grant.*)

Dated the day of one thousand eight hundred and

Signature of Sheriff.

Mortgages and encumbrances referred to. (*State them.*)

SCHEDULE Q. (*a*).

(*Section* 123.)

FORM OF TRANSFER OF LEASE, MORTGAGE, OR ENCUMBRANCE UNDER WRIT OF FIERI FACIAS.

I, Sheriff of the person appointed to execute the writ hereinafter mentioned (*or otherwise as the case may be*), in pursuance of a writ of *fieri facias*, tested the day of one thousand eight hundred and , and issued of a Court of competent (*insert name of Court*) jurisdiction, in an action wherein is the plaintiff and the defendant, which said is registered as the proprietor of a lease [mortgage *or* encumbrance, *as the case may be*] numbered of [*or* upon] the land hereinafter described, subject to the mortgages or encumbrances notified hereunder, do hereby, in consideration of the sum of paid to me, as Sheriff aforesaid, by E. F. [*insert addition*], TRANSFER to the said E. F. the lease, (mortgage, *or* encumbrance granted by)

to and in favor of , dated the day of to, in and over [*Here describe the land according to the description in the lease, mortgage, or emcumbrance, and refer to the registered instrument*

Dated the day of one thousand eight hundred and

Signature of Sheriff.

Mortgages and encumbrances referred to. (*State them.*)

SCHEDULE Q. (*b.*)

(*Section* 123.)

FORM OF TRANSFER OF LAND UNDER DECREE OR ORDER OF A COURT OF COMPETENT JURISDICTION.

I (*insert name*), in pursuance of a decree (*or order*) of (*insert name of Court*) a Court of competent jurisdiction, dated the day of one thousand eight hundred and , and entered in the Register, vol. , fol. hereby TRANSFER to E. F. (*insert addition*), subject to the mortgages and encumbrances notified hereunder, all that piece of land being (*here insert a sufficient description of the land and refer to the certificate of title or grant*).

Dated the day of one thousand eight hundred and

Signature of Transferor.

Mortgages and Encumbrances referred to. (*State them.*)

SCHEDULE Q. (*c.*)

(*Section* 123.)

FORM OF TRANSFER OF LEASE, MORTGAGE, OR ENCUMBRANCE, UNDER DECREE OR ORDER OF A COURT OF COMPETENT JURISDICTION.

I (*insert name*), in pursuance of a decree or order of (*insert name of Court*) Court of competent jurisdiction, dated the day of one thousand eight hundred and , and entered in the Register, vol. fol. , hereby TRANSFER to E. F. (*insert addition*), subject to the mortgages and encumbrances notified hereunder, lease (*or* mortgage *or* encumbrance *as the case may be*) granted by in favour of (of *or* upon) all that piece of land (*here insert description of the land according to the description in the lease, mortgage, or encumbrance, and refer to the registered instrument.*)

Dated the day of , one thousand eight hundred and

Signature of Transferor.

Mortgages and encumbrances referred to. (*State them.*)

SCHEDULE R.

(*Section* 125.)

CAVEAT FORBIDDING REGISTRATION, OR DEALING WITH LAND.

To the Registrar of Titles.

Take notice that I, A. B., of (*insert addition*) claiming (*here state he nature of the estate or interest claimed and the grounds upon which such*

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claim is founded) in (*here describe land and refer to grant or certificate of title*) forbid the registration of any dealing with the before-mentioned land until this caveat be withdrawn by the caveator or by the order of a Court of competent jurisdiction, or a Judge thereof, or unless such dealing be subject to the claim of the caveator, or until after the lapse of twenty-one days from the date of the service of notice by the caveatee, at the following address. (*Insert it.*)

Signature of Caveator or his Agent.

Dated this day of 18 .

I, the above-named A. B, [or C. D., of (*residence and description*) agent for the above A.B.,] make oath (*or* affirm, *as the case may be*) and say, that the allegations in the above caveat are true in substance and in fact [*and, if no personal knowledge, add* as I have been informed and verily believe]

Sworn, &c.

SCHEDULE S.

(*Section* 126.)

FORM OF ATTESTATION OF ATTESTING WITNESS.

The signature A. B., [*or, if a marksman*, the cross purporting to be the signature of A. B.] was made in my presence, on the date above set forth.

C. D. (*add designation.*)

SCHEDULE T.

(*Sections* 126 *and* 127.)

CERTIFICATE OF REGISTRAR, DEPUTY-REGISTRAR OR COMMISSIONER FOR THE TAKING OF AFFIDAVITS, TAKING THE OATH OF ATTESTING WITNESS.

Appeared before me at the day of one thousand eight hundred and C. D., the attesting witness to this instrument, and made oath as follows :—"I, C. D., of the County of in Registration District of the Territories of Canada (*or* Province of *as the case may be*) make oath and say, that, on the day and date herein specified, I was present and saw A. B., the person herein named, and the person whose signature I attest, sign the within instrument, that I know the said A. B., that the name purporting to be the signature of the said A. B. is in his handwriting and that he is the person herein described."

Signature.

Registrar, (Deputy-Registrar *or* Commissioner.)

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SCHEDULE U.

(*Section* 129.)

IN A COURT OF COMPETENT JURISDICTION OF THE DOMINION OF CANADA.

(Date.)

In the matter of the Registration of Transfer (*or as the case may be*) A. B. to C. D.

The Registrar, under Section 113 of *The Territories Real Property Act* 1878, hereby humbly refers the following matter to the Court, to wit : (*Here state briefly the difficulty which has arisen.*)

The parties interested so far as the Registrar knows or has been informed are : (*Here give the names*)

Signature.

[L.S.] Registrar of Titles.

No. 47.

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

BILL.

An Act to provide for the transfer of lands, and estates and interests in lands, in the Territories of Canada, by Registration of Titles.

Received and read first time, Monday, 11th March, 1878.

Second reading, Tuesday, 12th March, 1878.

Mr. MILLS

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1878.

No. 48.] **BILL.** [1878.

An Act to incorporate "La Société de Construction du Comté d'Hochelaga" as a Permanent Building Society, and for other purposes.

WHEREAS "La Société de Construction du Comté d'Hochelaga," incorporated under the provisions of the Act chapter sixty-nine of the Consolidated Statutes for Lower Canada, has existed in the City of Montreal since the month of June, one thousand eight hundred and seventy-five; whereas the subscribed appropriation capital of the said Society is one million five hundred thousand dollars, and the amount paid thereon is about fifty-nine thousand four hundred and fifty dollars; and whereas its existence on a solid and durable basis is of great interest to all its shareholders; and whereas the said Society has, by the petition of its President and Directors, prayed for certain powers and changes which would greatly contribute to its prosperity and to the security of persons holding shares therein, and of the public, with whom its business is transacted; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:— Preamble. Con. Stat., L.C., c. 69.

1. The said "Société de Construction du Comté d'Hochelaga" and all its present members, their successors and assigns for ever, are hereby constituted a corporation and permanent building society, under the name of "La Société de Construction du Comté d'Hochelaga," having its principal place of business or office in the City of Montreal, and may by that name sue and be sued, and shall enjoy all the rights, powers and privileges granted to permanent building societies by the Act chapter sixty-nine of the Consolidated Statutes for Lower Canada, and by all other Acts affecting such societies, and shall be held to all the duties and obligations imposed on such societies by the said Acts. Corporation continued. Rights and powers.

2. All movable and immovable property, shares or stock, obligations, debts, rights, claims and privileges generally whatsoever of the said La Société de Construction du Comté d'Hochelaga, shall continue vested in the said Society incorporated as a permanent building society as aforesaid, under its said name, and shall continue to be held and maintained by or against the said society, and belong to it to all intents and purposes as if this Act had not been passed; and all proceedings commenced by the said Society may be continued without any change whatsoever. Property, &c., vested in Society.

Officers and by-laws continued.

3. The President, Directors and officers of the said La Société de Construction du Comté d'Hochelaga, now in office, shall so continue in the said Society, until replaced in conformity with the by-laws of the Society. The present by-laws of the said Society, which are in conformity with the law, shall continue in force until modified, amended or repealed by the said Society.

Recital.

4. And whereas under the system hitherto followed in the said Society, the capital thereof consisted of the whole amount of the shares subscribed for by its shareholders, and such capital was to be advanced by appropriation from time to time, during the existence of the Society, to shareholders holding the winning number at a drawing of lots to be carried out under the supervision of the Board of Directors of the Society, or whose number obtained at a bidding the privilege of appropriation; and whereas, under the aforesaid system of appropriation, a certain number of shareholders have already received in advance the amount of their shares, and consequently the said shareholders are bound to repay in full the amount so by them received, less what they may have previously paid up on their said shares, and consequently the said shares cannot now be reduced, unless with the consent of such shareholders, and by providing a new and special means for the discharge of the obligations of such borrowing members towards the Society, it is further enacted:

Reduction of shares receiving no appropriation.

That the appropriation capital stock of the said Society, subscribed for by shareholders who have received no appropriations, shall be reduced to ten per centum of the amount by them so subscribed; and the capital subscribed by borrowing shareholders shall remain at the full amount of the original subscription. Non-borrowing shareholders, that is to say, those who have not received appropriations, shall be bound to complete the said amount of ten per centum on the total of the shares by them originally subscribed for by paying to the Society such an amount as may be requisite to form such ten per centum, with what they have already paid, in instalments, not exceeding ten per centum of the balance by them so owing, and payable at such periods as may from time to time be fixed by the Directors;

Of non-borrowing shareholders.

Proviso:

Provided, that such instalments shall not be payable at shorter intervals than three months

Of borrowing shareholders.

Borrowing shareholders shall continue to make their payments in the same manner and on the same terms and at the same periods as set forth in their obligations entered into with the Society, until such time as each and all of their said obligations shall have been completely and entirely satisfied and fulfilled.

Commutation of their debt to Society.

Nevertheless, the Directors of the Society may make such arrangements with such borrowing shareholders as they shall think proper to convert into an obligation to pay a fixed sum agreed upon and determined between them and such borrowing shareholders all and every the debts and obligations of such borrowing shareholders as aforesaid, the whole in conformity with the provisions of the first section of this Act, and thenceforth such borrowing shareholders shall cease to be shareholders and shall become simple borrowers, and their shares shall be absolutely cancelled and annulled to all intents and purposes whatsoever.

5. The capital stock of the Society, reduced as hereinbefore enacted, shall be and form the permanent capital stock of the said Society, together with the old permanent stock, and shall be divided into shares of fifty dollars each, and each share shall entitle the holder thereof to one vote; but no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls upon all the shares held by him. How the capital stock of the Society shall be constituted hereafter.

6. The said Society may, by a resolution of the Directors confirmed at a general meeting of the shareholders, increase its permanent capital, and may as often as it thinks proper open classes of temporary shares; and nothing in this Act shall operate to deprive the Society in that respect of any rights and privileges conferred by general Acts affecting such societies. Increase of capital and temporary shares.

7 Any member of the Society may at his option at any time, and in manner to be regulated by the Directors, convert his temporary shares into fixed and permanent shares in the stock of the Society, either before or after the same shall have been fully paid up. Conversion of temporary shares.

8. All shares, whether permanent or temporary, in the said Society and all profits thereon shall be specially, and by prior privilege to any other creditors charged with and liable for any claims the Society may have against the proprietors of such shares, and the same may be retained and confiscated by the Society to an amount equal to the sum in arrear, if the shareholder indebted to the Society fails to discharge his debt or obligation within twelve months after the same shall have matured. The shares of the said Society may also be seized and sold in the same manner and with the same formalities as shares in bank stock. Prior claim of Society in respect of shares. Seizure of shares as of bank stock.

9. The system of appropriations, hitherto followed in the said Society, shall be totally discontinued, and the said Society may invest its moneys in any real security, or in the public securities of the Dominion, or of any of the Provinces thereof, or on the security of debentures of any municipal or other corporation. The Society may also accept in addition to such hypothecary securities, any personal or other security offered as collateral security for loans made by the Society. Investment of funds. Collateral security.

10. The Society shall have power to make, alter, repeal and re-enact from time to time, by-laws for the regulation of its business, by a majority of two-thirds of the votes of its members present in person or represented by proxy at a general meeting of the members of the Society held for that purpose at the call of the President or of three Directors, by public notice, inserted in two newspapers, published in the City of Montreal, one in the French language and the other in the English language, three times a week for two consecutive weeks, before the day of the said meeting, and at such meeting and at all other meetings of the members of the How by-laws may be made, altered or repealed. Notice of meeting for the purpose.

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Society, the members shall vote in the manner provided by this Act and by the by-laws of the Society.

Reserve fund may be formed.

11. The Directors of the Society may, each year, at the period of the division of profits, reserve out of the profits of the permanent capital, a certain sum not to exceed two per centum of the amount of such capital, when the net profits do not exceed ten per centum, and at their discretion if the profits exceed ten per centum; which sum shall form the permanent reserve fund of the Society, and shall be set apart to meet all losses or extraordinary or unforeseen expenditure incurred by the Society, the responsibility of which devolves on the permanent shareholders.

No. 48.

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

BILL.

An Act to incorporate "La Société de Construction du Comté d'Hochelaga" as a Permanent Building Society, and for other purposes.

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

Second reading, Monday, 18th March, 1878.

[PRIVATE BILL]

Mr. Baby.

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1878.

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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 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:—

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.

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.

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

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 membersof the Board of Directors of the said corporation till others are elected in their places.

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.

OTTAWA:
Printed by MACLEAN, ROGER & Co.
1878.

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No. 50.] **BILL.** [1878.

An Act respecting the Maritime Court of Ontario.

Preamble.

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

How decrees and orders of the Court for payment of money may be enforced.

1. All decrees and orders of the Maritime Court of Ontario, or of the Judge or a Surrogate Judge thereof, whereby any monies are payable to any person shall have the same effect as decrees of the Court of Chancery in Ontario, and all powers of enforcing its decrees possessed by the said Court of Chancery or any Judge thereof, with respect to matters depending in that court, are hereby conferred on the Maritime Court of Ontario with respect to matters therein depending, and all remedies possessed by those to whom money is payable under a decree of the said Court of Chancery, are hereby conferred on persons to whom any moneys are payable by orders or decrees of the Maritime Court of Ontario or of the Judge or a Surrogate Judge thereof.

New writ or process may be adopted for the purpose.

2. Any new writ or other process necessary or expedient for giving effect to the foregoing provisions of this Act may be issued from the Maritime Court of Ontario, in such form as the Judge of the said Court with the approval of the Governor in Council may from time to time direct.

Powers of Marshal or Deputy as to execution of such writ.

3. The Marshal or Deputy Marshal of the Court, as the case may be, shall have, as to the execution of any such new writ or other process, similar powers to those now possessed by Sheriffs in the Province of Ontario as to the execution of similar writs issued from the said Court of Chancery.

No. 50.

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

BILL.

An Act respecting the Maritime Court of Ontario.

Received and read first time, Monday, 18th March, 1878.

Second reading, Tuesday, 19th March 1878.

Mr. LAFLAMME.

OTTAWA:
Printed by MACLEAN, ROGER & Co.

1878.

No. 51] **BILL.** [1878.

An Act respecting the offices of Receiver General and Attorney General of Canada.

Preamble.

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

Departments of Receiver-General and Minister of Finance consolidated.

1. On and after a day to be fixed by proclamation under an order of the Governor in Council, the Department of the Receiver General shall no longer be a separate Department of the Civil Service of Canada, and the office of Receiver General shall no longer be held by a separate member of the Government of Canada, but on and after the day so fixed, the Minister of Finance shall be also *ex-officio* Receiver General, and shall as such, in addition to those of the Minister of Finance, be entrusted with the powers and charged with the duties with which the Receiver General is now entrusted and charged; and he shall be charged generally with such other duties as may at any time be assigned to him by the Governor in Council; his name of office shall be "Minister of Finance and Receiver General."

Minister of Finance to administer both.

His name of office.

Powers and duties of his Deputy.

2. The Deputy of the Minister of Finance shall in addition to his present powers and duties be entrusted with the powers and charged with the duties with which the Deputy of the Receiver General is now entrusted and charged, and shall be the Deputy of the Minister of Finance and Receiver General.

Offices of Minister of Justice and Attorney-General separated.

3. On and after a day to be fixed by proclamation under an order of the Governor in Council, the Minister of Justice of Canada shall no longer be *ex-officio* Her Majesty's Attorney General of Canada, but on and after the day so fixed, there shall be a member of the Government of Canada to be called the Attorney General of Canada, who shall be a member of the Queen's Privy Council for Canada, and shall be appointed by an instrument under the Great Seal, and shall hold office during pleasure; he shall be entrusted with the powers and charged with the duties with which the Minister of Justice as *ex-officio* Attorney General is now entrusted and charged, and shall be charged generally with such other duties as may at any time be assigned to him by the Governor General in Council.

Appointment of Attorney-General.

His powers and duties.

Governor may at any time assign the duties of each or both offices.

4. The Governor in Council may at any time assign to the Minister of Justice, either exclusively or concurrently with the Attorney General, any of the powers and duties of the Attorney General, and may at any time assign to the Attorney

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General, either exclusively or concurrently with the Minister of Justice any of the duties or powers of the Minister of Justice.

Department of Justice.

5. The Minister of Justice shall, assisted by the Attorney General, preside over the Department of Justice.

Deputy.

6. The Deputy of the Minister of Justice may also be *ex-officio* the Deputy of the Attorney General of Canada.

Sub-sec. 2 of sec. 1 of 31 Vic., c. 25, amended; as to Receiver-General and Minister of Justice.

7. The second sub-section of section one of the Act passed in the thirty-first year of Her Majesty's reign (1868), chapter twenty-five and the sixth section of that Act, are hereby respectively amended by inserting after the words "Minister of Justice" therein, the words "Attorney General," and by striking out the words, "Receiver General" where they now occur therein, and inserting the words "and Receiver General" after the words "Minister of Finance."

And sec. 2 of 36 Vic., c. 31, after the day to be fixed by proclamation.

8. On and after a day to be fixed by proclamation under an order of the Governor in Council, the second section of the Act passed in the thirty-sixth year of Her Majesty's reign (1873), chapter thirty-one, shall be amended by striking out the words "and Attorney General" after the words "Minister of Justice," and by adding the words "and Receiver General" after the words "Minister of Finance," and by striking out the words "The Receiver General" and substituting in lieu thereof the words "The Attorney General."

5th Session, 3rd Parliament, 41 Victo

BILL.

An Act respecting the offices of I
General and Attorney Ger
Canada.

Received and read first time, Mon
March, 1878.

Second reading, Tuesday, 19th Marc

Mr. LAF

OTTAWA:
Printed by MacLean, Roger & Co., Wellin
1878.

No. 52.] **BILL.** [1878.

An Act to amend "*The Canadian Pacific Railway Act*, 1874."

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

Preamble.

Sect. 16 of 37 V. c. 14 amended.

Governor in Council may lease or make certain arrangements as to the Pembina Branch.

Proviso : for approval of Parliament.

1. Section sixteen of the Act of the Parliament of Canada, passed in the thirty-seventh year of Her Majesty's reign, chapter fourteen, entituled : "An Act to provide for the construction of the Canadian Pacific Railway," is hereby amended by adding at the end thereof the following words : "The Governor in Council may, at any time before or after "the construction of the said branch railway, make with "any company or companies or persons owning any portion "of a line of railway in the State of Minnesota which may "connect with the said branch railway, or with any other "company or person, such arrangement for leasing the said "branch railway on such terms and conditions as may "be agreed upon, such lease not to exceed a term of ten "years, and may also make such other traffic or running "arrangements as may be deemed advantageous for working "the said branch railway in connection with any lines in "the State of Minnesota connecting with the same at the "boundary line : Provided that no such contract for leasing "the said branch railway shall be binding until it shall "have been laid before the House of Commons for one month "without being disapproved, unless sooner approved by a "resolution of the House, and no such traffic or running "arrangement shall be binding beyond the end of the then "next Session of Parliament unless it shall have been "approved thereat."

No. 52.

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

BILL.

An Act to amend "The Canadian Pacific Railway Act, 1874."

Received and read first time, Monday, 18th March, 1878.

Second reading, Tuesday, 19th March, 1878.

Mr. MACKENZIE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1878.

No. 53] **BILL.** [1878.

An Act to provide for the better Auditing of the Public Accounts.

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

1. In this Act, the words "Public Moneys," "Public Revenue" or "Revenue," mean and include and apply to all Revenue of the Dominion of Canada, and all branches thereof, and all public moneys, whether arising from duties of Customs, Excise or other duties,—or from the Post Office,—or from Tolls for the use of any Canal, Railway, or other public work,—or from fines, penalties or forfeitures,—or from any rents or dues,—or any other source whatsoever,—whether such moneys belong to the Dominion or are collected by officers of the Dominion for or on account of or in trust for any Province forming part of the Dominion, or for the Imperial Government, or for any other party; the word "certify" includes "examine and certify if found correct," and the expression "Receiver General" means the "Minister of Finance and Receiver General, in his quality of Receiver General," and the expression "Minister of Finance," means the said officer in his quality of Minister of Finance; Interpretation. "Public moneys." "Certify." "Receiver-General." Minister of Finance.

2. And any officer, functionary or person whose duty it is or has been to receive any moneys forming part of the Revenue, or who is or has been entrusted with the custody or expenditure of any such moneys,—although he may not be or have been regularly employed in collecting, managing or accounting for the same,—shall be subject to the provisions of this Act, so far as regards the accounting for and paying over such moneys, whatever be the office or employment by virtue of which he receives or has received, or is or was entrusted with the same. Who shall be subject to this Act.

2. The Governor in Council may from time to time determine what officers or persons it is necessary to employ in collecting, managing or accounting for the Revenue, and in carrying into effect the laws thereunto relating, or for preventing any contravention of such laws, and may assign their names of office, and such salaries or pay for their labour and responsibility in the execution of the duties of their respective offices and employments, as to the said Governor in Council seems reasonable and necessary, and may appoint the times and manner in which the same shall be paid; But Governor in Council to determine what officers are necessary &c. Proviso as to salaries.

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no such officer so appointed shall receive a higher annual salary than is allowed in his case by any Act of the Parliament of Canada, respecting the Civil Service generally, then in force, nor shall any such salary be paid until voted by Parliament.

No fees allowed.

3. The salary or pay allowed to any such officer or person as aforesaid shall be in lieu of all fees, allowances or emoluments of any kind whatsoever, except actual and authorized disbursements, shares of seizures, forfeitures and penalties; And no such officer or person, receiving a salary at or exceeding the rate of one thousand dollars per annum, shall exercise any other calling, profession, trade or employment whatsoever, with a view to derive profit therefrom, directly or indirectly, or shall hold any other office of profit whatsoever, except in either case, with the express permission of the Governor General in Council.

Officers receiving $1000 or more to give their whole time.

Exception.

Exemption from certain public services.

4. No officer or person regularly employed in the collection or management of the Revenue, or in accounting for the same shall, while he remains such officer or so employed, be compelled to serve in any other public office or in any municipal or local office, or on any jury or inquest, or in the militia.

Oath of office.

5. Every person appointed to any office or employment relative to the collection or management of the Revenue, or in accounting for the same, shall, at his admission to such office or employment, take the following oath, before such officer as the Governor may appoint to receive the same, that is to say:

Form.

"I, A. B., do swear to be true and faithful in the execution, "to the best of my knowledge and power, of the trust com- "mitted to my charge, by my appointment as "_____, and that I will not require, take or receive any "fee, perquisite, gratuity or reward, or emolument whether "pecuniary or of any, other sort or description whatever, "either directly or indirectly for any service, act, duty, matter "or thing done or performed or to be done or performed in "the execution or discharge of any of the duties of my said "office or employment, on any account whatever, other than "my salary, or what shall be allowed me by law, or by "order of the Governor of this Dominion in Council.—So "help me God."

Governor in Council to divide Canada into ports, districts, &c., for Revenue purposes, and make regulations.

6. The Governor in Council may, from time to time, make all such divisions of the Dominion into ports, revenue districts or otherwise, as may be required with regard to the collection or management of the Revenue,—and may assign the officers or persons by whom any duty or service relative to any such purpose shall be performed within or for any such district or division, and the place or places within the same, where such duty or service shall be performed,—and may make all such regulations concerning such officers and persons, and the conduct and management of the business to them entrusted, as are consistent with the law, and as he

deems expedient for carrying it into effect, in the manner best adapted to promote the public good; And any general regulation or order made by the Governor in Council for any purpose whatever for which an order or regulation may be so made under the provisions of this Act, shall apply to each particular case within the intent and meaning of such general regulation or order, as fully and effectually as if the same had been made with reference to such particular case, and the officers, functionaries or parties concerned had been specially named therein.

Proof of regulations.

2. A printed copy of any regulation or order of the Governor in Council, printed by the Queen's Printer, or a written copy thereof attested by the signature of the Clerk of the Queen's Privy Council for Canada, shall be evidence of such regulation or order; and any order in writing, signed by the Secretary of State for Canada, and purporting to be written by command of the Governor, shall be received in evidence as the order of the Governor.

Officers employed to be deemed the proper officers.

7. Every person employed on any duty or service relating to the collection or management of the Revenue, by the orders or with the concurrence of the Governor in Council, shall be deemed to be the proper officer for that duty or service; and every act, matter or thing required by any law in force to be done or performed by, to, or with any particular officer nominated for that purpose in such law, being done or performed by, to, or with any person appointed or authorized by the Governor in Council to act for or in behalf of such particular officer, shall be deemed to be done or performed by, to or with such particular officer:

At what place any duty shall be performed.

2. And every act, matter or thing required by any law at any time in force, to be done or performed at any particular place within any port, or within any other such district or division of the Dominion as aforesaid, being done or performed at any place within such port, district or division, appointed by the Governor in Council, for such purpose, shall be deemed to be done or performed at the particular place so required by law.

Officers of one service may be employed in another.

8. Any officer or person employed in the collection, management or accounting for any branch of the Revenue, may be employed in the collection, management or accounting for any other branch thereof, whenever it is deemed advantageous for the public service so to employ him.

Hours of office, &c.

9. The Governor in Council may, from time to time, appoint the hours of the general attendance of the officers and persons employed in the collection and management of the Revenue, at their proper offices and places of employment,—and may also appoint the times during such hours, or the seasons of year, at which any particular portions of the duties of such officers or other persons shall be performed by them respectively; and a notice of the hours of general attendance so appointed shall be kept constantly posted up in some conspicuous place in such offices and places of employment.

Notice to be posted.

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Holidays.

1 . No day shall be kept as a public holiday by the officers and persons employed in the collection and management of the Revenue, except Christmas day, New Year's day and Good Friday in every year,—any day appointed by Proclamation of the Governor for the purpose of a general fast, or of a general thanksgiving,—such days as are appointed for the celebration of the birth-day of Her Majesty and Her Royal Successors,—and such other days as may be from time to time appointed as holidays by the Governor in Council.

AUDITOR-GENERAL AND OFFICERS OF FINANCE DEPARTMENT.

Auditor-General.

Appointment and salary.

11. For the more complete examination of the Public Accounts of the Dominion, and for the reporting thereon to the House of Commons, the Governor General may, under the Great Seal of Canada, appoint an officer, to be called the Auditor-General of Canada, and such officer may be paid out of the Consolidated Revenue Fund, a salary not exceeding dollars per annum.

Tenure of office.

12. The Auditor General shall hold office during good behaviour, but shall be removable by the Governor General on Address of the Senate and House of Commons.

Officers and clerks under him.

Proviso.

Proviso.

13. The Governor in Council shall, from Time to Time, appoint the Officers, Clerks, and other persons in the office of the Auditor-General, and may regulate the Numbers and Salaries of the respective grades or classes into which the Officers, Clerks and Others shall be divided ; Provided always that such regulations shall be in accord with the provisions of the Act or Acts regulating the Civil Service of Canada ; and provided also that no such salaries shall be paid unless first voted by Parliament.

Superannuation Acts to apply.

14. The Acts 33 Vict., chap. 4, 36 Vic., chap. 32, and 38 Vict., chap. 9, providing for the Superannuation of Officers employed in the Public Service of the Dominion shall apply to the Auditor-General and the Officers, Clerks and other persons employed in his office.

Auditor-General to make rules as to business of his office.

Proviso : for approval by Treasury Board.

15. The Auditor-General shall have full power to make, from Time to Time, Orders and Rules for the conduct of the internal business of his office, and to prescribe Regulations and Forms for the guidance of Principal and Sub-Accountants in making up and rendering their periodical accounts for Examination ; Provided always that all such Regulations and Forms shall be approved by the Treasury Board previously to the issue thereof.

Treasury Board : who shall form.

16. The Treasury Board shall consist of the Minister of Finance, the Minister of Customs, and the Minister of Inland Revenue ; and the Minister of Finance shall be the Chairman of the Board.

Deputy of Minister of Finance.

17. For the more efficient management of the Department of Finance, a Deputy of the Minister of Finance may be appointed under the Great Seal. He shall be a member of

the Civil Service Board, and have similar duties and powers to those of the other Deputy Heads of Departments of the Canada Civil Service.

18. The Deputy of the Minister of Finance shall be *ex-officio* the Secretary of the Treasury Board. To be Secretary of Treasury Board.

19. The Deputy of the Minister of Finance shall keep the accounts with the Financial Agents of the Dominion in England, and with the Bank or Banks receiving or paying public moneys, and shall audit the accounts of moneys paid for interest on Canadian Stock, Debentures, or other Canadian Securities. To keep certain public accounts.

