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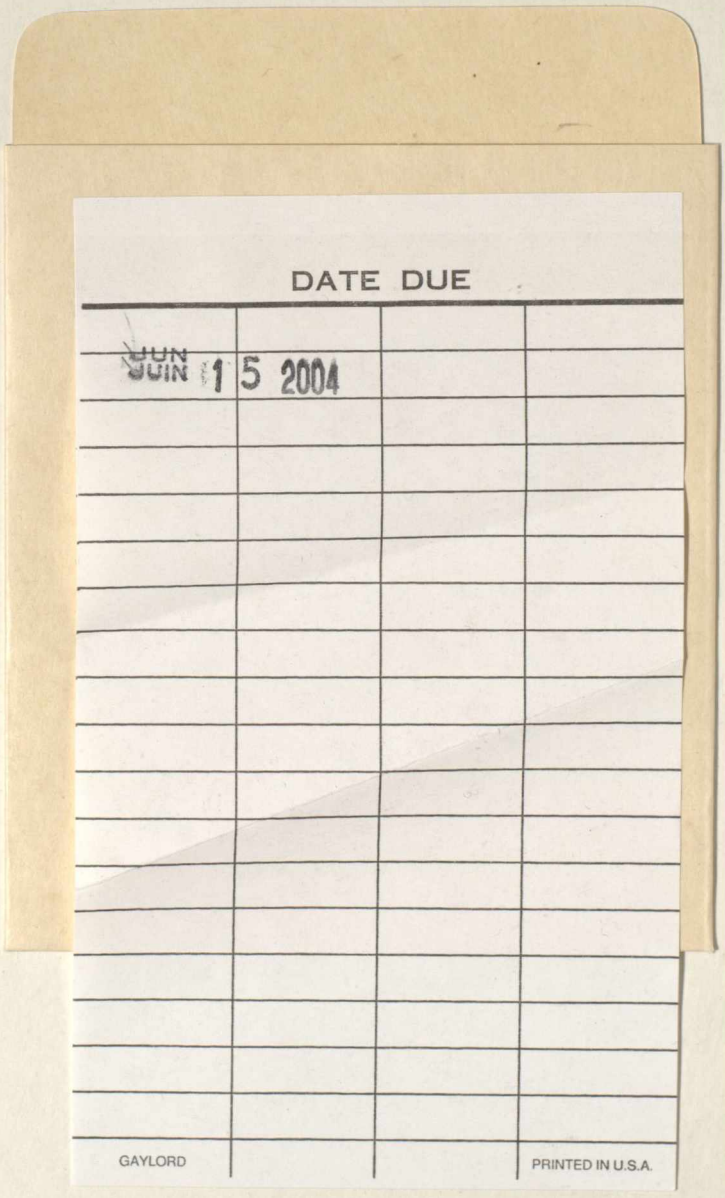

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No. 2.] **BILL.** [1870.

An Act to amend the Act respecting the Duties of Justices of the Peace out of Sessions in relation to Summary Convictions and Orders.

WHEREAS, it is expedient to amend Sections sixty-five and seventy-one of the Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. Section sixty-five of the said Act is hereby repealed, and the following section substituted: Section 65 repealed.

"65. Unless it be otherwise provided in any special Act under which a conviction takes place, or an order is made by a Justice or Justices of the Peace, any person who thinks himself aggrieved by any such conviction or order may appeal in the Province of Quebec or Ontario, to the next Court of General or Quarter Sessions of the Peace, or in the Province of Quebec, to any other Court for the time being discharging the functions of such Court of General or Quarter Sessions of the Peace in and for any district therein; in the Province of Nova Scotia, to the Supreme Court in the county where the cause of the information or complaint has arisen; and in the Province of New Brunswick, to the County Court of the County where the cause of the information or complaint has arisen: Such right of appeal shall be subject to the conditions following: Appeal.

"1. If the conviction or order be made more than twelve days before the sittings of the court to which the appeal is given, such appeal shall be made to the then next sittings of such court; but if the conviction, or order, be made within twelve days of the sittings of such court then to the second sittings next after such conviction or order; To what sittings appeal shall be.

"2. The person aggrieved shall give to the prosecutor or complainant, or to the convicting Justice, or one of the convicting Justices, for him, a notice in writing of such appeal, within four days after such conviction or order; Notice of appeal.

"3. The person aggrieved shall either remain in custody until the holding of the Court to which the appeal is given, or shall enter into a recognizance, with two sufficient sureties, before a Justice or Justices of the Peace, conditioned personally to appear at the said Court, and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; or if the appeal be against any conviction or order, whereby only a penalty or sum of money is adjudged to be paid, the person aggrieved may, although the order direct imprisonment in default of payment, instead of remaining in custody as aforesaid, or giving such recognisance as aforesaid, deposit with the Justice or Justices convicting or making the order such sum of money as such Justice or Justices deem sufficient to cover the sum so adjudged to be paid, together with the costs of the conviction or order, and the costs of the Appellant to remain in custody, or give bail, &c.

" appeal, and upon such recognisance being given, or such deposit " made, the Justice or Justices before whom such recognisance is " entered into, or deposit made, shall liberate such person if in " custody ;

Hearing of appeal.

" And the Court to which such appeal is made shall thereupon " hear and determine the matter of appeal, and make such order " therein, with or without costs to either party, including costs of " the court below, as to the Court seems meet; and, in case of the " dismissal of the appeal or the affirmance of the conviction or " order, shall order and adjudge the offender to be punished " according to the conviction, or the Defendant to pay the amount " adjudged by the said order, and to pay such costs as may be " awarded; and shall, if necessary, issue process for enforcing the " judgment of the court; and in any case where, after any such " deposit has been made as aforesaid, the conviction or order is " affirmed, the Court may order the sum thereby adjudged to be " paid, together with the costs of the conviction or order, and the " costs of the appeal, to be paid out of the money deposited, and " the residue, if any, to be repaid to the Defendant; and in any case " where, after any such deposit, the conviction or order is quashed, " the Court shall order the money to be repaid to the Defendant; " and the said court shall have power, if necessary, from time to " time, by order endorsed on the conviction or order, to adjourn " the hearing of the appeal from one sittings to another, or others, " of the said court;

In case conviction is quashed, judgment to be endorsed on the conviction.

" In every case where any conviction or order is quashed on " appeal as aforesaid, the Clerk of the Peace or other proper officer " shall forthwith endorse on the Conviction or Order a memorandum " that the same has been quashed ; and whenever any copy or " certificate of such conviction or order is made, a copy of such " memorandum shall be added thereto, and shall, when certified " under the hand of the Clerk of the Peace, or of the proper officer " having the custody of the same, be sufficient evidence in all " Courts and for all purposes, that the conviction or order has " been quashed."

Section 71 repealed.

2. Section seventy-one of the said Act is repealed, and the following substituted therefor :

No certiorari.

" 71. No conviction or order affirmed, or affirmed and amended " in appeal, shall be quashed for want of form, or be removed by " certiorari into any of Her Majesty's Superior Courts of Record; " and no warrant or commitment shall be held void by reason of " any defect therein, provided it be therein alleged that the party " has been convicted, and there be a good and valid convicton to " sustain the same."

Form of notice.

3. The Form following shall be substituted for the form of Notice of Appeal against a conviction or order contained in the Schedule to this Act.

GENERAL FORM OF NOTICE OF APPEAL AGAINST A CONVICTION OR ORDER.

To C. D. of, &c., and ——— (*the names and additions of the parties to whom the notice of appeal is required to be given*).

Take notice, that I, the undersigned A. B., of do intend to enter and prosecute an appeal at the next General Quarter Sessions of the Peace (*or other Court, as the case may be*), to be holden at , in and for the District (*or* County, United Counties, *or as the case may be*) of ,

against a certain conviction (*or* order) bearing date on or about the day of instant, and made by (you) C. D., Esquire, (one) of Her Majesty's Justices of the Peace for the said District (*or* County, United Counties, *or as the case may be*) of , whereby the said A. B. was convicted of having or was ordered to pay , (*here state the offence as in the conviction, information, or summons, or the amount adjudged to be paid, as in the order, as correctly as possible.*)

Dated this day of , one thousand eight hundred and .

A. B.

MEMORANDUM.—*If this notice be given by several Defendants, or by an Attorney, it can easily be adapted.*

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to amend the Act respecting the Duties of Justices of the Peace out of Sessions, in relation to Summary Convictions and Orders.

Reprinted as Amended by the Select Committee to whom it was referred.

Mr. DREW.

OTTAWA:

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

1870.

No. 2.] **BILL.** [1870.

An Act to amend the Act respecting the Duties of Justices of the Peace out of Sessions in relation to Summary Convictions and Orders.

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

1. Section 65 of chapter 31, 32 and 33 Victoria, intituled "An Act respecting the Duties of Justices of the Peace out of "Sessions in relation to Summary Convictions and Orders," is "hereby repealed, and the following substituted therefor: Section 65, repealed.

"Unless it be otherwise provided in any special Act under "which the conviction takes place, any person who thinks himself "aggrieved by any such conviction or order may appeal in the "Province of Quebec or Ontario, to the next Court of General or "Quarter Sessions of the Peace, which shall be holden not less "than twelve days after the day of such conviction or order, for "the district, county, or place wherein the cause of the complaint "has arisen, (or, in the Province of Quebec, to any other Court for "the time being discharging the functions of such Court of General "or Quarter Sessions, in and for such district); in the Province of "Nova Scotia, to the next term or sitting of the Supreme Court "in the County; and in the Province of New Brunswick, to a "Judge of the Supreme Court, or of the County Court of the "County where the cause of the information or complaint has "arisen; provided that such person shall give to the prosecutor or "complainant, or to the convicting justice, a notice in writing of "such appeal, and of the cause and matter thereof, within four days "after such conviction or order, and eight days, at the least, before "the holding of such Court; and shall also either remain in "custody until the holding of the Court, or shall enter into a "recognizance, with two sufficient sureties, before a Justice or "Justices of the Peace, conditioned personally to appear at the "said Court, and to try such appeal, and to abide the judgment of "the Court thereupon, and to pay such costs as shall be by the "Court awarded; or if such appeal is against any conviction or "order, whereby only a penalty or sum of money is adjudged to "be paid, may deposit with the justice or justices convicting or "making the order such a sum of money as such justice or justices "deem to be sufficient to cover the sum so adjudged to be paid, "together with the costs of the conviction or order, and the costs "of the appeal, and upon such notice being given, and such "recognizance being entered into, or such deposit being made, the "justice or justices before whom such recognizance is entered into, "or such deposit has been made, shall liberate such person, if in "custody; and the said Court shall hear and determine the matter "of the appeal, and shall make such order therein, with or without "costs to either party, as to the Court seems meet; and, in case "of the dismissal of the appeal or the affirmance of the conviction "or order, shall order and adjudge the offender to be punished "according to the conviction, or the Defendant to pay the amount "adjudged by the said order, and to pay such costs as may be

New Section substituted.

Appeal given in all cases where it is not specially otherwise provided.

Proviso: appellant to give security or bail.

Or deposit money.

Court to determine the matter.

"awarded; and shall, if necessary, issue process for enforcing such "judgment; and in any case where, after any such deposit has "been made as aforesaid, the conviction or order is affirmed, the "Court may order the sum thereby adjudged to be paid, together "with the costs of the conviction or order, and the costs of the "appeal, to be paid out of the money deposited, and the residue "thereof, if any, to be repaid to the Defendant; and in any case "where, after any such deposit, the conviction or order is quashed, "the Court shall order the money to be repaid to the Defendant; "and in every case where any conviction or order is quashed on "appeal as aforesaid, the Clerk of the Peace or other proper officer "shall forthwith endorse on the Conviction or Order a memorandum "that the same has been quashed; and whenever any copy or "certificate of such conviction or order is made, a copy of such "memorandum shall be added thereto, and shall be sufficient evi- "dence that the conviction or order has been quashed in every "case where such copy or certificate would be sufficient evidence "of such conviction or order."

If the conviction or order be quashed.

No. 2.

3rd Session, 1st Parliament, 31 Victoria 1870.

BILL.

An Act to amend the Act respecting the Duties of Justices of the Peace out of Sessions, in relation to Summary Convictions and Orders.

Received and read, First time, Wednesday, 23rd February, 1870.

Second reading, Monday, 28th February, 1870.

Mr. DREW.

OTTAWA:

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

1870.

No. 3.] **BILL.** [1870.

An Act to limit the rate of Interest.

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

Six per cent. when no agreement.

1. The rate of six per centum per annum shall continue to be the rate of interest in all cases where, by the agreement of the parties, or by law, interest is payable, and no rate has been fixed by the parties or by law.

Eight per cent may be agreed upon.

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 and recovered.

In N. S. and N. B. seven per cent.

3. In the Provinces of Nova Scotia and New Brunswick, such rate of interest shall not exceed seven per centum per annum.

In case a higher rate is agreed upon.

4. If a higher rate than seven per centum per annum, in the Provinces of Nova Scotia and New Brunswick, or than eight per centum in any other part of the Dominion of Canada, be agreed upon, such rate shall, as a penalty, be *ipso facto* reduced to six per centum per annum, and such latter rate only shall be recoverable; and if a higher rate than that authorised by this Act is paid, the amount of interest paid over and above six per centum per annum shall be recoverable by the parties by whom the same was paid, provided the action is brought within the six months next after the making of the payment.

Recovery of excess over six per cent.

Commencement of Act.

5. 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.

Powers of Banks, &c., not extended by this Act.

6. This Act shall not be construed to allow any bank or incorporated society, ar any association of persons authorized to lend money, merchandize, or other commodities, to exact a higher rate of interest than that prescribed and limited by their charters, or Acts of incorporation, or any other law specially relating to them; nor to restrain the rights of any association of persons, or of any corporation who, in virtue of any special law, or of a charter, or Act of incorporation, may now legally agree for, and receive a higher rate of interest than that authorized by this Act.

Contrary provisions repealed.

7. All laws and parts of laws incompatible with the provisions of this Act, are hereby repealed.

No. 3.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to limit the rate of Interest.

Recieved and read, First time Wednesday, 23rd February, 1870.

Second reading, Monday, 28th February, 1870.

Mr. GODIN.

OTTAWA:

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

1870.

No. 4.] **BILL.** [1870.

An Act respecting Elections of Members of the House of Commons.

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

1. This Act may be cited as "The Election Law, 1870." Short Title.

INTERPRETATION.

2. The word "Owner" when it relates to the ownership of property situated in the Province of Quebec, shall signify proprietor, either in his own right or in the right of his wife, or as usufructuary (*usufruitier*) of real estate in *franc-alleu*, or in free and common soccage; so that in the Province of Quebec, whenever any person has the mere right of property in any real property, and some other person has the usufructuary enjoyment (*la jouissance et l'usufruit*) of the same for his own use and benefit, the person who has the mere right of property therein shall not have the right of voting, as the owner of such real property, at any Election: but in such case such usufructuary (*usufruitier*) shall alone be entitled to vote at such Election upon such property. "Owner" in Province of Quebec.

2. The word "owner" when it relates to the ownership of property situated elsewhere than in the Province of Quebec, shall mean the proprietor for his own use and benefit of lands and tenements, by virtue of some legal title vesting the same in him in freehold under the tenure of free and common soccage. "Owner" in other Provinces.

3. The word "tenant" whenever used in this Act shall mean as well any person who pays rent in money, as any person who is bound to render to his landlord a portion of the produce of such property in lieu of such rent. "Tenant."

4. The word "house" wherever used in this Act shall include a part of a house occupied separately by any tenant having a separate access to the street. "House."

5. The word "City" whenever used in this Act shall mean any place incorporated as a City or recognized by Act of the Legislature as such. "City."

6. The word "Town" whenever used in this Act shall mean any place incorporated as a Town or recognized by act of the Legislature as such. "Town."

7. The word "Parish" whenever used in this Act shall be held to include any tract of land which is generally reputed to form a Parish, whether such tract has or has not been wholly or in part originally erected into a Parish, either by the Civil authorities or by a decree of the Ecclesiastical authorities. "Parish."

8. The words "Electoral District" whenever used in this Act shall mean any place in Canada entitled to return a member to the House of Commons. "Electoral District."

WHO MAY VOTE AT ELECTIONS.

IN COUNTIES.

Voters in counties.

3. Every male person shall, in and after the year one thousand eight hundred and seventy, be entitled to be registered in the List of Voters hereby required to be made, as a voter in Canada, and when registered, to vote for a member to serve in Parliament for any Electoral District, being a County or Riding of a County, or the Electoral District of Algoma, who is qualified as follows, that is to say, if he

Qualification.

Age.

1. Is of the full age of twenty-one years, and not subject to any legal incapacity; and

Subject of Her Majesty.

2. Is a subject of Her Majesty by birth or naturalization; and

Owner.

3. Is the owner of lands within the Electoral District of the actual value of two hundred dollars, and is in actual possession thereof or in receipt of the rents and profits thereof as owner; or

Tenant.

4. Is the tenant of lands within the Electoral District, under a written lease of five years or upwards, at an annual rental of Twenty dollars or upwards, and has been in possession thereof as such tenant for one year next before the day of in each year, and has really and *bonâ fide* paid one year's rent for such lands at the rate of twenty dollars or upwards per annum; provided that the year's rent so required to be paid to entitle such tenant to vote shall be the year's rent up to the last yearly, half-yearly, or quarterly day of payment, as the case may be, which shall have occurred next before the said day of in each year; And provided also that a change of tenancy during the year next before the said day of shall not deprive the tenant of his right to vote if such change be without any intermission of time, and the several tenancies be such as would entitle the tenant to vote had he been in possession of either of them as such for the year next before the said day of ; or

Occupant.

5. Is the occupant of lands within the Electoral District of the actual value of two hundred dollars, under a license of occupation or agreement to purchase from the Crown, and has been in possession thereof under the said license or agreement to purchase for one year next before the said day of ; or

Resident in Receipt of income of $400.

6. Is a resident within the Electoral District, and has been such resident for one year next before the said day of , and is in receipt of an annual *bonâ fide* income of four hundred dollars, and has been in actual receipt thereof for one year next before the said day of ;

As to voters in cities.

7. The provisions of section four shall apply to voters in every city that is attached to or forms portion of a county or riding of a county for Electoral purposes.

As to voters in towns.

8. The provisions of section five shall apply to Voters in every town that is attached to or forms portion of a County or Riding of a County for Electoral purposes.

IN CITIES.

Voters in cities.

4. Every male person shall, in and after the year one thousand eight hundred and seventy, be entitled to be registered in the List of Voters hereby required to be made as a voter in Canada, and when registered, to vote for a member to serve in Parliament for any city, or part of any city, which is an Electoral District, who is qualified as follows, that is to say: if he

Age.

1. Is of the full age of twenty-one years, and not subject to any legal incapacity; and

2. Is a subject of Her Majesty by birth or naturalization; and Subject of Her Majesty.

3. Is the owner of lands within the Electoral District of the actual value of four hundred dollars, and is in actual possession thereof, or in the receipt of the rents and profits thereof as owner; Owner.

or

4. Is the yearly tenant of a tract or parcel of land with a house thereon, within the Electoral District, at an annual rental of thirty dollars or upwards, and has been in possession thereof as such tenant for one year next before the said day of in each year, and has really and *bonâ fide* paid one year's rent for such tract or parcel of land at the rate of thirty dollars or upwards per annum; Provided that the year's rent so required to be paid to entitle such tenant to vote shall be the year's rent up to the last yearly, half-yearly, or quarterly day of payment, as the case may be, which shall have occurred next before the said day of in such year; And provided also that a change of tenancy during the year before the said day of shall not deprive the tenant of his right to vote, if such change be without any intermission of time and the several tenancies be such as would entitle the tenant to vote, had he been in possession of either of them as such for the year next before the said day of ; or Tenant.

5. Is the occupant of lands within the Electoral District of the actual value of four hundred dollars, under a license of occupation or agreement to purchase from the Crown, and has been in possession thereof under the said License or Agreement to purchase for one year next before the said day of ; or Occupant.

6. Is a resident within the Electoral District, and has been such resident for one year next before the said day of in each year, and is in receipt of an annual *bonâ fide* income of four hundred dollars, and has been in actual receipt thereof for one year next before the said day of ; Resident having income of $400,

7. The provisions of section three shall apply to Voters in such places as are not included within the bounds of cities for Municipal purposes, but are attached to, or form portions of the same for Electoral purposes. As to voters in places attached to cities.

IN TOWNS.

5. Every male person shall, in and after the year one thousand eight hundred and seventy, be entitled to be registered in the List of Voters hereby required to be made, as a voter in Canada, and when registered, to vote for a member to serve in Parliament for any town which is an Electoral District, who is qualified as follows, that is to say:—If he Voters in Towns.

1. Is of the full age of twenty-one years, and not subject to any legal incapacity; and Age.

2. Is a subject of Her Majesty by birth or naturalization; and Subject of Her Majesty,

3. Is the owner of lands within the Electoral District, of the actual value of three hundred dollars, and is in actual possession thereof, or in the receipt of the rents and profits thereof as owner; or Owner.

4. Is the yearly tenant of a tract, or parcel of land, with a house thereon, within the Electoral District, at an annual rental of twenty dollars or upwards, and has been in possession thereof as such tenant for one year next before the said day of in each year, and has really and *bonâ fide* paid one year's rent for Tenant.

such tract of land, at the rate of Twenty dollars or upwards per annum; Provided that the year's rent so required to be paid to entitle such tenant to vote, shall be the year's rent up to the last yearly, half-yearly, or quarterly day of payment, as the case may be, which shall have occurred next before the said day of in each year; And provided also that a change of tenancy during the year before the said day of shall not deprive the tenant of his right to vote, if such change be without any intermission of time, and the several tenancies be such as would entitle the tenant to vote had he been in possession of either of them, as such for the year next before the said day of ; or

Occupant.

5. Is the occupant of lands within the Electoral District, of the actual value of three hundred dollars, under a license of occupation or agreement to purchase from the Crown and has been in possession thereof, under the said license or agreement to purchase for one year next before the said day of ; or

Resident in receipt of income of $400.

6. Is a resident within the Electoral District, and has been such resident for one year, next before the said day of in each year, and is in receipt of an annual *bonâ fide* income of four hundred dollars, and has been in actual receipt thereof for one year next before the said day of ;

As to voters in places attached to Towns.

7. The provisions of section three shall apply to Voters in such places as are not included within the bounds of towns for Municipal purposes, but are attached to, or form portions of the same for Electoral purposes.

APPLICABLE TO ALL ELECTORAL DISTRICTS.

Interpretation as respects first List.

6. For the first List of Voters to be prepared under this Act, the foregoing sections shall be read as if, instead of the date of the day of therein stated, the words "the date of the first publication of the List of Voters by the Board of Registration as hereinafter provided" were inserted.

Joint tenants.

7. Whenever two or more persons are, either as partners in business, joint tenants, or tenants in common, or *par indivis*, the owners of real property or the tenants or occupants thereof, each of such persons shall be entitled to vote, and to be entered on the List of Voters in respect of such property, if the value of his part or share would be sufficient to entitle him to vote in the Electoral District within which such property is situate, if his share in such property were in his individual name; Provided that each of such persons in this section mentioned must be entered separately on the List of Voters; Provided also that if the property be owned, or held by any body corporate, no one of the members thereof shall be entitled to vote, or be entered on the List of Voters in respect of such property.

Proviso.

Proviso.

At what polls voters may vote.

8. The voters qualified as owners or tenants of real property shall vote only at the polling place established for the polling district wherein the property on which they are qualified to vote is situate; and voters voting in respect of income, at the polling place in the polling district within which they reside.

When property is situated in two polling Districts.

9. When any real property, although wholly within the same Electoral District, nevertheless lies partly within the limits of one of the polling districts therein, and partly within the limits of

another of the said polling districts, the person entitled to vote as the owner, tenant, or occupant of such property may vote in either of the said polling districts at his discretion if his name be entered in the List of Voters for such polling district.

WHO SHALL NOT VOTE AT ELECTIONS.

Persons disqualified.

10. The Chancellor and Vice Chancellors of the Province of Ontario,—all Chief Justices and Judges of Courts of Record, and all County and District Judges,—shall be disqualified and incompetent to vote at any Election.

Penalty.

2. If any person mentioned in this section votes at any such Election, he shall forfeit thereby the sum of one hundred dollars, to be recovered by such person as shall sue for the same, by action of debt, bill, plaint, or information, in and before any Court of competent civil jurisdiction in Canada, and his vote at such election shall be null and void.

Returning officer, &c., not entitled to vote.

