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No. 73.

1st Session, 1st Parliament, 31. Victoria

BILL.

An Act to amend the Act of the Province of Canada, 25 Vic., cap. 1, declaring the intention of the said Act, and confirming Conveyances made by the Trust and Loan Company thereunder.

(PRIVATE BILL.)

Hon. Sir J. A. Macdonald

OTTAWA,

An Act to amend the Act of the late Province of Canada, 25 Vic., Cap. 72, by declaring the intention of the same, and confirming Conveyances made by the Trust and Loan Company, thereunder.

WHEREAS, by an Act of the Parliament of the late Province of Canada, passed in the twenty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-two, entitled, "An Act for facilitating the conveyance by the Trust and Loan Company of Upper Canada, of lands in the Province of Canada, by and through their Commissioners or Attorneys,"—

After reciting as is recited in the preamble of the said Act, provision was made for giving publicity to and perpetuating the evidence of the appointments, from time to time, made of the persons authorized to conduct the affairs of the said Company in Canada, and to execute deeds and other documents, and perform other acts on behalf of the said Company, and for facilitating the conveyance, transfer, release and acquittance of real estate and other property by the said Company, through the said persons; And whereas the said Company did, from time to time, appoint two Commissioners or Attorneys whom, and each of whom, the said Company by Commission or Power of Attorney made, registered and advertised, in compliance with the provisions of the said Act, empowered jointly and severally to conduct the business of the said Company in Canada; And whereas, from the death of one of such Commissioners, it has happened that at times there was only one Commissioner or Attorney authorized or empowered by the said Company to conduct their business, as aforesaid; And whereas, it was the intention of the said Act to authorize the said Company to appoint either one or more Commissioner or Commissioners, Attorney or Attorneys, for the purposes therein mentioned, and in case of the appointment of more than one, to empower each severally to do and execute, on behalf of the said Company, all and every of the matters and things in any such Commission or Power of Attorney expressed, and to execute, under his private seal, valid conveyances and releases of real estate and other property of the said Company, and many such conveyances and releases have been so executed by a single Commissioner so appointed, as aforesaid; And whereas, doubts have arisen whether such intention sufficiently appears in the said Act, and it is expedient that such doubts should be removed and that the meaning of the said Act should be declared, and that all conveyances and releases heretofore made and executed in manner aforesaid, by a single Commissioner, should be confirmed; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

I. It is hereby declared that by the said Act the said Company were and are authorized and empowered to appoint one or more Commissioner or Commissioners, and by any Commission or Power of Attorney, under the corporate seal of the said Company, registered and advertised pursuant to the provisions of the said Act, to give such Commissioner or Commissioners, and to each of them jointly and severally, and to the survivor of them, in case of the appointment of more than one, full power and authority to conduct the affairs of the said Company in

Conveyances may be made by one or more Commissioners.

Canada, and to execute in manner in the said Act provided, any and all conveyances and releases as aforesaid, and that all such conveyances and releases heretofore so executed by a single Commissioner were, and the same are declared to have been, and all such releases and conveyances hereafter so executed shall be deemed to be properly executed and valid and effectual to all intents and purposes, and to as full an extent as if the same had been executed by the said Company under their corporate seal, and no further or other evidence of the sufficiency of such execution, or of the power or authority of the person or persons executing the same, shall be required for any purpose, or by any Court or person, than is required by the said Act, nor shall the said Company or any such Commissioner or Commissioners be bound to furnish or produce to any purchaser or person dealing with the said Company, any certified or other copy of any such Commission or Power of Attorney, as aforesaid. 5 10 15

Registration thereof.

2. The provisions for registration contained in the second section of the said Act, shall be held to have applied and to apply to any deed, conveyance, memorial or other instrument executed, or to be executed, under such Commission or Power of Attorney, whether the same shall have been or shall be executed by one or more Commissioner or Commissioners. 20

Certain forms not obligatory.

3. The use of the forms of conveyance in the Schedule A, to the said Act annexed, is declared to have been merely permissive and not obligatory, and all conveyances, assurances and releases heretofore made or which shall be made according to any form which would be effectual for the purpose between persons, *sui juris*, shall be deemed to have been and to be effectual to vest the subjects thereof according to the intent thereof. 25