20. The Deputy of the Minister of Finance shall countersign all Canadian Debentures,—keep a Debenture Book, which shall contain a record and description of all Debentures outstanding or authorized to be issued, shewing the date of issue, period of redemption, when they were cancelled, and times of payment of interest,—and an Interest Account respecting them; And also a Register of Provincial Notes or Notes of the Dominion issued or cancelled,—he shall classify all appropriations of Public Moneys and keep posted up a Book to be called The Appropriation Book, containing an account, under separate and distinct heads, of every such appropriation, whether permanent or temporary, entering under each head the amounts drawn on account of such appropriation with the dates and names of the parties to whom payments are issued; and shall keep the Public Accounts of the Dominion:—All Returns and Statements required from Savings Banks, Chartered or other Banks, and all other Institutions required by law to make financial Statement or Returns, shall be transmitted to him. Further duties: Debenture book. Appropriation book. Public accounts. Certain returns to be sent to him.

21. The Deputy of the Minister of Finance shall have, under the Minister of Finance, the supervision, audit, control and direction of all matters relating to the Financial Affairs and Public Accounts, Revenue and Expenditure of the Dominion, which are not, or in so far as they are not, by law, or by Order of the Governor in Council assigned to any other Department of the Civil Service, and such other duties as may from time to time be assigned to him by the Governor in Council. Further duties under control of Minister of Finance. Other duties may be assigned to him.

22. It shall be the duty of the Auditor General and the Deputy of the Minister of Finance to examine and cancel Debentures, Dominion or Provincial Notes, and other securities representing the debt of the Dominion and which have been redeemed. Examining and cancelling debentures, &c.

23. A plan of Account Books and Accounts adapted to the requirements of each service in order to exhibit, in a convenient form the whole of the Receipts and Payments in respect of each Vote, shall be designed under the Superintendence of the Treasury Board: and the Governor General in Council may, on reports from the Treasury Board, prescribe from Time to Time the manner in which each Department of the Public Service shall keep its Accounts. Plan of accounts to be made under Treasury Board. Power of Governor in Council.

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Treasury Board may direct books and accounts to be kept by officers, &c.

24. The Treasury Board may direct any officer or person employed in collecting, managing or accounting for any branch of the Revenue, to keep any books or accounts which they deem advisable to direct to be kept for the purpose of obtaining and furnishing any statistical information concerning the trade or commerce of the Dominion, the public works thereof, or other matters of public interest.

HOW PUBLIC MONEYS SHALL BE DEALT WITH.

To be paid to credit of Receiver-General.

25. All public moneys, from whatever source of revenue derived,—shall be paid to the credit of the Account of the *Receiver General* through such officers, banks or parties, and in such manner as the Governor in Council may from time to time direct and appoint.

Time and mode of such payment.

As to license duties.

Proviso.

26. The Governor in Council may, from time to time, appoint the times and mode in which any officer or person employed in the collection, management of, or the accounting for any part of the revenue, shall account for and pay over the public moneys which come into his hands,—and may determine the times, manner and form in which, and the officer by whom, any Licenses on which any duty is payable, are to be issued ;—Provided that such accounts and payments shall be rendered and made by such officers and persons respectively at least every month.

Ministers, deputies, &c., to pay in gross revenues of their departments or offices : when and how.

Daily Accounts to Auditor-General.

27. The Minister of Customs, the Minister of Inland Revenue, the Postmaster General, and all Deputies, Officers, Clerks or Persons charged with the receipt of public moneys, shall cause the gross Revenues of their several departments or offices to be paid at such times and under such regulations as the Minister of Finance may, from time to time, prescribe, to an account to be called "the Account of the *Receiver General*," at such bank or banks as may be determined by the Minister of Finance ; and daily accounts of such moneys so deposited shall be rendered to the Auditor-General in such form or forms as the Treasury Board may prescribe.

Payment of revenue into banks.

Cash books.

Proviso : where there is no bank.

Daily accounts.

28. Every Officer of the Customs or of Inland Revenue or Excise or otherwise employed in the collection of the Revenue, receiving money for the Crown, shall deposit the same to the credit of the account of the *Receiver-General*, from time to time, in such Bank, as the Governor in Council may appoint, and every such Officer shall keep his Cash-book written up daily ; and all the books, accounts and papers of such officer shall at all times during office hours be open to the inspection and examination of any officer or person whom the Minister of Finance may authorize to inspect or examine the same ; Provided, that where such money is received at a place where there is no Bank into which it can conveniently be paid, the Governor in Council may direct it to be paid over in such manner as he may deem expedient ; and daily accounts of such moneys so deposited shall be rendered to the Auditor-General in such form or forms as the Treasury Board may prescribe.

PROCEEDINGS AS TO VOTES OF MONEY.

Warrant of the Governor to Minister of Finance.

29. When any Sum or Sums of Money shall have been granted to Her Majesty by a resolution of the House of Commons, or by an Act of Parliament, to defray Expenses for any specified Public Services, it shall be lawful for the Governor General from Time to Time, under his Sign Manual countersigned by a member of the Treasury Board, to authorize and require the Minister of Finance to issue out of the moneys appropriated for defraying the expenses of such services and in his hands as Receiver-General, the sums which may be required from Time to Time to defray such Expenses, not exceeding the amount of the sums so voted or granted.

Minister of Finance to issue credits in favour of the proper departments and persons.

30. When any Sum or Sums of money shall have been granted to Her Majesty by a resolution of the House of Commons, or by an Act of Parliament, to defray Expenses for any specified Public Services, and as soon as the Governor General may have issued his Warrant authorizing the payment of such sum or sums as may be required to defray such expenses, the Minister of Finance may, from time to time, on the application of the Auditor-General, cause credits to be issued in favour of the Deputies, Officers, Clerks or other Persons connected with the several departments or services charged with expenditures of the moneys so authorized. Such credits shall issue on the several banks authorized to receive public moneys, and statements in duplicate of moneys drawn for under such credits, together with the cheques paid by the Banks in connection therewith, shall be rendered at such times and under such forms as the Treasury Board may direct, one duplicate of such statement together with the cheques being rendered to the Auditor-General, and the other duplicate to the Minister of Finance, whereupon the Auditor-General being satisfied of the correctness of the statement, may request the Minister of Finance to cause cheques on the proper Banks to be prepared to cover the expenditures made or authorized, such cheques being signed by the Minister of Finance and countersigned by the Auditor-General or their respective deputies or officers thereunto duly authorized; Provided always that no credit shall issue in favour of any Deputy, Clerk, Officer or other person in excess of any vote sanctioned under the Supply Bill or of any Act of Parliament.

Credits to be on certain banks.

Statements to be rendered to Auditor-General.

Cheques to make good expenditures on such credits.

Proviso.

Duty of Auditor-General as to the issue of cheques.

31. It shall be the duty of the Auditor-General to see that no cheque issues for the payment of any public money for which there is no direct parliamentary appropriation, or in excess of any portion of such appropriation the expenditure of which has been authorized by the Governor in Council, and he shall report to the Governor in Council through the Minister of Finance, any case in which a sub-accountant has expended money out of the proceeds of any accountable credit, for any purpose for which there is no legislative authority or beyond the amount for which there is no such authority.

To report to Governor in Council in case of excess.

No cheque of Finance Minister except on certificate of Auditor-General.

32. No cheque of the Finance Minister shall issue e ept upon the certificate of the Auditor that there is parliamentary authority for the expenditure save only in the following cases :

Exceptions. Opinion of law officer that it may issue.

1. If upon any application for a cheque, the Auditor-General has reported that there is no parliamentary authority for issuing it, then upon the written opinion of the Law Officer of the Crown, that there is such authority, citing it, the Minister of Finance may authorize the Deputy Minister of Finance to prepare the cheque, irrespective of the Auditor-General's report.

Accidents during recess of Parliament.

2. If when Parliament is not in session, any accident happens to any public work or building which requires an immediate outlay for the repair thereof, or any other occasion arises when any expenditure not foreseen or provided for by Parliament is urgently and immediately required for the public good, then upon the report of the Minister of Finance that there is no parliamentary provision, and of the Minister having charge of the service in question, that the necessity is urgent, the Governor in Council may order a special warrant to be prepared, to be signed by the Governor himself, for the issue of the amount estimated to be required, which shall be placed by the Minister of Finance to a special account, against which cheques may issue from time to time in the usual form, as they may be required.

Special warrant.

Statement to be submitted to Parliament in such cases.

3. It shall be the duty of the Auditor-General in all such cases to prepare a statement of all such legal opinions, reports of Council and special warrants, and of all expenditure incurred in consequence thereof, which he shall deliver to the Minister of Finance to be by him presented to Parliament not later than the third day of the session thereof then next ensuing.

Provision if the Auditor-General refuses to certify that a cheque may issue.

33. If the Auditor-General has refused to certify that a cheque of the Minister of Finance may issue, on the ground that the money is not justly due, or that it is in excess of the authority granted by Council, or for any reason other than that there is no parliamentary authority, then upon a report of the case prepared by the Auditor-General and the Deputy Minister of Finance the Treasury Board shall be the judge of the sufficiency of the Auditor-General's objection, and may sustain him or order the issue of the cheque in their discretion.

Vouchers to be required by Auditor-General.

34. No payment shall be authorized by the Auditor-General in respect of work performed, or materials supplied by any person in connexion with any part of the Public Service of Canada, unless in addition to any other voucher or certificate which may be required in that behalf, the officer, under whose special charge such part of the Public Service is, certifies that such work has been performed, or such materials supplied, as the case may be, and that the price charged is fair and just.

Account by Deputy Minister of Finance for Auditor-General: what to show.

35. The Deputy Minister of Finance shall cause an account to be prepared and transmitted to the Auditor-General, on or before the thirty-first day of October in every year, showing the issues made from the Consolidated Revenue Fund in the financial year ended on the thirtieth day of June preceding, for the interest and management of the public funded and unfunded debt for the civil list, and all other issues in the financial year, for services directly under his control; and the Auditor-General shall certify and report upon the same with reference to the Acts of Parliament, under the authority of which such issues may have been directed; and such accounts and reports shall be laid before the House of Commons by the Minister of Finance, on or before the thirty-first day of January, in the following year, if Parliament be then sitting, and if not sitting, then within one week after Parliament shall be next assembled.

Report of Auditor-General.

Account and report to be laid before Parliament.

Preparing yearly accounts for Parliament

Auditor-General to counter-sign them.

36. It shall be the duty of the Deputy of the Minister of Finance to prepare and submit to the Minister of Finance the Public Accounts to be annually laid before Parliament. Such Accounts to be countersigned by the Auditor-General.

What period the said Public Accounts shall include.

37. The Public Accounts shall include the period from the thirtieth of June in one year to the thirtieth of June in the next year, which period shall constitute the financial year; all estimates submitted to Parliament shall be for the services coming in course of payment during the financial year; and all balances of appropriation which remain unexpended at the end of the financial year, shall lapse and be written off: Provided that, upon cause being shown to the satisfaction of the Governor in Council, he may, by Order in Council, extend the time for finally closing the account of any appropriation, for a period of not more than three months from the end of the financial year,—after the expiration of which extended time, and not before, the balance of such appropriation shall lapse and be written off.

Balances unused.

Proviso: for extension of time for closing accounts of appropriation.

Accounts of appropriation of supply grants to be prepared by department and transmitted for examination.

38. On or before the thirty-first day of October in every year, accounts of the appropriation of the several Supply Grants comprised in the Appropriation Act for the year ending 30th June, then last, or of any other Act, shall be prepared by the several Departments, and be transmitted for examination to the Auditor-General and to the Deputy of the Minister of Finance, and when certified and reported upon, as hereinafter directed, they shall be laid before the House of Commons; and such accounts shall be called the "Appropriation Accounts" of the moneys expended for the services to which they may respectively relate; and the Treasury Board shall determine by what Departments such accounts shall be prepared and rendered to the Auditor-General, and the Auditor-General shall certify and report upon such accounts, as hereinafter directed; and each account shall be examined under direction of the Auditor-General, by such Officer or Clerk in his office as he may direct; and such Officer or Clerk shall certify to the due

Treasury Board to say by what departments.

Examination by Auditor-General and certificate.

examination of such account, and the Auditor-General shall certify that the account has been examined under his direction and is correct: Provided always, and it is the intention of this Act that the Treasury Board shall direct that the Department charged with the expenditure of any vote under the authority of the Governor General in Council, shall prepare the Appropriation Account thereof: Provided also that the term "Department," when used in this Act in connection with the duty of preparing the said Appropriation Accounts, shall be construed as including any public Office or Officers to whom the duties may be assigned by the Treasury Board.

Proviso.

Proviso: term "Department" interpreted.

Duty of departments preparing appropriation accounts.

39. The Department charged with the duty of preparing the appropriation account of a Grant shall, if required to do so by the Auditor-General, transmit to him, together with the annual Appropriation Account of such Grant, a balance sheet so prepared as to show the debtor and creditor balances in the ledger of such Department on the day when the said Appropriation Account was closed, and to verify the balances appearing upon the annual Appropriation Account: Provided always, that the Auditor-General may, if he thinks fit, require the said Department to transmit to him, in lieu of such balance sheet, a certified statement showing the actual disposition of the Balances appearing upon the annual Appropriation Account on the last day of the period of such account.

Proviso: another statement may be required by Auditor-General.

Treasury Board may alter times for accounting.

40. The Treasury Board may alter the period at or to which any Accountant for public moneys, Public Officer, Corporation or Institution, is required to render any account or to make any return, whenever in their opinion such alteration will facilitate the correct preparation of the Public Accounts or Estimates for the financial year, anything in any Act to the contrary notwithstanding.

Deputy heads, &c., to audit details.

41. The Deputy heads of the several Departments or the Officers, Clerks, or other Persons charged with the expenditure of Public Moneys, shall respectively audit the details of the accounts of the several services in the first instance, and be responsible for the correctness of such audit.

Explanation as to balances to accompany accounts.

42. Every Appropriation Account, when rendered to the Auditor-General, shall be accompanied by an Explanation showing how the Balance or Balances on the Grant or Grants included in the previous account have been adjusted, and shall also contain an explanatory Statement of any Excess of Expenditure over the Grant or Grants included in such account, and such statement, as well as the Appropriation Account, shall be signed by such Department.

Examination of appropriation accounts by Auditor-General.

43. Every Appropriation Account shall be examined by the Auditor-General, on behalf of the House of Commons; and in the examination of such accounts, the Auditor-General shall ascertain, first, whether the payments which the Accounting Department has charged to the grant are supported by Vouchers or Proofs of Payment; and, second,

whether the Money expended has been applied to the Purpose or Purposes for which such Grant was intended to provide: Provided always, and it is hereby enacted, that whenever the said Auditor-General shall be required by the Minister of Finance to ascertain whether the Expenditure included, or to be included, in an Appropriation Account, or any portion of such Expenditure, is supported by the proper authority, the Auditor-General shall examine such Expenditure with that object, and shall report to the Minister of Finance any Expenditure which may appear, upon such Examination, to have been incurred without such authority; and if the Minister of Finance should not, thereupon, see fit to sanction such unauthorized expenditure, it shall be regarded as being not properly chargeable to a Parliamentary Grant, and shall be reported to the House of Commons, in the manner hereinafter provided.

Proviso: examination as to whether any expenditure was authorized.

Report to House of Commons if unauthorized.

44. In order that such Examinations may, as far as possible, proceed, *pari passu*, with the Cash Transactions of the several Accounting Departments, the Auditor-General shall have free Access, at all convenient times, to the Books of Account and other documents relating to the Accounts of such Departments, and may require the several Departments concerned to furnish him, from Time to Time, or at regular Periods, with Accounts of the Cash Transactions of such Departments respectively up to such Times or Periods.

Auditor General to have free access to Books of Account.

45. In conducting the Examination of the Vouchers relating to the appropriation of the Grants for the several Services sanctioned by the appropriation Act of the year, or by any Act of Parliament, the Auditor-General shall test the accuracy of the Castings and Computations of the several items of such Vouchers, but if he is satisfied that the accounts bear evidence that the Vouchers have been completely checked, examined, and certified as correct in every respect, and that they have been allowed, and passed by the proper departmental officers, he may admit the same as satisfactory evidence of payment in support of the charges to which they may relate. Provided always that if the Minister of Finance should desire any such Vouchers to be examined by the Auditor-General in greater detail, the Auditor-General shall cause such Vouchers to be subjected to such a detailed examination as the Minister of Finance may think fit to prescribe.

Auditor-General to test castings and computations.

May admit vouchers if satisfied of correctness.

Proviso: if Minister of Finance requires further examination.

46. If during the progress of the examination by the Auditor-General hereinbefore directed any Objection should arise to any item to be introduced into the Appropriation Account of any Grant, such Objections shall, notwithstanding such account shall not have been rendered to him, be immediately communicated to the Department concerned, and if the objections should not be answered to his satisfaction by such Department, they shall be referred by him to the Treasury Board, and the Treasury Board shall determine in what manner the items in question shall be entered in the annual Appropriation Account.

Objections arising to be communicated to department accounting.

Auditor-General, in reporting to Parliament, to call attention to excess of expenditure, &c.

47. In reporting as hereinbefore directed for the information of the House of Commons, the result of the examination of the Appropriation Accounts, the Auditor-General shall call attention to every case in which it may appear to him that a Grant has been exceeded, or that Money received by a Department from other sources than the Grants for the year to which the account relates has not been applied or accounted for according to the directions of Parliament, or that a sum charged against a grant is not supported by Proof of Payment, or that a Payment so charged did not occur within the Period of the account, or was for any other reason not properly chargeable against the Grant.

To present his report if Minister of Finance does not present it.

48. If the Minister of Finance does not, within the time prescribed by this Act, present to the House of Commons any report made by the Auditor-General on the Appropriation Accounts, or any other accounts, the Auditor-General shall forthwith present such report.

Auditor-General to examine and audit certain other accounts if required

49. Besides the Appropriation Accounts of the Grants of Parliament, the Auditor General shall examine and audit, if required to do so by the Minister of Finance, and in accordance with any regulations that may be prescribed for his guidance in that behalf by the Treasury Board the following accounts, viz: the Accounts of all Receipts of Revenues forming the Consolidated Fund Revenue of Canada; the Accounts current with the several Banks and Financial Agents of the Dominion; the Accounts relating to the issue or redemption of Loans; the Accounts with the several Indian tribes, known as the Indian Fund; the Accounts with the several Provinces forming the Dominion of Canada; the Accounts with the Imperial Government and any other Public Accounts which, through not relating directly to the Receipt or Expenditure of the Dominion of Canada, the Treasury Board may direct.

By whom such accounts shall be rendered.

Term "accountant" interpreted.

50. The Accounts which by the last preceding section the Minister of Finance is empowered to subject to the examination of the Auditor General shall be rendered to him by the Departments or officers directed so to do by the Minister of Finance; and the term "Accountant" when used in this and the following sections of this Act with reference to any such accounts, shall be taken to mean the Department or Officer that may be so required by the Minister of Finance to render the same; and every public officer into whose hands Public Moneys, either in the nature of Revenue or fees of office, shall be paid by persons bound by law or regulation to do so, or by subordinate or other officers whose duty it may be to pay such moneys, wholly, or in part, into the account of the *Receiver General*, or to apply the same to any Public Service, shall at such times and in such form as the Treasury Board shall determine, render an account of his receipts and payments to the Auditor General; and it shall be the duty of the Clerk of the Queen's Privy Council for Canada to inform the Auditor-General of the appointment of every such officer.

Duty. Clerk of Queen's Privy Council as to appointments.

51. The Auditor-General shall examine the several accounts transmitted to him with as little delay as possible, and when the examination of each account shall be completed he shall make a statement thereof in such form as he may deem fit, and if it appears from the statement so made up of any account being an account current, that the balance thereon agrees with the Accountant's balance, or if it appears from any account rendered by an Accountant, as well as from the statement of such account by the Auditor-General that the Accountant is "even and quit," the Auditor General is hereby required to sign and pass such statement of account so made up by *him* as aforesaid : Provided always, that in all other cases whatever, the Auditor General having made up the statement of account as hereinbefore directed, shall transmit the same to the Minister of Finance, who, having considered such statement, shall return it to him, with his certificate attached thereto, directing him to sign and pass the account, either conformably to the statement thereof, or with such alterations as he may deem just and reasonable ; and a statement of the account made up by the Auditor-General in accordance with such certificate from the Minister of Finance shall then be signed and passed by him : Provided, further, that a list of all accounts which the Auditor-General may have signed and passed (such list to be so prepared as to show thereon the charge, discharge and balance of each account respectively,) shall be submitted by him to the Treasury Board twice in every year, videlicet, not later than the first week of February, and the first week of August.

Examination to be with as little delay as possible.

Statement by Auditor-General when examination is completed.

Proviso : statement to be sent to Minister of Finance who shall examine it, &c.

Proviso : list of accounts examined to be submitted to Treasury Board.

52. As soon as any account has been signed and passed by the Auditor General, he shall transmit to the Accountant a certificate, in which the total amounts of the sums forming respectively, the charge and discharge of such account, and the balance, if any, remaining due to or by such accountant, shall be set forth ; and every such certificate shall be signed by him, and shall be valid and effectual to discharge the Accountant, as the case may be, either wholly, or from so much of the amount with which he may have been chargeable, as he may appear by such certificate to be discharged from : Provided always, that when any account, not being an account current has been signed and passed by the Auditor-General with a balance due thereon to the Crown, he shall not make out or grant any such certificate as aforesaid until the Accountant has satisfied him, either that he has discharged the full amount of such balance, and any interest that may, as hereinafter provided, be payable thereon, or that he has been relieved from the payment thereof, or of so much thereof as has not been paid by an Order in Council passed on a report from the Treasury Board.

Certificate to accountant and what to shew—its effect.

Proviso : no certificate unless Auditor-General is satisfied as to balance.

53. In all cases where the Auditor-General is required by the Minister of Finance to examine and audit the accounts of the receipt, expenditure, sale, transfer, or delivery of any securities, stamps, Canadian or other Government stock or annuities, provisions or stores, the property of Her Majesty, he shall, on the examination of such

Statement required after examination and audit as to securities, stamps, &c.

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accounts being completed, transmit a statement thereof, or a report thereon to the Minister of Finance, who shall, if he thinks fit, signify his approval of such accounts, and the Auditor-General on receipt of such approval shall thereupon transmit to the Accountant a certificate in a form to be from time to time determined by the Auditor-General, which shall be to such Accountant a valid and effectual discharge from so much as he may thereby appear to be discharged from.

Approval of Minister of Finance and discharge of Accountant.

Power to examine persons on oath.

54. The Auditor-General shall have full power and authority to examine any person on oath or affirmation on any matter pertinent to any account submitted to him for Audit; such oath or affirmation may be administered by him to any person whom he may desire to examine.

Auditor-General may obtain writs of subpœna,

55. The Auditor General may apply, in term or in vacation, to any Judge of the Supreme Court or Exchequer Court of Canada or Superior Court for the Province of Quebec, or of any one of the Superior Courts of Common Law in any of the Provinces of Ontario, Nova Scotia or New Brunswick, Manitoba, British Columbia or Prince Edward Island, and the Territories, for an order that a subpœna be issued from the Court, commanding any person therein named to appear before him at the time and place mentioned in such subpœna, and then and there to testify to all matters within his knowledge relative to any account submitted to *him*, and (if so desired) to bring with him and produce any document, paper or thing which he may have in his possession relative to any such account as aforesaid; and such subpœna shall issue accordingly upon the order of such Judge; And any such witness may be summoned from any part of Canada whether within or without the ordinary jurisdiction of the Court issuing the subpœna.

and *duces tecum.*

Auditor-General may issue commissions to take evidence.

56. If by reason of the distance at which any person, whose evidence is required by the said Auditor-General, resides from the seat of Government, or for any other cause, the Auditor-General deems it advisable, he may issue a Commission, under his hand and seal, to any officer or person therein named, empowering him to take such evidence, and report the same to him; and such officer or person, being first sworn before some Justice of the Peace faithfully to execute the duty entrusted to him by such Commission, shall, with regard to such evidence, have the same powers as the Auditor-General would have had if such evidence had been taken before him, and may, in like manner, apply to and obtain from any Judge of any of the Courts aforesaid, a subpœna for the purpose of compelling the attendance of any person, or the production of any document, paper or thing before him; and such subpœna shall issue accordingly on the order of such Judge, or such subpœna may issue on the application of the Auditor-General to compel such attendance, or the production of any document, paper or thing before such Commissioner.

Penalty on persons summoned failing

57. If any person summoned in the manner hereinbefore provided to attend before the said Auditor-General or any

Commissioner appointed as aforesaid, fails, without valid excuse, to attend accordingly,—or, being commanded to produce any document, paper or thing in his possession, fails to produce the same,—or refuses to be sworn or to answer any lawful and pertinent question put to him by the Auditor General or by such Commissioner, such person shall, for each such offence, forfeit the sum of *one hundred dollars* to the Crown, for the public uses of the Dominion, to be recovered in any manner in which debts due to the Crown can be recovered, and may likewise be dealt with by the Court out of which the subpœna issued, as having refused to obey the process of such Court, and as being guilty of a contempt thereof.

to attend, or produce papers, &c.,

and punishment as for contempt of Court.

58. Every Accountant shall, on the termination of his charge as such Accountant, or in case of a deceased Accountant his representatives shall forthwith pay over any balance of Public money then due to the Crown in respect of such charge to the Public Officer authorized to receive the same; and in all cases in which it shall appear to the Auditor-General that balances of Public money have been improperly and unnecessarily retained by an Accountant, he shall report the circumstances of such cases to the Minister of Finance, and the Minister of Finance shall take such measures as to him may seem expedient for recovery by legal process, or by other lawful ways and means, the amount of such balance or balances, together with interest, upon the whole or on such part of such balance or balances, for such period of time, and at such rate as to the Minister of Finance may appear just and reasonable

Balances to be paid over in case of termination of charge, decease, &c.

Report if improperly retained, and proceedings for recovery.

LIABILITY OF ACCOUNTANTS,—CIVILLY.

59. If any corporation, officer or person refuses or neglects to transmit any account, statement or return, with the proper vouchers, to the officer or department to whom he is lawfully required to transmit the same, on or before the day appointed for the transmission thereof, such corporation, officer or person shall, for such refusal or neglect, forfeit and pay to the Crown, for the public uses of the Dominion, the sum of one hundred dollars, to be recovered, with costs, as a debt due to the Crown, and in any court and in any way in which debts to the Crown can be recovered: And in any action for the recovery of such sum, it shall be sufficient to prove, by any one witness or other evidence, that such account statement or return ought to have been transmitted by the defendant, as alleged on the part of the Crown, and the onus of proving that the same was so transmitted shall rest upon the defendant.

Penalty for not accounting as required by law.

Evidence of action and onus of proof.

60. Whenever the Minister of Finance has reason to believe that any officer or person has received money for the Crown, or for which he is accountable to the Crown, or has in his hands any public money applicable to any purpose, and has not paid over or duly applied and accounted for the same,—he may direct a notice to such officer, or person, or to his representative in case of his death, requiring him, within a time to be therein named, from the service of such notice,

Notice to persons neglecting to pay over.

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to pay over, or apply and account for such money to the Minister of Finance, or to the Officer to be mentioned in the notice, and to transmit to him the proper vouchers that he has so done:

Proceedings against person refusing to obey the notice.

61. If any officer or person fails to pay over, apply or account for any such money, and to transmit such vouchers as aforesaid within the time limited by the notice served on him,—the Minister of Finance shall state an account as between such officer or person and the Crown in the matter to which the notice relates, charging interest from the service thereof, and shall deliver a copy thereof to Her Majesty's Attorney General for Canada, and such copy shall be sufficient evidence to support any information or other proceeding for the recovery of the amount therein shewn to be in the hands of the defendant. as a debt due to the Crown, saving to the defendant the right to plead and give in evidence all such matters as may be legal and proper for his defence;—and the defendant shall be liable to the costs of such information or proceeding, whatever be the judgment therein, unless he proves that before the time limited in such notice, he paid over or applied and duly accounted for the money therein mentioned, and transmitted the proper vouchers with such account, or unless he be sued for the same in a representative character, and is not personally liable for such money, or to render such account.

Evidence in case.

Costs.

Proceedings in case of insufficient vouchers.

62. Whenever any such officer or person as aforesaid has transmitted an account, either before or after notice as aforesaid, but without vouchers or with insufficient vouchers for any sum for which he therein takes credit,—the Minister of Finance may notify such officer or person, in the manner mentioned in the next preceding section but one, to transmit vouchers, or sufficient vouchers, within such period as the Minister of Finance may deem fit after the service of the notice; and if such vouchers are not transmitted within that time, the Minister of Finance may state an account against such officer or person, disregarding the sums for which he has taken credit but for which he has transmitted no vouchers or insufficient vouchers, and may deliver a copy of such account to Her Majesty's Attorney General for Canada, and such copy shall be sufficient evidence to support an information or other proceeding for the recovery of the amount therein shewn to be in the hands of the defendant, saving to the defendant the right to plead and give in evidence all such matters as may be legal and proper for his defence; but such defendant shall be liable to the costs of the information or proceeding, whatever be the judgment therein, unless the vouchers by him transmitted within the time limited by the notice served on him, or before such service, are found of themselves sufficient for his defence, and for his discharge from all sums demanded of him:

Evidence.

Costs.

Proceedings in case public money appears by

63. If at any time it appears clearly, by the books or accounts kept by or in the office of any officer or person employed in the collection or management of the Revenue

or in accounting for the same, or by his written acknowledgment or confession,—that such officer or person hath by virtue of his office or employment received moneys belonging to Her Majesty, and amounting to a sum certain, which he hath refused or neglected to pay over to the officer duly appointed to receive the same, and in the manner and at the time lawfully appointed,—then upon affidavit of the facts, by any officer cognizant thereof, and thereunto authorized by the Governor in Council, made before a Justice or Judge of any Court having jurisdiction in civil matters to the amount of the sums so ascertained as aforesaid,—such Justice or Judge shall cause to be issued against and for the seizure and sale of the goods, chattels and lands of the officer or person so in default as aforesaid, such writ or writs as might have issued out of such Court, if the bond given by him had been put in suit, and judgment had been thereupon obtained in favour of Her Majesty, for a like sum, and any delay by law allowed between judgment and execution had expired; and such writ or writs shall be executed by the Sheriff or other proper officer, and such sum as aforesaid shall be levied under them with costs, and all further proceedings shall be had, as if such judgment as aforesaid had been actually obtained.

books of accountant to have been received, and has not been paid over.