11. No Returning Officer, Deputy-Returning Officer, Election Clerk, or Poll Clerk,—and no person who, at any time, either during the Election or before the Election, is, or has been, employed at the said Election or in reference thereto, for the purpose of forwarding the same, by any Candidate or by any person whomsoever, as Counsel, Agent, Attorney, or Clerk, at any polling place at any such Election, or in any other capacity whatever, and who has received, or expects to receive, either before, during, or after the said Election, from any candidate or from any person whomsoever, for acting in any such capacity as aforesaid, any sum of money, fee, office, place, or employment, or any promise, pledge, or security whatever for any sum of money, fee, office, place or employment,—shall be entitled to vote at any Election.

No woman to vote.

12. No woman is or shall be entitled to vote at any Election.

BOARD OF REGISTRATION.

Appointment of Board of Registration,

13. The Governor shall, within months after the passing of this Act, appoint three proper persons in each Electoral District, who shall constitute a Board of Registration of Voters, to prepare and make the voters' lists to be used under the provisions of this Act in each Electoral District, whose duties shall be as hereinafter provided, and who shall be duly sworn to the impartial performance of their duty in the form prescribed in the Schedule A to this Act annexed before any Judge or Justice of the Peace.

Proceedings of Board.

14. The Board shall, forthwith, after their appointment, select one of their number to be their Chairman, and proceed to ascertain by the best means in their power, the persons who, under the provisions of this Act, are entitled to be included in the voters' lists, hereby required to be made up and prepared by the Board, and shall enter the names of such persons in one general list for the Electoral District, distinguishing them respectively as owners, or as tenants, or as occupants, or purchasers under the Crown, showing the number of the lot or part of lot, or other description of the real property in respect of which they are so qualified, and as those entitled to vote as possessed of the requisite income qualification as herein-before provided.

Voters' Lists.

Reparation of copies and public exhibition thereof.

15. The Board shall cause a sufficient number of copies of the said list to be printed or written, and shall, on or before the day of 1870, sign and publish the same; and a copy of the said list so signed, shall be deposited in some suitable place in each Municipal division in the Electoral District, to be perused by any person, without payment of any fee, between the hours of ten in the forenoon and three in the afternoon, of any day except Sunday, during the days next after the said list has been so published. The Board shall also deliver copies of the said list to all persons applying for the same, on payment of a price therefor calculated on the actual price of printing the same, or if the copies are written, at the rate of five cents for every ten names thereon.

Notice to be appended to copies.

16. To all the copies of the list so published, shall be appended a notice to the effect following:

The Board of Registration of the Electoral District of will meet on the day of next, at at o'clock, a.m., for the preliminary revision of the voters' list. Any person objecting to any name thereon, or claiming to add a name or names to the list, or desiring any amendment thereof, must on or before the day of deliver to the Board, a statement in writing, setting forth the name objected to, the nature of the objection, and any reason they have to urge in support thereof, or a statement of the name or names proposed to be added to the list, and the reasons on account of which such addition is claimed, or of any other proposed amendment of the said list, with the reasons therefor, every such statement to be signed by, and contain the address in full of the person making the same. Dated day of 1870.

(Signed) A. B.,
Chairman.

Delay for meetings of Board.

17. The day appointed for the meeting of the Board, shall not be less than four, nor more than five weeks after that of the signing and publication of the List, and the day fixed for delivering in objections, or claims for the correction of the list, shall be at least one week before that fixed for the meeting.

Objection to order to be entered on li3t.

18. Any person intending to object to any name or names contained in the said list, shall, before, or at the time he delivers in his objection, enter on the list deposited for the perusal of the voters in the Municipal Division in which, the person whose name is objected to resides, or has his qualification, the words "objected to," and the name of the person objecting, in order that the person objected to may have notice thereof, and attend at the meeting of the Board.

Nctice of meeting.

19. Notice of the time and place of meeting shall also be given by the Board, in one or more newspapers, (if any) published or circulated within the Electoral District.

Preliminary revising of ist.

20. On the day, and at the place appointed, the Board shall publicly proceed to the preliminary revision of the list, basing such revision on the written statements delivered to them, and on the verbal statements of those persons who may then be present to give information in support of or in opposition to the written objections or claims for addition or correction, and they shall, then and there correct the list to the best of their judgement and

ability, striking off or adding thereto such names as from the evidence before them, or the best information they can command, they are of opinion ought to be struck off or added to the list.

Polling Districts.

21. The Board having completed the preliminary revision of the first general list for the Electoral District, shall, on or before the day of 1870, proceed to divide every City, Town, Ward, Parish, Township, or other Municipal division in the Electoral District, having, according to the said list, more than *six* hundred voters therein, by well-defined boundaries, such as streets, side-lines, concession lines, or the like, into Polling Districts, in such manner that the number of voters in the several Polling Districts in the Electoral District, shall be as nearly equal as may be, and shall not in any one exceed *six* hundred.

Numbering of Polling Districts.

22. The Polling Districts shall be numbered consecutively, in and by the order by which they are established, and a copy of such order certified under the hand of the Board, to be a true copy, shall be forthwith after the making thereof, filed with the Revising Barrister, appointed as hereinafter mentioned.

Lists for each Polling Districts.

23. Immediately after the sub-division of the Electoral District into Polling Districts, the Board shall prepare from the first general list of Voters, as preliminarily revised by them, a separate Voters' list for each Polling District, containing, in alphabetical order, the names of all Voters, qualified according to law, to vote at any Election at the Poll established in such Polling District; such list shall contain the residences of such Voters (if known to the Board) and the nature of their qualifications respectively, and the lists so prepared for the several Polling Districts shall, after the final correction by the Board and the further revision by the Revising Barrister as hereinafter provided, be the first Voters' Lists to be used at any Election of a Member of the House of Commons under this Act.

FINAL REVISION OF THE VOTERS' LISTS BY THE BOARD.

Proceedings to final revision.

24. With a view to the final revision and correction of the Voters' Lists, the Board shall cause a sufficient number of copies of each List to be made or printed, and on or before the day of 1870, shall sign and publish the same, and shall cause copies of the same to be posted up in at least three public places within the Polling District, and shall deliver copies thereof to all persons who shall apply for the same, upon their paying therefor a price calculated upon the cost of printing the same; or if the copies be in writing, at the rate of five cents for every ten names on the list, and to each such list shall be appended a notice to the effect following:

Notice.

The Board of Registration for the Electoral District of will meet at (*some suitable place within the polling district*) on the day 1870. at o'clock, a.m., to proceed with the final revision of the Voters List, for Polling District No.

All objections and claims for additions thereto must be made in writing and delivered to the Board on or before day of 1870.

Dated

(Signed) A. B.
Chairman.

Delay for meeting of Board.

25. The day fixed for the meeting of the Board shall not be less than nor more than days after the signing and posting of the Voters List for the Polling District, and the day fixed for the delivery of applications for the correction of the list, must be at least days before the day of meeting.

List to be finally revised.

The Board shall meet on the day, and at the place appointed, and shall proceed to hear and determine the applications delivered to them for the correction of the list, and finally to revise the list, in the manner and subject to the formalities following:

Person complaining as to his own name.

26. If any person deems himself aggrieved, either by the insertion or omission of his name in any such list, he shall, either by himself, or his agent, give notice thereof in writing to the Board within the period fixed by the notice, stating generally, in what manner, and for what reasons, he holds himself aggrieved; and the complaint shall be tried and determined by the Board at the time and place appointed as aforesaid.

As to the name of any other person.

27. If any person, being himself a voter, whose name is on the list, thinks that the name of any other person also entered thereon ought not to have been so entered because such other person is not duly qualified as a voter,—or thinks that the name of any other person not entered thereon should be so entered because such person is duly qualified as a voter, he may file a complaint to that effect with the Board within the period aforesaid, stating his claim and the grounds thereof.

Notice to party objected to.

28. Any person who proposes to strike a name from the list, shall give the party objected to at least three clear days notice in writing, either personally, or by causing it to be left at his last or usual place of abode, if he resides within the Electoral District, and if he does not reside within the Electoral District, he shall cause such notice to be posted up in the office, or at the place of meeting of the Board. The party objecting shall, if required by the Board, prove the giving or posting of such notice on oath to their satisfaction before the objection is heard.

Complaint to be decided upon after hearing.

29. At the time and place so appointed, or at any other time to which the hearing may be adjourned, the Board shall, after hearing such of the parties notified, as then and there appear, or without hearing any of them who fail so to appear, finally determine the complaint, and affirm or amend the list by entering thereon or erasing therefrom such names, as after such hearing they think right.

Proceedings and powers of Board.

30. The Board shall hear and determine any such complaint as aforesaid, and correct the list of voters, according to such determination, and may adjourn the hearing in any case at pleasure, and may examine any party or any witness adduced by any party, or any documents or writings offered as evidence, and administer, or cause any one of their number to administer an oath or affirmation to any party or to any witness adduced before them, or summon any person resident in the Electoral District to attend as a witness before them;—And if any person being so summoned shall fail to attend at any time and place mentioned in the summons (being tendered compensation for his time at the rate of fifty cents a day, such compensation to be paid by the party whom the said Board condemns to the payment thereof,) he shall thereby incur a penalty of twenty dollars, to be recovered with costs, to the use of the Crown.

Person summoned failing to atttend.

31. All the proceedings under the two next preceding sections shall be summary, and the Board hearing any such complaint as aforesaid shall not be bound by any technical rules of proceedings or evidence, but shall proceed upon and determine such complaint, and revise and correct such lists to the best of their ability, in such manner as they deem most conducive to equity, and the substantial merits of the case. Proceedings to be summary.

32. After any list has been revised and finally corrected, the Board shall deliver the same certified, as hereinafter prescribed, to the proper Revising Barrister under this Act. Delivery of List to Revising Barrister.

33. The Members of the Board shall, prior to the delivery of the said list to the Revising Barrister, certify by oath or affirmation before a Judge, or before any two Justices of the Peace, in the form B in the Schedule to this Act, to the correctness of the list so by them made out. And all such lists shall be completed and delivered as aforesaid, on or before the day of in the year 1870. List to be certified on oath.

34. If the Board neglects to revise, make up and deliver the lists, or wilfully transmits an incorrect list, for every such neglect, or wilful delivery, or transmission of an incorrect list, each member thereof shall be liable, for so contravening this Act, to a penalty of one hundred dollars, which any person may recover with costs. Penalty for neglect.

35. The lists so finally revised by the Board, and delivered by them to the Revising Barrister, shall be the lists which in virtue of the thirty-ninth and following sections of this Act the Revising Barrister is bound to revise and correct, during the year 1870, and the Revising Barrister shall, with respect to the said lists, perform the same duties, and observe the same formalities, with a view to their revision and correction, as by the said thirty-ninth and following sections, he is bound to perform and observe, in relation to the lists to be revised and corrected by him in the year 1871, and from year to year thereafter. Lists finally revised to be Lists referred to in s. 39, &c.

36. After the voters' lists have been finally revised, corrected, and certified, as hereinbefore prescribed, to the Revising Barrister and until other lists are in a future year made, revised, and corrected in their stead, those persons only whose names are entered upon such lists as finally revised and corrected, shall be entitled to vote in the polling districts, for which they were respectively made, at any Election of a Member of the House of Commons, and the said lists shall be binding on any Committee of the House of Commons appointed for the trial of any Petition, complaining of an undue election or return of a Member to serve in the House of Commons. Voters entered on Lists only to vote.

37. In case of the death, resignation, or inability to act of any member of the Board, the Chairman, or a member thereof, shall immediately notify the fact to the Governor, who shall at once appoint some fit and proper person to fill the vacancy, and to continue the functions of such deceased or retiring member, until the duties of the Board are accomplished. In the case of any difference of opinion on any matter before the Board, the decision of the majority shall be binding and conclusive. Vacancy in Boards.

38. The said Board shall receive a compensation of for their services, and payment of any necessary expenses incurred by them in preparing the voters' lists. Compensation

REVISING BARRISTERS.

Recital.

39. And whereas for the purpose of maintaining a complete Register of all persons who may, from time to time, be entitled to vote at Elections of Members of the House of Commons, it is expedient that the said voters' lists should be, once in each year, corrected, and that lists should be annually made out in the manner hereinafter mentioned :—

Appointment of Revising Barrister.

40. The Governor shall from time to time appoint a Barrister for each Electoral District in the Province of Nova Scotia, to revise the lists of voters therein, and may, if he sees fit, from time to time appoint a Revising Barrister to act in the place and stead of any Judge of the Superior Court for the Province of Quebec, in any Electoral District therein, and the Judges of the Superior Court for the Province of Quebec, and the Judges of the County Courts in the Provinces of Ontario and New Brunswick, shall act as, and have, and possess within their respective Districts and Counties, or within such Electoral Districts as may be assigned to them by the Governor, all the powers and authorities of Revising Barristers under this Act.

Revising Barrister to be sworn.

41. The Revising Barrister, when not a Judge, shall, before entering upon the duty of revising the lists of voters under this Act, be duly sworn to the impartial performance of the duty in the form prescribed in the Schedule C to this Act annexed.

Revision of lists by him.

42. The Revising Barrister shall, on or before the first day of in the year 1871, and each year thereafter ascertain, by the best means in his power, the persons whose names, under the provisions of this Act, are entitled to be added to the voters' lists hereby required to be revised by the said Revising Barrister, and shall enter the names of such persons therein, distinguishing them respectively as owners, or as tenants, or as occupants, or as purchasers under the Crown, showing the number of the lot, or part of lot, or other description of the real property in respect of which they are so qualified, and as those entitled to vote as possessed of the requisite income qualification, and shall also ascertain the names of such persons as should be withdrawn from the said lists by reason of death, or other disqualification, and shall erase the same from such lists.

Circuit to be made and open Courts to be held.

43. In order to the perfection and revision of such lists, the Revising Barrister appointed to revise the lists of any Electoral District shall make a Circuit, and hold open Courts for such revision in each of the places appointed as polling Districts in such Electoral District, and at any other places within the said Electoral District which he shall think expedient, at convenient times between the day of inclusive, and the day of inclusive, in the then current year, commencing with the year 1871, and shall, ten days at the least before the holding of such Court of Revision, appoint the several times and places at which the said Courts will be holden, and declare the lists which will be revised at each of the said Courts, and the Revising Barrister shall forthwith cause public notice thereof to be given by advertisement in one or more of the newspapers (if any) published or circulating within the Electoral District, and shall cause a sufficient number of copies of the said notice and of the voters' list for each Polling District to be posted up in three of the most public places therein.

Courts of Revision in Cities and Towns.

44. For the revision of the voters' lists in Polling Districts which are Wards or other subdivisions of cities or towns, the Revising Barrister instead of holding a court in each such Polling District, may appoint some central place in such city or town at which to hold his Court of Revision for the several Polling Districts therein, appointing a separate day, and holding a separate court for each Polling District as above provided.

Notice to person objected to.

45. Any person who intends to apply to the Revising Barrister to have the name of any voter on the list removed therefrom, shall give, at least, three days' notice in writing to the party objected to, if he resides within the Electoral District, either personally, or by leaving it, or causing it to be left at his last or usual place of abode, and if the party objected to does not reside within the electoral district, by posting up a copy of such notice at the place at which the Revising Barrister holds his court, three days, at least, before the court is held.

Notice by person desirous of having name added to list.

46. Any person desiring to have his own name, or that of any other person, added to the list, shall, in like manner, make known his intention to make such application, by a notice to that effect, stating the name or names proposed to be added, posted in the place in which the court is to be held three days, at least, before the holding thereof.

Proceedings of Revising Barrister.

47. At the time and place appointed, the Revising Barrister shall attend and hear all applications to remove any name from or to add any name to such list of voters; and shall determine such applications in a summary manner at such Court or any adjournment thereof, and in such way as he thinks best for ensuring justice to all parties; and may direct that any further notice be given to any party, if he thinks proper, and shall have the powers for summoning before him and examining on oath or affirmation, any party or witness, and compelling the production of any document, paper, or thing, and generally all other powers which are vested in any Court of Record in relation to any matter pending before it, but shall not be bound to observe any form of proceeding, except such only as he shall deem necessary for doing substantial justice to all parties, and for ensuring the correctness of the lists.

Alphabetical lists to be prepared.

48. The Revising Barrister shall, after such revision make out a correct alphabetical list of voters for each polling district, and on or before the day of in each year, shall certify, and if he is not a judge shall certify, by oath or affirmation, before any Justice of the Peace, to the correctness of the lists so by him revised and made out and shall forward the same duly certified to the Clerk of the Crown in Chancery and shall retain, and be the custodian of a duplicate original thereof certified as aforesaid. And all such lists shall be completed and delivered as aforesaid on or before the day of in each year.

When lists shall be deemed finally revised.

49. Any list of voters shall be considered finally revised and corrected, when it has been so certified as correct by the Revising Barrister, and shall be binding on any Committee of the House of Commons, appointed for the trial of any petition, complaining of an undue Election or return of a Member.

Copies of lists at elections.

50. The Revising Barrister shall, at every election held in his

electoral district, furnish to the Deputy Returning Officer, appointed for each polling district, a copy or duplicate of the voters' list for such polling district, to be used by him at the poll held therein.

Subdivision of Polling Districts.

51. Whenever the number of voters in any Polling District, shall increase so as to exceed six hundred, or whenever the Revising Barrister considers that the convenience of the voters would be promoted by a new and different subdivision, he shall again subdivide any City, Town, Ward, Parish, Township or other Municipal Division in which such Polling District is situate, into Polling Districts so as to conform to the intent and meaning of this Act, and so again, from time to time, as like occasion shall require, using on all occasions after the first division thereof, the then last revised and corrected voters' lists for that purpose, and the Revising Barrister, after making such subdivision, shall make a new order establishing the same.

Revision of subdivision.

52. At any time within one month after the making of such order, an application for the revision of such subdivision may be made at the instance of any five of the voters, to the Revising Barrister, who shall promptly correct such subdivision, so as to conform to the true intent and meaning of this Act, or otherwise deal therewith as may seem to him right.

New voters' lists.

53. Immediately after any such new subdivision shall have been finally made, the Revising Barrister shall prepare new voters' lists in accordance therewith, and shall certify and transmit the same as hereinbefore provided.

In case of non-revision of lists.

54. If from any cause the list of voters for any Polling District is not made up and revised and corrected in any year, the list last made and revised shall be used in its stead, for the purpose of any Election.

Copies of lists, how obtainable.

55. Any Revising Barrister having the custody of the lists of voters of any Electoral District, shall furnish a certified copy of such lists, or any of them, then last revised and corrected, to any person who shall require such copy, on being paid for the same by such person, at the rate of five cents for every ten voters whose names are on such list.

Remuneration of Revising Barrister.

56. Every Judge or other Revising Barrister shall be paid the sum of by way of remuneration to him, and in satisfaction of his travelling and other expenses in revising and correcting such lists in each Electoral District and also at the rate of five cents for every ten names on each copy of the lists sent to the Clerk of the Crown in Chancery.

RETURNING OFFICERS.

Returning Officer.

57. The Governor shall appoint a proper person to be Returning Officer for each Electoral District.

Qualification of Returning Officer.

58. No person shall be so appointed, or act as Returning Officer, unless at the time of his appointment, he is a voter in the Electoral District, nor unless he has continually resided therein during at least twelve months immediately preceding his appointment; and any person who, being so appointed, acts as Returning Officer for any Electoral District, without possessing the qualifications hereinbefore required, shall thereby incur a penalty of two hundred dollars.

Who shall not be appointed Returning Officer, &c.

59. The persons hereinafter mentioned in this section shall not in any case be appointed or act as Returning Officer, or as Deputy-Returning Officer, or as Election Clerk, or as Poll Clerk; that is to say:

First.—The Members of the Privy Council;

Second.—The Members of the Senate;

Third.—The Members of the House of Commons;

Fourth.—Ministers, Priests, Ecclesiastics, or Teachers of any form or profession of religious faith or worship;

Fifth.—The Judges of the Courts of Superior Civil and Criminal Jurisdiction and the Judges of District and County Courts;

Sixth.—Persons who have served in Parliament, as Senators or Members of the House of Commons in the session next immediately preceding an election, or in the then present session, if the Election takes place during a session;

Penalty for contravention.

And if any one of the persons above mentioned in this section acts as Returning Officer, or as Deputy-Returning Officer, or as Election Clerk, or as Poll Clerk, he shall thereby incur a penalty of two hundred dollars.

Persons not compelled to serve as Returning Officer.

60. The persons hereinafter mentioned in this section, shall not be obliged to act as Returning Officer, or Deputy Returning Officre, or as Election Clerk or Poll Clerk; that is to say:

First.—Physicians or Surgeons;

Second.—Millers;

Third.—Post-Masters;

Fourth.—Persons being sixty years of age, or upwards;

Fifth.—Persons who have previously served as Returning Officers, at any Election for a Member of the House of Commons.

61. Every person having the qualification required by this Act for acting as Returning Officer, who refuses to perform the duty of Returning Officer at any Election, after having received the Writ of Election, shall for such refusal incur a penalty of two hundred dollars; unless such person, having a right to claim the exemption granted by the next preceding section, has, in fact, claimed such exemption within two days next after the receipt of such Writ of Election.

ISSUE OF THE WRIT.

Summoning of House of Commons.

62. It shall be lawful for the Governor, from time to time, as occasion shall require, in Her Majesty's name, and by an instrument or instruments under the Great Seal of Canada, to summon and call together the House of Commons.

Period for issuing writs.

63. Every writ of Election shall be issued by the Governor within fourteen days after the sealing of such instrument as aforesaid, for summoning and calling together such House of Commons, and shall have fifty days, at furthest, between the teste and return thereof, except in the cases mentioned in the next section, and shall be addressed, and directed, and delivered to the Returning Officer appointed by the Governor for the Electoral District in which an election is to be held.

Return of certain writs.

64. Any writ issued for the Election of a Member for the Electoral District of Gaspé, or for the Electoral District of Chicoutimi and Saguenay, may be made returnable at any time within ninety days from the day on which the same shall bear date.

PROCEEDINGS ON THE RECEIPT OF THE WRIT.

Duty of Returning Officer.

65. The Returning Officer shall, on receiving the writ of Election, forthwith endorse thereon the date of its reception:

Proclamation to be issued.

66. Within eight days next after the day of such reception, he shall, by a Proclamation under his hand, issued in the English language, in the Provinces of Ontario, Nova Scotia, and New Brunswick, and in the English and French Languages in the Province of Quebec, and in the form D of the Schedule annexed to this Act, fix the place, day, and hour, at which he will proceed to hold the Election;

Posting thereof.

67. He shall cause the said Proclamation to be posted up, in the manner hereinafter prescribed, at least eight days before the day which, by such Proclamation, he has fixed for holding the said Election, which day so fixed shall be called Nomination Day;

Place of holding election.

68. The place at which the Election shall be held, shall be fixed by the Returning Officer, and shall be in the public place most central and most convenient for the great body of the Voters in the Electoral District for which he is acting as such Returning Officer, and the hour to be fixed shall be between eleven o'clock in the forenoon, and two o'clock in the afternoon, of the day by him fixed for opening such Election.

Day for holding election.

69. In and by the Proclamation, the Returning Officer shall also declare the day on which, in case a Poll be granted as hereinafter provided, such Poll shall be opened, in conformity to this Act, in each Polling District.

70. The Returning Officer, on receiving the Writ of Election, shall fix one polling place for each Polling District, in the most central and convenient place for the Voters of such Polling District: Provided that the polling places shall be at least two hundred yards distant from each other in Cities, Towns, and Incorporated Villages, and at least one mile distant from each other in Parishes, Townships, or other places subdivided into Polling Districts; but the building in which the poll is held shall not be a tavern or place of public entertainment, and there shall be free access thereto to every Voter.

Where Proclamation to be posted in.

71. If the Election be for a City or Town, he shall cause the Proclamation to be posted up, at the City or Town Hall, and in some public place in each Ward of such City or Town, and in the Province of Quebec, also at the door of at least one Church or Chapel, or other place of Public Worship;

Where in counties.

72. If the Election be for a County or Riding, he shall cause the said Proclamation to be posted up at the Town Hall, where there is one, and in at least one other public place in each Polling District, and in the Province of Quebec, also at the door of at least one Church or Chapel, or other place of Public Worship, where there is one;

Delay.

73. Neither the day of nomination nor that of the posting of such Proclamation, shall be included within the said eight days;

What in certain electoral districts.

74. The Proclamation issued by a Returning Officer for the Electoral District of Gaspé, or the Electoral District of Chicoutimi

and Saguenay, fixing the place, day and hour at which he will proceed to hold the election, shall be posted up at least twenty days before the day which by such Proclamation he has fixed for holding such election;

Penalty for neglect.

75. Any Returning Officer refusing or neglecting to cause such Proclamation to be posted up as above required, shall, for such neglect or refusal, incur a penalty of one hundred dollars.

Oath of Returning Officer.

76. The Returning Officer shall, before the day so by him fixed for opening the Election, take and subscribe before a Justice of the Peace for the County or District in which he resides, the Oath E in the Schedule to this Act; and such Justice of the Peace shall (under a penalty of forty dollars, in case of refusal,) deliver to him, under the hand of such justice, and in the form F of the said Schedule, a certificate of his having taken the said Oath, which, together with the said certificate, shall be annexed to his return to the Writ of Election; And any Returning Officer who refuses or neglects either to take and subscribe the said Oath, or to annex it with the said certificate to his return, shall, for such refusal or neglect, incur a penalty of forty dollars.

THE ELECTION CLERK.

Appointment of Election Clerk.

77. The Returning Officer shall, before the Nomination Day, appoint, by a Commission under his hand, in the Form G, in the Schedule to this Act, a fit person to be his Election Clerk, and to assist him in the performance of his duties as Returning Officer:

His Oath.

78. The Election Clerk shall take and subscribe, either before a Justice of the Peace, or before the Returning Officer, the Oath in the Form H in the said Schedule, and of his having taken such Oath, there shall be delivered to him, by the person before whom he has been sworn, and under his hand, a certificate in the form I in the said Schedule;

Penalty on refusing to act.

79. Any person so appointed as Election Clerk, who refuses to accept the office, or who, having accepted it, refuses or neglects to take and subscribe the Oath hereby required of him, or to perform the duties of Election Clerk, shall, for such refusal or neglect, incur a penalty of forty dollars;

New Election Clerk in certain cases.

80. The Returning Officer may, either before or after the Nomination Day, appoint in the manner above mentioned, another person as his Election Clerk, whensoever the case requires, either by reason of the death, illness or absence of any Election Clerk previously appointed, or of his refusal or neglect to act; and the new Election Clerk shall perform all the duties, and comply with all the obligations of his office, under the same penalty in case of refusal or neglect on his part, as is hereinbefore imposed in like cases;

In case of inability to act of Returning Officer.

81. Whenever any Returning Officer becomes unable to perform the duties of his office, whether by death, illness, absence, or otherwise, the Election Clerk, so by him appointed, shall, under the same penalties in case of refusal or neglect on his part, as are hereinabove imposed in like cases on the Returning Officer, act as and shall be Returning Officer for the Election, and shall perform all the duties and obligations of that office, in like manner as if he had been duly appointed Returning Officer, and without being

required to possess any other qualification, or to take any new Oath for that purpose; and in any such case, the Election Clerk shall annex to his Return to the Writ of Election the certificate of the Oath he has taken as Election Clerk, and also the Oath itself.

PROCEEDINGS ON THE NOMINATION DAY.

How nomination to be conducted.

82. Every Returning Officer shall, at the time and place by him fixed for opening the Election (which shall be held in the open air, at a place to which all the Voters may have free access), proceed to the Hustings, and shall make, or cause to be made, in the English and French languages in the Province of Quebec, and in the English language in the other Provinces of Canada, in the presence of the Voters there assembled at the Hustings, a Proclamation in the Form J. in the said Schedule, and shall then and there read, or cause to be read publicly in the English and French languages in the Province of Quebec, and in the English language in the other Provinces of Canada, the Writ of Election, and his Commission as Returning Officer, and shall then require the Voters there present to name the person or persons whom they wish to choose at the said Election to represent them, in obedience to the said Writ of Election;

No show of hands.

83. No show of hands shall be taken on the Nomination day; but if at the Nomination more than one candidate be proposed, and a poll is then and there demanded by or on behalf of any one or more of such candidates, the Returning Officer shall grant a poll for taking and recording the votes.

How a poll demanded.

84. Any voter present, or any candidate in person, or by his agent, may demand a poll, and when at any such Election a poll is demanded, if the Returning Officer neglect or refuse to grant the same, the Election shall be *ipso facto* null; and such Returning Officer shall, for such refusal or neglect, incur a penalty of one thousand dollars.

If there be only one candidate.

85. If only one candidate be nominated, or if all the candidates nominated. except one, then and there publicly and openly withdraw, the Returning Officer, shall, at the expiration of one hour from the Nomination of such candidate, and not before, close the Election, and shall then and there openly proclaim the person so chosen to be duly elected.

Proclamation of polling day.

86. When at any Election a Poll has been granted, the Returning Officer, immediately after having granted such Poll, and before adjourning his proceedings, shall publicly proclaim from the hustings the day previously fixed in and by his first proclamation, on which, and the place at which the Poll shall be so opened separately in each Polling District, for the purpose of then and there taking and recording the votes.

Time between nomination and polling day.
Further delay in certain districts.

87. The Returning Officer shall allow at least six days, and not more than ten to elapse between the day so by him fixed for opening the Election, and the day by him fixed for opening the Poll, except only that in the Electoral District of Gaspé, and in the Electoral District of Chicoutimi and Saguenay, there shall be at least fifteen days, and not more than thirty days, between the day so fixed by the Returning Officer for opening the Election, and the day for opening the Polls;

AGENTS FOR ABSENT CANDIDATES.

88. At any Election, whether at the Hustings or at the polling places, in the absence of any person authorized in writing to act as Agent for any absent candidate, any voter in the interest of such candidate, may, at any time during the Election, declare himself to be and may act as the Agent of any such candidate without producing any special authority in writing for that purpose. Candidates' agents.

CANDIDATES' QUALIFICATION AND DECLARATION.

89. A person capable of being elected a Member of the House of Commons, shall be a male British Subject, of the age of twenty-one years and upwards, and for six months previous to the teste of the writ of Election have been legally seized as of freehold for his own use, of land in Canada, of the value of two thousand dollars over and above all incumbrances; and before he shall be capable of being elected, shall, on or before the day of Nomination make the following declaration :— Members' Qualification.

"I, A. B., do declare and testify that I am duly seized at law or "in equity as of freehold, for my own use and benefit, of lands or "tenements held in free and common soccage, (or duly seized or "possessed for my own use and benefit of lands or tenements held "in *franc alleu, or as the case may be*) in Canada, of the value of "two thousand dollars, over and above all rents, mortgages, charges "and incumbrances charged upon or due and payable out of or "affecting the same, and that I have not collusively or colorably "obtained a title to, or become possessed of, the said lands and "tenements, or any part thereof, for the purpose of qualifying or "enabling me to be returned a Member of the House of Commons "of Canada; and I further declare that the lands or tenements "aforesaid, consist of: *(stating and giving a correct description "of the lands and tenements on which he claims to be qualified to "be so elected, and of their local situation).* His Declaration.

90. Any person who, knowingly and wilfully, makes any false statement in the declaration last above mentioned, shall be deemed guilty of a misdemeanour, and shall, on being duly convicted thereof, incur the same pains and penalties as may, by law, be inflicted on persons guilty of wilful and corrupt perjury. Penalty on false description.

91. Any person may, with a view to his becoming a candidate as a Member of the House of Commons, make, at any time within one year before the Nomination Day for any Election at which he may be nominated, the declaration mentioned in the next but one preceding section. When declaration may be made.

92. When such declaration is so made by any Candidate, it shall be made either before the Returning Officer, or before some Justice of the Peace, and such Returning Officer, or Justice of the Peace, shall take the same, and shall attest it by writing at the foot thereof, the words "taken and acknowledged before me," or other words to the like effect, and by dating and signing such attestation; Before whom it may be made.

93. Any Candidate who delivers, or causes to be delivered, such declaration so made and attested, to the Returning Officer, at any time before the day of Nomination, as above mentioned, shall be deemed to have complied with the law to all intents and purposes Certificate to be delivery of Declaration.

as regards such declaration; and any Returning Officer thereunto so required, shall be bound (under a penalty of two hundred dollars, in case of refusal) to give forthwith, after such declaration is delivered to him, to the Candidate, or other person who has delivered the same, an acknowledgement under his hand, of the delivery of such declaration;

When declaration shall be deemed to be delivered.

94. Every declaration shall, for all the purposes of such Election, be deemed to have been made on the day on which it has been so delivered to the Returning Officer, by the Candidate, or any person on his behalf, whatever be the date of its receipt, or of its attestation, and the possession of such declaration shall be *primâ facie* evidence of the possessor's having been authorized by the Candidate to deliver it to the Returning Officer.

PROCEEDINGS WHEN A POLL IS GRANTED.

Proclamation of day for opening Poll.

95. When, at any Election, a poll has been granted, the Returning Officer, having publicly proclaimed from the hustings the day and place at which the poll shall be so opened, in each polling district, shall procure suitable buildings for taking the poll.

Poll not to be opened on certain days.

96. The day to be fixed for holding the poll shall not be a Sunday, New Year's Day, Good Friday, Christmas Day, or the day observed as the Birthday of the Sovereign; and the poll shall be opened and held on that day only, so that there shall be but one day's polling at any election.

Hours during which poll is to be open.

97. On the day of polling, the voting shall commence at eight o'clock in the forenoon, and shall finish at five in the afternoon of the same day.

DEPUTY RETURNING OFFICERS.

Appointment and duties of Returning Officer.

98. For the purpose of taking the votes at any Election, the Returning Officer shall, by a commission, under his hand, and in the form K, in the schedule to this Act, appoint some suitable person to be Deputy Returning Officer for each polling district, and shall thereby require such Deputy Returning Officer to open and hold the poll, according to law, at the time and place fixed, as hereinbefore provided, and to take and record at such poll, in a book, which such Deputy shall keep, or cause to be kept, for that purpose, in the form L. in the said schedule, the votes of the voters at the said poll, and to return to him the said poll book, signed with his hand, and sealed with his seal, on or before the third day after closing the poll.

Oath of D. R. Officer.

99. The Deputy Returning Officer, shall, before acting as such, take and subscribe, either before a Justice of the Peace, or before the Returning Officer, the oath in the form M, in the said schedule, and of the taking of such oath, there shall be delivered to him by the person, before whom he has taken it, a certificate under the hand of such person in the form N, in the said schedule.

Case of refusal to act.

100. Any person, so appointed a Deputy Returning, Officer who refuses to accept the office, or who, after having accepted the same, refuses or neglects, either to take and subscribe the oath, or to perform the duties of a Deputy Returning Officer, shall, for such neglect or refusal, incur a penalty of one hundred dollars.

101. The Returning Officer may appoint, in the manner above provided, another person to be Deputy Returning Officer, when and so often as the case may require such appointment, either by reason of the death, illness, or absence of a Deputy Returning Officer previously appointed, or by reason of his refusal or neglect to act in that capacity, and such new Deputy Returning Officer, so appointed, shall perform all the duties and obligations of the office, under the same penalties in case of refusal or neglect on his part, as are hereinabove imposed in like cases. Appointment of another D. R. O.

PROCEEDINGS PRELIMINARY TO POLLING.

Lists of Voters,

102. The Returning Officer, upon granting a poll at any Election, shall ascertain that every Deputy Returning Officer is in possession of a certified copy of the proper list of voters for the polling district for which he is Deputy Returning Officer. Duty of R. O. as to voters' list.

103. If the copy in the possession of the Deputy Returning Officer has been lost or destroyed, the Returning Officer shall procure from the Revising Barrister a copy certified by him to be correct of the proper list of voters for such polling district, and shall cause the same to be delivered to the Deputy Returning Officer. In case the copy has been lost, &c.

104. The Returning Officer shall deliver to each Deputy Returning Officer the necessary poll book for polling and recording the votes. Poll books.

105. The Returning Officer shall be authorized to include any charge for obtaining such certified copies in the account of the general expenses of holding such Election, furnished by him to the Government. Charges for lists.

Poll Clerks.

106. Every Deputy Returning Officer shall, by a commission under his hand, and in the form O, in the schedule to this Act, appoint a poll clerk to assist him in taking the poll; and each poll clerk shall, before acting as such, take and subscribe, either before a Justice of the Peace, or before the Returning Officer, or such Deputy Returning Officer, the oath in the form P. in the said schedule, of the taking of which oath there shall be delivered to him, by the person before whom it has been taken, a certificate under his hand, in the form Q. in the said schedule. Oath on appointment.

107. Any person so appointed a Poll Clerk, who refuses to accept the office, or who, after having accepted the same, refuses or neglects either to take and subscribe the oath hereby required of him, or to perform the duties of a Poll Clerk, shall, for such neglect or refusal, incur a penalty of forty dollars. In case of refusal to accept office.

108. The Poll Clerk shall, at the polling place for which he is appointed, aid and assist in the performance of the duties of his office, the Deputy Returning Officer appointed to open and keep the poll at such place, and shall obey the orders of the said Deputy Returning Officer. Duties.

109. If the Deputy Returning Officer refuses or neglects to perform the duties of his office, or becomes unable to perform them, In case D. R. O. refuses to act.

either by death, illness, absence, or otherwise, and if in any such case no other Deputy Returning Officer, duly appointed by the Returning Officer in the place of the former, appears at the polling place, then the Poll Clerk shall, under the same penalties as are hereinbefore imposed in like cases on a Deputy Returning Officer, act at such poll as Deputy Returning Officer, and perform all the duties and obligations of that office, in the same manner as if he had been appointed Deputy Returning Officer by the Returning Officer, and without being bound to take any new oath for that purpose.

Appointment of another Poll Clerk.

110. Whenever any Poll Clerk, in the case hereinbefore provided, acts as Deputy Returning Officer, he may appoint, by a commission under his hand, in the form O. in the said schedule, another person as Poll Clerk, to aid and assist him as aforesaid in the performance of the duties of his office, and may administer to such person the oath required of a Poll Clerk by this Act; and the Poll Clerk so appointed shall have the same duties and obligations as if he had been appointed Poll Clerk by the Deputy Returning Officer himself.

Same in another case.

111. Whenever any Poll Clerk, refuses or neglects to perform his duty as such, or becomes unable to perform it, either by death, illness, absence, or other cause, the Deputy Returning Officer, whose Poll Clerk he was, may appoint by a commission under his hand in the form O. in the said schedule, another person as Poll Clerk at the said polling place, to aid and assist him in the duties of his office, and may administer to him the oath required of a Poll Clerk by this Act.

TAKING AND RECORDING THE VOTES.

Duty of D. R. O. as to poll books.

112. The Deputy Returning Officer shall write, or print in full, at the head of each page of the poll-book used by him, the number of such page, and certify the same by his signature, as follows:— "Page Number One," (*or* Two, *or as the case may be*) "A. B. Deputy Returning Officer;" and he shall certify in full words, at the foot thereof, (before entering any name or vote in the next succeeding page,) the first and last name, and the total number of votes entered thereon, and shall then sign the same, which certificate shall be to the effect following:—"I certify that the total "number of names of persons, whose votes are recorded on this "page, is , whereof the first name is C. D., and the last "is E. F.—Signed, A. B., Deputy Returning Officer."

How votes to be recorded.

113. The Deputy Returning Officer shall, at the polling-place kept by him, record, or cause to be recorded in the poll-book, and in the order in which they are given, the votes of those voting at such polling-place, by entering therein the name, surname, legal addition, and residence of each voter, and, by showing by the insertion of the word "Owner," or "Tenant," or "Occupant," or "Income," in the poll-book, whether it is as owner, or as a tenant, or occupant, or as possessed of the requisite income qualification, that such voter claims the right of voting at such poll; and when any voter has taken the oath required of him by this Act, the Deputy Returning Officer shall state in the poll-book that such oath was taken by the voter, by entering, opposite his name, in the proper column in the poll-book, the word "Sworn," and nothing more.

114. In every case where the vote of any person is objected to by any candidate or his agent, the Deputy Returning Officer shall enter the objection in his poll-book, by writing opposite the name of the voter, in the column for objections, the words "Objected to" only, mentioning, at the same time, by which candidate, or on behalf of which candidate, the objection has been made, by adding after the words "Objected to" the name only of such candidate. In case voters objected to.

115. The Deputy Returning Officer, at any Election, shall receive the vote of any person, whose name he finds in the proper list of voters furnished to him, or in his possession: Provided that such person shall, if required by any candidate, or the agent of any candidate, or by the Deputy Returning Officer himself, take the oath or affirmation, which such Deputy Returning Officer is hereby empowered to administer, in the form in this section contained; and no other oath or affirmation shall be required of any person whose name is entered on any such list of voters. Votes of persons on lists to be recorded.

You swear (*or*, solemnly affirm) that you are the person named by the name of on the list of voters now shown unto you (*showing the list to the voter*); and as such entitled to vote at this Election; that you are a subject of Her Majesty by law; that you are of the full age of twenty-one years; that you have not voted before at this Election for this Electoral District, either at this or any other polling-place; and that you have not received anything, nor has anything been promised 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 therewith; so help you God.

116. No question of qualification shall be raised at any Election, except to ascertain whether the party tendering his vote, is the party designated in the List of Voters; whether he is a subject of Her Majesty, of the full age of twenty-one years; whether he has voted before at the Election for the Electoral District; whether he has received or been promised anything as an inducement to vote, or in compensation for loss of time, or for travelling expenses, hire of team, or any other service connected with the Election. What question of qualification may be raised.

117. Whenever any Deputy Returning Officer has reason to know, or believe, that fraud or violence is being practiced in violation of the rights of voters, by which undue votes are tendered, or that any voter is not qualified, or has already voted at the said Election, and offers to vote again, or tenders his vote under a false name or designation, or personates or represents himself falsely as being on the list of voters, the Deputy Returning Officer, under a penalty of two hundred dollars, shall administer the oath authorized by law to such voter, whether he be required to do so or not by any party, and mention thereof shall be made in the poll-book. If D.R.O. knows that fraud is being practised.

118. When any person offering to vote, has been so required by the Deputy Returning Officer, or by candidate, or his agent to take such oath, or make such affirmation, and refuses to take or make the same, his refusal shall be stated by the Deputy Returning Officer in his poll-book, by entering opposite the name of such person the word "Refused;" and in every such case, the vote shall not be taken or recorded in the said poll-book; and if any vote is in any such case taken and recorded, it shall be, *ipso facto*, null and void; and the Deputy Returning Officer shall, for having taken and recorded the same, or for having caused it to be taken and recorded in his poll-book, incur a penalty of two hundred dollars. In case of refusal to take oath.

Translator to be employed when required.

119. The Deputy Returning Officer may, if occasion requires, employ an interpreter to translate the oath or affirmation required of any voter, as well as any lawful questions necessarily put to him, and his answers; and such interpreter shall take before the Deputy Returning Officer the oath or affirmation following:— "I swear (*or* affirm) that I will faithfully translate such oaths, "declarations, questions, and answers, as the Deputy Returning "Officer shall require me to translate at this Election; so help me "God."

Duty of D.R.O. at close of poll.

120. The Deputy Returning Officer shall, at the close of the polling, certify under his signature on the poll-book, and in full words, the true state of the votes to the effect following:— "I certify that the number of votes polled at the close of the "polling, in the Polling District of the Electoral "District of is (*the total number "of votes polled*) , whereof G.H., a candidate, has "polled ; J. K., a candidate, has polled ; L. M., "a candidate, has polled (*as the case may be*).—Signed, "A. B., Deputy Returning Officer;" of which state of the votes he shall give certified copies to any person demanding the same, before he, the said Deputy Returning Officer, leaves the polling-place.

No scrutiny by Returning Officer.

121. No Returning Officer, or Deputy Returning Officer, shall grant, make, or enter into any scrutiny of the votes given at any Election.

PENALTIES FOR VOTING FRAUDULENTLY.

False personation of a voter.

122. If, at any Election, any person knowingly personates and falsely assumes to vote in the name of another person whose name appears on the list of voters, whether such other person be then living or dead, or if the name of the said other person be the name of a fictitious person, such person shall be guilty of a misdemeanor, and shall, on being convicted thereof, be liable to a fine of two hundred dollars, or to be imprisoned for a term not exceeding six months, or both, at the discretion of the Court.

Wilfully voting when disqualified.

123. Any person who votes more than once at the same Election, shall, for so doing, incur a penalty of two hundred dollars, and every vote he gives shall be null and void.

Fraudulent conveyance of lands, effect of.

124. If any lands or tenements are transferred or conveyed to any person, by any title or instrument whatever, fraudulently, and for the purpose of giving him the qualification requisite to enable him to vote, and if such person votes at any Election, upon such lands and tenements, he shall incur a penalty of two hundred dollars; and, nevertheless, such transfer or conveyance, notwithstanding any agreement to annul or revoke the same, or to reconvey such lands or tenements, shall be valid, as between the parties thereto; and every such agreement to annul or revoke any such transfer or conveyance, or to reconvey such lands and tenements, shall be null and void.

PROCEEDINGS AFTER THE CLOSE OF THE POLLS.

Oath of Poll Clerk.

125. The Poll Clerk shall, after the closing of the Poll at which he has acted as such, but before the Deputy Returning Officer who has kept the same, has returned the poll book to the Returning

Officer, make and subscribe, either before a Justice of the Peace, or before the said Deputy Returning Officer, or before the Returning Officer himself, the oath in the form R, in the schedule hereunto annexed, which oath shall thereafter be annexed to the poll book.

Oath of D. R. O.

126. The Deputy Returning Officer, who has kept and closed the poll, shall, before returning the poll book to the Returning Officer, make and subscribe, either before a Justice of the Peace, or before the Returning Officer, the oath in the form S, in the said schedule, which oath shall thereafter be annexed to the poll book; and the Deputy Returning Officer shall return the poll book with such oath attached, to the Returning Officer, or deposit the same in the nearest post office, as hereinafter provided, on or before the third day after closing the polls.

Neglect of formalities.

127. Any Deputy Returning Officer, or Poll Clerk, 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, incur the penalty of two hundred dollars.

Delivery or transmission of poll books to R. O.

128. The Deputy Returning Officer shall deliver the poll book, with the commissions of the Deputy Returning Officer and Poll Clerk, their respective oaths of office, and the oaths in the forms R. and S., attached thereto, personally to the Returning Officer; or shall deposit the same under a sealed cover addressed to the Returning Officer at his usual place of residence, in the nearest post office, if the same be nearer than the residence of the Returning Officer, and shall mention on the outside of such cover, the day and hour when it was so deposited, and that it is to be transmitted by post, and shall sign such statement, and take a proper receipt therefore, which the postmaster is hereby required to give; and any Deputy Returning Officer failing therein, or in any of the obligations or formalities herein prescribed as the duties of the Deputy Returning Officers, and any postmaster, or other person, having taken charge of such poll book, and failing to transmit the same so covered and sealed in the same state in which he received it, in due time and manner, shall incur a penalty of two hundred dollars, or be imprisoned for a term not exceeding six months, or both, at the discretion of the Court.

CLOSING THE ELECTION AND PROCEEDINGS THEREAFTER.

Number of votes to be ascertained by R.O.

129. The Returning Officer shall, so soon as he shall have received all the poll books used at the election, by counting and adding up from each poll book, ascertain the total number of votes taken and received for each candidate at the election, as certified and sworn to by the several Deputy Returning Officers, and shall, within ten days thereafter, make and transmit by mail, his return to the Clerk of the Crown in Chancery; and he shall also, upon application, deliver to each of the candidates or their agents, or, if no application be made, he shall, within the same period, transmit by mail to each candidate, a duplicate of such return, which duplicate shall stand in lieu of an indenture.

In case poll book be lost.

130. In case any poll book is stolen, or taken from its lawful place of deposit for the time being, or has been lost or destroyed, or otherwise placed beyond the reach of the Deputy Returning Officer to whom the custody of such poll book for the time being belonged, at any time before he has made his return of the same

to the Returning Officer, such Deputy Returning Officer shall attend personally on the Returning Officer and report to him the the fact of the loss of the said poll book; and the Poll Clerk of such Deputy Returning Officer, so soon as he is informed of such loss, personally, or by letter, either by or from such Deputy Returning Officer, or the Returning Officer himself, or has other good reasons for believing that such loss has occurred, shall forthwith attend personally on the Returning Officer.

Examination of D. R. O. and Poll Clerk.

131. The Returning Officer shall examine the Deputy Returning Officer and Poll Clerk upon oath or affirmation, as to the loss of the poll book and the contents thereof, which examination shall be taken down by him in writing, and be subscribed by the Deputy Returning Officer and Poll Clerk, and annexed to the return in lieu of the poll book; and the number of votes which the Returning Officer shall, by this means, find to have been recorded in such poll book for each candidate at the election, shall be included in his summing up of the votes at the election, as if the same had been taken from the poll book.

Penalty on refusal to attend or give evidence.

132. If either the Deputy Returning Officer or the Poll Clerk omits to attend on the Returning Officer as hereby required, or refuses to be sworn or affirmed by the Returning Officer as aforesaid, he shall incur a penalty of two hundred dollars, and in the case of such refusal to be sworn or affirmed, he shall be committed by the Returning Officer to the common gaol of the County or District, until thence discharged by an order in that behalf made by the House of Commons.

If R. O. thinks poll book has been tampered with.

133. When the Returning Officer, having received any poll book, or any document connected with the election, has reason to believe that the same has been altered, injured, or obliterated, or that additions have been made thereto, he shall establish the true facts, in the manner above provided, in case of the loss of any poll book.