64. In all cases when any estate belonging to a public accountant is sold under any Writ of Extent or any decree or order of any Court of Law, and the purchaser thereof, or of any part thereof, has paid his purchase money into the hands of any public accountant authorized to receive the same, such purchaser shall be wholly exonerated and discharged from all further claims of Her Majesty, for or in respect of any debt arising upon the account of such Accountant, although the purchase money so paid be not sufficient in amount to discharge the whole of such debt.

Payment of price of property sold under writ of extent to discharge all further claim of Her Majesty.

65. If any officer or person has received public money for the purpose of applying it to any specific purpose, and has not so applied it within the time or in the manner provided by law,—or if any person having held any public office and having ceased to hold the same, has in his hands any public money received by him as such officer for the purpose of being applied to any specific purpose to which he has not so applied it,—such officer or person shall be deemed to have received such money for the Crown for the public uses of the Dominion, and may be notified by the Treasury Board to pay such sum back to the Minister of Finance, and the same may be recovered from him as a debt to the Crown, in any manner in which debts to the Crown may be recovered, and an equal sum may in the meantime be applied to the purpose to which such sum ought to have been applied.

Public money unapplied to the purposes for which it was granted to be paid back.

Recovery if not paid.

66. If by reason of any malfeasance, or of any gross carelessness or neglect of duty, by any officer or person employed in the collection or management of the Revenue, or in collecting or receiving any moneys belonging to the Crown,

Liability for loss occasioned by malfeasance or culpable neglect.

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for the public uses of the Dominion, any sum of money is lost to the Crown,—such officer or person shall be accountable for such sum as if he had collected and received the same, and it may be recovered from him on proof of such malfeasance, gross carelessness or neglect, in like manner as if he had so collected and received it.

Other Crown remedies not affected.

67. Nothing in this Act shall weaken or impair any remedy which the Crown has for recovering or enforcing the payment or delivering of any money or property belonging to the Crown, for the public uses of the Dominion, and in the possession of any officer or person whomsoever, by virtue of any other Act or Law.

LIABILITY CRIMINALLY.

Punishment of officers receiving bribes, &c.

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

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

Colluding to defraud the Crown,

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

or in breach of law.

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

Making false entries, &c.

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

Not giving information of fraud on revenue, &c.

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

Receiving reward for condoning an offence.

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

Misdemeanor.

Punishment.

Shall be dismissed from office, and shall be held to be guilty of a misdemeanor, and shall, on conviction, be liable to a fine not exceeding *five hundred dollars*, and to imprisonment for any term not exceeding one year.

Offering bribes to revenue offi-

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

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

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

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

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

70. Any officer, or any person acting in any office or employment, connected with the collection of the revenue, who is or becomes, directly or indirectly, interested in the manufacture or production of any article subject to Excise, or who trades in any article subject to Excise duties, shall incur a penalty not exceeding *five hundred dollars* nor less than *fifty dollars*, which shall be recoverable in any Court having jurisdiction in civil cases, to the amount thereof. Becoming interested in manufacture of excisable articles. Penalty.

71. All books, papers, accounts and documents of what kind soever, and by whom and at whose cost soever the paper and materials thereof have been procured or furnished, —kept by or used, or received or taken into the possession of any officer or person employed or having been employed in the collection or management of the Revenue or in accounting for the same, by virtue of his employment as such,— shall be deemed to be chattels belonging to Her Majesty,— and all moneys or valuable securities received or taken into his possession by virtue of his employment shall be deemed to be moneys and valuable securities belonging to Her Majesty: Books of account, papers, moneys, &c., to belong to Her Majesty.

2. If any such officer or person at any time fraudulently embezzles any such chattel, money or valuable security,— (and any refusal or failure to pay over or deliver up any such chattel, money or valuable security to any officer or Punishment for embezzling any such article, or any money, &c.

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person who, being duly authorized by the Governor in Council, demands the same, shall be a fraudulent embezzlement thereof,)—he shall be deemed to have feloniously stolen the same, and may be indicted and proceeded against, and being convicted thereof shall be liable to be punished, in the same manner as any servant who having fraudulently embezzled any chattel, money or valuable security, received or taken into his possession by virtue of his employment, for or on the account of his master and being in law deemed to have feloniously stolen the same, may be indicted, proceeded against and punished;

Felony.

How punishable.

Other remedies of Her Majesty not impaired.

3. Nothing herein contained shall prevent, lessen or impeach any remedy which Her Majesty or any other party has against such offender or his sureties, or against any other party whomsoever;—but nevertheless the conviction of any such offender shall not be received in evidence in any suit, or action at law or in equity, against him.

MISCELLANEOUS PROVISIONS.

Before whom oaths or affirmations may be taken, &c.

72. In all cases wherein proof on oath or by affirmation or declaration is required by any law relating to the collection or management of the Revenue or to the accounting for the same, or is necessary for the satisfaction or consideration of the Governor in Council in any matter relating to the collection or management of the Revenue or to the accounting for the same, and no person or officer is specially named as the officer or person before whom the same is to be made,—it may be made before any Collector or Chief officer of the Customs for the port or place where such proof is required, or before the persons acting for them respectively, or before such other officer or person as may be appointed to receive the same by the Governor, and such officers and persons shall administer such oath or affirmation or receive such declaration; and in any case or class of cases where an oath is required by this Act or by any law in force, in any matter relating to the collection or management of the Revenue or the accounting for the same, the Governor in Council, if he deems it fit, may authorize the substitution for such oath, of a solemn affirmation or of a declaration, which shall then avail to all intents and purposes as such oath would have done.

Affirmation may be substituted for oath by Governor in Council.

Inquiries concerning Revenue matters.

73. Upon all examinations and inquiries made by order of the Governor in Council, for ascertaining the truth as to any fact relative to any matter concerning the collection or management of the Revenue, or the accounting for the same, or the conduct of officers or persons employed therein,—and upon like examination and inquiries made by the Collector of Customs or by the chief officer employed in the collection and management of the Revenue, in or at any port, district or place, or by any person or officer authorized by the Governor in Council to make such examinations and inquiries,—any person to be examined as a witness shall deliver his testimony on oath to be administered to him by the officer or person making the examination or inquiry:

Examination on oath.

2. And any person wilfully making any false statement, in any such examination upon oath (or in any solemn affirmation or declaration substituted as aforesaid for an oath) whether such oath be required by this Act or by any other law relating to the Revenue, shall be deemed guilty of wilful and corrupt perjury, or of a misdemeanor punishable in the same manner as wilful and corrupt perjury, and shall on conviction be liable to be punished accordingly. False statements, &c., punishable as perjury.

74. In all cases in which an Accountant may be dissatisfied with any disallowance or charge in his accounts made by the Auditor-General, such Accountant shall have a right of appeal to the Treasury Board, who after such future investigations as they may consider equitable, whether by *vivâ voce* examination or otherwise, may make such order, directing the relief of the appellant, wholly or in part from the disallowance or charge in question, as shall appear to them to be just and reasonable, and the Auditor General shall govern himself accordingly. Appeal to Treasury Board by Accountant dissatisfied.

REMISSION OF DUTIES, FORFEITURES, ETC.

75. And whereas it is expedient that the Executive Government should be empowered to relax the strictness of the laws relative to the collection of the Revenue, in cases where, without such relaxation, great public inconvenience, or great hardship and injustice to individuals, could not be avoided: Therefore, Recital.

(1.) The Governor in Council, whenever he deems it right and conducive to the public good, may remit any duty or toll payable to Her Majesty, imposed and authorized to be imposed by any Act of the Parliament of Canada, or by any Act or ordinance of the Legislature of the late Provinces of Canada, Nova Scotia, New Brunswick, British Columbia or Prince Edward Island, or of the Territories, in force in the Dominion of Canada, and relating to any matter within the scope of the powers of the Parliament thereof, or any forfeiture or pecuniary penalty imposed or authorized to be imposed by any such Act, for any contravention of the Laws relating to the collection of the Revenue, or to the management of any public work producing toll or revenue, although any part of such forfeiture or penalty be given by law to the informer or prosecutor, or to any other party. And such remission may be total or partial, conditional or unconditional, and may be granted either before or after, or pending any suit or proceeding for the recovery of any duty, toll, penalty, or forfeiture, and either before or after any payment thereof has been made or enforced by process or execution; and such remission may be exercised by forbearance from instituting any suit or proceeding for the recovery of any duty, toll, penalty, or forfeiture, or if the same have been already instituted, then by the delay, stay, or discontinuance of any such suit or proceeding, or by the forbearance to enforce, or by the stay or abandonment of any execution or process upon any judgment, or by the entry of satisfaction upon any judgment, or by the refund Governor in Council may remit duties, forfeitures, &c., in certain cases. How such remission may be made. Stay of proceedings. Refund.

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of any sum or sums of money paid to the Receiver-General for such duty, toll, penalty or forfeiture, or whereof payment has been enforced by any execution or process upon any judgment as aforesaid: Provided always, that no duties of customs or excise, paid to Her Majesty on any goods, shall be remitted or refunded on account of such goods having, after the payment of such duties, been lost or destroyed by fire or other unavoidable accident.

Proviso: as to goods destroyed by accident.

Effect of conditional remission.

(2.) If the remission be conditional, the condition, if accepted by the party to whom the remission is accorded, shall be lawful and valid, and the performance thereof, or the remission only, if unconditional, shall have the same effect as if the remission had been made after the duty, toll, penalty, or forfeiture had been sued for and recovered; and if the condition be not performed, it may be enforced, or all proceedings may be had, as if there had been no remission.

Failure to perform condition.

Recommendation by the Treasury Board.

(3.) No remission shall be made in any case unless such case has been considered, and the remission, whether total or partial, conditional or unconditional, has been recommended by the Treasury Board, and sanctioned and ordered by the Governor in Council:

Returns to Parliament.

(4.) A detailed statement of all remissions and refunds of any tolls or duties shall be annually submitted to the several branches of the Parliament of Canada, within the first fifteen days of the next ensuing Session thereof.

Effect of remission as pardon.

75. If the Governor directs that the whole or any part of any penalty imposed by any Law relating to the Revenue be remitted or returned to the offender, such remission or return shall have the effect of a pardon for the offence for which the penalty is incurred, which shall thereafter have no legal effect prejudicial to the party to whom such remission is granted:

Recovery of penalties and forfeitures.

2. Her Majesty's Attorney General for Canada may sue for and recover in Her Majesty's name any penalty or forfeiture imposed by any Law relating to the Revenue, before any Court or other judicial authority before which such penalty or forfeiture is recoverable under such Law, or may direct the discontinuance of any suit for any such penalty, by whom or in whose name soever the same has been brought,—and in such case, the whole of such penalty or forfeiture shall belong to Her Majesty for the public uses of Canada, unless the Governor in Council do, as he may if he sees fit, allow any portion thereof to the seizing officer or other person by whose information or aid the penalty or forfeiture has been recovered.

REPEAL AND EFFECT OF REPEAL.

Commissions and appointments, &c., to remain in force.

76. All commissions and appointments of any officers or persons employed in the collection or management of the Revenue or in accounting for the same, issued or made before the passing of this Act, shall continue in force, unless and

until revoked or altered by competent authority, and the nature of the duties and local extent of the powers of each office, shall, unless and until they be expressly altered, and so far as they are not inconsistent with any Act of the Parliament of Canada, remain the same as if granted or made under the authority of this Act, subject always to the provisions and enactments thereof; and all bonds which have been given by such officers or persons, or their sureties, shall remain in full force and effect. And bonds.

77. Chapter five of the Acts passed in the thirty-first year of Her Majesty's Reign, and the Act passed in the thirty-third year of Her Majesty's Reign, chapter eight, and the Act passed in the thirty-fourth year of Her Majesty's Reign, chapter eleven, and the Act passed in the thirty-ninth year of Her Majesty's Reign, chapter two, are hereby repealed with so much of chapter thirty-two of the Acts passed in the thirty-first year of Her Majesty's Reign, or of chapter four of the Acts passed in the Session held in the thirty-second and thirty-third year of Her Majesty's Reign, or of chapters seven and ten of the Acts passed in the Session held in the thirty-third year of Her Majesty's Reign, or of chapter six of the Act passed in the Session held in the thirty-fourth year of Her Majesty's Reign, or of any other Act or Law in force in the Dominion of Canada, as is inconsistent with this Act, or makes any provision in any matter provided for by this Act, other than such as is hereby made, shall be and is repealed, in so far as relates to matters subject to the control of the Parliament of Canada, subject always to the provisions of the Interpretation Act as to the effect of such Repeal. Repeal of 31 V., c. 5; 33 V., c. 5; 39 V., c. 2; and so much of 31 V., c. 2 32, 33 V., c. 34; 33 V., c. 7½; and 10, and 34 V., c. 6, as may be inconsistent with this Act. 31 V., c. 1, s. 7, pars. 35, 36, 37.

78. This Act shall come into force upon, from and after such day as the Governor General may by proclamation direct. Commencement of Act.

No. 53.

5th Session, 4th Parliament, 41 Victoria, 1878.

BILL.

An Act for the better Auditing of the Public Accounts.

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

Second reading, Wednesday, 20th March, 1878.

Mr. CARTWRIGHT.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.

1878.

No. 55.] **BILL.** [1878.

An act to amend the law respecting Building Societies.

Preamble.

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

Permanent Building Societies doing business in Ontario, may make shares thereafter subscribed for permanent capital and not withdrawable.

1. The members entitled to vote, of any Permanent Building Society carrying on business in the Province of Ontario, may, at any time, by a resolution to be passed at any special or general meeting, (for which meeting notice of such intended resolution shall be duly given) determine that all shares thereafter subscribed for in such Society shall be fixed and permanent capital and not liable to be withdrawn therefrom; and any share thereafter subscribed for in such Society shall be fixed and permanent capital and not withdrawable therefrom, but transferable in the same manner as other shares in such Society.

Directors may fix amount payable on subscription or as premiums on such shares.

And pay dividends by way of periodical profits.

2. The Directors of any such Society may fix the amount to be paid on the subscription of any such shares, and the premium (if any) which shall be paid thereon, and when such premium shall be payable; and it shall be in the discretion of the Directors, from time to time, to call up the balance of any such shares, at such time or times as they think best. And any such Society may, from time to time, pay dividends by way of annual or other periodical profits, upon the amounts paid on such shares. In all other respects such shares shall be subject to the general provisions respecting shares in Permanent Building Societies.

No. 55.

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

BILL.

An Act to amend the law respecting Building Societies.

Received and read first time, Thursday 21st March, 1878.

Second reading, Friday, 22nd March, 1878.

Mr. GIBBS,
South Ontario.

OTTAWA:
Printed by MACLEAN, ROGER & Co

1878.

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No. 56] **BILL.** [1878.

An Act to amend the Acts respecting Controverted Elections.

IN amendment of the Act passed in the thirty-sixth year of Her Majesty's reign, and intituled: "*An Act to make better provision respecting Election Petitions and matters relating to Controverted Elections of members of the House of Commons*," and of the Act passed in the thirty-seventh year of Her Majesty's reign, and intituled: "*An Act to make better provision for the trial of Controverted Elections of members of the House of Commons, and respecting matters connected therewith*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 36 V., c. 28. 37 V., c. 10.

1. It shall be lawful for any of the Superior Courts in the Province of Ontario, or any Judge of any of said Courts, to order the payment out to the Petitioner of any money paid into the Election Court, by way of security for costs in any case where the Petition has been removed off the files of said Court. Money paid into Court as security for costs may be refunded when the petition is taken off the files.

No. 56.

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

BILL.

An Act to amend the Acts respecting Controverted Elections.

Received and read first time, Friday, 22nd March, 1878.

Second reading, Tuesday, 26th March, 1878.

Mr. HAGGART.

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1878.

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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 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 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 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, 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 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

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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.

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1878.

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An Act for the relief of Hugh Hunter.

WHEREAS Hugh Hunter, of the Township of Egremont, 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 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 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 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 and consent of the Senate and House of Commons of Canada, enacts as follows:—

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

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

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1878.

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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 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 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 thereupon 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 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 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 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 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 Charlotte 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 Johnston should again contract marriage and should have issue, such issue should be to all intents and purposes legi-

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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.

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.

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1878.

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No. 60.] **BILL.** [1878.

An Act to amend the Consolidated Insurance Act, 1877.

Preamble. 40 V. c. 42 cited.

WHEREAS it is expedient to amend certain provisions of the Act 40th Victoria, Chapter 42, intituled "*An Act to amend and consolidate certain Acts respecting Insurance*," which in effect prohibit Foreign Mutual Life Insurance Companies from doing business in Canada after the 31st March, 1878; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Foreign Life Insurance companies doing business in Canada, on the mutual principle exclusively, exempted from certain provisions of the said Act as to deposit.

1. No Life Insurance Company incorporated elsewhere than within Canada as a Mutual Life Insurance Company and doing business in Canada prior to the 28th April, 1877, upon the mutual principle exclusively, under license from the Government of Canada, shall be required to deposit with the Receiver General or any other officer or Department of the Government any further or greater sum in money or securities to obtain a license or the renewal of a license to issue Policies and transact any business of Life Insurance, than it would have been required to deposit if the said Act had not been passed.

To be subject in all other respects to the said Act.

2. Every such Mutual Life Insurance Company shall in all other respects conform to and transact business under the provisions of the said Act, so far as the same are applicable to Mutual Life Insurance Companies incorporated elsewhere than within Canada.

No. 60.

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

BILL.

An Act to amend the Consolidated Insurance Act 1877.

Received and read first time, Tuesday, 26th March, 1878.

Second reading, Wednesday, 27th March, 1878.

Mr. KILLAM.

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1878.

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No. 61.] **BILL.** [1878.

An Act respecting the Duty on Malt.

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

1. The Customs duty imposed on British and Foreign malt by the Act 40 Victoria, chapter 11, section 2, or by any former Act, is hereby repealed. Present duty repealed.

2. Malt when imported into Canada shall be immediately placed in a suitable bonding warehouse, provided at the cost of the importer, and approved as duitable for the purpose by a duly authorized revenue officer. Malt imported to be immediately bonded.

3. Malt warehoused as herein provided shall be bonded under the excise regulations then in force in respect of malt made in Canada, and shall be subject to the same restrictions, and when taken for consumption, shall be subject to the same duty as malt made in Canada. To be unde exc lations.

4. Malt imported into Canada and not immediately warehoused as herein required, shall be seized by any officer of the Revenue having a knowledge thereof, and shall be forfeited to the Crown. Malt not so bonded to be forfeited.

No. 61.

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

BILL.

An Act respecting the duty on Malt.

Received and read first time, Tuesday, 26th March, 1878.

Second reading, Thursday, 28th March, 1878.

Mr. LAURIER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1878.

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No. 62.] **BILL.** [1878.

An Act to amend the Law respecting Deck Loads.

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

1. So much of the Act of the Parliament of Canada, passed in the thirty-sixth year of Her Majesty's Reign, and intituled: "*An Act respecting Deck Loads*," as would make it unlawful for any master of a ship, at certain seasons, to carry live stock, on or above any part of the upper deck of such ship, is hereby repealed; and the words "any cargo of "any description to any height exceeding three feet above "deck," in the second section of the said Act, shall not include or apply to live stock. Part of 36 V. c. 56 repealed as to live stock carried on deck.

No. 62.

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

BILL.

An Act to amend the Law respecting Deck Loads.

Received and read first time, Thursday, 28th March, 1878

Second reading, Friday, 29th March, 1878.

Mr. SMITH,
(Westmoreland.)

OTTAWA:

PRINTED by MACLEAN, ROGER & Co.

1878.

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No. 63.] **BILL.** [1878.

An Act to repeal Section 23 of "The Merchant Shipping Act, 1876," as to Ships in Canadian Waters.

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

1. The twenty-third section of the Act of the Parliament of the United Kingdom, known as "*The Merchant Shipping Act*, 1876," shall be repealed as respects all ships while in the waters of Canada, from and after the time which may be fixed for that purpose by the proclamation of the approval and confirmation of this Act by Her Majesty in Council. Section 23 of Act of 1876, to be repealed after proclamation.

No. 63.

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

BILL.

An Act to repeal section 23 of "*The Merchant Shipping Act*, 1876," as to Ships in Canadian waters.

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

Second reading, Thursday, 28th March, 1878.

Mr. SMITH,
(Westmoreland.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1878.

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No. 64] **BILL.** [1873.

An Act to make better provision for the trial of Controverted Elections of Members of the House of Commons, by amending and consolidating the Acts now in force on that subject.

Preamble.

WHEREAS it is expedient to make better provision for the trial of election petitions and the decision of matters connected with controverted elections of members of the House of Commons of Canada, and to amend and consolidate the Acts now in force on that subject; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Repeal of 37 Vic., cap. 10.

38 V. c. 10.

38 Vic., cap. 11, sec. 48.

39 Vic., cap. 26, s. 16.

1. The Act passed in thirty-seventh year of Her Majesty's reign, intituled: "*An Act to make better provision for the trial of Controverted Elections of Members of the House of Commons and respecting matters connected therewith*," and the Act passed in the thirty-eighth year of Her Majesty's reign, intituled: "*An Act to amend the Acts respecting Controverted Elections*," and section forty-eight of the Act passed in the said last mentioned year and intituled: "*The Supreme and Exchequer Court Act*," and section sixteen of the Act passed in the thirty-ninth year of Her Majesty's reign and intituled: "*An Act to make further provision in regard to the Supreme Court and the Exchequer Court Act of Canada*," are hereby repealed, except only as respects elections held before the passing of this Act with respect to which and all matters connected with or depending upon them, they shall remain in force; and the Acts and enactments repealed by the said Acts shall remain repealed.

Short title.

2. This Act may be cited for all purposes as "*The Dominion Controverted Elections Act*, 1878."

PRELIMINARY.

Interpretation clause.

3. In this Act and for the purposes thereof, the expression "The Court" shall, in its application to the Province of Quebec, mean the Court of Queen's Bench for that Province;

"The Court."

(2.) In its application to Ontario it shall mean the Court of Appeal for that Province;

(3.) In its application to the Province of Nova Scotia it shall mean the Supreme Court of that Province.

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(4.) In its application to the Province of New Brunswick it shall mean the Supreme Court of that Province;

(5.) In its application to the Province of Manitoba it shall mean the Court of Queen's Bench for that Province;

(6.) In its application to the Province of British Columbia it shall mean the Supreme Court of Civil Justice of that Province;

(7.) And in its application to the Province of Prince Edward Island it shall mean the Supreme Court of Judicature for that Province;

Powers of said Courts:

(8.) And each of the said Courts respectively, and the Judges thereof respectively, shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority with reference to an election petition and the proceedings thereon,

Except Q.B. in Quebec and Appeal in Ontario.

as to all the hereinbefore mentioned Courts, except the Court of Queen's Bench for the Province of Quebec, and the Court of Appeal in the Province of Ontario, as if such petition were an ordinary cause within its jurisdiction;

Of Q. B. in Quebec, to be as those of Superior Court.

(9.) And as to said Court in the Province of Quebec, the said Court of Queen's Bench and the Clerk of Appeal, respectively, shall have the same powers, jurisdiction, authority and duties with reference to an election petition and the proceedings thereon as the Superior Court for the said Province and any prothonotary of that Court would have if such petition were granted and the proceedings constituted an ordinary cause within its jurisdiction; and the practice and proceedings shall, as far as may be practicable, be the same as in other cases in the said Superior Court, until altered as provided by this Act: And the said Court of Appeal

And of Appeal for Ontario, to be as those of Q. B.

for the Province of Ontario and the Registrar of that Court, respectively, shall have the same powers, jurisdiction, authority and duties respectively with reference to an election petition and the proceedings thereon as the Court of Queen's Bench for the Province of Ontario would have respectively if such petition were an ordinary cause within the jurisdiction of such last mentioned Court, and the practice and proceedings, including the mode of enforcing decisions, as to costs and otherwise, shall in all respects be the same as at present until altered as provided by this Act;

'Judges.' 'Judge.'

(10.) The expression "the Judges" and "the Judge" shall mean the Judges or the Judge trying the election petition or performing any duty to which the enactment in which the expression occurs has reference; and the word "Judge" shall include the Chief Justice of the Court, and the Chancellor and the Vice-Chancellors of the Court of Chancery of the Province of Ontario;

Other terms interpereted.

(11.) The following terms shall, in this Act, have the meaning hereinafter assigned to them, unless there is something in the context repugnant to such construction, that is to say:

"Member," shall mean a member of the House of Commons of Canada;

"Election," shall mean an election of a member to serve in the House of Commons of Canada;

"Electoral District," shall mean an electoral district entitled to return a member or members;

"Candidate," shall mean any person elected to serve as a member, and any person who has been nominated as or declared himself a candidate at an election;

"Corrupt practices," or "corrupt practice," shall mean acts in reference to elections which are declared to be corrupt practices by *The Dominion Elections Act*, 1874, or any other Act of the Parliament of Canada, or recognized as such by the common law of Parliament;

"Rules of Court," shall mean rules to be made as hereinafter mentioned;

"Prescribed," shall mean "prescribed by this Act, or by the rules of Court made in virtue of this Act;"

"Clerk of the Court," shall mean the Registrar, Clerk of Appeals, Clerk of the Crown, Chief Clerk, or Prothonotary, or any officer of the Court, prescribed for the purpose in question.

The Speaker.

12. The expression, "the Speaker," shall mean the Speaker of the House of Commons; and when the office of Speaker is vacant, or when the Speaker is absent from Canada, or is unable to act, the Clerk of the House of Commons, or any other officer for the time being performing the duties of the Clerk of the said House, shall be deemed to be substituted for and included in the expression "the Speaker."

PRESENTATION AND SERVICE OF PETITIONS.

Election petitions, what, and by whom to be made.

4. A petition complaining of an undue return, or undue election of a member, or of no return or double return, or of any unlawful act by any candidate not returned, by which he is alleged to have become disqualified to sit in the House of Commons, at any election held after the passing of this Act, may be presented to the Court by any one or more of the following persons:

1. Some person who had a right to vote at the election to which the petition relates: or

2. A candidate at such election.

Proviso.

And such petition is in this Act called an election petition: Provided always, that nothing herein contained shall prevent the sitting member from objecting under section to any further proceeding on the petition by reason of the

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ineligibility or disqualification of the petitioner, or from proving under section that the petitioner was not duly elected.

Where to be presented in Quebec.

In the Province of Quebec the petition shall be presented to the Court at the city of Quebec if it relates to an Electoral District in any of the Judicial Districts of Three Rivers, Quebec, Saguenay, Gaspé, Chicoutimi, Rimouski, Kamouraska, Montmagny, Beauce or Arthabaska; and at the city of Montreal if it relates to any Electoral District in any of the Judicial Districts of Ottawa, Montreal, Terrebonne, Joliette, Richelieu, St. Francis, Bedford, St. Hyacinthe, Iberville or Beauharnois.

Petition may be against more than one candidate.

5. Two or more candidates may be made respondents to the same petition, and their case may for the sake of convenience be heard at the same time; but for all purposes of this Act, except as to the costs connected therewith, such petition shall be deemed to be a separate petition against each respondent.

When the petition complains of a Returning officer.

6. When an election petition under the Act complains of the conduct of a Returning Officer, such Returning Officer may be made a party thereto, and shall for all the purposes of this Act, except the admission of respondents in his place, be deemed to be a respondent: Provided always, that the death of the Returning Officer pending the proceedings shall not cause them to abate, but the same shall continue and be prosecuted as if the Returning Officer had not been made a party.

Proviso.

Petition complaining of "no return."

7. A petition under this Act, complaining of no return, may be presented, and shall be deemed to be an election petition within the meaning of this Act, and such order may be made thereon by the court, or judge as may be deemed expedient for compelling a return to be made, or the court or judge may allow such petition to be tried in the manner hereinbefore provided with respect to ordinary election petitions.

Election petition.

8. The following enactments are made with respect to the presentation of an election petition under this Act:

Form and contents.

1. The petition may be in any prescribed form; but if or in so far as no form is prescribed, it need not be in any particular form, but it must complain of the undue election or return of a member, or that no return has been made, or of matter contained in any special return made, or of some such unlawful act as aforesaid by a candidate not returned, and it must be signed by the petitioner, or all the petitioners if there are more than one.

Time for presenting.

2. The petition must be presented not later than thirty days after the day of publication in the *Canada Gazette* of the receipt of the return to the writ of election by the Clerk of the Crown in Chancery, unless it questions the return or election upon an allegation of corrupt practices, and speci-

fically alleges a payment of money or other act of bribery to have been committed by any member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practice, in which case the petition may be presented at any time within thirty days after the date of such payment or act so committed; and in case any such petition is presented, the sitting member, whose election and return is petitioned against, may, not later than fifteen days after service of such petition against his election and return, file a petition complaining of any unlawful and corrupt act by any candidate at the same election who was not returned and who is not a petitioner, and on whose behalf the seat is not claimed;

How presented.

3. Presentation of a petition shall be made by delivering it at the office of the Clerk of the Court, during office hours, or in any other prescribed manner;

Security to be given.