Copies of poll books.

134. The Returning Officer shall make, or cause to be made, exact copies of all the poll books returned to him by his several Deputies, and within ten days after making his return to the Clerk of the Crown in Chancery, as provided by the one hundred and twenty-ninth section of this Act, shall deposit such copies, duly certified by him, with the Revising Barrister for the Electoral District, and the Revising Barrister shall allow inspection thereof to any person who may demand the same, on payment of a fee of twenty cents, and shall allow such person to take copies of the same at his own expense.

Original books, how dealt with.

135. The Returning Officer shall forward to the Clerk of the Crown in Chancery, with his return to the Writ of Election, the original poll books, and lists of voters used at the election, duly certified as such by him.

KEEPING THE PEACE AND GOOD ORDER AT ELECTION.

R. O. and D. R. O. to be conservators of the Peace.

136. From the time when any Returning Officer or Deputy Returning Officer has taken and subscribed the oath of office as such, until the day next after the closing of the polls at the election, such Returning Officer, or Deputy Returning Officer, respectively, shall be a conservator of the peace, and invested, for the maintenance of the peace, for the arrest, detention, or admission

to bail, trial, and conviction of any person or persons who break the law or trouble the peace, with the same powers with which a Justice of the Peace is invested.

Their powers as such.

137. For the maintenance of the peace and of good order at such election, the Returning Officer, or Deputy Returning Officer, respectively, may require the assistance of all Justices of the Peace, constables, and other persons present at the election, whether at the place of holding the election, or at any polling place, to aid him in so doing, and may also swear in as many special constables as he deems necessary.

May arrest by verbal order.

138. The Returning Officer, or Deputy Returning Officer, respectively, may arrest, or cause to be arrested, by verbal order, and may place in the custody of one or more constables, or other persons, for such time as in his discretion he deems expedient, any person disturbing the peace and good order, or may cause such person to be imprisoned for any such offence, under an order signed by him, for any period not later that the final closing of the election, or of the poll, respectively; which order, all persons shall obey without delay, under a penalty, for any refusal or neglect so to do, of twenty dollars.

Arrest not to interfere with other penalties.

139. No such arrest, detention, or imprisonment, shall, in any manner, exempt the person so arrested, detained, confined, or imprisoned, from any pains or penalty to which he has become liable by reason of anything by him done contrary to the true intent and meaning of this Act, or otherwise.

Special constables.

140. On a requisition in writing made by a candidate, or by his agent, or by any two or more electors, the Returning Officer, or Deputy Returning Officer, shall swear in special constables.

R. O. may demand surrenderof offensive weapons.

141. The Returning Officer or Deputy Returning Officer may, during any part of the day whereon any election is to be begun, holden or proceeded with, demand and receive from any person whomsoever, any offensive weapon, such as fire arms, swords, staves, bludgeons, or the like, with which any such person is armed, or which any such person has in his hands, or personal possession: and every such person, who, upon such demand, declines or refuses to deliver up to the Returning Officer, or Deputy Returning Officer, any such offensive weapon as aforesaid, shall be deemed guilty of a misdemeanor, punishable by fine not exceeding twenty dollars, or imprisonment not exceeding three months, or by both, at the discretion of the Court.

Penalty for battery.

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

Entertainment of voters illegal.

143. No candidate shall, with intent to promote his election, nor shall any other person, with intent to promote the election of such candidate, either provide or furnish entertainment at the expense of such candidate or other person, to any meeting of electors assembled for the purpose of promoting the election, previous to or during the election at which he is a candidate, or pay for, procure or engage to pay for, any such entertainment; except only

Exception. that nothing herein contained shall extend to any entertainment furnished to any meeting of electors, by or at the expense of any person or persons at his, her, or their usual place of residence.

Strangers not to enter polling district armed.

144. Except the Returning Officer or his Deputy, or the Poll Clerk, or one of the constables, or special constables, appointed by the Returning Officer, or his Deputy, for the orderly conduct of the election or 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 Election, 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 fire arms, 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 two miles of the place where the poll for such Polling District is held, unless called upon to do so by lawful authority.

Flags or ensigns not to be supplied or carried.

145. No candidate or any other 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 intent that the same should be carried or used in such Electoral District, on the day of Election, or within eight days before such day, or during the continuance of such Election or 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 such candidate, or of the political or other opinions entertained, or supposed to be entertained, by such candidate; nor shall any person, for any reason, carry or use any such ensign, standard, set of colours, or other flag, as a party flag, within such Electoral District on the day of any such Election or polling, or within eight days before such day, or during the continuance of such Election.

Ribbons or favors not to be furnished or worn.

146. No candidate or any other person, shall furnish or supply any ribbon, label, or the like favor, to or for any person whomsoever, with intent that the same should be worn or used within such Electoral District on the day of Election or polling, or within eight days before such day, or during the continuance of such Election, by such person, or any other, as a party badge to distinguish the wearer as the supporter of such candidate, or of the political or other opinions entertained, or supposed to be entertained, by such candidate; nor shall any person use or wear any ribbon, label, or other favor, as such badge, within such Electoral District, on the day of any such Election or polling, or within eight days before such day, or during the continuance of such Election.

Penalty.

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

Taverns to be closed.

148. Every hotel, tavern, or shop, in which spirituous or fermented liquors or drinks are ordinarily sold, shall be closed during the day appointed for the polling, in the polling districts in which the polls are held; and no spirituous or fermented liquors, or drinks, shall be sold, or given to any person, within the limits of any polling district during the said period, under a penalty of one hundred dollars in every such case.

149. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly; Certain corrupt practices defined to be bribery.

(1) Every person who shall, directly, or indirectly, by himself, or by any other person, on his behalf, give, lend, or agree to give or lend, or shall offer, or promise any money or valuable consideration, or promise, or endeavour 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 shall corruptly do any such act as aforesaid, on account of such voter having voted, or refrained from voting at any Election :

(2.) Every person who shall, directly, or indirectly, by himself, or by any other person, on his behalf, give or procure, or agree to give or procure, or offer or promise, any office, place or employment, or promise to procure, or endeavour 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 shall corruptly do any such act as aforesaid, on account of any voter having voted, or refrained from voting at any Election :

(3.) Every person who shall, directly, or indirectly, by himself, or by any other person, on his behalf, make any gift, loan, offer, promise, procurement, or agreement, as aforesaid, to or for any person, in order to induce such person, to procure, or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any Election :

(4.) Every person who shall, upon, or in consequence of any such gift, loan, offer, promise, procurement or agreement, procure or engage, or promise, or endeavour to procure, the return of any person to serve in Parliament, or the vote of any voter at any Election :

(5.) Every person who shall advance, or pay, or cause 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 at any Election, or who shall knowingly pay or cause to be paid, any money to any person in discharge or repayment of any money, wholly or in part expended in bribery at any Election : and,

Any person so offending, shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of $200, to any person who shall sue for the same, with full costs of suit; Provided always that the actual personal expenses of any candidate, 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. Penalty on offenders.

150. The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly :— Persons doing certain acts declared to be guilty of bribery.

(1.) Every voter who shall, before or during any Election, directly, or indirectly, himself, or by any other person, on his behalf, receive, agree, or contract 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 refraining, or agreeing to refrain from voting at any Election.

(2.) Every person who shall, after any Election, directly or indirectly, by himself, or by any other person on his behalf, receive, any money or valuable consideration, on account of any person

having voted, or refrained from voting, or having induced any other person to vote or refrain from voting at any Election.

Penalty.

151. 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.

Houses of entertainment.

152. No candidate shall, by himself, or by any other person, on his behalf, open, and support, or cause to be opened or supported, at his costs and charges, any house of public entertainment for the accommodation of the voters.

Recital.

153. And whereas doubts may arise as to whether the hiring of teams and vehicles, to convey voters to and from the polls, and the paying of railway fares, and other expenses of voters, be or be not, according to law, it is declared and enacted, that the hiring,

Certain payments, &c., declared illegal.

or promising to pay or payment for any horse, team, carriage, cab or other vehicle, by any candidate, or by any person on his behalf, to convey voters to or near or from the poll, or from the neighbourhood thereof, at any Election, or the payment by any candidate, or by any person on his behalf, of the travelling and other expenses of any voter, in going to, or returning from any Election, shall be illegal 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 who shall hire any horse, cab, cart, waggon, sleigh, carriage, or other conveyance for any candidate, or for any agent of a candidate, for the purpose of conveying voters to or from the polling place, or places, shall, *ipso facto*, be disqualified from voting at such Election, and, for every such offence shal forfeit the sum of one hundred dollars to any person who shall sue for the same.

Threats of violence, &c.

154. Every person who shall, directly, or indirectly, by himself. or by any other person, on his behalf, make use of, or threaten to make use of, any force, violence or restraint, or inflict, or threaten the infliction by himself, or by or through any other person, of any injury, damage, harm or loss, or in any manner practise 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 Election, or who shall, by abduction, duress, or any fraudulent device or contrivance, impede, prevent, or otherwise interfere with, the free exercise of the franchise of any voter, or shall thereby compel, induce, or prevail upon any voter, either to give or refrain from giving his vote at any Election, shall be deemed to have committed the offence of undue influence, and shall be guilty of a

Penalty.

misdemeanor. and shall also be liable to forfeit the sum of two hundred dollars, to any person who shall sue for the same, with full costs of suit.

No excuse for not answering questions in suits, &c., touching election.

155. 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 select committee, touching or concerning any Election, 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 crim-

inal proceeding against such person, other than an indictment for perjury, if the Judge, commissioner, or chairman of the committee, 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 committee.

Contracts or promises relating to election, void.

156. Every executory contract, or promise, or undertaking, in any way referring to, arising out of, or depending upon, any election 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 Election.

PENALTIES AND PUNISHMENTS.

Stealing or tampering with poll books.

157. If any person unlawfully, either by violence or stealth, takes from any Deputy Returning Officer or Poll Clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroys, injures or obliterates, or causes to be wilfully or maliciously destroyed, injured or obliterated, or makes or causes to be made any erasure, addition of names or interlineation of names, in, to or upon, or aids, counsels or assists in so taking, destroying, injuring or obliterating, or making any erasures, addition of names, or interlineation of names, in, to or upon, any list of voters or writ of Election, or any return to a writ of Election, or any poll book, certificate or affidavit, or any document or paper made, prepared, or drawn out according to or for the purpose of meeting the requirements of this Act or any of them, every such offender shall be guilty of felony and shall be liable to imprisonment in the Penitentiary for any term, not exceeding seven years, nor less than two years, or to be imprisoned in any other gaol or place of confinement for any period less than two years, with or without hard labour. And it shall not be necessary in any indictment for such offence, to allege that the article in respect of which the offence is committed, is of any value or the property of any person.

Abettors in misdemeanours.

158. Every person who aids, abets, counsels or procures the commission of any misdemeanor under this Act, shall be liable to be indicted and punished as a principal offender.

Recovery of penalties.

159. All penalties imposed by 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 until he has paid the amount which he has been so condemned to pay and costs.

What need be stated in any suit.

160. 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 had acted contrary to this Act, without mentioning the Writ of Election, or the return thereof.

Writ of Election need not be produced.

161. 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.

Limitation of actions.

162. Every action, suit, or information given by this Act, shall be commenced within the space of one year next after the act committed, and not afterwards.

False swearing, perjury.

163. Every person taking any oath or affirmation under this Act, who wilfully swears or affirms falsely, shall be deemed guilty of perjury.

FEES AND EXPENSES.

Fees to officers

164. The fees hereinafter mentioned, and no other, shall be allowed to the several officers hereinafter mentioned, respectively, for their services and disbursements at any election, that is to say:—

RETURNING OFFICERS.

Tariff of fees.

(1.) Drawing proclamation.....*one dollar*

(2.) Paid printing fifty copies.....*actual cost*

(3.) Mileage on posting same, for each mile necessarily travelled, from place to place, to be taxed as sheriff's mileage on summoning jurors ..... *ten cents per mile.*

(4.) Holding Election and making return (if no contest), including appointment and swearing Election Clerk..... *ten dollars.*

(5.) Election Clerk, one day.....*two dollars.*

(6.) Two Constables, one day (each),.....*one dollar;*—

And the following additional charges in contested cases:—

(7.) Appointing Deputies, and swearing them (each),...*fifty cents.*

(8.) Furnishing poll books, and copies of voters' lists, when necessary, actual cost not exceeding.....*five cents for ten names.*

(9.) Mileage to deliver same to deputies, when necessary; only one mileage for both, to be taxed as above per mile.....*ten cents.*

(10.) Making up and transmitting returns to the Clerk of the Crown in Chancery (including duplicates to each candidate, and all other necessary services connected therewith), ...*ten dollars.*

(11.) Copy of poll books to be deposited with Revising Barrister, actual cost not exceeding.....*five cents for every ten names.*

(12.) For services under clauses such amount as the Governor may think reasonable under the circumstances of the case.

(13.) Postage.....*amount actually paid out.*

(14.) Pay of Election Clerk, one day.....*two dollars.*

(15.) Mileage of Returning Officer and Election Clerk, going to and returning from the Election on Nomination day (each),.....*ten cents for every mile necessarily travelled.*

DEPUTY RETURNING OFFICERS.

(16.) Taking the polls, including all the services connected therewith, and making returns.....*four dollars.*

(17.) Paid Poll Clerk, one day.....*two dollars.*

(18.) Paid one Constable, one day .....*one dollar.*

(19.) For each polling booth, *actual cost, not exceeding four dollars.*

IN CITIES AND TOWNS.

(20.) To Returning Officers in Cities and Towns, holding Election and making returns when no contest (exclusive of actual charge for printing),.....*ten dollars.*

(21.) When Election contested (exclusive of actual charge for printing).....*twenty dollars.*

(22.) To Deputy Returning Officers, Election Clerks, Poll Clerks, and Constables, the same charge as at rural Elections; and the like charge, for polling booths, as in rural polling places; which said fees, allowances, and disbursements, shall be paid over to the Returning Officer, by warrant of the Governor, directed to the Receiver General, out of the Consolidated Revenue Fund of the Dominion, and shall be distributed by such Returning Officer to the several officers and persons entitled to the same under the provisions of this Act, which distribution he shall report to the Governor through the Secretary of State.

MISCELLANEOUS PROVISIONS.

Administration of oaths.

165. Any person before whom it is hereby required that any oath be taken, or any affirmation made in the manner herein provided, shall administer such oath, or affirmation gratuitously.

Copy to Returning Officer, &c.

166. One copy 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.

Repeal. Con. Stat. Can., cap. 6, 23 Vict., cap. 7. 24, Vic., cap. 25. 27 Vic., cap. 3. 29, 30 Vic., cap. 13. N.B. 18 Vic. cap. N.S. 26 Vic., cap. Rev. Stat. N. S., cap. 4

167. Upon, from, and after the completion, revision, and correction of the first lists of voters under this Act, in and for each Electoral District, Chapter six of the Consolidated Statutes of the late Province of Canada, entitled, *An Act respecting Elections of Members of the Legislature;* the Act passed by the Legislature of the late Province of Canada, in the twenty-third year of Her Majesty's Reign, Chapter seventeen, entitled *An Act for the more effectual prevention of corrupt practices at Elections;* the Act passed by the Legislature of the late Province of Canada, in the twenty-fourth year of Her Majesty's reign, chapter twenty-five, entitled *An Act to amend chapter six of the Consolidated Statutes of Canada, respecting Elections of Members of the Legislature, and for the removal of all doubts as to the right of appeal in the cases hereinafter mentioned;* the Act passed by the Legislature of the late Province of Canada, in a Session held in the twenty-seventh year of Her Majesty's Reign, chapter eight, entitled, *An Act to amend the Laws respecting the qualification and registration of voters in Lower Canada;* the Act passed by the Legislature of the late Province of Canada, in the twenty-ninth and thirtieth years of Her Majesty's Reign, chapter thirteen, entitled, *An Act to amend chapter six of the Consolidated Statutes of Canada, intituled "An Act respecting Elections of Members of the Legislature,"* also an Act passed by the Legislature of the Province of New Brunswick, in the eighteenth year of Her Majesty's Reign, entitled, *An Act to regulate the Election of Members to serve in the General Assembly;* the Act passed by the Legislature of the Province of Nova Scotia, in the twenty-sixth year of Her Majesty's Reign, intituled, *An Act to regulate the Election of Members to serve in the General Assembly;* and chapter four of the Revised Statutes of Nova Scotia, relating to the prevention of corrupt practices at Elections, and all other Acts, and parts, or clauses of Acts, passed by the said Legislatures, amending the said Acts, or any of them,

and all other Acts or enactments conflicting or inconsistent with this Act are hereby repealed, so far as the same relate to the Election of Members of the House of Commons, in and for such Electoral District, but as regards any Election held or to be held in any Electoral District, or any proceeding had taken, or depending thereunder, prior to the completion of such voters' lists, as aforesaid, the laws now in force in the Province in which any such Election has been or may be held, or such proceeding has been, or may be had or taken, or may be depending thereunder, shall continue to have full force and effect.

SCHEDULE A.

OATH REFERRED TO IN SECTION FIFTEEN.

We, the undersigned Members of the Board of Registration, duly appointed for the Electoral District of , do hereby solemnly swear that we will well and faithfully discharge the duties assigned to us, without favor or partiality, that we will place no name on the list of voters, and will strike no name off the same, unless we shall be satisfied that the same, by the law under which we have been appointed as such Board, should be placed on, or struck off the same, and that we shall, in all respects, conform to the said law, to the best of our judgment and ability.

Sworn at this day of
A. D. 1870.

Before me

J. P.

B.

OATH REFERRED TO IN SECTION THIRTY-THREE.

We, the undersigned Members of the Board of Registration of Voters for the Electoral District of , do hereby solemnly swear that we have faithfully discharged the duties assigned to us; that we have prepared, revised, and corrected the voters' lists for the said Electoral District, now by us delivered to the Revising Barrister, to the best of our judgment and ability, and without favor or partiality, and in comformity to the Election Law of 1870, so help me God.

Sworn at this day of
A. D. 1870.

Before me

C.

OATH REFERRED TO IN SECTION FORTY-ONE.

I, the undersigned Revising Barrister, appointed under the Election Law of 1870, in and for the Electoral District of , do hereby solemnly swear that I will well and faithfully discharge the duties assigned to me, under the said Act, without favor or partiality, that I will place no name on the list of voters, and will strike no name off the same, unless I shall be satisfied that the same by the law should be placed on or struck off the same, and that I shall, in all respects, conform to the said law, to the best of my judgment and ability.

D.

REFERRED TO IN THE SIXTY-SIXTH SECTION OF THIS ACT.

Proclamation of the Returning Officer declaring the time and place fixed for the opening of the Election, and also the day for opening the poll.

PROCLAMATION.

Electoral District of , to wit:

Public Notice is hereby given to the Electors of the County, (*or as the case may be*) of , that, in obedience to Her Majesty's Writ to me directed, and bearing date the day of the month of , I require the presence of the said Electors at , in the County (*or* Township, *or* in the City or Town) of on the day of the month of , at o'clock in the noon, for the purpose of electing a person (*or* persons, *as the case may be*), to represent them in the House of Commons of Canada; and that in case a Poll be demanded and allowed in the manner by law prescribed, such Poll will be opened on the day of the month of , in the year , in each of the Polling Districts, of which due notice will be given on the Day of Nomination. Of all which, every person is hereby required to take notice and to govern himself accordingly.

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

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

E.

OATH REFERRED TO IN THE SEVENTY-SIXTH SECTION OF THIS ACT

Oath of the Returning Officer.

I, the undersigned, A. B., Returning Officer for the Electoral District of solemnly swear (*or, if he be one of the persons permitted by law to affirm in civil cases,* solemnly affirm) that I am legally qualified according to law to act as Returning Officer for the said Electoral District of , and that I will act faithfully in that capacity. without partiality, fear, favor or affection; so help me God.

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

F.

FORM REFERRED TO IN THE SEVENTY-SIXTH SECTION OF THIS ACT.

Certificate of Returning Officer having taken Oath of Office.

I, the undersigned, hereby certify that on the day of the month of , 18 , A. B., the Returning Officer for

the Electoral District of , took and subscribed before me, the Oath (*or* Affirmation) of office, in such case required of a Returning Officer, by the section of "The Election Law of 1870."

In testimony whereof, I have delivered to him this Certificate.

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

G.

FORM REFERRED TO IN THE SEVENTY-SEVENTH SECTION OF THIS ACT.

Commission of an Election Clerk.

To E. F. (*set forth his legal addition and residence*).

Know you, that in my capacity of Returning Officer, for the Electoral District of , I have appointed, and do hereby appoint you, to be my Election Clerk, to act in that capacity according to law, at the approaching Election, for the said Electoral District of , which Election will be opened by me, on the day of the month of 18 .

Given under my hand, this day of the month of , in the year 18 .

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

H.

OATH REFERRED TO IN THE SEVENTY-EIGHTH SECTION OF THIS ACT.

Oath of the Election Clerk.

I, the undersigned E. F., appointed Election Clerk for the Electoral District of , solemnly swear (*or if he be one of the persons permitted by law to affirm,* solemnly affirm), that I will act faithfully in my said capacity as Election Clerk, and also in that of Returning Office, if required to act as such, according to law, without partiality, fear, favor, or affection; so help me God.

(*Signature.*) E. F.,
Election Clerk.

I.

FORM REFERRED TO IN THE SEVENTY-EIGHTH SECTION OF THIS ACT.

Certificate of the Election Clerk having taken the Oath of Office.

I, the undersigned, hereby certify that on the day of the month of , 18 , E. F., Election Clerk for the Electoral District of , took, and subscribed before me, the Oath (*or* Affirmation) of office required in such case, of

an Election Clerk, by the section of "The Election Law of 1870."

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

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

J.

FORM REFERRED TO IN THE EIGHTY-SECOND SECTION OF THIS ACT.

Proclamation which the Returning Officer is to cause to be read at the Hustings, on the day of the opening of the Election.

OYEZ. OYEZ. OYEZ.

All persons are commanded, and strictly enjoined, to keep silence while Her Majesty's Writ for the present Election is publicly read, under the pains and penalties in such case provided.

K.

FORM REFERRED TO IN THE NINETY-EIGHTH SECTION OF THIS ACT.

Commission of a Deputy Returning Officer.

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

Know you, that in my capacity of Returning Officer, for the Electoral District of I have appointed, and do hereby appoint you to be Deputy Returning Officer, for the Polling District number of the Electoral District of , there to take and record the votes of the Electors according to law, at the Polling place, to be by you opened and kept for that purpose, and you are hereby authorized and required to open and hold the Poll of such Election for the said Polling District on the day of the month of , at eight 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 and record at the said Polling place, in a book which you will keep for that purpose, in the manner by law provided, the votes of the electors voting at the said Polling place, and to return to me the said Poll Book, signed with your hand, and sealed with your seal, together with this commission, on or before the day of the month of 18 .

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

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

L.

FORM REFERRED TO IN THE NINETY-EIGHTH SECTION OF THIS ACT.

FORM OF A POLL BOOK.

	Number of the Voters.
	NAMES OF THE VOTERS.
	Their legal addition.
	Their place of residence.
	Owners.
	Tenants or Occupants.
	Income.
	Objections.
	Sworn.
	Voters refusing to take Oath.
	NAME OF CANDIDATES.

L.

FORM OF POLL BOOK REFERRED TO IN THE NINETY-EIGHTH SECTION.

M.

OATH REFERRED TO IN THE NINETY-NINTH SECTION OF THIS ACT.

Oath of Deputy Returning Officer.

I, the the undersigned G. H., appointed Deputy Returning Officer, for the Polling District, of the Electoral District 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.

N.

FORM REFERRED TO IN THE NINETY-NINTH SECTION OF THIS ACT.

Certificate of the Deputy Returning Officer, (or, one of the Deputy Returning Officers, as the case may be), 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 of the Electoral District of , took and subscribed the oath (*or* affirmation) of Office, required in such case of a Deputy Returning Officer, by the ninety-ninth section of "The Election Law of 1870."

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

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

O.

FORM REFERRED TO IN THE HUNDRED AND SIXTH SECTION OF THIS ACT.

Commission of a Poll Clerk.

To I. J. (*insert his legal addition and residence*).

Know you, that in my capacity of Deputy Returning Officer for the Polling District of the Electoral District of , I have appointed, and do hereby appoint you to be Poll Clerk for the said Polling District of the Electoral District of

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

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

P.

OATH REFERRED TO IN THE HUNDRED AND SIXTH SECTION OF THIS ACT.

Oath of a Poll Clerk.

I, the undersigned, I. J., appointed Poll Clerk for the Polling District of the Electoral District of , do solemnly swear (*or, if he be one of the persons permitted by law to affirm in civil cases,* do solemnly affirm) that I will act faithfully in my capacity of Poll Clerk, and also in that of Deputy Returning Officer, if required to act as such, according to law, without partiality, fear, favour or affection; so help me God.

(*Signature.*) I. J.,
Poll Clerk.

Q.

REFERRED TO IN THE HUNDRED AND SIXTH SECTION OF THIS ACT

Certificate of the Poll Clerk having taken the Oath.

I, the undersigned, hereby certify, that on the day of the month of , I. J., Poll Clerk, for the Polling District of the Electoral District of , took and subscribed before me the oath (*or* affirmation) of office required of a Poll Clerk in such cases by the one hundred and sixth section of "The Election Law of 1870."

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

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

R.

REFERRED TO IN THE ONE HUNDRED AND TWENTY-FIFTH SECTION OF THIS ACT.

Oath of the Poll Clerk after the closing of the Poll.

I, the undersigned, Poll Clerk for the Polling District of the Electoral District of , do solemnly swear (*or, if he be one of the persons permitted by law to affirm in civil cases,* do solemnly affirm) that the Poll Book kept in and for the said (*as the case may be*), under the direction of G. H., who has acted as Deputy Returning Officer therein, has been so kept by me under his direction as aforesaid, correctly and to the best of my skill and judgment; and that the total number of voters polled in such Poll Book is the number of whereof C. D., a Candidate, has polled votes, E. F., a Candidate, has polled votes, (*and so on, as the case may*

be,) and that to the best of my knowledge and belief, it contains a true and exact record of the votes given at the Polling place in the said , (*as the case may be*) as the said votes were taken at the said Poll by the said Deputy Returning Officer.

(*Signature.*) I. J.

Poll Clerk,

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

(*Signature*) X. Y.

Justice of the Peace.

or, A. B.

Returning Officer.

or, G. H.

Deputy Returning Officer.

S.

FORM S, REFERRED TO IN THE ONE HUNDRED AND TWENTY-SIXTH SECTION OF THIS ACT.

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

I, the undersigned, Deputy Returning Officer, for the Polling District of the Electoral District of , do solemnly swear, (*or, if he be one of the persons permitted by law to affirm in civil cases,* do solemnly affirm,) that, to the best of my knowledge and belief, the Poll Book kept for the said , (*as the case may be*) under my direction, hath been so kept correctly; and that the total number of votes polled in such Poll Book is , whereof C, D., a Candidate, has polled votes, (*and so on as the case may be*) and that, to the best of my knowledge and belief, it contains a true and exact record of the votes given at the Polling Place in the said Polling District, as the said votes were taken at the Polling Place.

(*Signature*) G. H.

Deputy Returning Officer.

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

X. Y.

Justice of the Peace.

or, A. B.

Returning Officer.

(*as the case may be.*)

No. 4.

3rd Session, 1st Parliament, 33 Victoria 1870.

BILL.

An Act respecting Elections of Members of the House of Commons.

Received and read, First time, Thursday, 24th February, 1870.

Second reading, Tuesday, 1st March, 1870.

Hon. Sir John A. MACDONALD.

OTTAWA :

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

1870.

As amended

No. 5.] **BILL.** [1870.

An Act to extend the powers of the official Arbitrators, to certain cases therein mentioned.

Preamble.

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

Certain claims may be referred to the official arbitrators appointed under the Public Works Act 31 Vict. c. 12.

1. If any person or body corporate, now has, or shall hereafter have, any supposed claim upon the Government of Canada, for property taken for any public use, service, or purpose, not coming within the pur-view of the Act passed in the 31st year of Her Majesty's Reign, and intituled "An Act respecting the Public Works of Canada," or for alleged, direct or consequent damages to property, arising out of any thing heretofore done, or hereafter to be done by the Government of Canada, and not coming within the purview of the said Act, or arising out of any death or injury to person or property on any railway, canal, or public work under the control and management of the Government of Canada, or arising out of or connected with the execution or fulfilment, or on account of deductions made for non-execution or non-fuifilment of any contract entered into with the Head of any department of the Government of Canada, either in the name of Her Majesty, or in any other manner whatsoever,—such person or body corporate, may give notice in writing of such claim to the Secretary of State of Canada, stating the particulars thereof, and how the same has arisen; which notice the Secretary of State shall refer to the Head of the Department with respect to which the claim has so arisen, who shall then have, with respect to such claim, the same powers to tender satisfaction, and if it be not accepted, to refer the claim to one or more of the official Arbitrators appointed under the said Act, and the said official Arbitrators shall then have the same powers to hear and award upon such claim,—and all the provisions of the said Act with respect to cases referred to arbitration, and to the powers of the Arbitrators, and proceedings by or before them, shall apply to such claim, to the Head of the Department concerned, and to the said official Arbitrators, respectively, in so far as they may not be inconsistent with this Act.

Limitation of time for submitting claims.

Reference not to be obligatory.

2. Provided always, that no claim shall be submitted to Arbitration, or entertained under this Act, unless it be made within after the passing thereof, or within after the occurrence of the accident, or the doing of the act, upon which the claim is founded; nor shall anything herein contained be construed as making it imperative on the Government to entertain any claim under this Act, but the said Head of the Department concerned shall refer to Arbitration such claims only as he may be instructed so to refer by the Governor in Council.

No. 5.

3rd Session, 1st Parliament, 33 Vict., 1870.

BILL.

An Act to extend the powers of the Official Arbitrators to certain cases therein mentioned.

Reprinted as proposed to be Amended in Committee of the Whole.

Hon. Mr. LANGEVIN, C.B.

OTTAWA:

Printed by I. B. TAYLOR, 29, 32, and 33, Rideau Street.

1870.

No. 5.] **BILL.** [1870.

An Act to extend the powers of the official Arbitrators, to certain cases therein mentioned.

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

Certain claims may be referred to the official arbitrators appointed under the Public Works Act 31 Vict. c. 12.

1. If any person or body corporate, now, has, or shall hereafter have any supposed claim upon the Government of Canada, for property taken for any public use, service, or purpose, not coming within the clear view of the Act, passed in the 31st year of Her Majesty's Reign, and intituled "An Act Respecting the Public Works of Canada," or for alleged, direct or consequent damages to property, arising out of any thing heretofore done, or hereafter to be done by the Government of Canada, or done by the Governmant of the late Province of Canada, or of either of the Provinces of Nova Scotia or New Brunswick, before the coming into force of the British North American Act, 1867, and not coming within the clear view of the said Act, or arising out of any death or injury to property on any railway, canal, or public works under the control and management of the Government of Canada,—such person or body corporate, may give notice in writing of such claim to the Secretary of State of Canada, stating the particulars thereof, and how the same has arisen; which notice the Secretary of State shall refer to the Head of the Department with respect to which the claim has so arisen, who shall then have, with respect to such claim, the same powers to tender satisfaction, and if it be not accepted, to refer the claim to one or more of the official Arbitrators appointed under the said Act, and the said official Arbitrators shall then have the same powers to hear and award upon such claim,—and all the provisions of the said Act with respect to cases referred to arbitration, and to the powers of the Arbitrators, and proceedings by or before them, shall apply to such claim to the Head of the Department concerned, and to the said official Arbitrators, respectively in so far as they may not be consistent with this Act.

Limitation of time for submitting claims. Reference not to be obligatory.

2. Provided always, that no claim shall be submitted to Arbitration, or entertained under this Act, unless it be made within after the passing thereof, or within after the occurrence of the accident, or the doing of the Act, upon which the claim is founded; nor shall anything herein contained be construed as making it imperative on the Government to entertain any claim under this Act, but the said Head of the Deparment concerned shall refer to Arbitration such claims only as he may be intrusted so to refer by the Governor in Council.

No. 5.

3rd Session, 1st Parliament, 33 Vict., 1870.

BILL.

An Act to extend the powers of the Official Arbitrators to certain cases therein mentioned.

Reeeived and read, First time, Thursday, 24th February, 1870.

Second reading, Tuesday, 1st March, 1870.

Hon. Mr. LANGEVIN, C.B.

OTTAWA:

Printed by I. B. TAYLOR, 29, 32, and 33, Rideau Street.

1870.

6

An Act to amend the Act respecting Fishing by Foreign Vessels.

WHEREAS it is expedient, for the more effectual protection of the in-shore fisheries of Canada against intrusion by foreigners, to amend the Act intituled "*An Act respecting Fishing by Foreign Vessels*," passed in the Thirty-first 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:

1. The Third Section of the above cited Act shall be, and is hereby repealed, and the following section is enacted in its stead:

"3. Any one of such officers, or persons, as are above-mentioned, "may bring any ship, vessel, or boat, being within any harbor in "Canada, or hovering (in British waters) within three marine miles "of any of the coasts, bays, creeks, or harbors in Canada, into port, "and search her cargo, and may also examine the Master upon oath "touching the cargo and voyage; and if the Master, or person in "command, shall not truly answer the questions put to him in such "examination, he shall forfeit four hundred dollars; and if such "ship, vessel, or boat be foreign, or not navigated according to the "laws of the United Kingdom, or of Canada, and have been found "fishing, or preparing to fish, or to have been fishing (in British "waters) within three marine miles of any of the coasts, bays, "creeks, or harbors of Canada, not included within the above-"mentioned limits, without a license, or after the expiration of the "period named in the last license granted to such ship, vessel, or "boat, under the first section of this Act, such ship, vessel, or boat, "and the tackle, rigging, apparel, furniture, stores, and cargo "thereof shall be forfeited."

2. This Act shall be construed as one with the said Act "*respecting Fishing by Foreign Vessels.*"

An Act to amend the Act respecting the treatment and relief of sick and distressed Mariners.

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

1. No vessel engaged in the coasting trade of Canada, and arriving in any port in any of the Provinces of Quebec, Nova Scotia, and New Brunswick from any other port in the same Province, or arriving in any port in the Province of Quebec from any port in the Province of Ontario, shall be subject to the payment of the duty of two cents per ton imposed by the Act passed in the thirty first year of Her Majesty's Reign, and intituled: "*An Act respecting the treatment and relief of sick and distressed mariners*": any thing in the said Act to the contrary notwithstanding: Provided always, that no vessel arriving at any port in Canada from any place out of Canada, and afterwards continuing her voyage to another port in the same Province, or in any other Province in Canada, shall be exempt from the payment of the said duty at the last mentioned port, unless she has paid it at the first mentioned or some other port on the same voyage; but, except in the case of a vessel arriving at a port in Quebec from a port in Ontario, unless the duty has been so paid at some other port on the same voyage, no vessel arriving at any port in any one of the Provinces, from any port not within the same Province, shall be exempt from the payment of such duty, whether her voyage be, or be not, one requiring entry or clearance at the Custom House; and if she do not require entry the duty shall be paid immediately on her arrival.

2. Provided always, that the fifth and seventh sections of the Act hereinbefore cited shall not apply to sick mariners belonging to vessels exempted from paying the duties imposed by the said Act, and no mariners belonging to any such vessel shall be gratuitously received and treated in any Hospital designated and appointed for the reception of sick mariners under the said Act, nor shall any provision be made by any collector or other chief officer of customs, for their medical or surgical care or treatment in any other hospital or house out of any money collected under the said Act, unless by the special authority of the Minister of Marine and Fisheries.

No. 8.] **BILL.** [1870.

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

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

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

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

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

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

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

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

No. 8.

3rd Session, 1st Parliament, 33 Victoria 1870.

BILL.

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

Received and read, First time, Tuesday, 1st March, 1870.

Second reading, Thursday, 3rd March, 1870.

Mr. MILLS.

OTTAWA:

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

1870.

No. 9.] **BILL.** [1870.

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

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

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

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

And so of piracy *jure gentium*.

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

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

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

Procedure in such cases.

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

No. 9.

3rd Session, 1st Parliament, 33 Victoria 1870.

BILL.

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

Received and read, First time, Tuesday, 1st March, 1870.

Second reading, Thursday, 3rd March, 1870.

MR. MILLS.

OTTAWA:

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

1870.

No. 10.] **BILL.** [1870.

An Act to amend the Act imposing Duties on Promissory Notes and Bills of Exchange.

Preamble.

WHEREAS, it is expedient to repeal Sections Eleven and Twelve of the Act passed in the thirty-first year of Her Majesty's reign, chapter nine; therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sections 11 and 12 repealed.

1. The said Sections are hereby repealed, and the following Sections substituted therefor:

Penalty for not affixing the proper stamps at the proper time.

"S. 11. If any person in Canada makes, draws, accepts, indorses, signs, becomes a party to, or pays any Promissory Note, Draft, or Bill of Exchange, chargeable with duty under this Act, before the duty (or double duty, as the case may be) has been paid by affixing thereto the proper stamp or stamps, such person shall thereby incur a penalty of $100, and, save only in the case of payment of double duty, as in the next section provided, such instrument 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; and in suing for any such penalty, the fact that no part of the signature of the party charged with neglecting to affix the proper stamp or stamps, is written over the stamp or stamps affixed to any such instrument, *and* that no date, or a date that does not correspond with the time when the duty ought to have been paid, is written or marked on the stamp or stamps, shall be *prima facie* evidence that such party did not affix it or them, as required by this Act. But no party to, or holder of any such instrument, shall incur any penalty by reason of the duty thereon not having been paid at the proper time, and by the proper party or parties, provided at the time it came into his hands it had affixed to it stamps to the amount of the duty apparently payable upon it, that he had no knowledge that they were not affixed at the proper time, and by the proper party or parties, and that he pays the double or additional duty as in the next section provided, as soon as he acquires such knowledge."

Presumption in suits for penalty.

Exception in favor of innocent parties.

Conditions on which an innocent party shall become exempt.

"S. 12. Any subsequent party to such instrument, or person paying the same, or any holder without becoming a party thereto, may pay double duty by affixing to such instrument a stamp or stamps to the amount thereof, or to the amount of double the sum by which the stamps affixed fall short of the proper duty, and by writing his signature, or part thereof, or his initials, or the proper date on such stamp or stamps, in the manner and for the purposes mentioned in the fourth Section of this Act; and when upon the trial of any issue, or on any legal inquiry, the validity of any Promissory Note, Draft or Bill of Exchange is questioned by reason of the proper duty thereon not having been paid, or not having been paid by the proper party, or at the proper time, and it appears that the holder thereof, when he became holder, had no knowledge that the proper duty had not been paid by the proper party, or at the proper time, such instrument shall,

nevertheless, be held to be legal and valid, if it shall appear that the holder thereof paid double duty as in the *preceding* section mentioned, so soon as such holder acquired such knowledge, or if the holder thereof, acquiring such knowledge at the trial or inquiry, do thereupon forthwith pay such double duty; or if the validity of such Promissory Note, Draft, or Bill of Exchange is questioned by reason of a part only of the requisite duty thereon having been paid at the proper time, or by the proper party, and it appears to the satisfaction of the Court, or Judge, as the case may be, that it was through mere inadvertence or mistake, and without any intention to violate the law on the part of the holder, that the whole amount of duty, or double duty, as the case may be, was not paid at the proper time, or by the proper party, such instrument, and any endorsement or transfer thereof, shall, nevertheless, be held legal and valid, if the holder shall, before action brought, have paid double duty thereon, as in the *preceding* section mentioned, as soon as he reasonably could, after having became aware of such error or mistake; but no party, who ought to have paid duty thereon, shall be released from the penalty by him incurred as aforesaid."

If part of the duty was not paid through inadvertence, &c.

Pending suits excepted.

2. This Act shall not apply to any suit pending when it comes into force.

No. 10.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to amend the Act imposing Duties on Promissory Notes and Bills of Exchange.

Reprinted as Amended by the Select Committee to whom it was referred.

MR. HARRISON.

OTTAWA:

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

1870.

No. 10.] **BILL.** [1870.

An Act to amend the Act imposing duties on Promissory Notes and Bills of Exchange;

WHEREAS the persons affixing adhesive stamps to Promissory Notes, Drafts, or Bills of Exchange, for the purpose of paying duty thereon, are, by the Act of the Parliament of Canada passed in the thirty-first year of Her Majesty's reign, chapter nine, required at the time of affixing the same to write or stamp thereon, the date at which such stamps are affixed: And whereas Promissory Notes, Drafts, and Bills of Exchange are sometimes antedated, and the stamps placed thereon cancelled as of the date of the Promissory Notes, Drafts, or Bills of Exchange, and not by writing or stamping on the stamps the date of actually affixing the same: And whereas the validity of Promissory Notes, Drafts, and Bills of Exchange on which the stamps have been so cancelled is doubtful, and it is expedient to protect *bonâ fide* endorsees or holders for value without notice: Therefore Her Majesty, by, and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. No Promissory Note, Draft, or Bill of Exchange shall be void in the hands of an endorsee for value; or, in the case of a Promissory Note transferred by delivery in the hands of a person who shall have acquired the same as bearer, for valuable consideration, by reason of the stamp or stamps thereon not having been cancelled, as of the true date at which the stamp or stamps was or were actually affixed thereto, unless such endorsee or bearer had, at the time of receiving such Promissory Note, Draft, or Bill of Exchange, actual knowledge that the stamp or stamps thereon was or were cancelled on a day other than the date appearing thereon. Notes or Bills not void, in hands of indorsee without notice by reason of wrong date on stamps cancelled.

2. This Act shall not affect any pending suit. Pending suits not affected.

No. 10.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to amend the Act imposing duties on Promissory Notes and Bills of Exchange.

Received and read, First time, Thursday, 3rd March, 1870.

Second reading, Monday, 7th March, 1870.

Mr. HARRISON.

OTTAWA:

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

1870.

No. 11] **BILL.** [1870.

An Act to amend the Patent Act of 1869.

Preamble.

WHEREAS it is expedient to amend the Patent Act of 1869, as regards the duration of patents issued under its authority. Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Section 17 repealed.

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

New section substituted. Duration of patents. Periodical extension if originally for a period less than fifteen years.

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

No. 11.

3rd Session, 1st Parliament, 31 Victoria, 1870.

BILL.

An Act to amend the Patent Act of 1869.

Received and read, First time, Thursday, 3rd March, 1870.

Second reading, Monday, 7th March, 1870.

Mr. OLIVER.

OTTAWA:

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

1870.

No. 12.] **BILL.** [1870.

An Act to limit the Rate of Interest.

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

Legal rate.

1. From and after the passing of this Act, the rate of Interest upon all contracts and agreements written or verbal, expressed or implied for the payment of the money, shall be six per cent. per annum, unless otherwise agreed upon by the parties or provided by law.

Eight per cent. may be stipulated and recovered.

2. In all contracts hereafter made, whether written or verbal, it shall be lawful for the parties to stipulate or agree that eight per cent. per annum, or any less sum or rate of interest, shall be taken and paid on money loaned, or in any manner due and owing from any person or corporation to any other person or corporation.

If more be stipulated or taken all interest to be forfeited.

3. If any person or corporation shall contract for or receive a greater rate of interest, directly or indirectly, than eight per cent. per annum, upon any contract, written or verbal, such person or corporation shall forfeit the whole of the interest so received, and shall be entitled only to recover the principal sum due to such person or corporation.

Parties paying excessive interest may recover the whole interest paid.

4. Every person who, for any loan or forbearance of any money, goods, or things, shall pay or deliver any greater sum, or rate of interest, or value than is above allowed to be received or taken, may recover at any time within one year after such payment or delivery, by action at law against the person or corporation that shall have taken or received the same, the whole amount of interest, or sum, or delivery in the nature of interest, so paid or made on the contract or agreement.

Parties sued for usury, compellable to answer on oath.

5. Any person proceeded against for any contravention of this Act may be compelled to answer on oath any complaint that may be exhibited against him in any court for the recovery of any sum of money or rate of interest, goods, or things, taken, accepted or received in violation of the foregoing provisions or any of them.

Repealing clause.

6. All laws or parts of laws inconsistent with this Act are hereby repealed.

No. 12.

3rd Session, 1st Parliament, 31 Victoria, 1870.

BILL.

An Act to Limit the Rate of Interest.

Received and read, First time, Thursday, 3rd March, 1870.

Second reading, Monday, 7th March, 1870.

J. S. Ross (Dundas).

OTTAWA:

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

1870.

13

An Act respecting the Coasting Trade of Canada.

WHEREAS, by an Act of Parliament of the United Kingdom, passed in the thirty-second year of Her Majesty's reign, and intituled "*An Act for amending the law relating to the "Coasting Trade and Merchant Shipping in British Possessions,*" it is, among other things, in effect, enacted, that, after the commencement of the said Act, the legislature of a British Possession, by any Act or Ordinance, from time to time, may regulate the Coasting Trade of that British Possession, subject, in every case, to certain conditions mentioned in the said Act, and embodied and enacted in this Act, and that Section one hundred and sixty-three of the Act of the Parliament of the United Kingdom, known as, "The Customs Consolidation Act, 1853," which is in the following words: "No goods or passengers shall be carried, from one port of any "British Possession in Asia, Africa, or America, to another port of "the same Possession, except in British ships," shall be repealed as from the date in the case of each British Possession, at which either an Act or an Ordinance with respect to the Coasting Trade, made within two years after the commencement of the Act, first above cited, in such British Possession, comes into operation, or if there is no such Act or Ordinance, at which the said two years expire; and that the said first cited Act shall be proclaimed in every British Possession, by the Governor thereof, as soon as may be, after he receives notice of the said Act, and shall come into operation in that British Possession, on the day of such proclamation, which day is in the said Act referred to as the commencement thereof: And, whereas, the said Act was so proclaimed, by the Governor of Canada, on the twenty-third day of October, now last past: And, whereas, it is expedient to exercise in the manner hereinafter provided, the power vested, as aforesaid, in the Parliament of Canada; Therefore, Her Majesty, by, and with the advice, and consent, of the Senate and House of Commons of Canada, enacts as follows:

1. No goods or passengers shall be carried by water, from one port of Canada to another, except in British ships; and if any goods or passengers are so carried, as aforesaid contrary to this Act, the master of the ship or vessel, so carrying the same, shall forfeit the sum of four hundred dollars, and any goods so carried shall be forfeited, as smuggled, and such ship or vessel may be detained by the collector of the customs, at any port, or place, to which such goods or passengers are brought, until such penalty is paid, or security for the payment thereof given, to his satisfaction, and until such goods (if any) are delivered up to him, to be dealt with as goods forfeited under the provisions of the Act, passed in the thirty-first year of Her Majesty's reign, and intituled, "*An Act respecting the Customs*"; and the said penalty and forfeiture may also be recovered and enforced, in the manner provided by the Act last mentioned, with respect to penalties and forfeitures incurred under it, and as if imposed by it; and this Act shall accordingly be construed with reference to the said Act, and as forming one Act with it, and all words and expressions in

this Act, shall have the same meaning, as the like words and expressions in the said Act.

2. The Governor in Council may, from time to time, declare that the foregoing provisions of this Act, shall not, while such Order in Council is in force, apply to the ships or vessels of any Foreign country, in which British ships are admitted to the coasting trade of such country, and to carry goods and passengers, from one port or place, in such country to another, and may, from time to time revoke, or alter such Order in Council.

3. This Act shall not come into operation, until the day to be appointed for that purpose, in the proclamation, hereinbefore mentioned, signifying Her Majesty's pleasure that it shall come into operation in Canada;

In this Act, the term "British Ships," means and includes all ships belonging wholly to persons and bodies corporate, qualified or entitled to be owners of British Ships, under the provisions of of *The Merchant Shipping Act*, 1854, or other Act of the Parliament of the United Kingdom in that behalf, in force for the time being.

And where, by treaty, made before the passing of the Act of Parliament of the United Kingdom, first cited in the preamble of this Act, Her Majesty has agreed to grant to any ships of any Foreign state, any rights or privileges, in respect of the coasting trade of Her Majesty's possessions, such rights and privileges shall be enjoyed by such ships, for so long as Her Majesty has already agreed, or may hereafter agree to grant the same; anything in this Act to the contrary, notwithstanding.

14

No.—] **BILL.** [1870.

An Act to provide for the amalgamation of the Canadian Bank of Commerce, and the President, Directors, and Company of the Gore Bank.

Preamble.

WHEREAS the Canadian Bank of Commerce, hereinafter called the Bank of Commerce, and the President, Directors, and Company of the Gore Bank, hereinafter called the Gore Bank, have entered into an agreement for the amalgamation of the said banks, which agreement has been confirmed by the shareholders of the said banks who have authorized the said banks to petition for the passage of this Act: And whereas the said banks have by their petition represented that it is for the interest of the said banks that the said amalgamation should be effected, and have prayed that an Act of the Parliament of Canada, shall be passed for the purpose: And whereas it is expedient that the prayer of the petition should be complied with: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Estate of Gore Bank transferred to and voted in Bank of Commerce.

1. All the estate and effects, real and personal, rights, property, credits, choses in action, claims, and demands, of whatsoever nature or quality and wherever situate, of the Gore Bank, are hereby vested in the Bank of Commerce, its successors and assigns, as and for its own use absolutely, and it may in its own name, sue for, collect, and get in all and every part of the said estate, rights and effects.