4. At the time of the presentation of the petition, security for the payment of all costs, charges and expenses that may become payable by the petitioner,—

(*a*) To any person summoned as a witness on his behalf,—or

(*b*) To the member whose election or return is complained of (who is hereinafter referred to as the respondent),—or

(*c*) To the Returning Officer, if his conduct be complained of,—or

(*d*) To the candidate not elected, whose conduct is complained of as aforesaid,—

Shall be given on behalf of the petitioner;

Amount of security.

5. The security shall be to the amount of one thousand dollars, and shall be given by a deposit of money with the Clerk of the Court;

Gold or Dominion notes.

6. The deposit shall not be valid unless it is made in gold coin, or Dominion notes being a legal tender under the Statutes of the Dominion at the time when the deposit is made;

Receipt.

7. The Clerk of the Court shall give a receipt for such deposit which shall be evidence of the sufficiency thereof;

Copy of petition to Returning officer.

8. On the presentation of the petition, the Clerk of the Court shall send a copy thereof by mail to the Returning Officer of the Electoral District to which the petition relates, who shall forthwith publish the same in such Electoral District.

Affidavit of truth of petition to

9. With every election petition there shall be filed an affidavit by the petitioner, or if there be more than one petitioner, by one or more of them, referring to or annexed to

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be filed with it.

the petition, and stating that the deponent or deponents present the petition in good faith, and have reason to believe, and do believe the statements contained in the petition to be true in substance and in fact; and unless the petition be verified by affidavit it shall not be received, or if received, it shall, on application, be removed off the files of the Court.

Notice to respondents.

10. Notice of the presentation of a petition under this Act, and of the security, accompanied with a copy of the petition, shall, within five days after the day on which the petition shall have been presented, or within the prescribed time, or within such longer time as the Court, or any Judge thereof, may, under special circumstances or difficulty in effecting service, allow, be served by the petitioner on the respondent or respondents.

Service of notice.

In case service cannot be effected on the respondent or respondents either personally or at his or their domicile within the time granted by the Court or Judge, then it may be effected upon such other person, or in such other manner as the Court or Judge, on the application of the petitioner, may appoint.

Service of petition notice, &c.

11. An election petition under this Act, and notice of the date of the presentation thereof, and a copy of the deposit receipt shall be served as nearly as may be in the manner in which a writ of summons is served in civil matters, or in such other manner as may be prescribed.

Respondent's may present preliminary objections.

12. Within five days after the service of the petition and the accompanying notice, the respondent may present in writing any preliminary objections or grounds of insufficiency which he may have to urge against the petition or the petitioner, or against any further proceeding thereon, and shall, in such case, at the same time, file a copy thereof for the petitioner.

How decided.

The court, or any judge thereof, shall hear the parties upon such objections and grounds, and shall decide the same in a summary manner.

Petition at issue.

13. At the expiration of five days after the decision upon the preliminary objections, if presented and not allowed, or on the expiration of the time for presenting the same if none be presented, the petition shall be held to be at issue.

Clerk to make out list of petitions at issue.

14. The Clerk of the Court shall, as soon as may be, make out a list of all petitions presented under this Act, and which are at issue, placing them in the order in which they are presented, and shall keep at his office a copy of such list (hereafter referred to as "The Election List") open to the inspection of any person making application.

When more than one on same election.

(2.) Where more petitions than one are presented relating to the same election or return, all such petitions shall, in the election list be bracketted together, and shall be dealt with as far as may be as one petition; but such petitions shall stand on the election list in the place where the first of such petitions would have stood if it had been the only petition presented.

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(3.) The Clerk of the Court shall forthwith, *after making the election list*, transmit to the Registrar of the Supreme Court, at Ottawa, a copy thereof. Copy of list to Supreme Court.

(4.) On receipt of such lists, and from time to time and whenever the same shall be received by the Registrar of the Supreme Court of Canada, he shall, as soon as may be, make out a list of all petitions returned to him from the Clerks of the Courts respectively, placing them in the order in which they were presented, and shall keep at his office a copy of such list, open to the inspection of any person making application. Registrar to make out a list.

(5.) Such petitions, as far as conveniently may be, shall be tried in the order in which they stand in such last mentioned list. Order of trial.

Section 61 will be brought in

EXAMINATION OF PARTIES AND PRODUCTION OF DOCUMENTS.

15. Any party to an election petition, whether petitioner or respondent, may at any time after such petition is at issue, before or pending the trial thereof, be examined by or before a judge or an examiner, in the manner hereinafter directed, by a party adverse in point of interest, touching any matter raised by such petition; and any party so examined may be further examined on his own behalf, in relation to any matter respecting which he has been examined in chief; and when one of several petitioners or respondents has been so examined, any other petitioner or respondent, united in interest, may be examined on his own behalf, or on behalf of those united with him in interest, to the same extent as the party so examined; Provided that such explanatory examination must be proceeded with immediately after the examination in chief, and not at any future period, except by leave of the court or a judge. When and how parties may be examined. Proviso.

16. Where any petition has been filed claiming the seat for a candidate, such candidate, although not a party to the petition, may be orally examined as if he were a petitioner Candidate claiming seat may be examined.

17. Any party to be examined orally, under the provisions of this Act, shall be so examined by or before a judge, a county court judge, a master in chancery, clerk of the crown, or special examiner of the court in which such election petition is pending, or before any barrister-at-law named for the purpose by the court or the judge; and such examination shall take place in the presence of the parties, their counsel, agents or attorneys; and the party so examined orally shall be subject to cross-examination and re-examination; and such examination, cross examination and re-examination shall be conducted as nearly as may be in the mode now in use in courts of Common Law on a trial at *nisi prius*, or in Chancery at the hearing of a cause, or in the Province of Quebec at the trial of a civil cause by a jury; subject to the provisions hereinafter made. How such examination shall be conducted.

Form of depositions to be narrative.

18. The depositions taken upon any such oral examination as aforesaid, shall be taken down in writing by the examiner, not ordinarily by question and answer, but in the form of a narrative; and when completed shall be read over to the witness, and signed by him, in the presence of the parties, or of such of them as may think fit to attend: Provided always, that, in case the witness refuses or is unable to sign the said deposition, then the examiner shall sign the same; and such examiner may upon every examination, state any special matter to the court if he thinks fit: Provided also, that it shall be in the discretion of the examiner to put down any particular question or answer, if there should appear to be any special reason for so doing; and any question or questions which may be objected to shall, at the request of either party, be noticed or referred to by the examiner in or upon the depositions; and he shall state his opinion thereon to the counsel, agents, attorneys or parties; and if requested by either party he shall refer to such statement on the face of the depositions.

Proviso.

Proviso: questions may be put down in certain cases.

Duty of examiner.

Depositions to be transmitted to Court.

19. When the examination before the examiner shall have been concluded, the original depositions authenticated by the signature of such examiner, shall be transmitted by him to the office of the court to be there filed; and any party to the petition may have a copy thereof, or of any part or portion thereof, upon payment for the same in such manner as shall be prescribed by the court in that behalf.

Compelling attendance of parties or of persons to be examined.

20. The attendance of a party or other person for oral examination or cross-examination before the examiner, may be required by a writ *subpœna ad testificandum* or *duces tecum*, in like manner as such party or person would be required to attend the trial of the petition, and any party or person upon being served with such writ shall be bound to attend before the examiner; but such party or person shall be entitled to the like payment for attendance and expenses as if he had been subpœnaed to attend upon the trial.

As to persons in custody.

21. The sheriff, goaler, or other officer having the custody of any prisoner, may take such prisoner for examination before the examiner, under the authority of this Act, if so ordered by the court or a judge thereof.

Notice in such cases.

22. Forty-eight hours' notice of any such oral examination or cross-examination shall be given to the opposite party or parties.

Neglecting to attend or refusing to answer to be contempt.

23. Any party or person refusing or neglecting to attend at the time and place appointed for his examination or cross-examination, or refusing to be sworn or to answer any lawful question put to him by the examiner, or by any party entitled so to do or his counsel, agent or attorney, may be punished as for a contempt of court: Provided always, that if any witness demurs or objects to any question or questions which may be put to him, the question or questions so put, and the demurrer or objection of the witness thereto, shall be taken down by the examiner, and transmitted by

him to the office of the court to be there filed: and the validity of such demurrer or objection shall be decided by the court or a judge thereof; and the costs of and occasioned by such demurrer or objection shall be in the discretion of the court or judge. Witness demurring to questions.

24. Any party to a petition shall be entitled to use, upon the trial of such petition, depositions taken by or before the examiner, in accordance with the provisions of this Act: Provided that where such party uses any portion of a deposition so taken, it shall be competent for the party against whom it is used to put in the entire evidence so taken, as well that in chief as that in explanation. Use of depositions. Proviso.

25. Any party to any election petition, whether petitioner or respondent, may, at any time after such petition is at issue, before or pending the trial thereof, obtain a rule or order of the court or of the judge requiring the adverse party to produce within ten days after the service thereof, under oath, all documents in his custody or power relating to the matters in question, saving all just exceptions; and to deposit the said documents with the clerk of the court; and upon such documents being produced, the party requiring such production, or his agent or attorney, may inspect the same and take examined copies thereof: Provided that when any person upon whom a rule to produce has been served wishes to avail himself of any such exception as above mentioned, he must on his affidavit on production assign a sufficient reason why he should not produce and deposit the same in manner aforesaid. Production, inspection and copies of documents. Proviso.

26. The rule referred to in the preceding section shall be a rule in the nature of a side bar rule, and shall issue in vacation as in term, and may be obtained on the last as well as on other days of term; and such rule shall be dated the day of the week, month and year on which the same was drawn up, and need not specify any other time or date; and such rule may be obtained by the party requiring the same, his agent or attorney, from the clerk of the court. Rule for production how obtained.

27. The rule for the production of documents shall not require personal service, and it shall be sufficient to serve the same upon the agent or attorney of the party. Service.

28. The affidavit on production to be made by the party who has been served with the rule for production, may be in the form or to the effect of the schedule to this Act, varied as the facts require. Affidavit on production.

29. Any party neglecting or refusing to obey a rule for the production of documents, may be punished as for a contempt of court. Punishment for disobedience.

TRIAL OF PETITIONS

30. Except as regards elections in the Provinces of Manitoba and British Columbia, every election petition shall be Constitution of Courts

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for trial of petitions.

tried by three judges, one of whom shall be the Chief Justice or one of the puisne judges of the Supreme Court of Canada, and the others as regards elections in the Province of Quebec shall be two of the judges to be selected from a *rota* to be formed as hereinafter provided in that province; as regards elections in the Province of Ontario, two of the judges to be selected from a *rota* to be formed in that province as hereinafter provided; as regards elections in the Province of Nova Scotia, two of the judges of the Supreme Court of that province; as regards elections in the Province of New Brunswick, two of the judges of the Supreme Court of that province,—and as regards elections in the Province of Prince Edward Island, two of the judges of the Supreme Court of Judicature of that province.

In the Province of Quebec.

31. In the Province of Quebec the members of the Court of Queen's Bench shall, on or before the third day of the June Term, to be holden at the City of Quebec, in the year of Our Lord one thousand eight hundred and seventy-eight, and on or before the third day of the December Term in every year (including the said year), at the City of Quebec, select by a majority of votes of the members of the court, four of the judges thereof, to be placed on the *rota* for the trial of election petitions during the year one thousand eight hundred and seventy-eight, and, *after the first selection, during the then next ensuing year.*

In the Province of Ontario.

32. In the Province of Ontario, the members of the Courts of Appeal, Queen's Bench, Chancery and Common Pleas, respectively, shall on or before the third day in Easter Term in the year one thousand eight hundred and seventy-eight, and on or before the third day of Michaelmas Term in every year (including the said year), select by a majority of votes of the members of such court one of the judges thereof, to be placed on the *rota* in the trial of election petitions during the year one thousand eight hundred and seventy-eight; and, after the first selection, during the then next ensuing year.

Judges re-eligible.

33. Any judge placed on the *rota* shall be re-eligible in the succeeding or any subsequent year.

Vacancies in the Court how filled.

34. In the event of the death or illness of any judge for the time being on the *rota*, or his inability to act, the court to which he belongs shall fill up the vacancy by placing on the *rota* another judge of the same court.

Judges of Supreme Court of Canada to arrange order and days for trials.

35. The Judges of the Supreme Court of Canada shall forthwith, after the said election list shall be made up by the Registrar of the court, arrange among themselves by which of the judges of the Supreme Court the said election petitions shall be tried, respectively, and the order in which the same shall be tried, and shall appoint the days for the trial thereof, and the Registrar of the Supreme Court of Canada shall transmit to the clerks of the courts of the provinces respectively, the direction made by the judges of the Supreme Court of Canada as to the order in which, in each of the said pro-

vinces, the cases belonging thereto are to be tried, and the time appointed for the trial thereof.

Judges from the Courts in the five Provinces, respectively.

36. On receipt of such order of trial the judges on the *rota* in the Provinces of Quebec and Ontario respectively, and the judges of the Supreme Court in the Provinces of Nova Scotia and New Brunswick respectively, and of the Supreme Court of Judicature in the Province of Prince Edward Island, shall assign to two of the judges on the *rota*, or two of the Judges of the said Supreme Courts and the Supreme Court of Judicature, as the case may be, to sit along with the judge of the Supreme Court of Canada assigned by the judges thereof, to hold the trial of the said election petition.

Who shall preside.

37. On such trial the Chief Justice or judge of the Supreme Court of Canada assigned to try the said petition shall preside.

Majority to decide.

38. The decision of the majority of judges sitting on the trial of any election petition, on all questions arising on the trial shall govern, and (except as hereinafter provided as to appeal in matters of law) shall be final and conclusive.

Place of trial adjournments.

39. The trial of an election petition shall take place in the electoral district, the election or return for which is in question, and may be adjourned from time to time and from one place to another in the same electoral district, as to the judges or judge trying the case may seem most convenient.

Place of decision.

40. The decision of the case shall be given at the place where the same is tried, or if the trial has been held in more than one place in the electoral district, then at one of the places where the trial was held.

Trials in Manitoba or British Columbia.

41. In the Provinces of Manitoba and British Columbia every election petition concerning an election in either of the said Provinces shall be tried by one of the Judges of the Court of Queen's Bench in Manitoba, and of the Supreme Court of Civil Justice in British Columbia.

Order of trial.

42. In the Provinces in the last preceding section mentioned, the election petitions, as far as conveniently may be, shall be tried in the order in which they stand on the list, and the first and second sub-sections of the (*fourteenth*) section shall apply to those Provinces

Notice of trial.

43. Notice of the time and place at which an election petition will be tried, shall be given in the prescribed manner not less than fourteen days before that on which the trial is to take place.

How judges shall be received and attended.

44. The judges shall be received and attended at the place where they are about to try an election petition under this Act, in the same manner, as far as circumstances will admit, as if they were about to hold a sitting at *nisi prius*, or a sitting of the Provincial Court of which the judges of the Province to sit at the trial of the election petition are members.

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Powers of the judges.

45. On the trial of an election petition and in other proceedings under this Act, the judges or the judge shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority as a judge of one of the Superior Courts of law or equity for the Province in which such election was held, sitting in term or presiding at the trial of an ordinary civil suit; and the court held by him for such trial shall be a court of record.

Court of record.

Case where seat is claimed for some person not returned.

46. On the trial of a petition under this Act complaining of an undue return, and claiming the seat for some person, the respondent may give evidence to prove that the election of such person *was* undue in the same manner as if he had presented a petition complaining of such election,

Acceptance of office or resignation not to stop proceedings.

47. An election petition may be presented, and the trial of an election petition under this Act shall be proceeded with, notwithstanding the acceptance by the respondent of an office of profit under the Crown, or the resignation of his seat; but the respondent may, notwithstanding anything in this or any other Act contained, accept office at any time after the election, subject always to the provisions of the twelfth section of the Act passed in the thirty-first year of Her Majesty's Reign, and intituled "*An Act further securing the Independence of Parliament*," in construing which after this Act is in force, the words "court or judge" shall be substituted for the words "election committee."

Proviso.

31 Vic., cap. 25.

Nor a prorogation or dissolution.

48. The trial of an election petition under this Act shall be proceeded with notwithstanding the prorogation or dissolution of the Parliament of Canada.

How the oral evidence at a trial shall be taken down.

49. The oral evidence given at the trial shall, unless otherwise ordered by the judge or judges holding the court, be taken down by a shorthand writer, and the shorthand writer shall take down such evidence, and from time to time write or cause the same to be written out at length; such shorthand writer before entering on his duties shall be sworn by the judge presiding at the time, faithfully and truly to take down the evidence given at the trial, and from time to time as occasion requires to write or cause the same to be written at length.

Oath of stenographer.

Limitation of time for commencement of trial.

50. The trial of every election petition shall be commenced within months from the time the petition was presented, and shall be proceeded with *de die in diem* until the trial is over, unless on application supported by affidavit, it is shown that the requirements of justice render it necessary that a postponement of the case should take place.

EVIDENCE.

As to evidence of corrupt practices.

51. Unless the judges or judge otherwise direct, any charge of corrupt practices may be gone into, and evidence in relation thereto received, before any proof has been given of agency on the part of any candidate in respect of such corrupt practices.

Existing English rules of evidence to prevail.

52. The law of evidence respecting the trial of controverted elections in force at the time of the passing of this Act in England, shall be the law regulating the rules of evidence for the trial and determination of petitions presented under this Act.

WITNESSES.

Witnesses how summoned and sworn.

53. Witnesses shall be subpœnaed and sworn in the same manner, as nearly as circumstances will admit, as in cases within the jurisdiction of the Superior Courts of law or equity in the same Province; and shall be subject to the same penalties for perjury.

Compelling attendance of witnesses.

Examination.

Cross-examination.

54. On the trial of an election petition under this Act, the presiding judge may, by order under his hand, compel the attendance of any person as a witness who appears to him to have been concerned in the election to which the petition refers, and any person refusing to obey such order shall be guilty of contempt of court. The judges or judge may examine and re-examine any witness so compelled to attend or any person present, although such witness and person be not called and examined by any party to the petition. After the examination of a witness as aforesaid by a judge, such witness may be cross-examined by or on behalf of the petitioner and respondent, or either of them.

Witnesses not excused by any privilege from answering.

Proviso: as to use of answers.

55. No person shall be excused from answering any question put to him under this Act, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or 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 that such answer will tend to criminate himself, shall be used in any criminal proceeding against any such person, other than an indictment for perjury, if the presiding judge gives to the witness a certificate that he claimed the right to be excused on the grounds aforesaid, and made full and true answers to the satisfaction of the judges or judge.

Expenses of witnesses.

How paid.

56. The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition under this Act, according to the scale allowed to witnesses on the trial of civil actions in the Superior Courts of law or equity in the same Province, may be allowed to such person by a certificate under the hand of the judge or of the clerk of the court; and such expenses, if the witness was called and examined by the judges or by the judge, shall be deemed part of the expenses of providing a court, and in other cases shall be deemed costs of the party calling the witness, and shall be taxed against such party interested in the trial of such petition, as the judges or judge may determine.

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JUDGES' REPORT.

Decision and certificate of judges or judge.

57. At the conclusion of the trial the judges or judge shall determine whether the member whose election or return is complained of, or any and what other person, was duly returned or elected, or whether the election was void, and other matters arising out of the petition, and requiring determination, and shall, except only in the case of appeal hereinafter mentioned, within four days after the expiration of eight days from the day on which he or they shall so have given his or their decision, certify in writing such determination to the Speaker, appending thereto a copy of the notes of the evidence; and the determination thus certified shall be final to all intents and purposes.

To be certified to Speaker and final, except in case of appeal.

Report if corrupt practices are charged.

58. When any charge is made in an election petition of any corrupt practice having been committed at the election to which the petition refers, the judges or judge shall, in addition to such certificate, and at the same time, report in writing to the Speaker, as follows:

(*a.*) Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at such election, stating the name of such candidate, and the nature of such corrupt practice;

(*b.*) The names of any persons who have been proved at the trial to have been guilty of any corrupt practice;

(*c.*) Whether corrupt practices have, or whether there is reason to believe that corrupt practices have, extensively prevailed at the election to which the petition relates.

Special report.

59. The judges or judge may, at the same time, make a special report to the Speaker, as to any matters arising in the course of the trial, an account of which ought, in his or their judgment, to be submitted to the House of Commons.

As to corrupt practices by agents without knowledge of candidate.

Agent to be summoned.

60. In case on the trial of any election petition under this Act, it is determined that the election is void by reason of any act of an agent committed without the knowledge and consent of the candidate, and that costs should be awarded to the petitioner in the premises, the agent may be condemned to pay such costs, and the judges or judge shall order that such agent be summoned to appear at a time fixed in such summons, in order to determine whether such agent should be condemned to pay such costs. If, at any time so fixed the agent so summoned do not appear he shall be condemned on the evidence already adduced, to pay the whole or a due proportion of the costs awarded to the petitioner; and if he does appear, the judges or judge, after hearing the parties and such evidence as shall be adduced shall give such judgment as to law and justice shall appertain. The petitioner shall have process to recover such costs against such agent in like manner as he might have such process against the respondent; and no process shall issue against

If he does not appear.

And if he does.

Judgment.

Recovery of costs.

the respondent to recover such costs until after the return of process against such agent.

Judges or judge may direct a special case to be stated.

61. When upon the application of any party to an election petition duly made to the judges or judge, it appears to such judges or judge that the case raised by the petition can be conveniently stated as a special case, such judges or judge may direct the same to be so stated, and any such special case shall, as far as may be, be heard before such judges or judge, who shall thereupon give such judgment as to justice may appertain, and in case the decision be final the judges or judge shall certify to the Speaker his decision on such special case, in the manner and time specified in section *fifty-nine* of this Act.

This section will be made 15.

Report thereon.

Speaker's duty on receiving certificate of decision.

62. The Speaker shall, at the earliest practicable moment after he receives the certificate and report or reports (if any) of the judges or judge, give the necessary directions, and adopt all the proceedings necessary for confirming or altering the return, or for the issuing of a new writ for a new election, (for which purpose the Speaker may address his warrant under his hand and seal to the Clerk of the Crown in Chancery,) or for otherwise carrying the determination into execution, as circumstances may require ;

To inform the House.

The Speaker shall, without delay, communicate to the House of Commons the determination, report and certificate of the judges or judge, and his own proceedings thereon ;

When there is a special report.

Where the judges or judge makes a special report, the House of Commons may make such order in respect of such special report, as they think proper.

APPEALS.

No review in Quebec.

63. There shall be no review in the Province of Quebec of any judgment rendered under this Act ; but any party to an election petition under this Act, who is dissatisfied with the decision of the judges or judge, on any question of law, and desires to appeal against the same, may, within eight days from the day on which the decision was given, deposit with the clerk of the court, or other proper officer of the court for receiving money paid into such court, the sum of dollars by way of security for costs, and a further sum of *ten dollars* as a fee for making up and transmitting the record ; and thereupon the clerk of the court shall make up and transmit the record in the case to the registrar of the Supreme Court of Canada, who shall set down the matter of the said appeal for hearing by the said court, at the nearest convenient time, and according to any rules made in that behalf, under this Act, or under the Act passed in the thirty-eighth year of Her Majesty's reign, cap. 11, intituled "The Supreme and Exchequer Court Act."

Appeal and security for costs, &c.

Duty of Clerk.

Transmission of record to Supreme Court of Canada.

35 Vic., cap. 11.

Statement of facts for the Court.

64. A statement of the facts of the case, sufficient for the determination of the question or questions of law, the decision or decisions as to which is or are appealed against which is to be settled by the parties, or in the event of their being unable to agree by the judge or one of the judges before

whom the petition was tried, shall be prepared by the party appealing.

Verification of particulars, in statement, &c N.B.—This will be made 82.

65. Particulars given, furnished by either party in the course of the proceedings, shall be verified on oath by the party furnishing the same, in the same manner as the petition is required by this Act to be verified by the petitioners or petitioner.

Notice by party appealing to opposite parties.

66. The party so appealing shall thereupon within three days or such further time as the court or any judge thereof may upon application allow, give to the other parties affected by the appeal or the respective attorneys or agents by whom such parties were represented on the trial of such petition, notice in writing that the matter of the said appeal has been so set down to be heard as aforesaid.

Hearing and determination of the case.

67. The appeal shall thereupon be heard and determined by the Supreme Court of Canada, which shall pronounce such judgment upon the questions of law as to which the appeal is made, as in the opinion of the said Supreme Court ought to have been given by the judges or judge whose decision is appealed from.

As to money deposited as securities; and costs.

Recovery.

68. The said Supreme Court may make such order as to the money deposited as aforesaid, and as to the costs of the appeal as it may think just; any order directing the payment of such costs shall be certified by the registrar of the court to the court in which the petition was filed, and the same proceedings for the recovery of such costs may thereupon be taken in the last mentioned court, as if the order for payment of costs had been made by that court or by the judge before whom the petition was tried.

Certificate to Speaker.

69. The registrar of the said Supreme Court shall thereupon certify to the Speaker the judgment and decision of the judges or judge before whom the election petition was tried, as affirmed, altered, varied, or changed, by the judgment of the said Supreme Court on the matter of the said appeal to it, as the judges or judge whose decision is appealed against would otherwise have done; and the said judgment and decision shall be final to all intents and purposes.

Or the Supreme Court may grant a new trial for cause.

Proceedings in such case.

70. Instead of certifying as aforesaid, the said Supreme Court, upon such conditions as to costs and otherwise as the said Supreme Court may think fit, may grant a new trial for the purpose of hearing evidence which in the opinion of the said court was improperly rejected at the trial, or for the purpose of striking out evidence improperly received, and may remit the case back to the judges or judge who tried the same or to some other judges or judge who could under this Act have tried the said petition; and, subject to the directions given by the said Supreme Court, the case shall be thereafter proceeded with as if there had been no appeal.

WITHDRAWAL AND ABATEMENT OF ELECTION PETITIONS.

Withdrawal of a petition by leave.

71. An election petition under this Act shall not be withdrawn without the leave of the court, judges or judge (according as the petition is then before the court, or before the judges or judge for trial) upon special application to be made in and at the prescribed manner, time and place:—

Notice.

No such application shall be made until the prescribed notice has been given in the electoral district to which the petition relates, of the intention of the petitioner to make an application for the withdrawal of his petition;

Substitution of a petitioner may be asked.

On the hearing of the apptication for withdrawal, any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the court, judges or judge to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition;

Additional security may be ordered in case of substitution, or, &c.

The court, judges or judge may, if it he or they or he think fit, substitute as petitioner any such applicant as aforesaid, and may further, if the proposed withdrawal is, in the opinion of the court, judges or judge induced by any corrupt bargain or consideration, it, he or they may by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that, to the extent of the sum named in such security, the original petitioner shall be liable to pay the costs of the substituted petitioner;

If not ordered.

If no such order be made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within the prescribed time after the order of substitution;

Effect of substitution.

Subject as aforesaid, a substituted petitioner shall stand in the same position, as nearly as may be, and be subject to the same liabilities as the original petitioner;

Liability for costs.

If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent, unless the court, judges or judge otherwise orders;

All petitioners must join.

When there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners

Report if the withdrawal be corrupt.

72. In every case of withdrawal of an election petition, under this Act, if the court, judges or judge is of opinion that the withdrawal of such petition was the result of any corrupt arrangement or in consideration of the withdrawal of any other petition, the court, judges or judge shall report such opinion to the Speaker, stating the reasons thereof and the circumstances attending the withdrawal.

Abatement by death of petitioner.

73. An election petition under this Act shall be abated by the death of a sole petitioner, or of the survivor of several petitioners;

Costs.

The abatement of a petition shall not affect the liability of the petitioner to the payment of costs previously incurred;

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Notice of abatement.

On the abatement of a petition, the prescribed notice of such abatement having taken place shall be given in the electoral district to which the petition relates; and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the court, judges or judge, in and at the prescribed manner, time and place, to be substituted as a petitioner;

Substitution of new petitioner.

The court, judges or judge may, if it or they or he think fit, substitute as a petitioner any such applicant who is desirous of being substituted, and on whose behalf security to the same amount is given as is required in the case of a new petition.

Abatement by death, &c., of respondent.

74. If before or during the trial of any election petition under this Act, any of the following events happen in the case of the respondent (that is to say):

(1.) If he dies;

(2.) If the House of Commons has resolved that his seat is vacant;

(3.) If he gives notice to the court or presiding judge in and at the prescribed manner and time that he does not intend to oppose or further to oppose the petition;

(4.) If he is summoned to Parliament as a Member of the Senate;

Notice.

Notice of such event having taken place shall be given in the electoral district to which the petition relates; and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the court, judges or

New respondent.

judge to be admitted as a respondent to oppose the petition or so much thereof as may remain undisposed of; and such person shall, on such application, be admitted accordingly to oppose such petition or such undisposed portion thereof, either with the respondent, if there be one, or in place of the respondent; and any number of persons, not exceeding

If during trial.

three, may be so admitted; and if either of such events happen during the trial, the court, judges or judge shall adjourn the same, in order to the giving of notice that such

Liability for costs.

event has happened, as herein provided; and the person or persons so admitted shall have the same liability as the respondent with respect to any costs thereafter incurred.

Respondent not opposing petition.

75. A respondent who has given the prescribed notice that he does not intend to oppose or further oppose the petition, shall not be allowed to appear or act as a party against such petition in any proceedings thereon, and shall not sit or vote in the House of Commons until the House

Report to Speaker.

has been informed of the report on the petition; and the court, judges or judge shall, in all cases in which such notice has been given in the prescribed time and manner, report the same to the Speaker.

76. When an election petition under this Act complains of a double return, and the respondent has given notice in the prescribed time and manner that it is not his intention to oppose the petition, and no party has been admitted, in pursuance of this Act, to oppose the petition, then the petitioner, if there be no petition complaining of the other member returned on such double return, may withdraw his petition, by notice addressed to the prescribed officer, and upon such withdrawal, the prescribed officer shall report the fact to the Speaker, and the House of Commons shall, thereupon, give the necessary directions for amending the said double return, in such manner as the case may require.