Bank of Commerce to pay all liabilities of Gore Bank.

2. The Bank of Commerce is subject and liable to pay and discharge all the debts, obligations, bills and promissory notes, and other liabilities of the Gore Bank, and may be directly sued and proceeded against in respect thereof as fully and effectually as if the same were originally the debts, obligations, promissory notes and liabilities of the Bank of Commerce, and they shall be taken and construed so to be.

Suits to which the Gore Bank is a party; how continued.

3. All suits, actions and proceedings, pending in any Court in which suits, actions or proceedings, the Gore Bank is plaintiff or defendant, may be continued to judgment and execution in the name of the Bank of Commerce, upon a suggestion being entered on the record, by virtue of this Act, at any time before judgment, that the Gore Bank become by virtue of this Act on the day of the passing thereof, amalgamated with the Bank of Commerce.

Shares in F Bank of Commerce, to be allotted to Shareholders in Gore Bank.

4. The Bank of Commerce shall within thirty days from the day of the passing of this Act, allot to the shareholders of the Gore Bank in proportion to and in lieu and extinguishment of their stock in that bank, capital stock in the Bank of Commerce, to the amount of four hundred and forty-five thousand one hundred and four dollars, par value, bearing dividend from the first day of January, in the year of our Lord one thousand eight hundred and seventy: Provided however that the Bank of Commerce shall adjust any difference less than fifty dollars, by

Proviso.

payment of cash in lieu of paid up stock or by an allotment of a share of stock paid to the amount of such difference.

Half year's interest to be paid by Gore Bank, to its shareholders not yet paid.

5. The Bank of Commerce shall within thirty days from the day of the passing of this Act, pay in cash to such of the shareholders of the Gore Bank as may not have been heretofore paid the same, in proportion to the amount of their shares, interest at the rate of seven per centum per annum, from the first day of July, in the year of our Lord one thousand eight hundred and sixty-nine, to the first day of January, in the year of our Lord one thousand eight hundred and seventy, on the said sum of four hundred and forty-five thousand one hundred and four dollars.

Bank of Commerce may increase its Capital Stock.

6. It shall be lawful for the Bank of Commerce to add to its present authorized capital stock of two million of dollars, any sum not exceeding one million of dollars, being the amount of the authorized capital of the Gore Bank.

Act 32, 33 Vict., c. 56, to apply to increase of Stock.

7. The provisions of the Act of the Parliament of Canada passed in the thirty-second and thirty-third year of the Reign of Her Majesty Queen Victoria, and chaptered fifty-six, entitled "An Act to authorize an addition to the capital stock of the Canadian Bank of Commerce, and for other purposes relating to the said bank," shall apply to the capital stock authorized by this Act.

No. .

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to provide for the amalgamation of the Canadian Bank of Commerce, and the President, Directors, and Company of the Gore Bank.

Received and read, First time, 1870.

Second reading, 1870.

MR. ANGUS MORRISON.

OTTAWA:

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

1870.

No. 15.] **BILL.** [1870.

An Act to authorize the Corporation of the Township of Collingwood, in the County of Grey, to impose and collect Tolls or Harbor Dues, and for other purposes.

Preamble.

WHEREAS the Corporation of the Township of Collingwood, in the County of Grey, have by their petition represented that it is desirable to construct and improve a harbor at the mouth of Beaver River, on the Georgian Bay in the said Township, and that a considerable sum of money has been expended for this purpose: and, whereas the said Corporation have further represented that it is their intention to complete the construction of the said Harbor, and have prayed that authority may be given to them to pass a By-law or By-laws for the imposition and collection of a tariff of dues on goods, wares, merchandize and chattels, shipped on, or landed from, any vessel within the limits of the said proposed harbor, for the purpose of enabling them to maintain and keep in repair the said harbor: and whereas the proposed harbor will be of great benefit and advantage to persons navigating the Georgian Bay, and it is expedient to grant the prayer of the said petition:

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

Power to construct a harbor and breakwater.

1. The Corporation of the said Township of Collingwood are authorized and empowered to construct, extend and improve a harbor at the mouth of Beaver River, in the said Township,—and to make, construct and erect a breakwater in the said harbor.

Power to raise money.

2. The said Corporation are authorized and empowered to pass a by-law or by-laws for raising such sums as shall be necessary to construct and complete the said works, and also from time to time to pass such further by-law or by-laws for raising such further sum or sums as may be necessary for the purposes aforesaid, not exceeding however in the whole the sum of ten thousand dollars: such by-law and by-laws being first submitted to the rate-payers of the said Township in accordance with the provisions of the Municipal Act for the Province of Ontario.

Proviso.

Power to impose and collect certain tolls.

3. The said Corporation are authorized and empowered to pass by-laws for the imposition and collection of tolls to be employed, after the expenses of collection, for the purpose of assisting in liquidating the debt incurred or which may hereafter be incurred, in constructing, improving and keeping in repair the said harbor and the works connected therewith, on all goods, wares, merchandise and chattels, shipped on board or landed out of any vessel, boat or other craft, from or upon any part of the said Beaver River or elsewhere within the limits of the said harbor, or on or upon the lands or premises adjacent thereto and belonging to the said Corporation, and upon all logs, timber, spars and masts going through the same or any part thereof, and on all vessels, boats or other craft entering the said harbor, not exceeding the rates following, that is say:—

NOTE. *These tolls are intended to be proposed in Committee of the whole, and are printed for the information of Members.*

	$ cts.
Ale, Beer or Porter, per barrel	0 05
Apples, Fish, Salt, Water-lime, or Plaster, per barrel	0 05
Brandy, Gin, Rum, Wines or Highwines, per barrel	0 10
Bricks, per M.	0 05
Calves, Sheep or Swine, each.	0 10
Coal per ton	0 15
Castings, Chain Cable, Nails and Spikes, per ton.	0 25
Cordwood, per Cord	0 05
Earthen or Stoneware, per Crate or Hhd.	0 06
Eggs, per barrel or box.	0 04
Flour or meal, per barrel.	0 03
Fowls of all kinds, each.	0 01
Furniture, per 100 lbs.	0 02½
Fanning Mills, each.	0 12
Grain of all kinds, per bushel.	0 01
Grindstones per ton.	0 25
Horses, or horned cattle each.	0 10
Horse Rakes, Straw Cutters, Root Slices and Ploughs, each	0 05
Hides and Skins per 100 lbs.	0 05
Hay, per ton.	0 10
Hops per 100 lbs.	0 10
Lard or Butter, per keg or firkin.	0 02
Lime per barrel.	0 01
Leather per 100 lbs.	0 02
Merchandise not herein enumerated, per ton.	0 40
Nursery produce, per ton.	0 40
Potatoes and other roots per bushel.	0 01
Pork, Beef, Lard or Butter, per barrel.	0 05
Potash, Pearlash, Molasses, Whiskey, Vinegar, per barrel	0 06
Pig, Bar, Scrap or Cast Iron per ton.	0 25
Reaping and Mowing Machines, each.	0 50
Sawed Lumber per M. feet.	0 12
Square or round Timber, per 100 cubic feet.	0 05
Saw Logs, each.	0 01
Shingles and Laths per M.	0 02
Staves per M.	0 05
Stave Bolts per cord.	0 05
Timothy and Clover Seed, per bushel.	0 02
Threshing Machines, each.	0 25
Vehicles of all kinds, each.	0 25
Vessels of 100 tons Register and upwards.	1 00
Vessels of 10 tons, and not exceeding 100 tons Register.	0 50
All other articles not herein enumerated, per 100 lbs.	0 02½

Proviso. Tolls to be subject to approval of Governor in Council.

Provided that the by-law or by-laws imposing the said Tolls or Harbor Dues shall be approved by the Governor in Council, before having any force or effect, and that an annual return shall be made to the Parliament of the Dominion of Canada, of the amounts collected under the same, and the mode of expenditure.

Power to levy the tolls if payment be refused.

4. If any person or persons neglect or refuse to pay the tolls or dues to be imposed or collected under this Act, or any by-law that may be passed under the authority thereof, the said Corporation or their officer, clerk, servant, agent or lessee may seize and detain the goods, wares, merchandise and chattels, logs, timber, spars and masts, on which the same are due and payable, until such or tolls dues are paid, and if the same be unpaid after the space of thirty days next after such seizure, the said Corporation or their officer, clerk, servant or lessee, as aforesaid, may sell and dispose of the said goods, wares, merchandise,

chattels, logs, timber, spars or masts, or such part thereof as may be necessary to pay the said tolls or dues and the reasonable costs and charges of keeping and selling the same by public auction, giving ten days notice thereof, and returning the surplus if any to the owner or owners thereof.

Vessels liable for tolls on goods bought or shipped in them.

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

No. 15.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to authorize the Corporation of the Township of Collingwood, in the County of Grey, to impose and collect Tolls or Harbor Dues, and for other purposes.

PRIVATE BILL.

MR. SNIDER,
Grey (N.R.)

OTTAWA:

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

1870.

No.—] **BILL.** [1870.

An Act to incorporate the Detroit River Transit Company.

WHEREAS certain persons hereinafter named have petitioned for power to construct a Tunnel under the Detroit River, at such point near Windsor and Detroit, as may be found eligible, with the object of connecting by means of Railways passing through such Tunnel, the Great Western Railway and the Michigan Central Railroad, and all such other Railways or Railroads which now or may hereafter terminate either at Windsor or Detroit; Preamble.

And whereas the said Petitioners have also prayed that they may be empowered to work local Traffic, between Windsor and Detroit by means of such Tunnel; and have further prayed that an election may be granted to them to construct a Bridge in lieu of a Tunnel, for all the purposes aforesaid, and to secure the said objects have prayed for an Act of Incorporation;

And whereas the Great Western Railway Company claiming rights under their Acts of Incorporation, to construct the said work or works, have also petitioned, praying that the aforesaid Petitioners should be entrusted with the enterprise, and an Act of Incorporation passed in their aid, and 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:

1. The Honorable William McMaster, Senator; James F. Joy, of the City of Detroit, in the State of Michigan, Esquire; Henry P. Baldwin, of the same place, Esquire, and present Governor of the said State of Michigan; Christian H. Buhl, of the said City of Detroit, Esquire, President of the second National Bank, City of Detroit; Donald McInnes, of the City of Hamilton, in the Province of Ontario, Esquire; Nathaniel Thayer, of the City of Boston, in the State of Massachusetts, Esquire; the Honorable John Carling, of the City of London, Ontario; Joseph Price, of the aforesaid City of Hamilton, Esquire; Hugh Allan, of the City of Montreal, in the Province of Quebec, Esquire; George Stephen, of the same place, Esquire; Frank Smith, of the City of Toronto, in the Province of Ontario, Esquire; Lewis Moffatt, of the same place, Esquire; together with such persons and corporations as shall under the provisions of this Act, become shareholders in the said Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Detroit River Transit Company." Incorporation

2. The Railway Act, 1868, is hereby incorporated with this Act, and shall form part hereof, and be construed therewith as forming one Act. Railway Act of 1868, incorporated with this Act.

3. The company hereby incorporated shall have full power under this Act to construct maintain work and manage a Tunnel un- Special powers.

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der the Detroit River for Railway purposes, from some point at or near the town of Windsor in the county of Essex, to or near the city of Detroit in the State of Michigan.

Conditions.

(*a*) The said Tunnel may be made double, either in the whole or in part, with a third Tunnel for drainage purposes, if necessary.

(*b*) When the said Tunnel is completed and put in operation, all trains of all Railways or Rail Roads terminating at Windsor aforesaid or at Detroit aforesaid, now constructed or hereafter to be constructed, shall have the right to pass through the said Tunnel, at corresponding tariff rates for the persons and property transported, so that no discrimination in tariff rates for such transportation, shall be made in favor of, or against any Railway or Rail Road, whose trains or business pass through the said Tunnel.

(*c*) The company shall have power to use any of the Public Highways for the construction and maintenance of the Tunnel or the works authorised by this Act, with the consent of the municipal council having jurisdiction over such highway.

Power to arrange for local business.

4. The company are hereby authorised to work trains by steam or horse power for local passengers and freight traffic between Detroit and Windsor, through the Tunnel hereby authorised to be constructed and to connect the said trains with other Railways, and by rails or otherwise work the said trains into the town of Windsor and within its corporate limits.

Powers of Provisional Directors.

5. The persons named in the first 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, giving at least four weeks previous notice by advertisement in the "Canada Gazette," of the time and place of their meeting, to receive subscriptions of stock; 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.

No subscription valid unless ten per cent paid thereon.

6. No subscription of stock in the capital of the said company shall be legal or valid, unless ten per centum shall have been actually and *bonâ fide* paid thereon, within five days after subscription, into one or more of the chartered Banks of Canada, to be designated by the said Directors, and such ten per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of such Tunnel, or upon the dissolution of the company, from any cause whatever: and the said directors or a majority of them may, in their discretion, exclude any persons from subscribing, who, in their judgment, would hinder, delay, or prevent the said company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said provisional Directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said Directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, this will best secure the building of the said Tunnel.

Rights of aliens or non-

7. Any Shareholder in the said Company whether a British subject or an alien, or a resident in Canada or elsewhere, shall have

equal rights to hold Stock in the said Company, and to vote in the same and to be eligible to office in the said Company. resident shareholders.

8. The capital Stock of the said Company shall be three millions of dollars divided into thirty thousand shares of one hundred dollars each. Capital.

9. So soon as one million dollars of the said capital Stock shall have been subscribed as aforesaid, and ten per cent *bonâ fide* paid thereon, and deposited in one or more of the chartered Banks of Canada, for the purposes of the Company, 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 weeks notice in the "Canada Gazette" at which meeting the Shareholders shall elect seven Directors from the Shareholders possessing the qualifications hereinafter mentioned, which Directors shall hold office until the next annual meeting of the Shareholders as hereinafter provided. General meeting for election of Directors, when to be called.

10. The annual general meeting of the Shareholders for the election of Directors, and other general purposes, shall be held at Windsor or elsewhere, as may be appointed by By-law, on the first Wednesday in the month of in each year, and two weeks previous notice thereof, shall be given by publication, as provided in the last preceding clause. Annual meeting.

11. No person shall be elected a Director of the said Company unless he shall be the holder and owner of a least Forty shares in the Stock of the said Company, and shall have paid up all calls made thereon. Qualification of Directors.

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

13. The Directors of the said Company, after the sanction of the Shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue Bonds, made and signed by the President or Vice-President of the said company, and countersigned by the Secretary and Treasurer, and under the Seal of the said Company, for the purpose of raising money for prosecuting the said undertaking; and such Bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the Company, real and personal, and then existing, and at any time thereafter acquired; and each holder of the said Bonds shall be deemed to be a mortgagee and incumbrancer *pro-rata* with all the other holders thereof, upon the undertaking and the property of the Company as aforesaid: Provided, however, that the whole amount of such issue of Bonds shall not exceed in all the sum of three million dollars, nor shall the amount of such Bonds issued at any one time be in excess of the amount of the paid up instalments on its share capital, and of the amount which has been actually expended in surveys and in works of construction; and provided also, further that in the event at any time of the interest upon the said Bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said Company, all holders of Bonds shall have and possess the same rights and privileges and qualifications for Directors and for voting as are attached to Shareholders, provided that the Bonds and any Directors may issue Bonds. Proviso: Amount limited. Proviso: If interest be not paid.

transfers thereof shall have been first registered in the same manner as is provided for the registration of Shares.

Company may become party to Notes and Bills, &c.

14. The Company shall have power to become parties to Promissory Notes and Bills of Exchange for sums not less than one hundred dollars, and any such Promissory Note made or endorsed, and such Bill of Exchange drawn accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company . and every such Promissory Note or Bill of Exchange made, drawn, accepted, or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer, as such, shall be presumed to have been properly made drawn, accepted, or endorsed, as the case may be, for the Company until the contrary be shown ; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice-President, or Secretary and Treasurer, of the Company so making, drawing, accepting, or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever. Provided always that nothing in this section shall be construed to authorize the said Company to issue any Note payable to Bearer, or any Promissory Note intended to be circulated as money, or as the Notes of a Bank.

Proviso : Not to issue Bank notes.

Municipalities may exempt property of Company from taxation, or make composition, &c.

15. It shall be further lawful for the Corporation of any Municipality through any part of which the Tunnel of the said Company passes, or is situate, by By-law, specially passed for that purpose, to exempt the said Company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments, to be imposed by such municipal Corporation, and for such term of years as such municipal Corporation may deem expedient.

Company may purchase lands and for what purposes

16. Whenever it shall become necessary, for the purpose of procuring sufficient lands for Stations or gravel pits, or other purposes, for constructing maintaining and using the said Tunnel, and it shall be necessary to purchase more land than is required for such Stations or gravel pits, or other purposes, the said Company may purchase, hold, use or enjoy such lands and also the right of way thereto, if the same be separated from their Tunnel, in such manner, and for such purposes connected with the constructing maintenance or use of the said Tunnel as they may deem expedient, and to sell and convey the same, or parts thereof, from time to time, as they may deem expedient.

May enter into Agreement with other Companies for use of Tunnel &c.

17. 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 Tunnel, or the use thereof, at any time or times, or for any period, to such Railway or Railroad Company or Companies, or for leasing or hiring from such Company or Companies any Railway or Railroad or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders, or moveable property, 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 Tunnel. or Railway, or

Railways, or Railroad, or Railroads, or moveable property of either, or of any of them, or any part thereof, or touching any service to be rendered by the one Company to the other or others, and the compensation therefor, or such Railway or Railroad Company or Companies may agree for the loan of its credit to, or may subscribe to and become the owner of the Stock of the Company hereby created, in like manner and with like rights as individuals, and any such Agreement shall be valid and binding, and shall be enforced by Courts of Law according to the terms and tenor thereof: and any Company or individual accepting and executing such Lease shall be and is empowered to exercise all the rights and privileges in the Charter conferred.

And for borrowing money

Subscribing to shares &c.

18. The Company shall have power to build maintain and use a Bridge over the Detroit River between Windsor and Detroit, or as near as may be eligible, as well for the passage of persons on foot, and in carriages, as for the passage of Railway or Railroad Trains, and all the rights and powers hereby conferred in respect of the construction maintenance and operation of the Tunnel upon the Company, and all the powers rights and advantages conferred upon the Railway or Railroad Companies mentioned herein in relation to the said Tunnel shall enure and be observed in relation to the said Bridge.

Power to construct Bridge.

19. The Company shall elect within two years from the passing of this Act to construct either the Tunnel or the Bridge, and shall file in the office of the Secretary of State of the Dominion of Canada, and publish in the "Canada Gazette" a declaration under the hand of the President and the corporate seal of the Company of such election, and that the Company has assumed the name of the Detroit River Tunnel Company, or the Detroit River Bridge Company, as the case may be, and shall in all respects be the same corporation as though there had been no change of name, and upon such election and declaration thereof, the privileges conferred to construct the Bridge or Tunnel (as the case may be), and of which the Company shall not have availed itself shall be forfeited, and the works shall be commenced within three years from the time aforesaid and completed within six years, in default whereof this Charter of incorporation shall become null and void.

Election and commencement of the work.

20. The said Bridge shall be constructed so as not materially to obstruct the Detroit River; the said Bridge shall have one or more draws of ample width to give free and unobstructed passage to all Steamboats and other vessels navigating the said River; the said draws shall be at all times tended and moved at the expense of the said Company, so as not to hinder unnecessarily the passage of any Steamboats or vessels: from sundown until sunrise during the season of navigation suitable lights shall be maintained upon the said Bridge to guide vessels and Steamboats approaching the draws, or it may construct said Bridge without a draw provided the height thereof above the River shall not be less than one hundred and ten feet, and the piers upon which the same shall rest shall not be nearer to each other than three hundred feet.

Mode of constructing the Bridge.

21. The said Company shall have power to erect coffer-dams and such other works in the Detroit River as may be necessary for the construction of such Bridge, provided the navigation of such River shall not be unnecessarily obstructed by such works; and it shall be the duty of the said Company to put up and maintain in the night time during the season of the navigation a

Power to make coffer-dams, &c., under certain conditions.

good and sufficient light at each end of any coffer-dam, which may be erected by the said Company, the said light to be placed at least five feet above the said dam; and also such buoys, during both day and night, as may be necessary for the guidance of persons navigating the said River.

Company may unite with any other for a similar purpose.

22. 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 Michigan, one of the United States of America, for a similar purpose with this Company, and to enter into all contracts and agreements therewith necessary to such union and amalgamation, and which said Company shall be by the Laws of the State of Michigan authorized to enter into such amalgamation or consolidation.

Directors of said companies may enter into a joint Agreement for amalgamation and consolidation.

23. 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 said Corporations, for the amalgamation and consolidation of said Corporations prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names 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 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 said corporations, and the after management and working thereof, and such new corporation shall have power to consolidate or unite with either or any of the lines of Railway having powers of consolidation or union, connecting with the said Tunnel or Bridge by the same means and to the same ends as the same may be consolidated by this act.

Such Agreement to be submitted to the Stockholders of both at meetings, due notice being given.

24. 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 if their Post Office address shall be known to the Secretaries of such corporations; and also by a general notice to be published in a newspaper published in the county of Essex and in the City of Detroit 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 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 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 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 for the Dominion of Canada, and the other in the office of the Secretary of State of the State of Michigan; and 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.

Upon perfecting of consolidation the powers of both shall be consolidated.

25. Upon the making and perfecting of said Agreement and Act of consolidation as provided in the preceding Section, and filing said Agreement as in 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 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 except as herein provided.

Vesting of property in such new Corporation, but rights of creditors to be unimpaired, and no action to be affected by such consolidation.

26. 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 all liens upon the property of either of such Corporations shall be unimpaired by such consolidation, and all debts liabilities and duties of either of said Corporations shall thenceforth attach to the new Corporation, and be enforced against it to the same extent as if 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.

Power to the new Corporation to borrow money, &c.

27. The said new Corporation shall have power, from time to time, to borrow such sums of money as may be necessary for constructing and completing the work hereby authorized, and for the acquiring of the necessary real estate for the site thereof, and approaches thereto, and to mortgage its corporate property and franchises to secure the payment thereof; but the principal of the mortgage debt of such Corporation shall not at any time exceed the sum of three million dollars.

Rights of Stockholders as to voting.

28. 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.

No. —.

3rd Session, 1st Parliament, 33 Victoria, 1870

BILL.

An Act to incorporate the Detroit River Transit Company.

Received and read, First time,
, 1870.

Second reading, , 1870.

OTTAWA:

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

1870.

No.17.] **BILL.** [1870.

An Act respecting the Census.

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

1. The Census of Canada, to be taken in the year 1871, hereinafter termed "The Census," shall be so taken as to ascertain and show, with the utmost accuracy possible, in respect of each of the four Provinces, and of each of the Electoral Districts and other recognised subdivisions thereof, all statistical information which can conveniently be obtained and stated in tabular form, touching,—their population and the classification thereof, as regards age, sex, social condition, religion, education, race, occupation, and otherwise,—the houses and other buildings therein, and their classification, as dwellings, inhabited, uninhabited, under construction, and otherwise,—the occupied land therein, and the condition thereof, as town, village, country, cultivated, uncultivated, and otherwise,—the produce, state and resources of the agricultural, fishing, lumbering, mining, mechanical, manufacturing, trading and other sndustries thereof,—the municipal, educational, charitable and other institutions thereof,—and whatever other matters may be specified in the forms and instructions to be issued, as hereinafter is provided. What shall be ascertained and shown by the census.

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

3. The Minister of Agriculture shall cause all such forms, and also all instructions which he shall deem requisite in respect of the Census, to be duly prepared, printed and issued, for use by the persons to be employed in the taking thereof. Minister of Agriculture to prepare forms.

4. The Governor in Council, by Proclamation, shall divide each of the four Provinces into Census Districts, to correspond as nearly as may be with the several Electoral Districts under "The British North America Act, 1867,"—but subdividing any thereof, or adding adjacent territory to any thereof, or grouping together any thereof or any parts thereof, wherever such subdivision, addition or grouping may be deemed convenient,—and forming all other territory not comprised within an Electoral District, into so many and such Census Districts as may be deemed convenient. Governor in Council to divide each Province into Census Districts.

5. The Governor in Council, by Proclamation, shall further divide every Census District into Census Sub-districts, to correspond as nearly as may be with the Municipal or other recognized divisions And the Census Districts into

Census Sub-Districts.

thereof,—but sub-dividing any thereof, or adding adjacent territory to any thereof, or grouping together any thereof or any parts thereof, wherever such sub-division, addition or grouping may be deemed convenient,—and forming all other territory not comprised within such Municipal or other divisions, into so many and such Census Sub-districts as may be deemed convenient.