Double return and respondent not opposing.

COSTS.

77. All costs, charges and expenses of and incidental to the presentation of an election petition under this Act, and to the proceedings consequent thereon, with the exception of such costs, charges and expences as are by this Act otherwise provided for, shall be defrayed by the parties to, or those opposing the petition, in such manner and in such proportions as the court, judges or judge may determine, regard being had to the disallowance of any costs, charges, or expenses which may, in the opinion of the court, judges or judge, have been caused by vexatious conduct, unfounded allegations or unfounded objections, on the part either of the petitioner or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful ;

Costs of proceeding under this Act : how to be paid.

The costs may be taxed in the prescribed manner, but according to the same principles as costs are taxed between parties in actions at law ; and such costs may be recovered in the same manner as the costs in actions at law in the same Province, or in such other manner as may be prescribed.

How taxed and recovered

78. In the event of costs being awarded in favour of any party against any petitioner, such party shall, after the expiration of thirty days from the rendering of the decision by the judges or judge, or, in case of an appeal, by the court, upon the production of a certificate of taxation from the proper officer, be entitled to receive out of the deposit the amount taxed to him as aforesaid, if the aggregate of the costs taxed against the said petitioner, certificates whereof are within the said period of thirty days filed with the registrar, clerk or other proper officer, do not exceed the deposit, or if the total amount of the said certificates so filed as aforesaid exceed the deposit, then his proportion thereof; and in the event last aforesaid such party shall be entitled forthwith to issue execution, according to the practice in ordinary cases, against the petitioner's goods or lands, for the residue of the costs so taxed to him as aforesaid.

Recovery of costs against petitioner out of deposit.

Execution for residue if deposit is not sufficient.

RULES OF COURT.

79. The Judges of the Supreme Court of Canada, or a majority of them, of whom the chief justice must be one,

Judges of the Supreme

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Court to make rules of practice under this Act.

may from time to time make, revoke, and alter general rules and orders (in this Act referred to as rules of court) for the effectual execution of this Act and of the intention and object thereof, and the regulation of the practice and procedure and costs with respect to election petitions, and the trial thereof, the appeal therefrom and the certifying and reporting thereon.

Their effect.

(2.) Any general rules and orders made as aforesaid, and not inconsistent with this Act, shall be deemed to be within the powers conferred by this Act, and shall, while unrevoked, be of the same force as if they were enacted in the body of this Act.

To be laid before House of Commons.

(3.) Any general rules and orders made in pursuance of this section, shall be laid before the House of Commons within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament.

Practice in cases not provided for.

80. Until rules of court have been made by the judges of the Supreme Court in pursuance of this Act, and so far as such rules do not extend, the principles, practice and rules on which election petitions touching the election of members of the House of Commons in England, are, at the time of passing of this Act, dealt with, shall be observed so far as consistently with this Act they may be observed by the courts and the judges thereof.

MISCELLANEOUS.

Computation of time under this Act.

81. If the time limited by this Act for any proceeding, or the doing of anything under its provisions, expires or falls upon a Sunday, or any day which is a holiday under the Interpretation Act, the time so limited shall be extended to, and such thing may be done on the day next following which is not a Sunday or such holiday.

To what elections this Act shall apply.

82. All elections held after the passing of this Act, shall be subject to the provisions thereof, and shall not be questioned otherwise than in accordance therewith ; but no election or return held or made prior to the passing of this Act, shall be controverted or questioned under it, and all contestations of such elections or returns shall be governed by the laws then in force with respects to controverted elections for the House of Commons.

Doubts under 37 Vic., cap. 9, sub-sections 73, 101 and 103 removed.

83 Whereas doubts have arisen as to the proper construction of section seventy-three, one hundred and one, and one hundred and three, of "*The Dominion Elections Act*, 1874," and as to the effect upon elections held under the said Act, of the avoiding of previous elections, it is hereby enacted that elections held under the said Act, as well elections already held as elections hereafter to be held, shall be deemed and taken, as respects both candidates and voters, to be new elections in law and in fact, to all intents and pur-

poses whatever, except as to the personal acts of the candidates, and the acts of agents done with the knowledge and consent of such candidates.

Who may practice in cases under this Act.

84. Any person who, according to the law of the Province in which the petition is to be tried, is entitled to practise as an attorney-at-law or solicitor, before the Superior Courts of such Province, may practice as attorney or agent, and any person who according to such law, is entitled to practise as a barrister-at-law or advocate before such courts, may practise as counsel in the case of such petition and all matters relating thereto, before the court or judge in such Province.

Act not to repeal 39 Vic., caps. 9 and 10.

85. Nothing herein contained shall be construed to repeal the Acts passed in the thirty-ninth year of Her Majesty's reign, chapters nine and ten, and intituled "*An Act to make more effectual provision for the administration of the law relating to corrupt practices at elections of members of the House of Commons*," and "*An Act to provide for the more effectual Inquiry into the existence of corrupt practices at elections of members of the House of Commons*" respectively ; but the said Acts and each of them shall be read and construed as applying to this Act instead of "*The Dominion Controverted Elections Act*, 1874."

SCHEDULE.

(*Form of Affidavit on production of Books and Papers.*)

In the (*name of Court*)
Election for holden on the day of A.D.

I, of make oath and say :—

1. That I have in my possession or power the documents relating to the matters in question set forth in the first and second parts of the first schedule hereto annexed.

2. I object to produce the said documents set forth in the second part of the said first schedule.

3. (*State upon what grounds objection is made, and verify the facts as far as may be.*)

4. I have had, but have not now, in my possession or power the documents relating to the matters in question set forth in the second schedule hereto annexed.

5. The last mentioned documents were last in my possession or power on (*state when.*)

6. (*State what has become of the last mentioned documents, to whom you have given them, and in whose possession they now are.*)

7. According to the best of my knowledge, remembrance, information and belief, I have not now, and never had in my

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own possession, custody or power, or in the possession, custody or power of my agents or attorneys, agent or attorney, or in the possession, custody or power of any other person on my behalf, any deed, account, book of accounts, minutes, voucher, receipt, letter, memorandum, paper, or writing, or any copy of or extract from any such document or other document whatever, relating to the matters in question, or any of them, or wherein any entry has been made relative to such matters, or any of them, other than and except the documents set forth in the first and second schedule hereto annexed.

Sworn, &c.

(*Annex the schedules mentioning the documents in question.*)

No. 64.

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

BILL.

An Act to make better provision for the trial of Controverted Elections of Members of the House of Commons, by amending and consolidating the Acts now in force on that subject.

Received and read first time, Thursday, 28th March, 1878

Second reading, Friday, 29th March, 1878.

Mr. McCarthy.

OTTAWA:

Printed by MacLean, Roger & Co.

1878.

No. 65.] **BILL.** [1878.

An Act to make provision for the winding up of insolvent incorporated Fire or Marine Insurance Companies.

Preamble.

WHEREAS it is expedient to make provision for the winding up of insolvent incorporated Fire or Marine Insurance Companies: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Insolvent Act to apply to Insurance Companies.

1. Notwithstanding anything contained in "*The Insolvent Act of* 1875" the provisions of the said Act shall apply to Fire or Marine Insurance Companies incorporated by the Parliament of Canada, or, before or after the Union, by the Legislature of any of the Provinces of which Canada is composed, subject to the modifications contained in the one hundred and forty-seventh section of the said Act and to the following additional modifications, which apply to the case of such companies only.

When application for writ of attachment may be made.

2. No application for a writ of attachment and no assignment of the estate shall be made until after the company has, whether before or since the passing of this Act, become insolvent by failure to pay any undisputed claim arising or loss insured against, for the space of sixty days after being due and payable, or, if disputed, after final judgment and tender of a valid legal discharge as provided by the sixteenth section of the Act respecting Insurance, passed in the thirty-eighth year of Her Majesty's reign, and chaptered twenty, and in either case after notice served on the Minister of Finance.

Adjournment.

3. The judge may adjourn proceedings upon any application for a writ of attachment for a time not exceeding six months from the time at which the company became insolvent.

Preliminary inquiry.

4. The judge may order that the preliminary enquiry authorized by the first sub-section of the said one hundred and forty-seventh section shall be made by a person or persons other than an official assignee, to be by him named on the application of the parties, and the person or persons so named shall have all the rights and discharge all the duties appertaining to the official assignee in connection with such enquiry; and the judge may extend the time for report upon such enquiry to a period not exceeding thirty days from the date of the order for enquiry.

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Business to cease on insolvency.

5. Nothing herein or in the said Insolvent Act contained shall be held to authorize the making of any policy or contract of insurance after the company has become insolvent as aforesaid.

Insurance Company may be receiver.

6. An incorporated Fire or Marine Insurance Company may be appointed a receiver or creditors' assignee, and in case of such appointment may act through one or more of its principal officers to be approved by the judge.

Publication of notice.

7. After the first notice to creditors, publication in the *Canada Gazette* and in one newspaper issued at or nearest the place where the head office is situate, of notice of any proceeding of which, under the Insolvent Act, creditors should be notified, shall be deemed sufficient notice to holders of policies or contracts for insurance in respect of which no notice of loss has been received.

Order of Court in certain cases.

8. Nothing shall be done under the fifteenth sub-section of the one hundred and forty seventh section save upon order of the court or judge.

Appeal.

9. The appeal provided for by the one hundred and twenty-eighth section of "*The Insolvent Act of* 1875" shall extend to all orders, judgments or decisions of the judge.

Claims of policy holders.

10. Holders of policies or contracts for insurance on which no loss has accrued shall be entitled to claim as creditors for a part of the premium paid, proportionate to the unexpired period of their policies or contracts respectively, and such return premium shall rank with judgments obtained and claims accrued in the distribution of the assets.

Application of deposit with the Government.

11. Notwithstanding the provisions of the said Act respecting insurance, any deposit held by the Receiver-General for policy holders, shall be applied and distributed by the Assignee, under this Act, among the persons entitled to claim thereon under the said Act respecting insurance, and for that purpose the Court or Judge shall have all the powers conferred on the Court prescribed by the said Act respecting insurance.

Statement of creditors to be prepared by the assignee.

12. The Assignee shall, without the filing of any claim, notice or evidence, or the taking of any action by any such person as in the tenth or eleventh section referred to, make a statement of all the persons appearing by the books and records and the reports of the officers of the company, to be a creditor under either or both of the said sections, and of the amounts due to each such person thereunder, and every such person shall be collocated and rank as and be entitled to the rights of a creditor for such amount, without filing any claim, notice or evidence, or taking any action :

Collocation.

Proviso.

Provided always, that any such collocation may be contested, and that any person not collocated, or dissatisfied with the amount for which he is collocated, may file his claim in the manner provided by the Insolvent Act.

13. The Assignee may, in pursuance of any resolution which has been passed for the purpose at a meeting of creditors (at which meeting every creditor, in respect of an unearned premium, may vote, although his claim may be less than one hundred dollars), and which resolution has been approved by the court or judge, arrange with any incorporated insurance company certified by the Superintendent of Insurance to be in good standing, for the re-insurance by such company of the outstanding risks of the insolvent company, and for the assumption by such company of the whole or any part of the other liabilities of the insolvent company; and in case of such arrangement the assignee may pay or transfer to such company such of the assets of the insolvent company as may be agreed on as the consideration for such assumption, and in such case the arrangement for reinsurance shall be in lieu of the claim for unearned premium: Provided always, that any remaining assets of the insolvent company shall be retained by the assignee as an additional security to the creditors for the payment of their claims under the arrangement, and shall not be returned to the company save on the order of the court or judge after the satisfaction of such claims under the arrangement.

Re-insurance may be arranged for.

Prov

14. It shall be the duty of the receiver and assignee to report to the Superintendent of Insurance once in every six months, or oftener as the Superintendent may require, on the condition of the affairs of the Company, with such further particulars as the Superintendent may require.

Report to Superintendent of Insurance.

No. 65.

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

BILL.

An Act to make provision for the winding up of insolvent incorporated Fire or Marine Insurance Companies.

Received and read first and second times and referred to Committee on Banking and Commerce, 1st April, 1878.

Mr. BLAKE.

OTTAWA:
Printed by MACLEAN, ROGER & Co
1878.

No. 66.] **BILL.** [1878.

An Act to secure the attendance of voters at elections of Members of the Commons.

WHEREAS it is the duty of every elector to give his vote at elections of Members of the House of Commons of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Whenever polling takes place at a general election of the members of the House of Commons of Canada, or at any intermediate election of a member of that House, it shall be the duty of each elector to attend at some time while such polling is in progress at one of the polling stations where he is entitled to vote, and to obtain from the Deputy Returning Officer at such polling station the ballot paper requisite to enable him to vote. Electors bound to attend at polling station and to vote.

2. The Deputy Returning Officer at each polling station shall keep a record of the names of all the persons who have obtained ballot papers to enable them to record their votes. List of electors obtaining ballots.

3. Where there is a system of registration of voters in force, every voter who has not received a ballot paper shall, except as hereinafter provided, incur a penalty not to exceed *ten dollars* and costs, recoverable with costs by summary proceedings before any Justice of the Peace by any person suing for the same, for his own use; such penalty shall not, however, be incurred in the following cases:— Penalty for not obtaining ballot. Exceptions.

(*a.*) When the voter was absent from his polling district during all the time the votes were being taken;

(*b.*) When the voter was prevented by illness from being present at the polling station;

(*c.*) When the voter lives at a distance of more than ten miles from the polling station;

(*d.*) When the voter has a conscientious objection to voting.

4. It shall be the duty of the Deputy Returning Officer to provide, within one month from the day when voting shall have ended, a statement of the names of the voters who shall not have received voting papers at such polling, distinguishing:— D. R. O. to prepare list of voters not obtaining ballots; and what to show.

(1.) All those who have a right to be excused under this Act, to the knowledge of the Deputy Returning Officer.

(2.) Those who appear to be liable to the penalty imposed.

Statement to be sent to R. O.

5. The Deputy Returning Officer shall transmit to the Returning Officer the statement mentioned in section four, as soon as it is completed.

No. 66.

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

BILL.

An Act to secure the attendance of voters at Elections of Members of the Commons.

Received and read first time, Tuesday, 2nd April, 1878.

Second reading, Wednesday, 3rd April, 1878.

Mr. McDOUGALL, Renfrew.

OTTAWA:

Printed by McLeaan, Roger & Co., Wellington Street.

1878.

No. 67] **BILL.** [1878.

An Act further to amend the General Acts respecting Railways.

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

1. Section one of the Act passed in the thirty-eighth year of Her Majesty's reign, chaptered twenty-four, repealing the second, third and fourth sections of the Act passed in the thirty-sixth year of Her Majesty's reign, intituled: "*An Act to amend the General Acts respecting Railways*," and the sections thereby substituted for those repealed, are hereby repealed, and the following enactments are hereby made in lieu thereof. Section 1 of 38 V., c. 24, and sec. 2, 3 and 4 of 36 V. c. 80 repealed.

2. For the purpose of connecting any city, town, village, manufactory, or manufactories, warehouse, elevator, wharf, mine or mines, or any quarry or quarries of stone or slate, or any well or spring, with the main line of the railway of the company or with any branch thereof, or with any railway worked, used or leased by the company, and whether used by the company solely or jointly with other companies, and for the purpose of giving increased facilities to business or for the purpose of transporting the products of or produce, freight or materials, to or from any such manufactory, warehouse, elevator, wharf, mine, quarry, well or spring, the company may build, make and construct, and work and use sidings, switches or branch lines of railway not to exceed in any one case six miles in length; provided always, that the company shall not proceed to locate or build any branch line of more than one-quarter of a mile in length under this section of this Act, until public notice shall have been given for six weeks in some newspaper published in the county or counties through or in which such branch line is to be made, that it is the intention of the company to apply to the Governor in Council to sanction the building of such branch line, and to appropriate the necessary lands for that purpose under the compulsory powers vested in them by this Act, or by any other Act in their behalf; nor unless the Company shall, prior to the first publication of such notice, have deposited in the registry office of any city, county or part of a county, in which the line or any part thereof is to be constructed, the maps and plans indicating the location of the line; nor until the company shall have submitted the same to, and such maps and plans shall have been approved by, the Governor in Council after the expiration of the notice; and provided further, that the order of the Governor in Council approving the said maps and plans shall limit the

Company's may make branch lines for connecting certain works and factories with cities, &c.

Proviso: Notice to be given by the company.

Application to Governor in Council.

Plan of work to be deposited in registry office.

To be approved by the Governor in Council.

Proviso: Limitation of

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time for construction.

time not exceeding two years from the date of such order within which the company may construct such branch line.

Powers of the company under other Acts, extended to branches made und this.

3. For any and every such purpose, each and every company herein referred to, shall have and may exercise all the powers given them with respect to their main line by the Act incorporating the company and the Acts amending the same or relating to the company, or the Act authorizing the construction of the main line and "*The Railway Act*, 1868," and any Act amending the same; and each and all provisions of the said Acts which are *applicable to such extension* shall extend and apply to every such siding, switch or branch line of railway.

Powers of crossing joining or intersecting other railways.

4. The company, for the purpose of building, constructing, working and using every such branch line, siding or switch, may exercise the like powers of crossing, intersecting, joining or uniting with other railways as are given to railway companies, with regard to their main lines by subsection fifteen of section seven of "*The Railway Act*, 1868," but subject to the provisions of subsection sixteen of the said section seven.

To what companies this Act shall apply.

5. This Act shall apply to every railway company heretofore incorporated, or which may hereafter be incorporated, and which is subject to the jurisdiction of the Parliament of Canada.

No. 67.

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

BILL.

An Act further to amend the General Acts respecting Railways.

Received and read first time, Wednesday, 3rd April, 1878.

Second reading, Thursday, 4th April, 1878.

Mr. Ross,
(Middlesex.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1878.

No. 68.] **BILL.** [1878.

An Act to amend the Act chapter eleven, thirty-eighth Victoria intituled "An Act to establish a Supreme Court and a Court of Exchequer, for the Dominion of Canada"

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

1. The thirteenth section of the said Act is hereby repealed, and the following section substituted: Section 13 repealed.

"13. The said Supreme Court for the purpose of hearing and determining appeals shall hold annually, at the City of Ottawa, four sessions, one beginning on the third Monday in January, one beginning on the first Monday in April, one beginning on the first Monday in June, and one beginning on the first Monday in October in each year; and each of the said sessions shall be continued until the business before the Court shall have been disposed of." Four sessions in appeal yearly.

2. Section seventeen of the said Act is hereby repealed, and the following substituted therefor: Section 17 repealed.

"17. Subject to the limitations and provisions hereinafter made, an appeal shall lie to the Supreme Court from all final judgments of the highest Court of final resort, whether such Court be a Court of appeal or of original jurisdiction, now or hereafter established in any Province of Canada, in cases in which the court of original jurisdiction is a Superior Court: Provided that no appeal shall be allowed from any judgment rendered in the Province of Quebec in any case wherein the matter in controversy does not amount to the sum or value of two thousand dollars, unless such matter, if less than that amount, involves the question of the validity of an Act of the Parliament of Canada or of the Legislature of any of the Provinces of Canada, or of an Ordinance or Act of any of the Councils or Legislative bodies of any of the Territories or Districts of Canada, or relates to any fee of office, duty, rent, revenue, or any sum of money payable to Her Majesty, or to any title to lands or tenements, annual rents or such like matters or things where the rights in future might be bound: Provided also, that upon an appeal from any judgment rendered in any of the Provinces of Canada other than Quebec, the Appellant shall not, in case he succeeds upon the appeal in whole or in part, be entitled to recover from the respondent more than the sum of seventy-five dollars as costs of the appeal, unless the matter in controversy amounts to the sum or value of two hundred dollars, or New section substituted.

In what cases appeal shall lie.

Proviso: Limitation of right of appeal in cases from the Province of Quebec.

Proviso: Limitation of costs recoverable by Appellant in cases from other Provinces.

Exception as to certain classes of cases.

unless such matter, if less than that amount, involves the question of the validity of an Act of the Parliament of Canada, or of the Legislature of any of the Provinces of Canada, or of an Ordinance or Act of any of the Councils or Legislative bodies of any of the territories or districts of Canada, or relates to the taking of any annual or other rent, customary or other duty or fee, or any like demand affecting future rights, or to any title to lands or tenements, or to any sum of money payable to Her Majesty: And the right to appeal in civil cases given by this Act, shall be understood to be given in such cases only are mentioned in this section, except Exchequer cases and cases of mandamus, habeas corpus, or municipal by-laws, as hereinafter provided."

Appeal only in cases mentioned in this section.

Exception.

Judges *ad hoc* may be appointed in cases of vacancy, absence or disqualification of C.J. or Judges of Supreme Court.

If Judge absent, &c., is from any other province than Quebec.

And if from Quebec.

3. In case of there being a vacancy in the Supreme Court or in case, from illness or some other cause, one or more of the Judges of the said Court is or are not present at some sitting of the Court, or in case one or more of the said Judges is or are under some legal disqualification to hear an appeal, then, in case the Judge whose office has become vacant, or who is not present, or who is under disqualification as aforesaid, has not been appointed from among the Judges of the Superior Court or Court of Queen's Bench, or the Barristers or Advocates of the Province of Quebec, the ~~Chief Justice of the Supreme Court, or in his absence the Senior Puisne Judge, may request~~ the Judges of any of the Superior Courts of law or equity in any of the Provinces of Canada, other than Quebec, ~~to choose from amongst their number a Judge or as many Judges as are~~ necessary to supply, for the time, the place or places vacant, or the place or places of the Judge or Judges of the Supreme Court so absent or disqualified; and in case the Judge whose office has become vacant, or who is not present, or who is under disqualification as aforesaid, has been appointed from among the said Judges, Barristers or Advocates, of the Province of Quebec, then the ~~Chief Justice of the Supreme Court, or in his absence the Senior Puisne Judge, may request~~ the Judges of the Court of Queen's Bench of the Province of Quebec, ~~to choose from amongst their number, or from amongst~~ the Judges of the Superior Court of that Province, ~~a Judge or as many Judges~~ as necessary to supply, for the time, the place or places vacant, or the places of the Judge or Judges of the Supreme Court so absent or disqualified; and the Judges so chosen and acting shall have authority to continue to hear appeals partly heard before them, and to give judgment in all appeals heard before them, notwithstanding that such vacancy may, in the meantime, have been filled up, or that the Judge who was absent may have resumed his duties.

Powers of Judges *ad hoc* continued in certain cases.

No. 68.

5th Session, 3rd Parliament, 41 V

BILL.

An Act to amend the Act Cha
thirty-eight Victoria, inti
Act to establish a Supreme
a Court of Exchequer, for th
of Canada."

Received and read first time, We
April, 1878.

Second reading, Thursday, 4th A

MR. L

OTTAWA:

PRINTED BY MACLEAN, ROG

1878.

No. 69.] **BILL.** [1878.

An Act to amend Section 68 of "The Penitentiary Act of 1875."

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

1. The sixty-eighth section of the Act of the Parliament of Canada, passed in the thirty-eighth year of Her Majesty's reign, chapter forty-four, intituled: "*An Act respecting Penitentiaries and the Inspection thereof, and for other purposes.*" is hereby amended by striking out of the twelfth, thirteenth and fourteenth lines the words "seventy-eight" and inserting in lieu thereof the words "seventy-nine," and by adding to the said Section the following words:—"The Governor in Council may from time to time limit the number of persons sentenced in New Brunswick or Nova Scotia to imprisonment with hard labor for less than one year who are to be received or imprisoned in the respective Penitentiaries of those Provinces, regard being had in fixing such limit to the number of persons imprisoned whose sentences are not less than two years and to the accommodation for prisoners afforded by the Penitentiary building." Sect. 68 of 38 V c 44 amended. New provision added to the said section.

No. 69.

5th Session, 4th Parliament, 41 Victoria, 1878.

BILL.

An Act to amend section sixty-eight of "The Penitentiary Act of 1875."

Received and read first time, Wednesday, 3rd April, 1878.

Second reading, Thursday, 4th April, 1878.

Mr. LAFLAMME.

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OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.

1878.

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No. 70] **BILL.** [1878

An Act to ensure the better qualification of Public Servants, and the greater efficiency and economy of the Public Service.

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

1. In this Act the words "the Service" mean the occupants of all positions in the public employment whose whole time is required by the Government, and who receive a salary of more than three hundred dollars per annum, and of such other positions as may be specified from time to time by Order in Council; the words "the Board" mean "the Board of Civil Service Commissioners," as hereinafter established; the words "Head of Department" mean any one of the officers specified in Schedule A of the Act thirty-first Victoria, chapter thirty-four, as amended by any subsequent Act; the word "Minister" means "the responsible Minister" of any Department; the word "Officer" means a "person employed in the Service." Interpretation.

2. There shall be a Board of Civil Service Commissioners, consisting of five persons, not members of the Service, who shall be appointed by the Governor in Council, and shall hold office during good behaviour. Board of commissioners.

3. The Board shall be charged with the carrying out of all legislation affecting the Service, and shall have such powers as are necessary to enable them to perform such duty. They shall also have power to make regulations for the management of the Service in all matters not provided for by legislation: Provided that all regulations, whether for the carrying out of legislation, or in matters unprovided for as above, shall be subject to the approval of the Governor in Council. All such approved regulations and all executive acts of the Board shall be immediately published in the *Canada Gazette*. Duties and powers of the board.

4. The officers of the Service shall be classed in two divisions. Classification

The Higher Division shall include all such officers permanently appointed and assigned definite positions, as may be designated by Order in Council. Higher division.

The Lower Division shall include all persons temporarily employed in any capacity, and all officers not included in the Higher Division by Order in Council. Lower division.

Entrance salary.

5. There shall be a fixed and uniform entrance salary for all temporary officers, and the entrance salaries of officers in the Higher Division shall be made as nearly uniform as possible in the different departments.

Division of work of departments.

6. The Board shall, as far as possible, divide the work in each Department in such a manner as to separate that which is purely mechanical from such as requires any special or departmental knowledge.

Appointments and promotions, how made.

7. After a date to be fixed by Order in Council, within six months from the passing of this Act, all appointments and promotions in the service shall be made in the manner hereinafter specified:—All first appointments shall be made to the lowest grade of permanent officers, or at the minimum entrance salary of the division in which they are made, except as hereinafter provided. Persons eligible for appointments in the Service shall be selected for merit by means of open examinations, as follows, viz.: by a "qualifying examination" intended to test the fitness for employment of those who present themselves; and a "competitive examination" to select from those who prove to be qualified the number required for the service.

Appointment by merit after examination.

Examinations and notice thereof.

8. All examinations shall be conducted by a Committee of the Board, who may appoint assistant examiners. Notice shall be given by public advertisement, six months in advance, of the place and date of such examinations, the conditions of admission, and the number of positions expected to be vacant during the year following in the permanent service, with the salaries attached to each, amount of fees, subjects prescribed and all particulars necessary to inform the public. The number of probable vacancies shall be computed by adding ten per cent. to the average number that have occurred in each of the five preceding years. The Board may prescribe a fee for entrance to such examinations.

Computation of vacancies.

Qualifying examinations.

9. Qualifying examinations shall be held at least once in each year, in at least one place in each Province, provided that ten applications have then been received from that Province, and in such other places as the Governor in Council may direct. Every examination shall take place in the presence of an Examiner or Assistant Examiner, and all answers shall be submitted to the Examining Committee who shall prepare such lists and reports as are hereinafter required. The qualifying examinations shall be open to all born or naturalized subjects of Her Majesty within certain limits of age to be fixed by the Board, who may make written application in the manner specified by the Board, accompanied by payment of fees if any are prescribed, and such certificates as to health, age and character as the Board may require. Applicants shall state which Division of service they wish to enter. Such examinations shall be conducted in writing and the Examining Committee shall prepare a set of papers for each class of applicants intended to test their general intelligence and fair education, and shall prescribe what percentage of marks shall be requisite for

Who may be examined.

Form of examination.

passing such examination Such papers shall be uniform for the whole Dominion, except that the French language may be substituted for the English. All who obtain the required percentage of marks shall receive certificates of qualification. Applicants for the Lower Division shall be graded at their examination in order of merit.

Competetive examinations and regulations therefor.

10. Competitive Examinations shall be held as soon as may be after each qualifying examination, in such places as the Board may direct, and after due notice to the parties interested. They shall be open to all holders of certificates of qualification who shall have applied in the manner specified by the Board. Such examinations shall also be conducted in writing and the Examining Committee shall prepare an uniform set of papers for the examinations, and also special papers if a selection is to be made for some special or scientific service. The general papers shall include a wide range of subjects such as the Board may consider calculated to afford a field for men of varied education and to test the general ability of candidates. Each subject shall have a maximum number of marks attached to it. Each candidate shall be allowed to choose from these not more than eight or less than three subjects, valued in the aggregate at not less than four times the maximum marks of the subject to which fewest marks have been allotted. Candidates for special or scientific employment shall only be required to take the subjects prescribed for such positions. No marks shall be counted for any candidate in any subject in which he obtains less than twenty-five per cent. of the marks allotted thereto. No candidate shall be allowed to pass who obtains less than fifty per cent. of the aggregate of marks in the group of subjects he has chosen or the compulsory subjects prescribed for him. A bonus in marks shall be added to the number of marks actually earned by any candidate in any subject, in the proportion of twenty per cent. of such number. Lists of candidates who have passed shall be made out in order of merit up to the published number of vacancies, showing the marks counted for each, and certificates of merit shall be issued to each of such individuals, stating his standing and marks. Certificates of merit shall only be in force for one year or until the publication of the list after the next general competitive examination.

Bonus to be added to marks earned.

Duration of certificates.

Special examinations.

11. Special qualifying or competitive examinations may be held at any time or place by order of the Board after due public notice. They shall be conducted in every respect as hereinbefore prescribed for regular examinations.

How appointments in the higher division shall be made.

12. Appointments in the Higher Division shall be made by the Board on application by Heads of Departments, in the following manner:—Holders of certificates of merit shall be provisionally employed as vacancies occur, taking them in order of standing, whether as regards priority of employment or the value of the situation vacant. The same rule shall be followed in employing persons who have passed special or scientific examinations, and no appointment shall be made to positions requiring special scientific

knowledge, except of persons who have passed such examinations as have been prescribed therefor. If more than one vacancy exists at the same time, certificate holders may be allowed to choose between them in order of standing. At the end of one year from the provisional employment of any officer a report shall be made by his immediate superior in the Department touching his conduct, application and general efficiency. If such report be satisfactory to the Board, he shall, on their recommendation, be permanently appointed to the situation he then fills, and his standing shall be reckoned for all purposes from the date of his first employment. If such recommendation be not made by the Board, he shall be immediately dismissed from his employment.

Employment in the lower division.

2. Holders of certificates of qualification for the Lower Division may be employed by the Board on application from Heads of Departments and may have such duties assigned to them as they may be capable of discharging. They shall be taken, when convenient, in order of standing and shall be subject to dismissal by the Head of their Department at any time for cause, or after one month's notice without cause assigned. If any permanent positions be included in the Lower Division they shall be filled from amongst the holders of certificates of qualification in the same manner as specified for the Higher Division.

Promotion.

3. All permanent situations in the service above the lowest grade shall be filled by promotion except as hereinafter provided.

Classification in departments and groups for promotion.

13. The Board shall classify the officers in each Department, and in the special services of any Department for purposes of promotion, making such classification as nearly uniform in the different Departments as the nature of the work will permit. They shall also make regulations as to the course of promotion, and may group together certain grades of two or more Departments, or the different services of any Department, so as to allow of promotion from one Department or service to another within such group.

Examination in departments.

2. They may also prescribe in any Department an examination bearing on the duties of officers, as a condition of promotion to any grade in that Department, and may require the passing of the examination for the next higher grade within a fixed time as a condition of retaining any officers in the service.

Promotions, how made.

14. Promotions shall be made by the Governor in Council on the recommendation of the Board and shall be only from one grade to the next higher, and no officer shall be promoted in rank within one year from his appointment or last promotion.

Vacancies, how filled.

Vacancies shall be filled by promoting such qualified officer of the grade next below as may be recommended by the Head of the Department, provided the reasons given for such recommendation satisfy the Board, or if no satisfactory recommendation be made, then the officer next in order of seniority.

15. The Governor in Council shall specify certain higher officers to the number of not more than *fifteen* in each department, who shall constitute the staff of such department. All appointments of staff officers shall be made by the Governor in Council on recommendation of the Minister for the department in which they are made, and such staff officers shall be exempt from the regulations as to promotion and discipline contained in this Act. Staff officers to be designated.

16. The Governor in Council may also on emergency make appointments for special services of persons not qualified under this Act, on report of a Minister, but no person so appointed shall become a permanent officer, or enjoy any of the rights or privileges of an officer in the service, until he shall have passed such examination as the Board may prescribe. Special appointments on emergency.

17. Heads of Departments shall have power to enforce discipline by fines and suspensions from office to an amount or for a period to be limited by the Board. Discipline.

18. Officers shall only be dismissed by the Governor in Council on the recommendation of the Board, who shall consider all reports touching the dismissal of any officer made to them by the Head of his Department. Dismissal of officers.

16. All appointments, promotions, transfers and superannuations in the service shall be published in the *Gazette* when made; and if they have been special, the authority and reasons for making them shall also be published. Publication of appointments, &c.

20. The Board shall prepare an annual report for presentation to Parliament containing a full account of all executive business conducted by them, including examination papers, lists of applicants and successful candidates, appointments, promotions, transfers and superannuations; they shall also, in the first year after their appointment, and in every fifth year thereafter, prepare for presentation to Parliament a return of the name, age, rank, salary and date of appointment of all officers in the Service, by Departments. Annual report to be prepared.

21. All Acts and regulations for the management of the service or any parts thereof which conflict with this Act, or any provision thereof, are hereby repealed and abrogated. Inconsistent enactments repealed.

No. 70.

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

BILL

An Act to ensure the better qualification of Public Servants, and the greater efficiency and economy of the Public Service.

Received and read first time, Thursday, 4th April, 1878.

Second Reading, Friday, 5th April, 1878.

Mr. CASEY.

OTTAWA:

Printed by MACLEAN, ROGER & Co.

1878.

An Act to confer certain powers on the Montreal Building Association by the name of "The Montreal Investment and Building Company."

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 under the name conferred on them by the Legislature of the Province of Quebec at its last Session to have the rate of interest chargeable by them regulated and other powers usually granted to loan and investment companies conferred upon them, and it is expedient to grant the prayer of the said petition; and whereas the name of the said association has been changed to "The Montreal Investment and Building Company"; 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 Company from time to time, may borrow money, at such rates of interest as the said Company 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 Company, 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 shall not at any time exceed double the amount of the capital of the Company *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.

2. The said Company may act as an agency and trust company, and may hold, invest in and deal with, in their own name or otherwise, 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 transferred or delivered to the Company, upon trust or as agents, and may exercise all the rights and privileges which

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the parties so transferring or delivering the same might or could exercise.

3. The Company may take and hold any real estate, or mortgages or other securities thereon, *bonâ fide* executed in their favor, or acquired by or assigned to them, to secure the payment of any loans or advances made by, or debts or monies due to the Company, and may proceed on such mortgages, or other securities, for the recovery of the money thereby secured, either at law or in 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 Company, as any person may by law take or use for a like purpose.

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1878.

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

WHEREAS the persons hereinafter named, and others 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 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 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 expendient 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 Reverends Paul Robins, John H. Eynon, Thomas Greene, Robert Hurley, John Chapple, Cephas Barker, William Hooper, Jesse Whitlock, William S. Pascoe, John 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 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 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 whatsoever.

2. The objects of the said Society are religious and charitable, designed to diffuse the blessings of Christianity and useful knowledge, to promote and support Christian missions throughout the Dominion 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 *primâ facie* evidence in all courts of the contents thereof.

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3. 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.

4. 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.

5. The said Society, by the name of "The Missionary Society of the Bible Christian Church in Canada," 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.

6. 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 in force in the Dominion of Canada.

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Printed by MACLEAN, ROGER & Co.
1878.

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No. 73. **BILL.** [1878.

An Act respecting persons imprisoned in default of giving sureties to keep the peace.

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

Notice respecting persons remaining so imprisoned for two weeks, to be given by gaoler or warden to the proper judge or functionary, who may discharge or make other order respecting such person.

1. Whenever any person having been required to enter into a recognizance with sureties to keep the peace and be of good behaviour, has, on account of his default therein, remained imprisoned in any gaol or prison for the period of two weeks, the gaoler or warden shall, in the Provinces of Ontario or Quebec, give notice, in writing, of the facts to the Judge or Chairman, or other person authorized to act as Judge or Chairman of the Court of General Sessions of the Peace for the County, District or Place, wherein the gaol or prison is situate, or in the Province of Quebec, to a Judge of any other Court for the time being discharging the functions of such Court of General Sessions for such District, and in the Provinces of New Brunswick, Nova Scotia, Prince Edward Island or British Columbia, to a Judge of the Supreme Court, or to the Judge of the County Court of the County or District wherein the gaol or prison is situate, and in the Province of Manitoba to a Judge of the Court of Queen's Bench, and in the North-West Territories to a Stipendiary Magistrate; and the said Judge or Chairman or other person so notified, may thereupon, or at a subsequent time, upon notice to the complainant or otherwise, order the discharge of such person or may make such other order respecting him as might be made by the Court of General Sessions of the Peace in the Provinces of Ontario and Quebec, or by the Supreme Court in the Provinces of New Brunswick, Nova Scotia, Prince Edward Island or British Columbia, or by the Court of Queen's Bench in the Province of Manitoba, and in the North-West Territories the Stipendiary Magistrate may make such other order respecting such person as might, had the person been imprisoned in the Province of Ontario, have been made by the Court of General Sessions of the Peace.

No. 73.

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

BILL.

An Act respecting persons imprisoned in default of giving sureties to keep the Peace

Received and read first time, Tuesday, 9th April, 1878.

Second reading, Wednesday, 10th April, 1878.

Mr. LAFLAMME.

OTTAWA:

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1878.

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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.

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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 Harrold Lyon.

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.

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1878.

An Act respecting the Traffic in Intoxicating Liquors.

WHEREAS it is very desirable to promote temperance in the Dominion, and that there should be uniform legislation in all the Provinces respecting the traffic in intoxicating liquors;

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

PRELIMINARY.

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

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; and the word "county" includes every town, township, parish and other division or municipality, except a city, within the territorial limits of the county, and also a union of counties where united for municipal purposes.

3. Sections one, two, three, four, five, six, seven, eight, nine and ten of 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, and chaptered eighteen, and to be cited as "*The Temperance Act of* 1864," are hereby repealed from and after the passing of this Act, as to every municipality within the limits of the said late Province of Canada in which no by-law passed and approved, or adopted and passed, under the authority and for the enforcement of the said Act:

(*a.*) Is then in force, or

(*b.*) Is then only not in force for want of the delivery of a copy thereof to the proper officer, or

(*c.*) Is then suspended as to its operation until the expiration of the then existing licenses.

2. And as to every municipality within the limits of the said late Province of Canada in which a by-law passed and approved, or adopted and passed, under the authority and for the enforcement of the said Act is at the time of the passing of this Act,

(*a.*) In force, or

(*b.*) Only not in force for want of the delivery of a copy thereof to the proper officer, or

thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon every tub, firkin, box or package of such article or substance the word

(*c.*) Suspended as to its operation until the expiration of the then existing licenses;

the said sections one, two, three, four, five, six, seven, eight, nine and ten of the said Act shall be repealed upon, from and after the day next following the day on which such by-law is repealed under the provisions of the said Act, or of this Act;

Provided always that if such municipality be included in the limits of, or have the same limits as any county or city in which the second part of this Act is brought into force before the repeal of such by-law, then such by-law shall thereupon *ipso facto* become and be null and void and of no effect whatever, and the said sections one, two, three, four, five, six, seven, eight, nine and ten of the said Act shall be repealed upon, from and after the day on which the said second part of this Act comes into force and takes effect in such county or city; 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.

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

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, hereinafter termed electors, be taken for and against the adoption of the petition.

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, and that such notice has been deposited in the office of the Sheriff or Registrar of Deeds of or in the county or city, for public examination, by any parties, for ten days preceding its being laid before the Secretary of State; and that two weeks previous notice of such deposit had been given in two newspapers published in or nearest to the county or city, and by at least two insertions in each paper.

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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, and has been duly deposited as aforesaid, after notice as aforesaid, His Excellency in Council may issue a proclamation under this part of this Act.

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 county or city is situated.

9. In such proclamation there may be set forth:—

(*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;

(*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;

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

(*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.

(*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 such 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.

thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon every tub, firkin, box or package of such article or substance the word

2. But no polling of votes under this Act shall be held in any city, county or district on the same day that any election may take place in such city, county or district for members to serve in the Parliament of Canada or in any of the Local Legislatures of the Dominion.

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 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.

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 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, 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 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 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 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 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-

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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.

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.

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

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;

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;

Thirdly: To deliver to each Deputy Returning Officer, eight 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;

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;

thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon every tub, firkin, box or package of such article or substance the word

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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 conspicous places outside of the polling station, and also in each compartment of the polling station.

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.

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.

17. The ballot papers shall be according to the form of Schedule E to this Act.

18. The printed directions to be furnished to the Deputy Returning Officers shall be according to the form of Schedule F to this Act.

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.

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 inter-

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ested in and desirous of promoting, or of opposing (as the case may be) the adoption of the petition.

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.

22. In the absence of any person authorized as aforesaid to attend at 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 Returning 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.

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.

THE POLL.

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.

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.

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.

thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon every tub, firkin, box or package of such article or substance the word

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27. In addition to the Deputy Returning Officer such persons as may have been appointed or admitted under 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.

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.

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.

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 polling of votes 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

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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.

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 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.

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.

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.

37. No elector shall be allowed to take his ballot paper or envelope out of the polling station; and whoever shall do so shall thereby incur a penalty not exceeding two hundred dollars, and not less than fifty dollars.

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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.

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 the next preceding 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.

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 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 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 have voted; or "*Sworn*" or "*Affirmed*" or "*Refused to be sworn*" or "*Refused to affirm*," as the case may be, as above provided.

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.

43. No person shall vote more than once at the same polling of votes under the provisions of this Act.

44. If a person, representing himself to be a particular elector named on the register or list of voters, applies for a ballot paper after another person has voted as such elector, the applicant, upon taking the oath in the form of Schedule J to

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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 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:

The name of such voter shall be entered on the list of 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 by any of the agents.

45. A voter who has inadvertently dealt with the ballot 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.

46. Immediately after the close of the poll, the Deputy 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 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 mark by which the voter could be identified:

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.

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:

49. Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballo paper, and initialed by the Deputy Returning Officer.

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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:

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.

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.

53. The Returning Officer at the place, day and hour appointed by the 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:

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.

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

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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 in 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 in each interest.

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.

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.

58. Within two weeks after the summing up of the votes, if no Judge has appointed a day or place within the County or City for entering into a scrutiny of the ballot papers, as hereinafter provided for, and in case of such a scrutiny being entered into then forthwith after the Judge has determined whether the majority of the votes given was or was not in favour of the petition, the Returning Officer shall transmit his return to the Secretary of State, 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; and in the event of a Judge having determined, after a scrutiny of the ballot papers, that the majority of the votes given was or was not in favour of the petition, such return shall be based upon, and shall be conformable to such decision.

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 Officers:

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

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.

thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon every tub, firkin, box or package of such article or substance the word

SCRUTINY.

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, conditioned 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 shall appoint a day and place within the county or city for entering into the scrutiny.

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.

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

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.

64. 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

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

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

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

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.

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.

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.

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

thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon every tub, firkin, box or package of such article or substance the word

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 inprisonment for any term not exceeding six months, with or without hard labour, in default of paying such fine.

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 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.

68. 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.

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

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.

PRESERVATION 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.

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.

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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.

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 arm, sword, staff, 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.

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 deemed guilty of an aggravated assault, and shall be punished accordingly.

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 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 with offensive weapons of any kind, as firearms, swords, staves, bludgeons or the like; nor shall any person whosoever, 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 place where the poll for such polling district is held, unless called upon to do so by lawful authority.

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, procure or engage to pay for, any such drink or other refreshment.

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

thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon every tub, firkin, box or package of such article or substance the word

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 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 within eight days before such day, or during the continuance of such polling.

79. Every person offending against any of the provisions of the three 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.

80. 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 huudred 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.

PREVENTION OF CORRUPT PRACTICES.

81. 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;

(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;

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(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 to prevent, or endeavor to prevent, the adoption of any petition under the provisions of this Act, or to procure, or endeavour to procure the vote of any elector at any poll under this Act, or to prevent, or endeavour to prevent, any elector from voting at any poll under this Act;

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

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

(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 money, gift, loan or valuable consideration office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refrainng 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 under this Act.

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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.

83. Every person who corruptly, by himself or by or with 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 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, 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 costs of suit, in addition to any other penalty to which he may be liable therefor under any other provision of this Act.

84. 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.

85. 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.

86. 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

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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 polling of votes 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.

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

88. The offences of bribery, treating, or undue influence, or any of 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

89. 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.

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90. 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.

PENALTIES AND PUNISHMENTS GENERALLY.

91. Any Returning Officer or Deputy Returning Officer, who refuses or neglects to perform any of the obligations or formalities required of him by this Act, shall for each such refusal or neglect forfeit the sum of two hundred dollars to any person suing for the same.

92. All penalties and forfeitures (other than fines in cases of misdemeanor) imposed by this part of this Act, shall be recoverable, with full costs of suit, by any person who will sue for the same by action of debt or information, in any of Her Majesty's courts in the Province in which the cause of action arose, having competent jurisdiction; and in default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, the offender shall be imprisoned in the common gaol of the place, for any term less than two years, unless such fine and costs be sooner paid.

93. It shall be sufficient for the plaintiff, in any action or suit given by this Act, to state in the declaration that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence for which the action or suit is brought, and that the defendant hath acted contrary to this Act.

94. Every prosecution for any misdemeanor under this part of this Act, and every action, suit or proceeding for any pecuniary penalty given by this Act to the person suing for the same, shall be commenced within the space of six months next after the act committed, and not afterwards (unless the same be prevented by the withdrawal or absconding of the defendant out of the jurisdiction of the court), and being commenced shall be proceeded with and carried on without wilful delay.

EFFECTS OF DECISIONS BY VOTES OF ELECTORS.

95. When in any county or city one half or more of all the votes polled have been against the a(option 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 from the day on which such vote was taken.

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96. When any petition embodied as aforesaid in any notice and in any proclamation under this the first part of this Act has been adopted bythe 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 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 ninety 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.

97. No Order in Council issued under the provisionsof 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; 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.

PROVISION FOR THE REPEAL OF BY-LAWS PASSED UNDER THE TEMPERANCE ACT OF 1864

98. In case a petition to the Governor General in Council praying for the repeal of a by-law passed by the Council of any county or city in Ontario or Quebec under the authority and for the enforcement of the said "The Temperance Act of 1864," is embodied in a notice addressed to the Secretary of State of Canada and signed by one fourth or more of the electors of such county or city, and such proceedings are had thereon as are by this Act required to be had on a notice

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and petition for bringing the second part of this Act into force, and more than one half of the votes polled are found to be for the petition, the Governor General in Council may, by Order in Council, repeal such by-law, and, thereupon, such by-law shall become and be repealed upon, from and after the day of the publication of such Order in Council in the *Canada Gazette*, and each and all the provisions of the preceding sections of this Act shall apply (*mutatis mutandis*) to every case of a petition and notice for the repeal of a by-law 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.

SECOND PART.

Prohibition of Traffic in Intoxicating Liquors.

99. 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 fourth sub-section of this section, or as herein after authorized by one of the four next sub-sections 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 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;

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 fermented liquors,---nor yet any license for retailing on board 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

3. Provided always that the sale of wine for exclusively sacramental purposes shall be made by druggists and vendors as hereinafter provided, only on the certificate of a clergyman affirming that the wine is required for sacramental purposes;

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4. Provided also, that the sale of intoxicating liquor for exclusively medicinal purposes or for *bonâ 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 Lieutenant Governor in each Province, the number not to exceed one in each township or parish, nor two in each town; and in cities not exceeding one for every four thousand inhabitants; such sale, when for medicinal purposes, to be in quantities of not less than one pint, to be removed from the premises and to be made only on the certificate of a medical man having no interest in the sale by the druggist or vendor, 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 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, 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.

5. Provided also, that any producer of cider in the county, or any licensed distiller or brewer, 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 or in the case of lager-beer not less than eight gallons at any one time, and only to druggists and others 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 of any adjoining county or city in which the second part of this Act is then in force, and to be wholly removed and taken away in quantities not less than ten gallons, or in the case of lager-beer not less than eight gallons at a time.

6. Provided also, that any incorporated company authorized by law to carry on the business of cultivating and growing vines and of making and selling wine and other liquors produced from grapes, having their manufactory within such county or city, may thereat expose and keep for sale such liquor as they 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, licensed as aforesaid, or to such persons as they have good reason to believe will forthwith

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carry the same beyond the limits of the county or city and of any adjoining county or city in which the second part of this Act is then in force, and to be wholly removed and taken away in quantities not less than ten gallons at a time.

7. Provided also, that manufacturers of pure native wines made from grapes grown and produced by them in the Dominion of Canada, may, when authorized to do so by license from the Municipal Council or other authority having jurisdiction where such manufacture is carried on, sell such wines at the place of manufacture in quantities of not less than ten gallons at one time, except when sold for sacramental or medicinal purposes, when any number of gallons from one to ten may be sold.

8. Provided also, that any merchant or trader exclusively in wholesale trade, and duly licensed to sell liquor by wholesale, 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 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 of any adjoining county or city in which the second part of this Act is then in force, to be wholly removed and taken away in quantities not less than ten gallons at a time;

9. In any prosecution against a producer, distiller, brewer manufacturer, merchant 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, and of any adjoining county or city in which the second part of this Act is then in force, for consumption outside the same.

THIRD PART.

Penalties and Prosecutions for Offences against the Second Part.

100. 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 barters, 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 second part 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

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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 barters, or gives in violation of the said second part of this Act, 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, bottles, packages or receptacles of any kind whatever in which the same is contained shall be forfeited.

101. Any prosecution for any such penalty or punishment 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.

102. It shall be the duty of such collector of Inland Revenue to bring such prosecution, whenever he shall have reason to believe that any 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;

103. Such prosecution may be brought—

In the Province of Quebec, if the offence was committed in the City of Montreal or in the City of Quebec, then before the Recorder or Judge of the Sessions of the Peace at Montreal or Quebec, as may be, or, if the offence was committed in any other part of the Province, then before a Stipendiary Magistrate, or before any two other Justices of the Peace for the District wherein the offence was committed, or, if the District is other than that of Quebec, or that of Montreal, before the Sheriff of such district.

In the Province of Ontario before any Stipendiary Magistrate or before any two other Justices of the Peace for the county, city or district wherein the offence was committed; or, if the offence was committed in any county, city or town having a Police Magistrate, then before such Police Magistrate, or in his absence, then before the Mayor or any two Justices of the Peace—or if the offence was committed in any city or town not having a Police Magistrate, then before the Mayor thereof, or before any two Justices of the Peace;

In the Province of Nova Scotia before a Stipendiary 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, Stipendiary or Sitting Magistrate or Commissioner of a Parish Court, or before any two other Justices of the Peace in and for the county in which the offence was committed;

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In the Province of Manitoba before the Police Magistrate within whose territorial jurisdiction the offence was committed, or before any two Justices of the Peace in and for the county in which the offence was committed;

In the Province of British Columbia before any Stipendiary Magistrate or before any two other Justices of the Peace for the territorial division or jurisdiction within the limits of which the offence was committed.

In the Province of Prince Edward Island before the Stipendiary Magistrate for the city or town, or before any two other Justices of or for the county in which the offence was committed;

104. If such prosecution is brought before any such Stipendiary Magistrate, Recorder, Judge of the Sessions of the Peace, Sheriff, Police Magistrate, Sitting Magistrate, Commissoner or Mayor, no other Justice shall sit or take part therein;

105. If such prosecution is brought before any two other 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;

106. Every such prosecution shall be commenced within three months after the alleged offence, and shall be heard and determined in a summary manner, either upon the confession of the defendant, or upon the evidence of a witness or witnesses.

107. Every offence against the second part of this Act may 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 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.

108. In case a credible witness proves upon oath before the Stipendiary, Police or Sitting Magistrate, Commissioner of a Parish Court, 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

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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, Commissioner of a Parish Court, 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.

109. When any person is convicted of any offence agains the provisions of the second part of this Act, the Stipendiary, Police or Sitting Magistrate, Commissioner of a Parish Court, Recorder, Judge of the Sessions of the Peace, Justices 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), or not more than twenty gallons thereof if there be more of it than twenty gallons, be forfeited, and that any and all kegs, barrels, cases, boxes, bottles, packages and other receptacles of any kind whatever found containing the same, or not more than twenty gallons thereof if there be more of it than twenty gallons, be broken up and utterly destroyed, and the said intoxicating liquor, or not more than twenty gallons thereof if there be more of it than twenty gallons, poured out, spilled, wasted and utterly destroyed; and thereupon such barrels, kegs, cases, boxes, bottles, packages and other receptacles of any kind whatever, to the extent aforesaid, may be forthwith broken up and utterly destroyed, and the said intoxicating liquor, or not more than twenty gallons thereof if there be more of it than twenty gallons, 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, Commissioner, Recorder, Judge, Justices, Sheriff or Mayor.

110. 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.

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111. No conviction, judgment or order, in any such case, shall 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, Police Magistrate, Sitting Magistrate or Commissioner of a Parish Court.

112. Any person who, having violated any of the provisions of this Act or of any Provincial Act which is now or may be from time to time in force in any Province respecting the issue of licenses for the sale of Fermented or Spirituous Liquors, or of the Temperance Act of 1864, compromises, compounds or settles, or offers or attempts to compromise, compound or settle the offence with any person or persons with the view of preventing any complaint being made in respect thereof, or if a complaint has been made with the view of getting rid of such complaint, or of stopping or having the same dismissed for want of prosecution or otherwise, shall be guilty of an offence under this Act, and on conviction thereof, shall be imprisoned at hard labour in the common gaol of the county or district in which the offence was committed, for any period not exceeding three months.

113. Every person who is concerned in, or is a party to, the compromise, composition or settlement mentioned in the next preceding section, shall be guilty of an offence under this Act, and on conviction thereof, shall be imprisoned in the common gaol of the county or district in which the offence was committed, for any period not exceeding three calendar months.

114. Any person who, on any prosecution under any of the said Acts tampers with a witness, either before or after he is summoned or appears as such witness on any trial or proceeding under any such Act, or by the offer of money, or by threats, or in any other way, either directly or indirectly, induces or attempts to induce any such person to absent himself, or to swear falsely, shall be liable to a penalty of fifty dollars for each offence.

115. In describing offences respecting the sale or other unlawful disposal of spirituous, fermented or other intoxicating liquor, or the keeping thereof for sale, in any information, summons, conviction, warrant, or proceeding under the said Temperance Act or under this Act, it shall be sufficient to state the unlawful sale, barter, disposal or keeping of intoxicating liquor simply, without stating the name or kind of such liquor, or the price thereof, or any person to whom it was sold, bartered or disposed of; and it shall not

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be necessary to state the quantity of liquor so sold, bartered, disposed of or kept, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity, and it shall not be necessary in any such summons, conviction, warrant, or proceeding to negative the circumstances, the existence of which would make the Act complained of lawful, but upon any such circumstances being proved in evidence the defendant shall be acquitted; and this provision shall apply whether such circumstances are stated by way of exception in the section under which the offence is laid or in a substantive section or otherwise.

116. In the event of any variance between the information and evidence adduced in support thereof, the Justices or Magistrate or other officer may amend or alter such information, and may substitute for the offence charged therein any other offence against the provisions of the said Temperance Act of 1864, or of this Act; but if it appears that the defendant has been materially misled by such variance, the said Justices or Magistrate or other officer shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment.

117. No conviction or warrant enforcing the same or other process or proceeding under either of the said Acts shall be held insufficient or invalid by reason of any variance between the information or conviction, or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process or proceeding that the same was made for an offence against some provision of such Act, within the jurisdiction of the Justices or Magistrate, or other officer who made or signed the same, and provided there is evidence to prove such offence, and no greater penalty is imposed than is authorized by such Act.

118. Upon any application to quash such conviction or warrant enforcing the same, or other process or proceeding, or to discharge any person in custody under such warrant, whether such application is made in appeal or upon *habeas corpus*, or by way of *certiorari* or otherwise, the Court to which or Judge to whom such appeal is made or to which or to whom such application has been made upon *habeas corpus*, or by way of *certiorari*, or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defect as aforesaid, and such court or Judge may in any case amend the same if necessary, and in all cases where it appears that the merits have been tried, and that the conviction, warrant, process or proceeding is sufficient and valid under this section or otherwise, such conviction, warrant, process, or proceeding shall be affirmed, or shall not be quashed (as the case may be), and any conviction, warrant,

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process or proceeding, so affirmed or affirmed and amended may be enforced, in the same manner as convictions affirmed n appeal, and the costs thereof shall be recoverable as if originally awarded.

119. When in any house, shop, room or other place in any municipality in which any prohibitory by-law passed under the provisions of "The Temperance Act of 1864," or of this Act, is in force, a bar, counter, beer pumps, kegs, jars, decanters, tumblers, glasses, or any other appliances or preparations similar to those usually found in taverns and shops where spirituous or fermented liquors are accustomed to be sold or trafficked in are found, and spirituous, fermented or other intoxicating liquor is also found in such house, shop, room or place, such liquor shall be deemed to have been kept for sale contrary to the provisions of such Act, unless the contrary is proved by the defendant in any prosecution; and the occupant of such house, shop, room or other place shall be taken conclusively to be the person who keeps therein such liquor for sale.

120. In proving the sale or barter or other unlawful disposal of liquor for the purpose of any proceeding relative to any offence under the said Temperance Act of 1864, or under this Act, it shall not be necessary to show that any money actually passed, or any liquor was actually consumed, if the Justices, Magistrate or other officer or court hearing the case, is or are satisfied that a transaction in the nature of a sale or barter or other unlawful disposal actually took place.

121. In any prosecution under the said Temperance Act or under this Act, for the sale or barter or other unlawful disposal of intoxicating liquor, it shall not be necessary that any witness should depose directly to the precise description of the liquor sold or bartered or the precise consideration therefor, or to the fact of the sale or other disposal having taken place with his participation or to his own personal and certain knowledge, but the Justices or Magistrate or other officer trying the case, so soon as it appears to them or him that the circumstances in evidence sufficiently establish the infraction of law complained of, shall put the defendant on his defence, and in default of his rebuttal of such evidence, shall convict him accordingly.

122. The proceedings upon any information for committing an offence against any of the provisions of this Act, in case of a previous conviction or convictions being charged, shall be as follows:—

1. The Justices or Magistrate or other officer shall, in the first instance, inquire concerning such subsequent offence only, and if the accused be found guilty thereof, he shall

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then, and not before, be asked whether he was so previously convicted, as alleged in the information, and if he answers that he was so previously convicted, he may be sentenced accordingly; but if he denies that he was so previously convicted, or stands mute of malice, or does not answer directly to such question, the Justices or Police Magistrate or other officer shall then inquire concerning such previous conviction or convictions.