And appoint a Census Commissioner for each Census District,

6. The Governor in Council shall appoint for each Census District, one Census Commissioner.

And deputies when necessary.

7. In any case where it may be deemed convenient, there may be appointed by or under authority of the Governor in Council, in such manner and with such relative powers and duties, and such share of emoluments, as shall be laid down by Order in Council, one or more Deputies for the purpose of aiding any of such Census Commissioners.

One Enumerator for each Census Sub-district.

8. There shall be appointed by or under authority of the Minister of Agriculture, in such manner and subject to such rules in that behalf as shall be laid down by Order in Council, one Enumerator for every Census Sub-district.

And Assistant Enumerators when necessary.

9. In any cases where it may be deemed convenient, there may be appointed in like manner one or more Assistant Enumerators for the purpose of aiding any of such Enumerators; and in every such case the relative powers and duties of such Enumerators and Assistant Enumerators shall be such as the instructions of the Minister of Agriculture shall assign to each, whether territorially or otherwise.

Minister of Agriculture to cause forms to be distributed.

10. The Minister of Agriculture shall cause the requisite supply of forms and instructions to be duly distributed, through the several Census Commissioners, to every Enumerator and Assistant Enumerator.

Commissioners so instruct and oversee Enumerators.

11. Each Census Commissioner shall further see that every Enumerator and Assistant Enumerator under his superintendence thoroughly understands the manner in which the duties required of him are to be performed,—and uses due diligence in the performance thereof.

Duties of Enumerators in taking the Census.

12. Every Enumerator and Assistant Enumerator, by domiciliary visits to every house and careful personal inquiry, shall ascertain in detail, with the utmost accuracy possible, all the statistical information with which he is required to deal, and no other,—and shall make an exact record thereof, and attest the same under oath,—and shall see that such attested record is duly delivered to the Census Commissioner under whose superintendence he is placed; the whole, in all respects as by the forms and instructions issued to him shall be required.

Commissioners to examine the work of Enumerators, and correct it, and return it attested.

13. The Census Commissioner shall examine all such records, and satisfy himself how far each Enumerator and Assistant Enumerator has performed the duties required of him,—and shall note all apparent defects and inaccuracies in such records, and require the several Enumerators and Assistant Enumerators concerned therewith, to assist him in respect thereof,—and with their assistance shall correct the same so far as may be found requisite and possible, noting always whether such corrections are

concurred in by them or not, and shall make return,—attested under oath, of his doings in the premises,—and shall transmit the same, together with all the records in question, to the Minister of Agriculture; the whole in all respects as by the forms and instructions issued to him shall be required.

Duty of Minister of Agriculture in examining Returns, and causing them to be corrected and completed, and laid before Parliament.

14. The Minister of Agriculture shall cause all such returns and records, to be examined, and any defects or inaccuracies discoverable therein to be corrected so far as possible,—and shall obtain, so far as possible, by such ways and means as may be deemed convenient, any statistical information requisite for the due completion of the Census, which cannot be or is not obtained with the required fulness and accuracy by means of such returns and records,—and shall cause to be prepared, that the same may be laid before Parliament, with all practicable despatch, abstracts and tabular statements shewing the results of the Census as fully and accurately as possible.

Commissioners and other Census Officers to take Oath of Allegiauce and of office.

15. Every Census Commissioner, Enumerator, Assistant Enumerator, and other person employed in the execution of this Act,—whether for the obtaining in the first instance of any information sought by the Census, or for revising, or compiling the same, or otherwise dealing therewith, or for enquiring into any matter connected with the taking of the Census,—before entering on his duties, shall take and subscribe the oath of allegiance, and also an oath binding him to the faithful and exact discharge of such duties, in such form, before such person, and returned and recorded in such manner, as by Order in Council shall be prescribed.

Any wilful neglect, or false return, etc., to be a misdemeanor.

16. Any such Census Commissioner, Enumerator, Assistant Enumerator, or other person employed in the execution of this Act, making wilful default in any matter required of him by this Act, or making any wilfully false declaration touching any such matter, shall be guilty of a misdemeanor.

Census Commissioners, and others, acting under this Act, to have access to public records etc.

17. Every person having custody or charge of any Provincial, Municipal or other public records or documents, or of any records or documents of any Corporation, from which information sought by the Census or which would aid in the completion or correction thereof, can be obtained, shall grant to any Census Commissioner, Enumerator, Assistant Enumerator, or other person deputed to that end by the Minister of Agriculture, reasonable access thereto for the obtaining of such information therefrom; and every such person wilfully or without lawful excuse refusing or neglecting so to do, and every person wilfully hindering or seeking to prevent or obstruct such access, or otherwise in any way wilfully obstructing or seeking to obstruct any person employed in the execution of this Act, shall be guilty of a misdemeanor.

Penalty for refusing such access.

Penalty for neglecting to to fill up any Schedule, etc.

18. Every person who wilfully or without lawful excuse, refuses or neglects to fill up to the best of his knowledge and belief, any schedule which he shall have been required to fill up by any Enumerator or other person employed in the execution of this Act,—or refuses or neglects to sign and deliver back or otherwise return the same when and as so required,—or makes, signs, delivers or returns, or causes to be made, signed, delivered or returned, any false answer or statement as to any matter specified in such schedule,—shall thereby incur a penalty of not less than *five*, nor more than *twenty*, dollars.

And for refusing to answer lawful questions, etc.

19. Every person who without lawful excuse refuses or neglects to answer, or who wilfully answers falsely, any question requisite for obtaining any information sought by the Census or pertinent thereto, which shall have been asked of him by any Enumerator or other person employed in the execution of this Act, shall for every such refusal or neglect or wilfully false answer, incur a penalty of not less than *five*, nor more than *twenty*, dollars.

Penalties—how to be recovered and appropriated.

20. The penalties hereinbefore imposed may be recovered in a summary manner at the suit of any Census Commissioner, Enumerator, Assistant Enumerator, or other person employed in the execution of this Act, before any one Justice of the Peace having jurisdiction in the place where the offence has been committed, on the oath of the prosecutor, or of one credible witness; and one moiety thereof, shall belong to the Crown for the public uses of the Dominion, and the other moiety to the prosecutor, unless he has been examined as a witness to prove the offence, in which case, the whole shall belong to the Crown for the uses aforesaid.

Minister of Agriculture may direct enquiry into matters connected with the Census: powers, etc., of the Census Commissioners or other person making such enquiry.

21. Whenever the Minister of Agriculture deems it convenient, he may by special letter of instruction direct any Census Commissioner, or other person employed in the execution of this Act, to make enquiry under oath, as to any matter or matters connected with the taking of the Census, or the ascertaining or correcting of any supposed defect or inaccuracy therein; and such Census Commissioner or other person shall then have the same power as is vested in any Court of law in civil cases, of summoning any party or witnesses, of enforcing their attendance, and of requiring, and compelling them to give evidence on oath, whether orally or in writing, and to produce such documents and things as he deems requisite to the full investigation of such matter or matters.

Certain letters and documents to be *prima facie* evidence of appointment, removal, etc.

22. Any letter purporting to be signed by the Minister of Agriculture, or by his Deputy, or by any other person thereto authorised under Order in Council, and notifying any appointment or removal of, or setting forth any instructions to, any person employed in the execution of this Act,—and any letter signed by any Census Commissioner, or other person thereto duly authorised, notifying any appointment or removal of, or setting forth any instructions to, any person so employed, under the superintendence of the signer thereof,—shall be, respectively, *primâ facie* evidence of such appointment, removal, or instructions, and that such letter was signed and addressed as it purports to be.

And so of forms and instructions.

23. Any document or paper, written or printed, purporting to be a form authorised for use in the taking of the Census, or to set forth any instructions relative thereto, which is produced by any person employed in the execution of this Act, as being such form, or as setting forth such instructions, shall be presumed to have been supplied by the proper authority, to the person so producing the same, and shall be *primâ facie* evidence of all instructions therein set forth.

Leaving a schedule by Enumerator to be sufficient; re-

24. The leaving, by any Enumerator or Assistant Enumerator, at any house, or part of a house, of any schedule purporting to be issued under this Act, and having thereon a notice requiring that the same be filled up and signed within a stated delay by the

occupant thereof, or in his absence, by some other member of the family, shall be a sufficient requirement as against such occupant, though not named in such notice, nor personally served therewith, so to fill up and sign such schedule. quirement to fill up the same.

25. The Minister of Agriculture shall cause to be prepared one or more tables, setting forth the rates of allowances or remuneration for the several Census Commissioners, Enumerators, and Assistant Enumerators, employed in the execution of this Act, not, however, to exceed, in the aggregate, a total amount of for each day of admitted effective service, for any Enumerator, or Assistant Enumerator, or of for each day of like service for any Census Commissioner; and the same, when approved by Order in Council, shall be laid before Parliament, on or before the first day of March 1871, if Parliament be sitting, or if Parliament be not sitting, then within the first fifteen days of the Session next ensuing. Minister of Agriculture to prepare tables of allowances as remuneration under this Act, to be laid before Parliament when approved by Government in Council.

26. Such allowances or remuneration shall be paid to the several persons entitled thereto, in such manner as the Governor in Council shall direct; but shall not be payable, until the services required of the person receiving the same have been faithfully and entirely performed. To whom and when payable.

27. Such allowances and remuneration, and all expenses to be incurred in carrying this Act into effect, shall be paid out of such monies as shall be provided by Parliament for that purpose. To be paid out of monies to be provided by Parliament.

28. A full report of all things done under this Act, and an account of all monies expended under the authority thereof, shall be laid before Parliament within the first fifteen days of the next Session thereof, and of each Session thereafter, until such time as all things requiring to be done under this Act shall have been fully completed. Full Reports of things done under this Act to be laid before Parliament.

29. The word "house" in this Act includes all ships, vessels and other dwellings or places of abode of any kind. Interpretation.

30. Nothing in "The Canada Civil Service Act, 1868," contained, shall be held applicable to any appointment, employment, or service, under this Act. Civil Service Act not to apply.

31. The first twenty-four Sections of the Act, Chapter thirty-three of the Consolidated Statutes of the late Province of Canada, so much of Chapter thirty-five of the Revised Statutes of Nova Scotia as relates to the taking of a Census, and all other Acts and parts of Acts in force in any of the Provinces relative to a Census, are hereby repealed. Repeal of inconsistent enactments.

32. This Act may be cited as "*The Census Act*"; and all things lawfully done or required to be done, by or under authority of any Proclamation, Order in Council, or Instruction by this Act provided for or contemplated, shall be held to be done or required, and may be set forth as done or required, under authority of this Act. Short title of this Act. etc.

No. 17.

3rd Session, 1st Parliament, 31 Victoria, 1870.

BILL.

An Act respecting the Census.

Received and read, First time, Tuesday, 8th March, 1870.

Second reading, Friday, 11th March, 1870.

Hon. Mr. Dunkin.

OTTAWA:

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

1870.

Corrected

No. 17.] **BILL.** [1870.

An Act respecting the Census.

Preamble.

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

What shall be ascertained and shown by the Census.

1. The Census of Canada, to be taken in the year 1871, hereinafter termed "The Census," shall be so taken as to ascertain and show, with the utmost accuracy possible, in respect of each of the four Provinces, and of each of the Electoral Districts and other recognised subdivisions thereof, all statistical information which can conveniently be obtained and stated in tabular form, touching—their population and the classification thereof, as regards age, sex, social condition, religion, education, race, occupation, and otherwise,—the houses and other buildings therein, and their classification, as dwellings, inhabited, uninhabited, under construction, and otherwise,—the occupied land therein, and the condition thereof, as town, village, country, cultivated, uncultivated, and otherwise,—the produce, state and resources of the agricultural, fishing, lumbering, mining, mechanical, manufacturing, trading and other sndustries thereof,—the municipal, educational, charitable and other institutions thereof,—and whatever other matters may be specified in the forms and instructions to be issued, as hereinafter is provided.

Details, forms, and procedure to be such as the Governor in Council may direct.

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

Minister of Agriculture to prepare forms.

3. The Minister of Agriculture shall cause all such forms, and also all instructions which he shall deem requisite in respect of the Census, to be duly prepared, printed and issued, for use by the persons to be employed in the taking thereof.

Governor in Council to divide each Province into Census Districts.

4. The Governor in Council, by Proclamation, shall divide each of the four Provinces into Census Districts, to correspond as nearly as may be with the several Electoral Districts under "The British North America Act, 1867,"—but subdividing any thereof, or adding adjacent territory to any thereof, or grouping together any thereof or any parts thereof, wherever such subdivision, addition or grouping may be deemed convenient,—and forming all other territory not comprised within an Electoral District, into so many and such Census Districts as may be deemed convenient.

And the Census Districts into

5. The Governor in Council, by Proclamation, shall further divide every Census District into Census Sub-districts, to correspond as nearly as may be with the Municipal or other recognized divisions

Census Sub-Districts.

thereof,—but sub-dividing any thereof, or adding adjacent territory to any thereof, or grouping together any thereof or any parts thereof, wherever such sub-division, addition or grouping may be deemed convenient,—and forming all other territory not comprised within such Municipal or other divisions, into so many and such Census Sub-districts as may be deemed convenient.

And appoint a Census Commissioner for each Census District,

6. The Governor in Council shall appoint for each Census District, one Census Commissioner.

And deputies when necessary.

7. In any case where it may be deemed convenient, there may be appointed by or under authority of the Governor in Council, in such manner and with such relative powers and duties, and such share of emoluments, as shall be laid down by Order in Council, one or more Deputies for the purpose of aiding any of such Census Commissioners.

One Enumerator for each Census Sub-district.

8. There shall be appointed by or under authority of the Minister of Agriculture, in such manner and subject to such rules in that behalf as shall be laid down by Order in Council, one Enumerator for every Census Sub-district.

And Assistant Enumerators whsn necessary.

9. In any cases where it may be deemed convenient, there may be appointed in like manner one or more Assistant Enumerators for the purpose of aiding any of such Enumerators; and in every such case the relative powers and duties of such Enumerators and Assistant Enumerators shall be such as the instructions of the Minister of Agriculture shall assign to each, whether territorially or otherwise.

Minister of Agriculture to cause forms to be distributed.

10. The Minister of Agriculture shall cause the requisite supply of forms and instructions to be duly distributed, through the several Census Commissioners, to every Enumerator and Assistant Enumerator.

Commissioners so instruct and oversee Enumerators.

11. Each Census Commissioner shall further see that every Enumerator and Assistant Enumerator under his superintendence thoroughly understands the manner in which the duties required of him are to be performed,—and uses due diligence in the performance thereof.

Duties of Enumerators in taking the Census.

12. Every Enumerator and Assistant Enumerator, by domiciliary visits to every house and careful personal inquiry, shall ascertain in detail, with the utmost accuracy possible, all the statistical information with which he is required to deal, and no other,—and shall make an exact record thereof, and attest the same under oath,—and shall see that such attested record is duly delivered to the Census Commissioner under whose superintendence he is placed; the whole, in all respects as by the forms and instructions issued to him shall be required.

Commissioners to examine the work of Enumerators, and correct it, and return it attested.

13. The Census Commissioner shall examine all such records, and satisfy himself how far each Enumerator and Assistant Enumerator has performed the duties required of him,—and shall note all apparent defects and inaccuracies in such records, and require the several Enumerators and Assistant Enumerators concerned therewith, to assist him in respect thereof,—and with their assistance shall correct the same so far as may be found requisite and possible, noting always whether such corrections are

concurred in by them or not, and shall make return,—attested under oath, of his doings in the premises,—and shall transmit the same, together with all the records in question, to the Minister of Agriculture; the whole in all respects as by the forms and instructions issued to him shall be required.

Duty of Minister of Agriculture in examining Returns, and causing them to be corrected and completed, and laid before Parliament.

14. The Minister of Agriculture shall cause all such returns and records, to be examined, and any defects or inaccuracies discoverable therein to be corrected so far as possible,—and shall obtain, so far as possible, by such ways and means as may be deemed convenient, any statistical information requisite for the due completion of the Census, which cannot be or is not obtained with the required fulness and accuracy by means of such returns and records,—and shall cause to be prepared, that the same may be laid before Parliament, with all practicable despatch, abstracts and tabular statements shewing the results of the Census as fully and accurately as possible.

Commissioners and other Census Officers to take Oath of Allegiance and of office.

15. Every Census Commissioner, Enumerator, Assistant Enumerator, and other person employed in the execution of this Act,—whether for the obtaining in the first instance of any information sought by the Census, or for revising, or compiling the same, or otherwise dealing therewith, or for enquiring into any matter connected with the taking of the Census,—before entering on his duties, shall take and subscribe the oath of allegiance, and also an oath binding him to the faithful and exact discharge of such duties, in such form, before such person, and returned and recorded in such manner, as by Order in Council shall be prescribed.

Any wilful neglect, or false return, etc., to be a misdemeanor.

16. Any such Census Commissioner, Enumerator, Assistant Enumerator, or other person employed in the execution of this Act, making wilful default in any matter required of him by this Act, or making any wilfully false declaration touching any such matter, shall be guilty of a misdemeanor.

Census Commissioners, and others, acting under this Act, to have access to public records etc.

17. Every person having custody or charge of any Provincial, Municipal or other public records or documents, or of any records or documents of any Corporation, from which information sought by the Census or which would aid in the completion or correction thereof, can be obtained, shall grant to any Census Commissioner, Enumerator, Assistant Enumerator, or other person deputed to that end by the Minister of Agriculture, reasonable access thereto for the obtaining of such information therefrom; and every such person wilfully or without lawful excuse refusing or neglecting so to do, and every person wilfully hindering or seeking to prevent or obstruct such access, or otherwise in any way wilfully obstructing or seeking to obstruct any person employed in the execution of this Act, shall be guilty of a misdemeanor.

Penalty for refusing such access.

Penalty for neglecting to to fill up any Schedule, etc.

18. Every person who wilfully or without lawful excuse, refuses or neglects to fill up to the best of his knowledge and belief, any schedule which he shall have been required to fill up by any Enumerator or other person employed in the execution of this Act,—or refuses or neglects to sign and deliver back or otherwise return the same when and as so required,—or makes, signs, delivers or returns, or causes to be made, signed, delivered or returned, any false answer or statement as to any matter specified in such schedule,—shall thereby incur a penalty of not less than *ten* nor more than *forty* dollars.

And for refusing to answer lawful questions, etc.

19. Every person who without lawful excuse refuses or neglects to answer, or who wilfully answers falsely, any question requisite for obtaining any information sought by the Census or pertinent thereto, which shall have been asked of him by any Enumerator or other person employed in the execution of this Act, shall for every such refusal or neglect or wilfully false answer, incur a penalty of not less than *five*, nor more than *twenty*, dollars.

Penalties—how to be recovered and appropriated.

20. The penalties hereinbefore imposed may be recovered in a summary manner at the suit of any Census Commissioner, Enumerator, Assistant Enumerator, or other person employed in the execution of this Act, before any one Justice of the Peace having jurisdiction in the place where the offence has been committed, on the oath of the prosecutor, or of one credible witness; and one moiety thereof, shall belong to the Crown for the public uses of the Dominion, and the other moiety to the prosecutor, unless he has been examined as a witness to prove the offence, in which case, the whole shall belong to the Crown for the uses aforesaid.

Minister of Agriculture may direct enquiry into matters connected with the Census: powers, etc., of the Census Commissioners or other person making such enquiry.

21. Whenever the Minister of Agriculture deems it convenient, he may by special letter of instruction direct any Census Commissioner, or other person employed in the execution of this Act, to make enquiry under oath, as to any matter or matters connected with the taking of the Census, or the ascertaining or correcting of any supposed defect or inaccuracy therein; and such Census Commissioner or other person shall then have the same power as is vested in any Court of law in civil cases, of summoning any party or witnesses, of enforcing their attendance, and of requiring, and compelling them to give evidence on oath, whether orally or in writing, and to produce such documents and things as he deems requisite to the full investigation of such matter or matters.

Certain letters and documents to be *prima facie* evidence of appointment, removal, etc.

22. Any letter purporting to be signed by the Minister of Agriculture, or by his Deputy, or by any other person thereto authorised under Order in Council, and notifying any appointment or removal of, or setting forth any instructions to, any person employed in the execution of this Act,—and any letter signed by any Census Commissioner, or other person thereto duly authorised, notifying any appointment or removal of, or setting forth any instructions to, any person so employed, under the superintendence of the signer thereof,—shall be, respectively, *primâ facie* evidence of such appointment, removal, or instructions, and that such letter was signed and addressed as it purports to be.

And so of forms and instructions.

23. Any document or paper, written or printed, purporting to be a form authorised for use in the taking of the Census, or to set forth any instructions relative thereto, which is produced by any person employed in the execution of this Act, as being such form, or as setting forth such instructions, shall be presumed to have been supplied by the proper authority, to the person so producing the same, and shall be *primâ facie* evidence of all instructions therein set forth.

Leaving a schedule by Enumerator to be sufficient; re-

24. The leaving, by any Enumerator or Assistant Enumerator, at any house, or part of a house, of any schedule purporting to be issued under this Act, and having thereon a notice requiring that the same be filled up and signed within a stated delay by the

occupant thereof, or in his absence, by some other member of the family, shall be a sufficient requirement as against such occupant, though not named in such notice, nor personally served therewith, so to fill up and sign such schedule. quirement to fill up the same.

25. The Minister of Agriculture shall cause to be prepared one or more tables, setting forth the rates of allowances or remuneration for the several Census Commissioners, Enumerators, and Assistant Enumerators, employed in the execution of this Act, not, however, to exceed, in the aggregate, a total amount of for each day of admitted effective service, for any Enumerator, or Assistant Enumerator, or of for each day of like service for any Census Commissioner; and the same, when approved by Order in Council, shall be laid before Parliament, on or before the first day of March 1871, if Parliament be sitting, or if Parliament be not sitting, then within the first fifteen days of the Session next ensuing. Minister of Agriculture to prepare tables of allowances as remuneration under this Act, to be laid before Parliament when approved by Government in Council.

26. Such allowances or remuneration shall be paid to the several persons entitled thereto, in such manner as the Governor in Council shall direct; but shall not be payable, until the services required of the person receiving the same have been faithfully and entirely performed. To whom and when payable.

27. Such allowances and remuneration, and all expenses to be incurred in carrying this Act into effect, shall be paid out of such monies as shall be provided by Parliament for that purpose. To be paid out of monies to be provided by Parliament.

28. A full report of all things done under this Act, and an account of all monies expended under the authority thereof, shall be laid before Parliament within the first fifteen days of the next Session thereof, and of each Session thereafter, until such time as all things requiring to be done under this Act shall have been fully completed. Full Reports of things done under this Act to be laid before Parliament.

29. The word "house" in this Act includes all ships, vessels and other dwellings or places of abode of any kind. Interpretation.

30. Nothing in "The Canada Civil Service Act, 1868," contained, shall be held applicable to any appointment, employment, or service, under this Act. Civil Service Act not to apply.

31. The first twenty-four Sections of the Act, Chapter thirty-three of the Consolidated Statutes of the late Province of Canada, so much of Chapter thirty-five of the Revised Statutes of Nova Scotia as relates to the taking of a Census, and all other Acts and parts of Acts in force in any of the Provinces relative to a Census, are hereby repealed. Repeal of inconsistent enactments.

32. This Act may be cited as "*The Census Act*"; and all things lawfully done or required to be done, by or under authority of any Proclamation, Order in Council, or Instruction by this Act provided for or contemplated, shall be held to be done or required, and may be set forth as done or required, under authority of this Act. Short title of this Act, etc.

No. 17.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act respecting the Census.

(Corrected Copy.)

Received and read, First time, Tuesday, 8th March, 1870.

Second reading, Friday, 11th March, 1870.

Hon. Mr. Dunkin.

OTTAWA:

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

1870.

No. 18.] **BILL.** [1870.

An Act to extend the operation of the Act of the Legislature of the late Province of Canada, 19 and 20 Vict., chapter 141, to all parts of the Dominion of Canada.

Preamble.

WHEREAS, an Act was passed by the Legislature of the late Province of Canada, in the nineteenth and twentieth years of Her Majesty's Reign, intituled "An Act to enable the Members of the United Church of England and Ireland in Canada to meet in Synod;" and whereas it is expedient to enable the members of the said United Church throughout the Dominion of Canada, if they shall see fit, to assimilate their laws and practice, and to manage their affairs under a uniform system:

Act of Province of Canada, 19 & 20 Vict., cap. 141.

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

The said Act extended to Nova Scotia and other Provinces of Canada.

1. The Synod of the United Church of England and Ireland now constituted, or which shall hereafter be constituted in conformity with the provisions of the said Act, in the Province of Nova Scotia, *or* in any other Province that now is, or hereafter shall be, included in the Dominion, may adopt the said Act, and may unite with the members of the said Church in the Provinces of Ontario and Quebec in General Assembly, by their representatives, as fully and in the same manner, to all intents and purposes, as if they had been included in the Province of Canada at the time of the passing of the aforesaid Act;

Proviso.