2. The number of such previous convictions shall be provable by the production of a certificate under the hand of the convicting Justices or Magistrate, or Officer or of the Clerk of the Peace, without proof of his signature or official character, or by other satisfactory evidence.

3. A conviction may in any case be had as for a first offence, notwithstanding that there may have been a prior conviction or convictions for the same or any other offence.

4. Convictions for several offences may be made under this Act, although such offences may have been committed on the same day; but the increased penalty or punishment hereinbefore imposed shall only be recoverable in the case of offences committed on different days, and after information laid for a first offence.

5. In the event of any conviction for any second or subsequent offence becoming void or defective, after the making thereof, by reason of any previous conviction being set aside, quashed, or otherwise rendered void, the Justices or Magistrate or other officer, by whom such second or subsequent conviction was made, may by summons under his or their hand require the person convicted to appear at a time and place to be named in such summons, and may thereupon, upon proof of the due service of such summons, if such person fails to appear, or on his appearance, amend such second or subsequent conviction, and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed, and such amended conviction shall thereupon be held valid to all intents and purposes as if it had been made in the first instance.

6. In case any person who has been convicted of a contravention of any provision of the second part of this Act is afterwards convicted of an offence against such provision or against any other provision of the said part, such conviction shall be deemed a conviction for a second offence within the meaning of section one hundred of this Act, and may be dealt with and punished accordingly, although the two convictions may be for acts of different descriptions; and in case any such person is afterwards again convicted of a contravention of any provision of the said part, whether similar or not to

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the previous offences, such conviction shall in like manner be deemed a conviction for a third offence, within the meaning of section one hundred of this Act, and may be dealt with and punished accordingly.

123. On the trial of any proceeding, matter or question under any of the Acts in the one hundred and twelfth section of this Act mentioned or under this Act, the person opposing or defending or the wife or husband of such person opposing or defending shall be competent and compellable to give evidence in such proceeding, matter or question.

124. Section thirty-four of the said Temperance Act is hereby repealed and the following substituted therefor:

34. In Ontario, all the said penalties, or any portion of them which may be recovered, shall be paid to the convicting Justice, Justices or Magistrate in the case, and shall by him or them, in case the Inspector of Licenses or any officer appointed under the authority of the Lieutenant Governor, is the prosecutor or complainant, be paid to the Inspector and by him applied as the Lieutenant Governor may direct, and in case such Inspector or officer is not the prosecutor or complainant, then the same shall be paid to the Treasurer of the Municipality wherein the offence was committed.

(2.) The Council of every municipality shall set apart not less than one-third part of such fines or penalties received by the said municipality for a fund to secure the prosecution for infractions of this Act.

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 presenting the following petition to His Excellency the Governor General, 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)

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Respectfully showeth 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-sixth 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,*) B.
Returning Officer.

Certificate of Returning cer having taken Oath of Office.

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

In testimony whereof, I have delivered to him this certificate.

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

J—

thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon every tub, firkin, box or package of such article or substance the word

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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 prescribed by law, and to take at the said polling place, by ballot, in the manner by law provided, the votes of the electors 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 ballots, 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

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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,

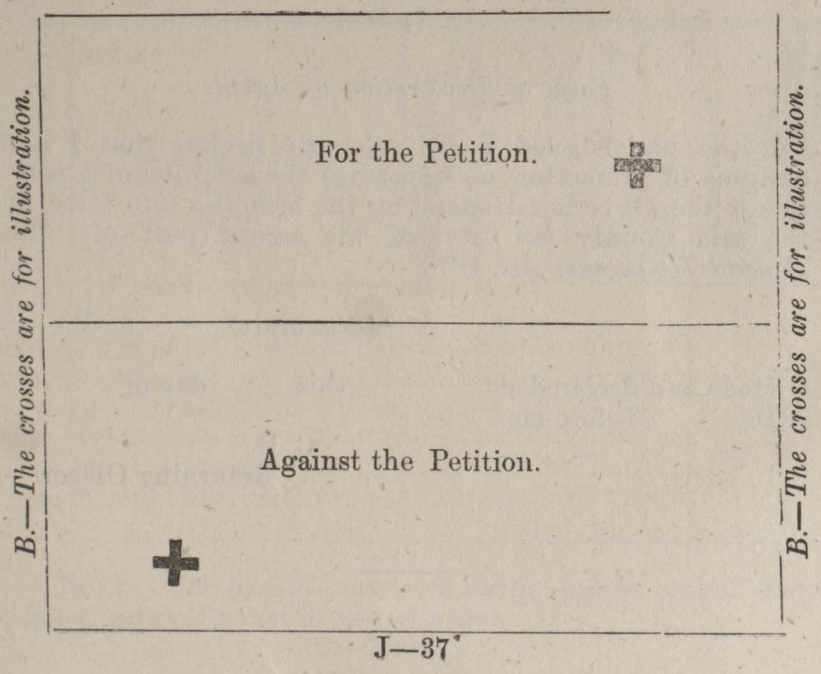
(*Signature*) A. B.,
Returning Officer,
or C. D.
Justice of the Peace.

E.

Form of Ballot Paper.

18.

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



J—37

thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon every tub, firkin, box or package of such article or substance the word

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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 ×, 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 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 at this day of A.D., , before me.

C. D.,
Returning Officer.

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1878

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 Genera for the bringing into force in the said County (*or* City) ol the second part of "*The Canada Temperance Act*, 1878,'f 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 or 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 p'ace 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.*

thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon every tub, firkin, box or package of such article or substance the word

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

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1878

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*

thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon every tub, firkin, box or package of such article or substance the word

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add the causes of suspicion 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

(*Signature*) 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 to 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 said intoxicating liquor and if the same, or any part thereof, shall be found upon such search, that you bring the intoxicating liquor so found, or gallons thereof, if there be more than twenty gallons 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.

OTTAWA:
PRINTED by MACLEAN, ROGER & Co.
1878

No. 76] **BILL.** [1878

An Act to amend 37th Vict., Cap. 8, intituled: "An Act to impose license duties on compounders of spirits; to amend the Act respecting the Inland Revenue, and to prevent the adulteration of Food, Drink and Drugs."

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

1. Section twenty-three of the Act cited in the Preamble of this Act is hereby amended by striking out all after the words "any drug which is adulterated" in the seventh line, and substituting the following: "And every person who shall sell to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance and quality of the article demanded by such purchaser, shall for every such offence on conviction of the same, incur and pay a penalty of *one hundred dollars*, together with the costs attending such conviction; and if any person so convicted shall afterwards commit a like offence, he shall incur and pay a penalty of *two hundred dollars*, and in either case the adulterated or fraudulent articles shall be forfeited to the Crown: Provided that an offence shall not be deemed to be committed under this section in the following cases:— Section 23 of 37 V. c. 8, amended. Penalty for selling a purchaser an article other than that he believed he was buying. Proviso: Exception.

"(1.) When any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or drug, or to conceal the inferior quality thereof. Ingredient not injurious, necessarily added.

"(2.) When the drug or food is a proprietary medicine or is the subject of a patent in force, and is supplied in the state required by the specification of the patent." Proprietary medicine.

(3.) When the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation. Extraneous substance unavoidably mixed.

2. Every person who shall manufacture for sale or who shall offer or expose for sale any article or substance in semblance of butter, but not the legitimate produce of the dairy, and not made exclusively of milk or cream, but into which the oil or fat of animals not produced from milk enters as a component part, or into which melted butter or any oil thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon every tub, firkin, box or package of such article or substance the word Butter containing certain ingredients to be branded, &c., or label delivered with it.

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"oleo-margarine," and in case of retail sale of such article or substance in parcels, the seller shall, in all cases, deliver therewith to the purchaser a written or printed label bearing plainly written or printed the words "oleo-margarin."

Penalty for contravention of sect. 2.

3. Every person who shall knowingly sell or offer to sell, or have in his or her possession with intent to sell, contrary to the provisions of the *second* section of this Act, any of the said articles or substances required by the said section to be stamped, marked or labelled, without having the vessel or package containing it so stamped, marked or labelled, as therein stated, or in case of retail sale, without delivery of a stamp or label, as required by the said section, shall, for each offence, incur a penalty of *one hundred dollars.*

Certain contraventions to be misdemeanors.

4. Every person who shall knowingly sell or offer or expose for sale, or who shall cause or procure to be sold or offered or exposed for sale, any article or substance required by the second section of this Act to be marked, branded, stamped or labelled, not so marked, branded, stamped or labelled, shall be guilty of misdemeanor; and on any trial for such misdemeanor, proof of the sale or offer or exposure alleged, shall be presumptive evidence of knowledge of the character of the article so sold or offered, and that the same was not marked, branded, stamped or labelled, as required by this Act.

Construction of Act and short title.

5. This Act shall be construed as one Act with the Act hereby amended and the Act thereby amended, and the three Acts may be cited together as "*The Inland Revenue Acts of* 1867, 1875 *and* 1878."

No. 76.

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

BILL.

An Act to amend 37th Vict., chapter 8, intituled: "An Act to impose license duties on compounders of spirits, to amend the Act respecting the Inland Revenue, and to prevent the adulteration of Food, Drink and Drugs."

Received and read first time, Tuesday, 16th April, 1878.

Second reading, Wednesday, 17th April, 1878.

Mr. ARCHIBALD.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co

1878.

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No. 77.] **BILL.** [1878.

An Act for the better prevention of crimes of violence in certain parts of Canada, until the end of the next Session of Parliament.

Preamble.

WHEREAS, in consequence of the prevalence of crimes of violence in certain parts of Canada, it is necessary to make temporary provision for the better prevention thereof; Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:----

Interpretation clause.

1. In this Act the term "District" means a place to which this Act may have been applied by a proclamation issued thereunder; and the terms "arm" and "arms" include any gun, rifle, revolver, pistol, or ,other firearm, or air-gun and any part of any such weapon, and any bullet, gunpowder, cartridge, or ammunition, and any sword, sword-blade, bayonet, pike, pike-head, spear, spear-head, dirk, dagger, bowie-knife, or other instrument intended for cutting or stabbing; and any steel or metal knuckles, skull-crackers or slung-shot, and any other deadly or dangerous weapon.

Governor in Council may apply this Act by proclamation to any district.

2. Whenever in the judgment of the Governor in Council it shall be necessary for the better prevention of crimes of violence that this Act should apply to any county, city or town, or other municipal or judicial district, in any province or territory of Canada, the Governor in Council may, by proclamation to be published in the *Canada Gazette*, declare that, from and after a day to be named therein, this Act shall apply to such county, city, town, or other municipal or judicial district; and the Governor in Council may at any time, by proclamation to be published in the *Canada Gazette*, revoke such first mentioned proclamation.

May revoke the proclamation.

Copy of proclamation to be posted up.

3. A printed copy of every proclamation issued under this Act shall be posted on or near to the door of every place of public worship, and of every court-house and police station, within the district; and at the foot of such copy shall be a printed abstract of the provisions of this Act, for the information of all persons affected by its enactments.

Effect of proclamation.

4. From and after the day named in, and during the continuance in force of such first-mentioned proclamation, it shall not be lawful for any person, not being a Justice of the Peace, or an officer, soldier, sailor or volunteer, on duty in Her Majesty's service, or a constable or other peace officer, or a person licensed under this Act, to carry or have

Certain persons only to carry or have arms in the district.

within the district, elsewhere than in his own dwelling-house or shop, any arm; and any person carrying or having any arm contrary to this provision, shall be guilty of a misdemeanor, and shall be liable, on conviction thereof, to imprisonment in any gaol or place of confinement for a term not exceeding twelve months.

Offender may be arrested, &c.

5. It shall be lawful for any person whomsoever, to seize and apprehend any person who shall be found carrying any arm within the District contrary to this Act, and to deliver such person as soon as may be, into the custody of a constable or other peace officer, in order to his being forthwith conveyed before some competent judicial authority to be dealt with according to law.

Suspected persons may be searched.

6. It shall be lawful for any Justice of the Peace, constable or other peace officer, to search any person whom he may suspect to be carrying any arm within the District, contrary to this Act, and to seize and take from such person any arm so carried, and to keep and detain the same for the use of Her Majesty.

Persons may be appointed to grant licenses to have or carry arms.

7. The Governor in Council may, from time to time, appoint one or more proper persons to grant at his or their discretion a license or licenses in the form in the Schedule to this Act contained, to have and carry any arm within the District, and such person or persons may from time to time revoke any such license; and from and after the publication of such revocation in the *Canada Gazette*, the license shall cease and determine; and a copy of the order of revocation shall, within four days after the making thereof, be delivered to or left at the last known place of abode of every person whose license is thereby revoked.

Revocation of licence.

Sects. 74, 75, 76 of 32, 33 V. c. 26 to apply.

8. The seventy-fourth, seventy-fifth and seventy-sixth sections of the Act passed in the session held in the thirty-second and thirty-third year of Her Majesty's reign and chaptered twenty, intituled: "*An Act respecting offences against the person*," shall apply and extend to any offence against this Act.

Act not to prevent liability nnder any other Act.

Proviso.

9. Nothing in this Act contained shall prevent any person from being liable under any other Act or otherwise to any other punishment than is provided for any offence by this Act; so, however, that no person be punished twice for the same offence.

Duration of Act.

10. This Act shall continue in force until the end of the next ensuing session of Parliament, and may be cited as "*The better prevention of Crime Act*, 1878."

SCHEDULE.

I, A.B., having been duly appointed in that behalf, under "*The better prevention of Crime Act*, 1878," do hereby grant to C.D. (*here insert name, description and place of residence*) a license to have and carry (*here insert the kind* or *kinds of arm*) within the (*here insert the District*).

Dated this day of in A.D. ,

Signed,

A.B.

No. 77.

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

BILL.

An Act for the better prevention of crimes of violence in certain parts of Canada, until the end of the next Session of Parliament.

Received and read first time, Wednesday, 1st May, 1878.

Second reading, Thursday, 2nd May, 1878.

Mr. BLAKE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1878.

No. 78.] **BILL.** [1878

An Act to authorize the advance of certain sums to the Province of Manitoba, in aid of the Public Schools therein.

Preamble.

WHEREAS by "*The Dominion Lands Act*," certain sections of the Public Lands in each Township in the Province of Manitoba are set apart to be thereafter sold, in order to form a fund for the maintenance of Public Schools in the Province, and the Government of Manitoba has asked that the said lands may be transferred to the Province, to be sold for the purpose aforesaid, or that a sum of money, for the repayment whereof the said lands shall be pledged, may be annually advanced by authority of Parliament for the said purpose; and whereas by reason of the probable great augmentation in the value of the said lands by the increase of population in Manitoba, it is not desirable that they should be disposed of at the present time, and it is nevertheless expedient in the meantime to aid the cause of education in the Province: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Advance to Manitoba authorized.

1. The Governor in Council may authorize the advance of a sum or sums not exceeding in the whole ten thousand dollars, in each of the three fiscal years, 1878-9, 1879-80 and 1880-1, to the Province of Manitoba, in aid of the Public Schools therein.

Advance, repayment and interest

2. The said sums may be so advanced out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, and shall be repaid to the said Fund, with interest at the rate of five per cent. per annum, out of the first proceeds of the sale of the lands mentioned in the preamble; and all moneys advanced or received under this Act shall be accounted for in like manner as moneys expended or received for the Public Service of Canada.

Account to be rendered.

No. 78.

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

BILL.

An Act to authorize the advance of certain sums to the Province of Manitoba, in aid of the Public Schools therein.

Received and read first time, Monday, 6th May, 1878.

Second reading, Tuesday, 7th May, 1878.

Mr. MILLS.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1878.

[No. 79.] **BILL.** [1878.

An Act to declare the rule of decision in the Courts of the North-West Territories.

Preamble.

WHEREAS it is expedient to declare the rule of decision in the Courts of the North-West Territories of Canada, as to which doubts might otherwise exist: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

The rule of decision in Courts, &c., in N. W. T.

1. The rule of decision to be observed in all Courts and by all judges, justices and functionaries engaged in or with respect to the administration of justice in the North-West Territories aforesaid: in all cases and proceedings as to which no other provision has been or shall have been made by the Parliament of Canada, or by the Local Legislature under the authority of Parliament, or by any local authority having the necessary legislative power, shall be as follows:—

In criminal cases.

(1.) In all criminal cases the law of England, as (modified by provincial Acts then in force) it applied to the Province of Ontario on the first day of July, one thousand eight hundred and sixty-seven, and as since altered or modified by the Acts of the Parliament of Canada, extended to the said Territories;

Date of confederation.

In civil cases.

(2.) In all matters of controversy relative to property and civil rights, the law of England, as (modified by provincial Acts then in force) it applied in the Province of Ontario, on the thirty-first day of December, one thousand eight hundred and seventy-seven, to such matters generally and independently of any local institutions or circumstances, subject to any alterations or modifications thereof, by any Act or Acts of the Parliament of Canada extended to the said Territories.

Date of coming into force of the Rev. Stat. of Ontario.

Fusion of law and equity, as to rights and remedies.

2. As respects matters of controversy relative to property and civil rights, the word "rights" in this Act, means and includes what are known in Ontario as "equitable" as well as what are known as "legal" rights, and the word "law" includes what is known in Ontario as "equity" or as "law," and the "rules of evidence," applicable to either, and all remedies and modes of procedure, used in the courts of law or of equity in the said Province for the enforcement or protection of rights: and every Court of civil jurisdiction in the said Territories, shall in all matters whatever to which its jurisdiction extends, have all the powers requisite for the perfect enforcement or protection of such rights, and shall in each and every case adopt such of the said modes of procedure as it may deem best for that purpose, and for doing justice most speedily and at least cost.

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Provision as to rules of practice.

3. The legislative authority of the Territories, or of any territory, may make or authorize any Court therein to make, subject to the approval of such legislative authority, rules of practice for carrying this Act into effect.

Interpretation.

4. The expression "North-West Territories" in this Act, includes the District of Keewatin, and any territory now comprised or which may be thereafter comprised within the limits of Northern and Western Canada, and not within the limits of any Province.

No. 79.

5th Session, 4th Parliament, 41 Victoria, 1878.

BILL.

An Act to declare the rule of decision in the Courts of the North-West Territories.

Received and read first time, Wednesday, 8th May, 1878.

Second reading, 1878.

Mr. MILLS.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1878.

No. 80.] **BILL.** [1878

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial years ending respectively the 30th June, 1878, and the 30th June, 1879, and for other purposes relating to the public service.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency the Right Honorable Sir Frederick Temple, Earl of Dufferin, Governor General of the Dominion of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of the Dominion not otherwise provided for, for the financial years ending respectively the thirtieth day of June, one thousand eight hundred and seventy-eight, and the thirtieth day of June, one thousand eight hundred and seventy-nine, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada that:---

Sum granted for 1877-78, $2,721,404.33.

1. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole two million seven hundred and twenty-one thousand four hundred and four dollars and thirty-three cents, towards defraying the several charges and expenses of the public service of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and seventy-seven, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy-eight, not otherwise provided for, and set forth in Schedule A to this Act, and also for the other purposes in the said said Schedule mentioned.

Sum granted for 1878-79, $19,458,856.95

2. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole nineteen million four hundred and fifty-eight thousand eight hundred and fifty-six dollars and ninety-five cents, towards defraying the several charges and

expenses of the public service of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and seventy-eight, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy-nine, not otherwise provided for, and set forth in Schedule B to this Act, and for other purposes in the said Schedule mentioned.

Account to be rendered.

3. A detailed account of the sums expended under the authority of this Act, shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

Recital as to amounts of authorised loans remaining unborrowed.

4. And whereas there remained on the thirty first day of December last unborrowed and negotiable of the loans authorized by Parliament for the several works hereinafter mentioned, and for general purposes, the sums opposite to each respectively, viz.:—

	$	cts.	$	cts.
For Intercolonial Railway			2,433,333	33
For opening communication and administration of the Government in the North-West Territories			1,460,000	00
For improvement of the River St. Lawrence			1,500,000	00
For the improvement of Quebec Harbour			1,200,000	00
For the Pacific Railway and Canadian Canals			7,300,000	00
For general purposes, balance, 30th June, 1877	8,966,906	21		
Redeemed to 31st December	17,770	74		
	8,984,676	95		
Issued	1,073,452	28		
			7,911,224	67
			$21,804,558	00

Such sums may be raised under 35 V. c. 6, and 38 V. c. 4.

Therefore it is declared and enacted, that the Governor in Council may authorize the raising of the several sums above mentioned, as they may be required for the purposes aforesaid, respectively, under the provisions of the Act passed in the thirty-fifth year of Her Majesty's reign, intituled: "*An Act respecting the Public Debt, and the raising of Loans authorized by Parliament*," as amended by the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act to amend the Act respecting the Public Debt and the raising of Loans authorized by Parliament*;" and the sums so raised shall form part of the Consolidated Revenue Fund of Canada out of which like sums shall be applicable to the several purposes aforesaid, under the Acts and provisions thereunto relating respectively.

SCHEDULE A.

SUMS granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1878, and the purposes for which they are granted.

SERVICE.		Amount	Total
CHARGES OF MANAGEMENT.		$ cts.	$ cts.
Additional amount required for Seigniorial Tenure Commission			1,500 00
PENITENTIARIES.			
Kingston—Staff, salaries and clothing	485 00		
Capital Account, new machinery	415 00		
		900 00	
St. Vincent de Paul—Staff, Gratuities to retiring Officers.	1,100 00		
Convicts' maintenance	2,035 47		
Repairs to buildings	200 00		
Capital Account, to complete Tramway	780 00		
Farm and Stables, to replace loss by fire	6,200 06		
		10,315 53	
St. John—Staff, salaries	360 00		
Convicts' maintenance	5,630 00		
Maintenance of machinery	300 00		
Material for manufacture	600 00		
		6,890 00	
Manitoba—Convicts' maintenance	2,700 00		
Farm	827 40		
Maintenance of buildings	357 14		
Capital Account: Furnishings for the new building, lumber, machinery and surgical instruments	1,952 42		
		5,836 96	
			23,942 49
LEGISLATION.			
House of Commons—Amount required for the publication of the Debates (Revote)			10,000 00
ARTS, AGRICULTURE AND STATISTICS.			
Criminal Statistics—Balance of Appropriation of 1876-77 unexpended on 30th Sept., 1877, and carried forward by Special Warrant (Revote)		4,558 75	
Sydney Exhibition do do		6,959 81	
Paris Exhibition—Amount required to complete the service for the year		50,000 00	
			61,518 56
IMMIGRATION AND QUARANTINE.			
Mennonite Loan—Balance of 1876-77 (Revote)			7,600 00
Carried forward			104,561 05

424

SCHEDULE A—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			104,561 05
MILITIA.			
Ammunition—Balance of Appropriation of 1876-77 unexpended on 30th Sept., 1877, and carried forward by Special Warrant (Revote)		23,854 99	
Clothing do do do		10,078 12	
Military Stores do do do		25,642 21	
Drill Sheds and Rifle Ranges do do		2,771 54	
Ordnance and Equipment of Garrison Artillery do		9,626 48	
Mounted Police, N. W. T.—Amount required to pay for supplies furnished in previous years	10,772 78		
Amount required to cover expenditure incurred for buildings in 1875-76	8,110 43		
Amount required for buildings, 1877-78	10,000 00		
		28,883 21	
			100,856 55
PUBLIC WORKS AND BUILDINGS.			
Chargeable to Capital.			
Intercolonial Railway — Balance of Appropriation for 1876-77 unexpended 30th Sept., 1877, and carried forward by Special Warrant on account of freight cars (Revote)	76,736 72		
Intercolonial Railway — Balance of Appropriation for 1876-77 unexpended 30th Sept., 1877, and carried forward by Special Warrant on account of expenses before Supreme Court (Revote)	8,575 14		
Intercolonial Railway—Amount awarded by arbitrators to Chipman estate for land taken for St. John Station.	33,000 00		
Intercolonial Railway—Amount required for constructing conductors', cattle and fish freight cars	16,000 00		
Intercolonial Railway—Amount required to complete construction of railway	78,500 00		
		212,811 86	
Prince Edward Island Railway—To pay Messrs. Schrieber & Burpee in full settlement of all claims in connection with their contract for building the railway		4,551 86	
Pacific Railway—Fort William to Sunshine Creek	80,000 00		
Sunshine Creek to English River	288,000 00		
Rat Portage to Cross Lake	373,000 00		
Cross Lake to Red River	13,100 00		
Telegraph lines and roadway	9,800 00		
Fort Frances Lock	60,000 00		
		823,900 00	
Carillon and Grenville Canal—Land taken		459 57	
Lachine Canal—Further amount required to pay for enlargement		485,600 00	
Cornwall Canal do do do		50,000 00	
Welland Canal do do do		138,500 00	
Rideau Canal—Draw-bridge		6,000 00	
Ottawa Buildings—Unexpended Balance of Appropriation of 1876-77 for "Tower," carried forward 30th Sept., 1877, by Special Warrant (Revote)	8,965 15		
Unexpended balance of appropriation of 1876-77 for "Western Block Extension," carried forward 30th Sept., 1877, by Special Warrant (Revote)	142,325 86		
		151,291 01	
			1,873,114 30
Carried forward			2,078,531 90

425

SCHEDULE A—*Continued.*

Service.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		2,078,531 90
PUBLIC WORKS AND BUILDINGS.		
Chargeable to Income.		
Beaver Rock, B.C.—Unexpended Balance of 1876-77, carried forward by Special Warrant (Revote	9,800 00	
Guelph Custom House—Unexpended Balance of 1876-77, carried forward by Special Warrant (Revote)	6,378 26	
Toronto Post Office—To pay amount of Official Arbitrators' Award to Contractors, &c., partly paid out of "Unforeseen Expenses," *vide* Parliamentary Paper	20,000 00	
	26,378 26	
Quebec and Lévis Fortifications, Repairs—Expenditure required for this service	7,200 00	
Montreal Examining Warehouse—Estimated cost for completion of building	10,000 00	
Montreal Post Office—Amount required for completion of Building	16,037 07	
	33,237 07	
St. John, N. B., Public Buildings—Amount of Special Warrant granted for clearing away debris and rebuilding, during the year, the Public Buildings destroyed by fire	50,000 00	
Buildings, Battleford, N. W. T.—Amount of Special Warrant granted to complete these buildings	30,000 00	
Unexpended Balance of 1876-77, carried forward by Special Warrant, on 30th September, 1877 (Revote)	4,587 88	
	34,587 88	
Penitentiary, B. C.—Amount of Unexpended Balance, 30th September, 1877, carried forward by Special Warrant (Revote)	19,106 89	
Gas, Public Buildings, Ottawa—To pay for increased consumption during the year	5,000 00	
Cobourg Harbour—Part of Unexpended Balance of 1876-77 Revote)	6,533 31	
Shippegan Breakwater, N. B.—Unexpended Balance of 1876-77, carried forward by Special Warrant (Revote)	9,630 37	
Cow Bay, C.B. do do do	1,343 87	
Colville Bay, Souris Breakwater—Balance due to Contractor	8,500 00	
		204,117 65
LIGHTHOUSES AND COAST SERVICE.		
Maintenance—To replace Dioptric Apparatus for Machias Seal Island Light destroyed in St. John Fire	3,000 00	
To replace Oil destroyed in St. John fire	3,500 00	
Repairing damages at Rondeau Lighthouse	1,500 00	
do to Breakwater, Goderich Lighthouse	2,600 00	
New Light Ship for the Traverse	6,000 00	
		16,600 00
FISHERIES.		
Fish-breeding, &c.—For new Fish-breeding Establishment, P. E. Island	2,500 00	
do do do Cape Breton	2,500 00	
		5,000 00
SCIENTIFIC INSTITUTIONS.		
To aid in constructing and maintaining Telegraph Line between Matane and Fox River		5,000 00
Carried forward		2,309 249 55

SCHEDULE A.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		2,309,249 55
STEAMBOAT INSPECTION.		
To complete remeasurement of Steamers in Inland waters		300 00
INDIANS.		
Indians, Manitoba and North-West—Further amount required for this service		10,927 66
MISCELLANEOUS.		
Halifax Commission—Amount required to cover expenditure (partly to be refunded)	57,000 00	
To pay the Hon. Sir Alex. T. Galt, K.C.M.G., for services rendered as Commissioner, Halifax	12,000 00	
Parliamentary Companion—To pay for 350 copies	525 00	
Commutation of Duties, Army and Navy—Further amount required for this service	4,000 00	
To pay his Grace Archbishop Taché balance of his expenses incurred on the occasion of his return from Rome in 1870, at the request of the Government of Canada	3,000 00	
His Excellency the Governor General's visit to Manitoba—Balance of expenditure incurred and paid through "Unforeseen Expenses." *Vide* Parliamentary paper	1,778 45	
Grasshopper Relief—Unexpended balance of 1876-77 carried forward by Special Warrant (Revote)	381 81	
		78,685 26
COLLECTION OF REVENUES.		
Customs.		
Amount required to complete this service (Manitoba and N.W.T.)	2,500 00	
Excise.		
Preventive Service—Amount required to complete this service	2,000 00	
Inspection of Staples.		
Amount required to complete this service	2,000 00	
Public Works.		
Intercolonial and Prince Edward Island Railways—To meet expenditure caused by increased traffic 100,000 00		
Canals—For payment of one year's salary to Mr. Woodruff in recognition of his services as Superintendent of Welland Canal, after 28 years service 3,000 00		
Telegraph Lines—Haro Strait, B.C. 3,500 00		
	106,500 00	
Carried forward	113,000 00	2,399,162 47

SCHEDULE A—*Concluded.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	113,000 00	2,399,162 47
COLLECTION OF REVENUES.—*Continued.*		
Post Office.		
To pay Grand Trunk Railway for claim for daily transport of mails over 149 miles of railway, between the Canada Boundary Line and Danville Junction (Maine) from 1st July, 1867, to 31st December, 1874, when, by Postal Convention with the United States, the conveyance of these mails was assumed by the United States Post Office	7,776 22	
Dominion Lands.		
Further required to complete this service	12,500 00	
		133,276 22
UNPROVIDED ITEMS OF 1876-77.		
Vide Public Accounts 1876-77, part ii, Page 338		188,965 64
		2,721,404 33

SCHEDULE B.

SUMS granted to Her Majesty, by this Act, for the Financial Year ending 30th June, 1879, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CHARGES OF MANAGEMENT.	$ cts.	$ cts.
Financial Inspector	2,600 00	
Office of Assistant Receiver-General, Toronto	7,600 00	
do do Montreal	5,500 00	
Auditor and do Halifax, N.S	10,000 00	
do do St. John, N.B	11,400 00	
do do Fort Garry	6,500 00	
do do Victoria, B.C	7,000 00	
do do Charlottetown, P.E.I	4,000 00	
Country Savings Banks, New Brunswick, Nova Scotia and British Columbia	12,000 00	
Seigniorial Tenure and Commmission	2,500 00	
		69,100 00
CIVIL GOVERNMENT.		
The Governor-General's Secretary's Office	8,100 00	
The Department of the Queen's Privy Council for Canada	15,300 00	
do Justice	11,700 00	
do do Penitentiary Branch	3,900 00	
do Militia and Defence	36,450 00	
do Secretary of State	35,120 00	
do Minister of the Interior	45,720 00	
do Receiver General	20,180 00	
do Finance	51,100 00	
do Customs	29,200 00	
do Inland Revenue	26,767 50	
do Public Works	49,780 00	
Post Office Department	87,850 00	
Department of Agriculture	29,340 00	
do Marine and Fisheries	26,000 00	
Treasury Board Office	4,100 00	
Departmental Contingencies	159,000 00	
Stationery Office for Stationery	13,000 00	
To meet the possible amount required for new appointments by an extension of the Staff, or any other change	10,000 00	
To meet estimated expenditure for Extra Clerks in the Department of Agriculture	6,000 00	
		663,607 50
ADMINISTRATION OF JUSTICE.		
Miscellaneous Justice	20,000 00	
Travelling Expenses of Stipendiary Magistrates in North-West Territories	4,500 00	
Circuit Allowances, British Columbia	15,000 00	
do Manitoba	1,500 00	
Précis Writer of the Supreme Court of Canada and the Exchequer Court	1,900 00	
Clerk of the Supreme Court of Canada and the Exchequer Court	475 00	
Senior Messenger of the Supreme Court of Canada and the Exchequer Court	500 00	
Second Messenger of the Supreme Court of Canada and the Exchequer Court	360 00	
Carried forward	44,235 00	737,707 50

SCHEDULE B—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	44,235 00	737,707 50
ADMINISTRATION OF JUSTICE—*Continued.*		
Contingencies and Disbursements, including printing, binding and distributing Reports, Judges' travelling expenses; also salaries of Officers (Sheriff, Usher, &c.,) in the Supreme and Exchequer Courts of Canada, and $150 for books for Judges	7,000 00	
Sundry Disbursements connected with the Maritime Court of Ontario, Seals for Court, Judges' travelling expenses, Law Stamps, Court Books	500 00	
Further for sundry expenses in connexion with the Maritime Court of Ontario, including seals for the Court, Judges' travelling expenses, Court books, &c	300 00	
Salary of Registrar of Vice-Admiralty Court, Quebec	666 66	
Salary of Marshal of Vice-Admiralty Court, Quebec	333 34	
For the salary of one County Court Judge, to provide, if necessary, for the vacancy created by the death of the late A. T. Bushby, Esq	2,425 00	
		55,460 00
POLICE.		
Dominion Police		11,000 00
PENITENTIARIES.		
Kingston Penitentiary	130,646 52	
Halifax Penitentiary (balances to be transferred to Dorchester Penitentiary, if required)	24,966 35	
St. John Penitentiary (balances to be transferred to Dorchester Penitentiary, if required)	41,806 00	
St. Vincent de Paul Penitentiary	84,278 09	
Manitoba Penitentiary	19,468 00	
Staff—Increase to salary of Surgeon, Manitoba Penitentiary	200 00	
British Columbia Penitentiary	20,950 00	
		322,314 96
LEGISLATION.		
Senate.		
Salaries and Contingent Expenses of the Senate	51,518 00	
House of Commons.		
Salaries per Clerks' Estimate	60,100 00	
Expenses of Committees, Extra Sessional Clerks, &c	12,800 00	
Contingencies	19,600 00	
Publishing Debates	15,000 00	
Salaries and Contingencies, per Sergeant-at-Arms' Estimate	28,050 00	
Miscellaneous.		
Grant to Parliamentary Library, including $3,000 for Law Books	10,000 00	
Salaries of Officers (additional) and Contingencies of Library	5,000 00	
Carried forward	202,068 00	1,126,482 46

SCHEDULE B.—*Continued.*

SERVI			Amount.	Total.
			$ cts.	$ cts.
Brought forward			202,068 00	1,126,482 46
LEGISLATION.—*Continued.*				
Miscellaneous.—Continued.				
Printing, Binding and Distributing the Laws			12,000 00	
To meet the estimated expenses in connection with Consolidation of the Laws			8,000 00	
Printing, Printing Paper and Bookbinding			70,000 00	
Contingencies of the Clerk of the Crown in Chancery			1,200 00	
Miscellaneous Printing			2,000 00	
To meet expenditure in connection with Senate Hansard			3,000 00	
				298,268 00
ARTS, AGRICULTURE AND STATISTICS.				
To meet expenses in connection with the		care of the Archives	3,000 00	
do	do	organization of Patent Record	7,200 00	
do	do	preparation of Criminal Statistics	5,000 00	
do	do	Paris Exhibition	25,000 00	
do	do	Entomological Commission	2,000 00	
do	do	Australian Exhibition	5,000 00	
				47,200 00
IMMIGRATION AND QUARANTINE.				
Salaries of Immigration Agents and Employés			26,550 00	
do	Travelling Agents		13,000 00	
Medical Inspection of the Port of Quebec			2,600 00	
Quarantine,	Grosse Isle		11,820 00	
do	St. John		3,000 00	
do	Pictou, N.S.		800 00	
do	Halifax, N.S.		3,600 00	
do	Charlottetown, P.E.I.		1,000 00	
To meet expenses of further precautionary measures for the Public Health			20,000 00	
Contingencies of Canadian and other regular Agencies			24,000 00	
Travelling expenses of Travelling Agents			14,000 00	
Towards assisting Immigration and Immigration Expenses, including estimated expenses of transport of Mennonites			110,000 00	
				230,370 00
PENSIONS.				
Samuel Waller, late Clerk, House of Assembly		400 00		
John Bright, Messenger, House of Assembly		80 00		
Mrs. Antrobus		800 00		
			1,280 00	
New Militia Pensions:—				
Mrs. Caroline McEachern and four children		238 00		
Rhoda Smith		110 00		
Janet Anderson		110 00		
Margaret Mackenzie		80 00		
Mary Ann Richey and one child		288 00		
Carried forward		826 00	1,280 00	1,702,320,46

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total
		$ cts.	$ cts
Brought forward	826 00	1,280 00	1,702,320
PENSIONS.—*Continued.*			
Mary Morrison	80 00		
Louise Prud'homme and two children	110 00		
Virginie Charron and four children	150 00		
Paul M. Robins	146 00		
Charles T. Bell	73 00		
Alex. Oliphant	109 50		
Charles Lugsden	91 25		
Thomas Charters	91 25		
Charles T. Robertson	110 00		
Percy G. Routh	400 00		
Richard S. King	400 00		
George A. Mackenzie	73 00		
Edward Hilder	146 00		
Fergus Scholfield	73 00		
John Bradley	109 50		
James Bryan	109 50		
Jacob Stubbs	73 00		
Ensign W. Fahey	200 00		
Mary Connors	110 00		
Mary Hodgins and three children	191 00		
John Martin	110 00		
A. W. Stevenson	110 00		
Mrs. J. Thorburn	150 00		
Mrs. P. T. Worthington and children	378 00		
Mrs. J. H. Elliott and children	130 00		
Ellen Kirkpatrick and three children	266 00		
Mrs. George Prentice and children	400 00		
Mary Hannah Temple and child	298 00		
		5,514 00	
To meet the probable amount required for Pensions to Veterans of War of 1812		35,000 00	
Compensation to Pensioners in lieu of land		7,000 00	
			48,794 00
MILITIA.			
ORDINARY.			
Salaries of Military Branch and District Staff		28,600 00	
Salaries of Brigade Majors		20,000 00	
Allowance for Drill Instruction		40,000 00	
Ammunition	40,000 00		
Clothing	50,000 00		
Military Stores	40,000 00		
		130,000 00	
Public Armouries and care of arms, including Storekeepers and Caretakers, Storemen and the rents, fuel and light of Public Armouries		52,000 00	
Drill pay and all other incidental expenses connected with the Drill and training of the Militia		155,000 00	
Contingencies and general service, not otherwise provided for including assistance to Artillery and Rifle Associations and Bands of efficient Corps		50,000 00	
Drill Sheds and Rifle Ranges		10,000 00	
Additional amount required for Drill Sheds and Rifle Ranges		10,000 00	
Carried forward		495,600 00	1,751,114 46

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		495,600 00	1,751,114 46
MILITIA.—*Continued.*			
EXTRAORDINARY.			
Care and maintenance of Military Properties transferred from the Ordnance and Imperial Government, including rents		10,000 00	
SPECIAL.			
Military College		50,000 00	
Military Schools in Nova Scotia and New Brunswick		10,000 00	
Pay, Maintenance and Equipment of "A" and "B" Batteries Garrison Artillery and Schools of Gunnery at Kingston and Quebec		115,000 00	
Mounted Police, North-West Territories		306,000 00	
			986,600 00
PUBLIC WORKS AND BUILDINGS.			
(*Chargeable to Capital.*)			
RAILWAYS			
Intercolonial		20,000 00	
do Extension into Halifax		20,000 00	
do To Deep Water at St. John		100,000 00	
Pacific—Fort William to Sunshine Creek	5,500 00		
do Sunshine Creek to English River	214,000 00		
do Rat Portage to Cross Lake	1,033,000 00		
do Cross Lake to Red River	52,500 00		
do Telegraph Lines and Roadway	164,700 00		
do Fort Frances Lock	10,000 00		
do Main Land, British Columbia	500,000 00		
do Pembina Branch	550,000 00		
do Georgian Bay Branch	100,000 00		
do Between Lake Superior and Keewatin	300,000 00		
do Spikes	20,000 00		
		2,949,700 00	
Prince Edward Island Railway		49,000 00	
CANALS.			
Lachine		2,000,000 00	
Cornwall		250,000 00	
St. Lawrence		46,000 00	
Welland		2,500,000 00	
St. Anne's Lock and Canal		50,000 00	
Carillon Lock and Canal		240,000 00	
Grenville		250,000 00	
Culbute (improving approach to Canal)		24,000 00	
St. Peter's Canal		144,100 00	
Miscellaneous		10,000 00	
Carried forward		8,652,800 00	2,737,714 46

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		8,652,800 00	2,737,714 46
PUBLIC WORKS AND BUILDINGS.—*Continued.*			
(*Chargeable to Capital.*)			
PUBLIC BUILDINGS, OTTAWA.			
Grounds	28,100 00		
Extension of Western Block	25,000 00		
		53,100 00	
Total, chargeable to Capital			8,705,900 00
PUBLIC WORKS AND BUILDINGS.			
(*Chargeable to Income.*)			
IMPROVEMENT OF NAVIGABLE RIVERS.			
Improvement of Navigable Rivers	10,000 00		
St. Lawrence, removal of Chains and Anchors	15,000 00		
Neebish Rapids, River St. Mary, Lake Huron	9,000 00		
		34,000 00	
PUBLIC BUILDINGS.			
Ontario.			
Guelph Custom House, Excise and Post Office	4,000 00		
Kingston Military College	30,000 00		
do Repairing Fortifications			
Windsor Post Office and Custom House	30,000 00		
Brantford Public Offices	25,000 00		
Quebec.			
Repairing Fortifications, Quebec	60,000 00		
Post Office and Custom House, St. John, P.Q	4,000 00		
New Brunswick.			
Custom House, St. John, N.B	85,000 00		
Savings Bank do	30,000 00		
Post Office do	70,000 00		
Fredericton Public Offices	13,000 00		
Nova Scotia.			
Marine Hospital, Lunenburg	3,000 00		
Sydney, C.B., Quarantine Hospital	2,000 00		
Carried forward	356,000 00	34,000 00	11,443,614 46

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	356,000 00	34,000 00	11,443,614 46
PUBLIC WORKS AND BUILDINGS.—*Continued.*			
(*Chargeable to Income.*)			
British Columbia.			
Public Buildings, repairs	1,000 00		
Custom House, Store House, Wharf, Victoria	5,000 00		
Public Buildings, generally	10,000 00		
		372,000 00	
PENITENTIARIES.			
General Penitentiary for the Maritime Provinces	17,000 00		
St. Vincent de Paul	9,000 00		
Manitoba (outbuilding)	3,000 00		
British Columbia Penitentiary	10,000 00		
Kingston Penitentiary	12,500 00		
		51,500 00	
RENTS, REPAIRS, &c.			
Rents, Repairs, Furniture, Heating, &c.	170,000 00		
Heating Public Buildings	40,000 00		
Removal of Snow, Public Buildings, Ottawa	1,800 00		
Gas, Public Buildings, Ottawa	18,000 00		
Allowance for Fuel and Light, Rideau Hall	5,000 00		
		234,800 00	
HARBOURS AND BREAKWATERS.			
Ontario.			
Kincardine	5,000 00		
Morpeth, Lake Erie	7,500 00		
Toronto	12,000 00		
Collingwood Harbour	10,000 00		
Pickering Harbour	5,000 00		
Quebec.			
Lower St. Lawrence, repairing various Breakwaters	20,000 00		
Matane Harbour	10,000 00		
Chicoutimi Harbour (to pay St. Lawrence Tow Boat Company for money expended)	4,151 65		
New Brunswick.			
St John Harbour	16,000 00		
Black River, St. John County	4,500 00		
Grand Anse, Gloucester Co	2,000 00		
Shippegan Breakwater, Gloucester Co	6,000 00		
Woodward's Cove, Grand Manan	2,500 00		
Roche Bay Pier, Anderson's Hollow	3,000 00		
Clifton Breakwater	1,000 00		
Carried forward	108,651 65	692,300 00	11,443,614 46

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	108,651 65	692,300 00	11,443,614 46
PUBLIC WORKS AND BUILDINGS.—*Continued.* (*Chargeable to Income.*)			
Nova Scotia.			
Annapolis River, Annapolis Co.	1,500 00		
Mordon, King's Co.	1,000 00		
Ragged Pond	2,000 00		
Cow Bay, Cape Breton	1,000 00		
Bayfield	5,000 00		
Scott's Bay	3,000 00		
Canada Creek	3,000 00		
Pudding Pan	6,000 00		
West Arichat	6,000 00		
Somerville	5,000 00		
Hampton	3,000 00		
Dulap's Cove	2,000 00		
Margaree, C.B	3,000 00		
Lingan Breakwater	2,000 00		
Port Hood Breakwater	10,000 00		
Three Fathom Harbor	3,000 00		
General Repairs, Maritime Provinces	15,000 00		
Prince Edward Island.			
Colville Bay, Souris	20,000 00		
Malpeque Breakwater	3,500 00		
New London	1,500 00		
Big Miminegash, P.E.I.	4,000 00		
Wood Island Breakwater	4,000 00		
		213,151 65	
DREDGING.			
Dredge Vessels	10,000 00		
Dredging	100,000 00		
Purchase of a Dredge	15,000 00		
Removing Rock, Victoria Harbour, B.C.	8,000 00		
		133,000 00	
MISCELLANEOUS.			
Miscellaneous Works not otherwise provided for.		10,000 00	
Surveys and Inspection		45,000 00	
Arbitrations and Awards		15,000 00	
To pay expenses of Survey of Coast in vicinity of Capes Tormentine and Traverse on P.E. Island and Mainland, and a suggested Railway connection between said Capes to Intercolonial and Prince Edward Island Railways, with a view to secure winter communication with the Island		5,000 00	
Total, Chargeable to Income			1,113,451 65
OCEAN AND RIVER SERVICE.			
DOMINION STEAMERS.			
Maintenance and Repairs of Steamers "Napoleon III.," "Newfield," "Druid," "Glendon," "Sir James Douglas" and "Northern Light"		130,000 00	
Carried forward		130,000 00	12,557,066 11

SCHEDULE B.---*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		130,000 00	12,557,066 11
OCEAN AND RIVER SERVICE.—*Continued.*			
MAIL SUBSIDIES.			
Steam communication between Halifax and St. John, *viâ* Yarmouth	10,000 00		
Steam Communication on Lakes Huron and Superior	12,500 00		
Steam Service between San Francisco and Victoria, B.C.	54,000 00		
Steam Communication with the Magdalen Islands	4,200 00		
do between Nova Scotia and St. Pierre	5,000 00		
do between Grand Manan Island, N.B., and Mainland	1,500 00		
To provide for half year's Mail Subsidy between Halifax, Cork, if necessary	19,770 84		
		106,970 84	
To provide for the examination of Masters and Mates		4,250 00	
For purchase of Life Boats, Life Preservers, and Rewards for Saving Life		3,000 00	
To provide for investigation into Wrecks and Casualties, and collection of information relating to Disasters to Shipping		500 00	
Expenses in connection with Canadian Registration of Shipping		500 00	
Montreal Water Police		14,090 00	
River Police, Quebec		23,500 00	
Removal of Obstructions in Navigable Rivers		500 00	
			283,310 84
LIGHTHOUSE AND COAST SERVICE.			
Salaries and Allowances of Lighthouse Keepers		151,558 00	
Maintenance and Repairs		260,675 00	
For Completion and Construction of Lighthouses and Fog Alarms		60,000 00	
			472,233 00
FISHERIES.			
Salaries and Disbursements of Fishery Overseers and Wardens :—			
Ontario	12,000 00		
Quebec	12,000 00		
Nova Scotia, including Inspector and Assistant	15,000 00		
New Brunswick, including Inspector	10,500 00		
Prince Edward Island	1,800 00		
Manitoba	200 00		
British Columbia	1,000 00		
		52,500 00	
Maintenance and repairs of Steamer for protection of Fisheries		18,000 00	
Fish-breeding, Fishways and Oyster Beds		16,000 00	
			86,500 00
SCIENTIFIC INSTITUTIONS.			
OBSERVATORIES.			
Observatory, Quebec		2,400 00	
do Toronto		4,800 00	
do Kingston		500 00	
do Montreal		500 00	
do New Brunswick		850 00	
Grant for Meteorological Observatories, including instruments and cost of telegraphing Weather Warnings		37,000 00	
			46,050 00
Carried forward			13,445,159 95

SCHEDULE B—*Continued*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		13,445,159 95
MARINE HOSPITALS AND SICK AND DISTRESSED SEAMEN.		
MARINE HOSPITALS.		
Marine and Emigrant Hospital, Quebec	20,000 00	
Montreal General Hospital	3,000 00	
Other Ports in Quebec	2,000 00	
	5,000 00	
St. Catharines Hospital, Ontario	500 00	
Kingston do do	500 00	
	1,000 00	
Halifax General Hospital	3,500 00	
Other Ports in Nova Scotia	11,250 00	
	14,750 00	
Hospital of St. John	4,000 00	
Other Ports in New Brunswick	7,750 00	
	11,750 00	
Ports in British Columbia	4,000 00	
Ports in Prince Edward Island	3,000 00	
EXPENSES OF SHIPWRECKED AND DISABLED SEAMEN.		
Province of Quebec	2,000 00	
do Nova Scotia	4,000 00	
do New Brunswick	1,000 00	
do British Columbia	1,000 00	
do Prince Edward Island	500 00	
To re-imburse Board of Trade, London, for expenses incurred in connection with shipwrecked and distressed seamen of the Dominion.	3,000 00	
		71,000 00
STEAMBOAT INSPECTION.		
SALARIES, &c.		
Chairman	1,800 00	
Deputy Chairman	1,400 00	
Inspector, Toronto District	1,200 00	
do Montreal District	1,200 00	
do Three Rivers District	1,000 00	
do Quebec District	1,000 00	
do East Ontario District	1,000 00	
do British Columbia District	750 00	
do Manitoba District	100 00	
Travelling expenses of Chairman, and expenses in connection with Steamboat Inspection	900 00	
Clerk to Inspector	300 00	
Travelling and incidental expenses of Inspector of New Brunswick and Nova Scotia	825 00	
Travelling expenses of Inspector of Toronto District, and contingencies of office	430 00	
Travelling expenses of Inspector, Three Rivers	125 00	
do do Quebec	150 00	
do do East Ontario	260 00	
do do Montreal	200 00	
do do Manitoba	100 00	
Carried forward	12,740 00	13,516,159 95

SCHEDULE B—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	12,740 00	13,516,159 95
STEAMBOAT INSPECTION.—*Continued.*		
For purchase of Instruments and Steam Gauges	200 00	
To provide travelling expenses, office rent, &c., of Inspector, British Columbia	750 00	
Engraving and printing Engineers' Certificates, and printing Steamboat Inspection Act in French	300 00	
		13,990 00
INSPECTION OF INSURANCE COMPANIES.		
To meet expenses in connection with the Inspection of Insurance Companies		6,000 00
GEOLOGICAL SURVEY.		
Geological Survey		50,000 00
INDIANS.		
For Indians of Quebec	2,200 00	
Purchase of Blankets for aged and infirm Indians of Ontario and Quebec	1,600 00	
Indians of Nova Scotia, relief, &c	4,500 00	
do New Brunswick, relief, &c	4,500 00	
do Prince Edward Island, relief, &c	2,000 00	
INDIANS OF BRITISH COLUMBIA.		
For Victoria Superintendency 18,240 00		
Fraser do 18,321 00		
	36,561 00	
INDIANS OF MANITOBA.		
For Annuities under Treaties Nos. 1 and 2	27,000 00	
do do 3	15,640 00	
do do 5	15,860 00	
Agricultural implements, cattle, seed-grain, tools, waggons, ammunition, freighting, &c., furnished under the above-mentioned Treaties Nos. 1 and 2	12,950 00	
do do 3	6,410 00	
do do 5	4,890 00	
Provisions for Indians assembled to receive annuities under the above-mentioned Treaties	16,500 00	
Triennial supply of clothing under above Treaties	2,200 00	
SIOUX ON LITTLE SASKATCHEWAN.		
Purchase of Agricultural implements, seed-grain, tools, &c., and salary of an Agent residing on their Reserve	2,600 00	
Carried forward	155,411 00	13,586,149 95

SCHEDULE B---*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	155,411 00	13,586,149 95
INDIANS.—*Continued*		
MANITOBA SUPERINTENDENCY.		
For General expenses of the Manitoba Superintendency	18,300 00	
Salaries of School Teachers and cost of School Buildings	5,000 00	
INDIANS OF THE NORTH-WEST.		
Annuities under Treaty No. 4	32,300 00	
do do 6	40,050 00	
do do 7	33,050 00	
Agricultural implements, cattle, &c., under Treaties Nos. 4, 6 and 7	38,000 00	
Provisions for Indians assembled to receive annuities under Treaties Nos. 4, 6 and 7	37,000 00	
Ammunition, twine and rifles (Treaties Nos. 4, 6 and 7)	7,000 00	
Sioux at Qu'Appelle	1,000 00	
Surveys for Indian Reserves in the North-West	35,000 00	
General expenses of the North-West Superintendency	18,500 00	
Salaries of School Teachers, &c	7,000 00	
MISCELLANEOUS EXPENDITURE.		
To aid Indians' Schools in Ontario and Quebec where most required	5,000 00	
To bring up the annuities payable under the Robinson Treaty to the Chippewas of Lakes Huron and Superior, from 96 cents to $4 per head	14,000 00	
To purchase seed grain	2,000 00	
Further Amount required in Manitoba and North-West	5,000 00	
do do British Columbia	12,000 00	
		465,611 00
MISCELLANEOUS.		
Canada Gazette	4,000 00	
Miscellaneous Printing	10,000 00	
Unforeseen Expenses: Expenditure thereof, to be under Order in Council, and a detailed statement to be laid before Parliament during the first 15 days of the next Session	50,000 00	
Commutation in lieu of remission of Duties on articles imported for the use of the Army and Navy	12,000 00	
For the expenses of Government in the North-West Territories	17,000 00	
do do District of Keewatin	5,000 00	
For construction of Barracks in the North-West Territories	15,000 00	
To meet expenses of the Ontario Boundary Commission	15,000 00	
To meet expenditure estimated to be required to put in force the Act respecting the traffic in Intoxicating Liquors	5,000 00	
To pay a gratuity to Mrs. Coffin, the widow of the late Lieut.-Colonel W. F. Coffin, Commissioner of Ordnance and Admiralty Lands	2,000 00	
		135,000 00
Carried forward		14,186,760 95

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward....			14,186,760 9
COLLECTION OF REVENUES.			
CUSTOMS.			
Salaries and Contingent Expenses of the several Ports.			
In Province of Ontario	216,383 00		
do Quebec	200,445 00		
do New Brunswick	93,195 00		
do Nova Scotia	105,635 00		
do Manitoba and North-West Territories	12,450 00		
do British Columbia	22,308 00		
do Prince Edward Island	24,420 00		
Salaries and travelling expenses of Inspectors of Ports, and travelling expenses of other Officers on Inspection	16,000 00		
Contingencies of Head Office, covering blank books, printing, stationery, &c., for the several Ports of Entry	15,000 00		
		705,836 00	
EXCISE.			
Salaries of Officers and Inspectors of Excise	174,040 00		
Travelling expenses, rent, fuel, stationery, &c	40,000 00		
Preventive Service	5,500 00		
To pay Collectors of Customs allowance on Duties collected by them	2,000 00		
		221,540 00	
CULLING TIMBER.			
Quebec Office.			
1 Supervisor	2,000 00		
1 Deputy Supervisor and Book-keeper	1,300 00		
1 Cashier	1,200 00		
3 Specification Clerks	1,900 00		
1 Messenger	400 00		
9 Specification Clerks, viz.: 1 at $1,000; 2 at $700; 4 at $600; and 2 at $500 (8 months)	5,800 00		
Pay of Cullers	55,000 00		
Contingencies	5,000 00		
Montreal Office.			
1 Deputy Supervisor	800 00		
Book-keeper and Specification Clerks	1,000 00		
Pay of Cullers	2,755 00		
Contingencies	300 00		
		77,755 00	
Carried forward		1,005,131 00	14,186,760 95

SCHEDULE B---*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		1,005,131 00	14,186,760 95
COLLECTION OF REVENUES.—*Continued.*			
WEIGHTS AND MEASURES AND GAS.			
Salaries of 96 Deputy Inspectors of Weights and Measures	54,300 00		
do 32 Gas Inspectors	11,000 00		
Rent, Furniture and means of heating Weights and Measures Offices	15,000 00		
do do Gas Offices	3,500 00		
Contingencies; Travelling Expenses, Fuel, &c.	25,000 00		
Amount required to provide for the carrying out of the Act in British Columbia	500 00		
		109,300 00	
INSPECTION OF STAPLES.			
For the purchase and distribution of Standards of Flour, &c., and for other expenditure under the Act		3,000 00	
ADULTERATION OF FOOD.			
To meet expenses under the Act 37 Vic., chap. 8		10,000 00	
PUBLIC WORKS.			
Maintenance and Repairs.			
Salaries and Contingencies of Canal Officers	32,020 00		
Collection of Slide and Boom Dues	20,245 00		
Repairs and Working Expenses of above	366,500 00		
Intercolonial Railway	1,600,000 00		
Prince Edward Island Railway	200,000 00		
Telegraph Lines, British Columbia (including Subsidy)	41,500 00		
do between Prince Edward Island and the Mainland	2,000 00		
Agent and Contingencies, British Columbia	4,000 00		
Towards building Telegraph Line from Victoria to Nanaimo, B.C.	7,000 00		
		2,273,265 00	
POST OFFICE.			
For Ontario	777,000 00		
Quebec	474,000 00		
New Brunswick	167,000 00		
Nova Scotia	196,000 00		
Prince Edward Island	46,000 00		
Manitoba	24,000 00		
British Columbia	69,000 00		
North-West Territory	14,000 00		
		1,767,000 00	
Carried forward		5,167,696 00	14,186,760 95

SCHEDULE B---*Concluded.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		5,167,696 00	14,186,760 95
COLLECTION OF REVENUES.—*Continued.*			
DOMINION LANDS.			
Surveys of Land, Manitoba and the North-West (including Commission and Staff and Land Agencies)	80,000 00		
Surveys: Amount required for Township Surveys, Saskatchewan, and Highways, Manitoba	12,500 00		
Offices: To provide for Rent, Stationery, &c., for three new Offices	1,900 00		
		94,400 00	
MINOR REVENUES.			
To defray expenses connected with Minor Revenues		10,000 00	
			5,272,096 00
Total			19,458,856 95

No. 80.

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

BILL.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial years ending respectively the 30th June, 1878, and the 30th June, 1879, and for other purposes relating to the public service.

Received and read first and second time, Thursday, 9th May, 1878.

Mr. CARTWRIGHT.

OTTAWA:

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1878.