Provided always that nothing herein contained shall authorise any interference with the right of nomination to parishes, secured to the parishioners by the Revised Statutes of Nova Scotia, chapter forty-nine.

No. 18.

3rd Session, 1st Parliament, 33 Victoria 1870.

BILL.

An Act to extend the operation of the Act of the Legislature of the late Province of Canada, 19 and 20 Victoria, Chapter 141, to all parts of the Dominion of Canada.

Received and read, First time, Monday, 21st March, 1870.

PRIVATE BILL.

Hon. Mr. CAMPBELL.

OTTAWA:

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

1870.

No. 19.] **BILL.** [1870.

An Act to incorporate a Company for the construction of a Ship Canal to connect the waters of Lake Champlain and the River Saint Lawrence.

Preamble.

WHEREAS the construction of a Ship Canal to connect the River Saint Lawrence with Lake Champlain, leaving the Saint Lawrence at some point on Lake Saint Louis, and coming out at some point on the River Richelieu or on Lake Champlain, would tend much to advance the general interests of the Dominion of Canada, by greatly increasing the business which would be carried on through the Saint Lawrence Canals with Boston, New York, and other eastern Cities in the United States, and would greatly contribute to promote the trade, and facilitate the communication between the eastern and western sections of Canada, as well as with the Western States, and particularly the transportation of timber and deals from the Ottawa and Quebec Districts; And whereas the several persons hereinafter named are desirous to make and maintain the said Canal, and have prayed to be incorporated for that purpose, and it is expedient to grant their prayer: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Certain persons and their successors incorporated for the purpose of making a canal from the St. Lawrence to Lake Champlain.

1. The Honorable John Young, of the city of Montreal, and such other persons as shall be named by them for the purpose, shall be provisional directors of the company hereby incorporated, and together with such other person or persons as shall, under the provisions of this Act, become subscribers to and proprietors of any share or shares in the Canal hereby authorized to be made, and other works and property hereinafter mentioned, and their several and respective heirs, executors, administrators, curators and assigns, being proprietors of such share or shares, are and shall be united into a Company for carrying on, making, completing and maintaining the said Canal and other works, according to the rules, orders and directions hereinafter expressed, and shall for that purpose be one body politic and corporate by the name of *The St. Lawrence and Champlain Canal Company*, and by that name shall have perpetual succession, and shall have a Common Seal, and other the usual powers and rights of bodies corporate, not inconsistent with the other provisions of this Act, and by that name shall and may sue and be sued, and may purchase and hold lands (which word throughout this Act shall be understood to include the land and all that is upon or below the surface thereof, and all the real rights and appurtenances thereunto belonging) for them and their successors or assigns, for the use of the said Canal and works, without Her Majesty's *Lettres d'Amortissement*, and also to alienate and convey any of the said lands purchased for the purposes aforesaid; and any person or persons, bodies politic or corpo-

Corporate name and powers.

rate, or communities may give, grant, bargain, sell or convey to the said Company any lands for the purposes aforesaid, and the same may re-purchase of the said Company without *Lettres d'Amortissement;* and the said Company shall be, and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Canal, to be called the *St. Lawrence and Champlain Canal*, from a point on the River St. Lawrence on Lake St. Louis to such point on the River Richelieu or on Lake Champlain or on the Chambly Canal, as may be found most desirable and convenient for the general interests of trade and of the public.

Limits within which the canal shall be made.

Plan of the canal, &c., to be approved by the Governor in Council.

2. Provided always, that before the said Company shall break ground or commence the construction of the said Canal, the plan, location, dimensions, and all necessary particulars of the said Canal, and the Locks, Bridges and other works therewith connected, and the points at which it is to leave the River St. Lawrence, and to enter the Richelieu River or Lake Champlain or the Chambly Canal, shall have been submitted to and received the sanction of the Governor in Council; and that the said Canal and the Locks and works thereon shall not be of a less size, depth or capacity than the Beauharnois Canal on the River St. Lawrence;—[and all maps, plans, surveys, levels, reports and documents relating to any proposed Canal from the St. Lawrence to Lake Champlain now in possession of the government, or copies thereof, shall be open to and placed at the disposal of the said Company to aid it in the prosecution of its works, and the preparation of the map or plan and book of reference herein after mentioned.]

Size of the canal, &c.

Government maps, &c., to be open to the Company.

Power to the Company to set out and survey lands necessary for their works, &c.

3. For the purposes of this Act, the said Company, their Deputies, Servants, Agents and Workmen, are hereby authorized and empowered to enter into and upon any lands and grounds of the Queen's Most Excellent Majesty, not hereinafter excepted, or of any person or persons, bodies politic or corporate or collegiate, or communities or parties whatsoever, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Canal and other works hereby authorized, and all such works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended Canal and other works, and to dig, cut, trench, get, remove, take, carry away and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended Canal or other works, on or out of the lands or grounds of any person or persons adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended Canal or the works incidental or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same, respectively, according to the intent and purpose of this Act; and to make, build, erect and set up, in or upon the said intended Canal or upon their lands adjoining or near the same respectively, such and so many houses, warehouses, toll houses, watch houses, telegraphs, or other signals, weighing beams, cranes, steam-engines, or other engines, tow-paths, machines, and other works, as the said Company shall think requisite and convenient for the purposes of the said Canal; and also from time to time to alter, repair, divert, widen, enlarge and extend the same, and also to make, maintain, repair and alter any bridges, passages over, under

To get and place materials.

To erect buildings, machinery, &c.

or through the said intended Canal, and to construct, erect and keep in repair any bridges, arches and other works upon and across any rivers or brooks for the making, using, maintaining and repairing of the said intended Canal; and to turn any such brook, river or water-course, and to change its course; and the said Company, their Agents or Contractors, shall have the right to enter upon any property or lands adjacent to the said Canal on which there may be found quarries of stone requisite for constructing the Locks or other works of the said Canal, and to quarry and take stone therefrom for the said purposes, compensating the owners as hereinafter provided, and to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving and completing of the said intended Canal and other works, and in pursuance of, and according to the true intent and meaning of this Act, they the said Company doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned to the owners or proprietors of, or the persons interested in the lands, tenements and hereditaments, water, water-courses, brooks or rivers respectively, which shall be taken, used, removed, prejudiced, or of which the course shall be altered, or for all damages to be by them sustained in or by the execution of all or any of the powers given by this Act; and this Act shall be sufficient to indemnify the said Company and their Servants, Agents or Workmen, and all other persons whatsoever for what they or any of them shall do by virtue of the powers hereby granted, subject nevertheless to such provisions and restrictions as are hereinafter mentionned.

Bridges and other works for passing streams, &c.

To open quarries.

Other works necessary for the canal.

As little damage as possible to be done, and compensation to be made.

4. For thepurposes of this Act, the said Company shall and may by some sworn Land Surveyor for the Province of Quebec, and by an engineer or engineers by them to be appointed, cause to be taken and made, surveys and levels of the lands through which the said intended Canal is to be carried, together with a map or plan of such Canal, and of the course and direction thereof, as finally approved by the Governor in Council, and of the said lands through which the same is to pass, and the lands intended to be taken for the several purposes authorized by this Act, so far as then ascertained, and also a book of reference for the said Canal in which shall be set forth a description of the said several lands, and the names of the owners, occupiers and proprietors thereof, so far as they can be ascertained by the said Company ,and in which shall be contained every thing necessary for the right undertanding of such map or plan; which said map or plan and book of reference shall be examined and certified by such person as the Governor shall designate for that purpose, who shall deposit copies thereof in the office of the Prothonotary of the Superior Court in the District of Montreal, and also in the office of the Secretary of State of Canada, and shall also deliver one copy thereof to the said Company, and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts or copies thereof as occasion shall require, paying to the said Secretary of State or to the said Prothonotary, at the rate of *ten cents* for every one hundred words; and the said triplicates of the same plan or map and book of reference so certified, or a true copy thereof, certified by the said Secretary of State, or by the Prothonotary of the Superior Court in the said District, shall severally be and are hereby declared to be good evidence in the Courts of Law and elsewhere in Canada.

Company to take surveys and levels of the lands through the canal is to be carried, and make a map and book of reference.

The same to be examined and deposited.

Copies may be taken, &c.

Bridges where the Canal shall cross Highways.

5. The said Company shall, at each and every place where the said Canal shall cross any highway, erect and keep good and sufficient draw-bridges to the satisfaction of the Governor in Council, and which shall be kept shut except when Vessels are passing, so that the public thoroughfare may be as little impeded as possible; and shall not in making the said Canal cut through or in terruptthe passage on any public road until they shall have made a convenient road past their works for the use of the public; and for every day on which they shall neglect to comply with the requirements of this section, the said Company shall incur a penalty *of ten dollars*.

What quantity of land may be taken.

6. The lands or grounds to be taken or used without the consent of the proprietors, for the said Canal, and the ditches, drains and fences to separate the same from the adjoining lands, shall not exceed *one hundred and fifty yards* in breadth, except in places where basins and other works are required to be cut or made as a necessary part of the Canal, as shewn on the plan approved by the Governor in Council.

Provision for deviation, errors in book of reference, &c.

7. The said Company may make, carry or place their said intended Canal or works into, and across or upon the lands of any person or party whomsoever in the line shewn on the plan aforesaid, (or within the distance of five hundred yards from such line, except at the points of entering the rivers aforesaid or Lake Champlain or the Chambly Canal, where they shall be confined to the line shewn on the said plan), although the name of such party be not entered in the said book of reference, through error, want of sufficient information, or any other cause, or although some other person or party be erroneously mentioned as the owner of, or party entitled to convey, or interested in such lands.

Company may use beaches, &c. doing no damage to the navigation.

8. The said Company may take, use, occupy and hold, but not alienate, so much of the Public Beach or Beach Road, or of the land covered with the waters of the rivers or lake which the said Canal may cross, start from or terminate at, as may be required for the wharves and other works of the said Canal, for making easy entrances thereto and other works which they are hereby authorized to construct, doing no damage to nor causing any obstruction in the navigation of the said rivers or lake, and conforming in all respects to the plan and mode of construction sanctioned as aforesaid by the Governor in Council, except in so far only as he may at any time authorize a deviation from such plan and mode of construction; And the said Company, with the sanction of the Governor in Council, and upon such terms and conditions as may be agreed upon between the said Company and the Dominion Government, may cause their Canal to enter into the Chambly Canal instead of taking it directly to the River Richelieu or to Lake Champlain, and may widen, deepen, alter and improve so much of the said Chambly Canal as may be necessary in order to make it, from the point where the Canal hereby authorized shall intersect it to the River Richelieu, not less in size, depth and capacity than the Beauharnois Canal aforesaid; Provided always, That in the event of the said Company so widening, deepening, altering or improving the said Chambly Canal, it shall be incumbent upon them to execute, at their own expense, any works that may be thereby rendered necessary for enlarging or otherwise altering the Draw-Bridge built by the Honorable Robert Jones over the said Chambly Canal at St. John's, and thereafter to work and keep in repair the said Draw-Bridge, keeping it shut at all

Proviso as to the Chambly Canal.

Proviso: saving of the Rights of the Hon. R. Jones.

times, except when Vessels are passing, so that the passage thereof may be as little impeded as possible, but they shall not at any time interrupt the passage over the said Draw-Bridge for the purpose of altering, enlarging or repairing the same, until they shall have made or provided a sufficient temporary Bridge over the said Canal, in connection with and continuation of the remainder of the Toll-Bridge of the said Honorable Robert Jones, which temporary Bridge shall be so placed and kept up as to afford, in connection with the said Toll-Bridge, a convenient and safe passage over the River Richelieu and the said Canal, at all times during the continuance of any such works or repairs.

Company may take the Chambly Canal on certain conditions.

[**9**. The said Company may take, hold and use the whole of the Chambly Canal and the works therewith connected and all the tolls receipts and revenues thereof upon terms to be settled and agreed upon between the Company and the Governor in Council based upon the following conditions:

1. That the Company shall keep and maintain the said Canal and works in as good order and condition as when it receives the same, inevitable accidents excepted;

2. That the Company shall pay to the Dominion Government as an annual rent, a sum equal to the net receipts from the tolls of the same for the year 186 ;—

3. That so soon as the Company shall, from the net receipts and tolls, of its own Canal, be enabled to make regular dividends of 6 per cent. per annum upon the whole cost of its Canal, the Company shall, at its own cost enlarge that por- of the Chambly Canal not before enlarged together with all the locks thereof, to a size equal at least to that of the Beauharnois Canal, from its intersection with the Canal of said Company to the River Richelieu.

4. That the rate of tolls on the Chambly Canal by way of the Richelieu River and Canal shall never exceed the pro rata rate in miles of those of the Canal from the St. Lawrence to be built by the Company.]

May improve the River Richelieu.

[**10**. The said Company may and it is hereby authorized and empowered to improve the Richelieu River by dredging or otherwise, so as to enable Vessels of a draft of water equal to the capacity of the Canal to be made by the said Company, to navigate the same, and as a consideration therefor and for this purpose, the public works at the St. Ours Locks and Dam shall be and hereby are granted to the said Company upon condition that it shall so improve the said River, reserving the full control over the same by the government until the said Company shall enter upon the use thereof under this Act.]

Company may lease water power, &c.

11. The said company shall have the power to use, sell, lease, rent or otherwise dispose of, for their sole use and benefit, any water brought by their said Canal or such part of the Chambly Canal as may then be in their possession, or under their control as aforesaid which may not be required for the purposes thereof, but which may be used or found useful and applicable to drive any machinery in mills, warehouses, manufactories or otherwise, on such terms as they may deem expedient and advisable.

Lands and their valuation.

After any lands have so been set out.

12. After any lands shall be set out and ascertained in manner aforesaid, for making and completing the said Canal and other works, and other the purposes and conveniences hereinbefore mentioned:—

Certain parties may convey to Company.

1. All Corporations and persons whatever, tenants in tail or for life, *grevés de substitution*, guardians, curators, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons, seized, possessed of, or interested in any lands, may contract, sell or convey unto the Company all or any part thereof:

Limitation in certain cases.

2. But the powers by the next preceding sub-section conferred upon Ecclesiastical and other Corporations, Trustees of Land for Church and School purposes, or either, Executors appointed by Wills in which they are not invested with any power over the real estate of the Testator, Administrators of persons dying intestate, but at their death seized of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of the Company.

Contract or agreement for sale.

3. Any contract, agreement, sale, conveyance and assurance so made, under the two preceding sub-sections, shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the Company, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever; and the Corporation or person so conveying, is hereby indemnified for what it or he respectively does by virtue of or in pursuance of this Act;

Disposition of purchase money.

4. The Company shall not be responsible for the disposition of any purchase money for lands taken by them for their purposes, if paid to the owner of the land, or into Court for his benefit, as hereinafter provided.

Contract before deposit of map.

5. Any contract or agreement made as it may be by any party authorized by this Act to convey lands, and made before the deposit of the Map or Plan and Book of Reference, and before the setting out and ascertaining of the lands required for the Canal or works of the Company, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement. and although such land may, in the meantime, have become the property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of Arbitrators as hereinafter provided, and the agreement shall be in the place of an award;

Fixed rent to be paid in certain cases.

6. All Corporations or parties who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the Canal and works and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly

registered in the Registry Office of the proper District, County, or Registration Division;

As to proprietors *par indivis*.

7. Whenever there is more than one party proprietor of any land as joint tenant or tenants in common, or *par indivis*, any contract or agreement made in good faith with any party or parties proprietor or being together proprietors of one third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenant or tenants in common or *par indivis;* and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be;

Application to owners after deposit of map.

8. After the deposit of the Map or Plan and Book of Reference, and after notice thereof given for one month in English and French in at least one newspaper, published in the City of Montreal, the Company may apply to the owners of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the Canal and works, and thereupon, agreements and contracts may be made with such parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then all questions which arise between them, shall be settled as follows, that is to say:

Deposit to be general notice

9. The deposit of a Map or Plan and Book of Reference, and the notice of such deposit, shall be deemed a general notice to all the parties of the lands which will be required for the Canal and works;

Notice to party what to contain.

10. The notice served upon the party shall contain:

a. A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them;

b. A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and,

c. The name of a person to be appointed as the Arbitrator of the Company, if their offer be not accepted; And such notice shall be accompanied by the certificate of a sworn Surveyor for the Province of Quebec, disinterested in the matter, and not being the Arbitrator named in the notice:

That the land, if the notice relate to the taking of land, shewn on the said Map or Plan, is required for the Canal, or is within the limits of deviation hereby allowed;

That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and,

That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid.

If the owner be absent or unknown.

11. If the opposite party is absent from the District in which the lands lie, or is unknown, then, upon application to the Judge of the Superior Court for the District, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the Company that the opposite party is so absent, or that, after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, (but without a Certificate,) to be inserted three times in the course of one month in some newspaper published in the City of Montreal to be named by the Judge, in the English or French language or both, in the discretion of the Judge.

Party not accepting offer and not appointing an Arbitrator.

12. If within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not notify to the Company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as Arbitrator, then the Judge shall, on the application of the Company, appoint a Sworn Surveyor for the Province of Quebec, to be sole Arbitrator for determining the compensation to be paid as aforesaid;

It he appoints one. Third Arbitrator.

13. If the opposite party within the time aforesaid, notifies to the Company the name of his Arbitrator, then the two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third (of which fact the allegation of either of them shall be evidence) then the Minister of Public Works shall, on the application of the party or of the Company (previous notice of at least two clear days having been given to the other party), appoint one of the Official Arbitrators to be a third Arbitrator ;

Duties of Arbitrators.

14. The Arbitrators, or two of them, or the sole Arbitrator, being sworn before some Justice of the Peace for the District in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best, and the award of such Arbitrators, or any two of them, or of the sole Arbitrator, shall be final and conclusive ; But no such award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other Arbitrator has had at least two clear days notice, or to which some meeting at which the third Arbitrator was present, had been adjourned ; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the Arbitrator appointed by him, or whose appointment he required ;

Award by majority.

Increased value by Canal to be considered.

15. The Arbitrators in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the Canal will pass, by reason of the passage of the Canal through or over the same, or by reason of the construction of the Canal, and to set off the increased value that will attach to the said lands or grounds against the inconvenience, loss or damage that might be suffered or sustained by reason of the Company taking possession of or using the said lands or grounds as aforesaid.

Costs, how paid.

16. The award given by any sole arbitator shall never be for a less sum than that offered by the company, as aforesaid, and if in any case where three Arbitrators have been appointed, the sum awarded is not greater than that offered, the costs of the Arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the Company, and in either case they may, if not agreed upon, be taxed by the Judge ;

Power to examine parties or witnesses on o2th.

17. The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as voluntarily appear before them or him, and may administer such oath or affirmation ; and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly ;

Time for making the award.

18. The Judge by whom any third Arbitrator or sole Arbitrator is appointed, shall fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by order of the Judge, as it may be for reasonable cause shown on the application of the sole Arbitrator or of one of the Arbitrators, after one clear day's notice

to the others, then, the sum offered by the Company as aforesaid, shall be the compensation to be paid by them ;

Arbitrator dying.

19. If the sole Arbitrator appointed by the Judge, or the Official Arbitrator appointed by the Minister of Public Works, or any Arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the sole Arbitrator the Judge, upon the application of either party, and in the case of the official Arbitrator, the Minister of Public Works, upon a like application, the Judge or Minister being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another Arbitrator in his place, and in the case of any Arbitrator appointed by the parties, the Company or party respectively may appoint an Arbitrator in the place of his or their Arbitrator so deceased or not acting, notifying the other party or his or their Arbitrator of such appointment, but no recommencement or repetition of prior proceedings shall be required in any case ;

Desisting from notice and giving a new one.

20. Any such notice for lands, as aforesaid, may be desisted from and new notice given, with regard to the same or other lands, to the same or any other party, but in any such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist ;

Certain persons not disqualified as arbitrators.

21. The Surveyor or other person offered or appointed as Valuator or as sole Arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the Company, provided he is not himself personally interested in the amount of the compensation ; and no cause of disqualification shall be urged against any arbitrator appointed by the Judge, after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the Judge ;

Time for objecting.

No objection allowed after a certain time.

22 No cause of disqualification shall be urged against any Arbitrator appointed by the Company or by the opposite party after the appointment of a third Arbitrator ; and the validity or invalidity of any cause of disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by the Judge, on the application of either party, after two clear days' notice to the other, and if the cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an Arbitrator ;

Awards not avoidable for want of form.

23. No award shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation ; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award ;

Possession on payment or tender of award.

24. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the Company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon ; and if any resistance or forcible opposition be made by any person to their so doing, the Judge may, on proof to his satisfaction of such award or agreement, issue his Warrant to the

Warrant of possession.

porting and maintaining the said intended Canal or works, such person or persons shall be adjudged guilty of *felony*, and shall be punished in like manner as felons are directed to be punished by law in such manner as the law directs in cases of simple larceny, in the discretion of the Court.

Company to contribute among themselves the necessary sums for carrying on their undertaking.

16. And to the end that the said Company may be enabled to carry out so useful an undertaking—The said Company and their successors, may raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing the said Canal, and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Canal and other works :- Provided always, that the before mentioned Provisional Directors, or any majority of them, shall cause books of subscription to be opened at such places as they shall appoint, for receiving the signatures of persons willing to become subscribers to the said undertaking, and for this purpose they shall give public notice in one or more newspapers in the English and French languages, of the time and places at which such books will be opened and ready for receiving signatures as aforesaid, and of the Banks by them authorized to receive such subscriptions ; and every person who or whose Attorney shall write her or his signature in such book as a subscriber to the said undertaking, and pay such deposit as may be required by the said Provisional Directors or the majority of them on the sum subscribed for, shall thereby become a Member of the Corporation, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as Members of the said Corporation : Provided always, that the sum so raised shall not exceed the sum of two million dollars, in the whole, except as hereinafter mentioned, and that the money so raised shall be laid out and applied in the first place for and towards the payment and discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereto, and all other expenses relating thereunto, [and in re-imbursing to the parties mentioned in the Act of the Legislature of the late Province of Canada, for incorporating a company to make the said canal, passed in the twelfth year of Her Maiesty's Reign, and chaptered one hundred and eighty, and now expired by non-user, the fees and disbursements incurred by them, respectively, in obtaining the passing of the said Act, and for making surveys, plans, and estimates relating to the said canal, and obtaining information relative thereto, or otherwise connected with and preliminary to the carrying out of the said Act, and of this Act,] and all the rest, residue and remainder of such money for and towards making, completing and maintaining the said Canal, and other the purposes of this Act, and to no other use, intent or purpose whatever.

Proviso. Books of subscription to be opened.

Proviso Capital limited.

Order of charges on the Capital : certain preliminary expenses to be first paid.

Capital to be divided into Shares of £25 each.

17. The said sum of two million dollars, or such part thereof as shall be raised by the several persons hereinbefore named, and by such other person or persons as shall or may at any time become a subscriber or subscribers to the said Canal, shall be divided into equal parts or shares of one hundred dollars, currency, per share ; and the shares shall be deemed personal estate, and shall be transferable as such ; and the said shares shall be and are hereby vested in the said several subscribers and their several and respective heirs, executors, curators, administrators

to the others, then, the sum offered by the Company as aforesaid, shall be the compensation to be paid by them ;

Arbitrator dying.

19. If the sole Arbitrator appointed by the Judge, or the Official Arbitrator appointed by the Minister of Public Works, or any Arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the sole Arbitrator the Judge, upon the application of either party, and in the case of the official Arbitrator, the Minister of Public Works, upon a like application, the Judge or Minister being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another Arbitrator in his place, and in the case of any Arbitrator appointed by the parties, the Company or party respectively may appoint an Arbitrator in the place of his or their Arbitrator so deceased or not acting, notifying the other party or his or their Arbitrator of such appointment, but no recommencement or repetition of prior proceedings shall be required in any case ;

Desisting from notice and giving a new one.

20. Any such notice for lands, as aforesaid, may be desisted from and new notice given, with regard to the same or other lands, to the same or any other party, but in any such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist ;

Certain persons not disqualified as arbitrators.

21. The Surveyor or other person offered or appointed as Valuator or as sole Arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the Company, provided he is not himself personally interested in the amount of the compensation ; and no cause of disqualification shall be urged against any arbitrator appointed by the Judge, after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the Judge ;

Time for objecting.

No objection allowed after a certain time.

22 No cause of disqualification shall be urged against any Arbitrator appointed by the Company or by the opposite party after the appointment of a third Arbitrator ; and the validity or invalidity of any cause of disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by the Judge, on the application of either party, after two clear days' notice to the other, and if the cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an Arbitrator ;

Awards not avoidable for want of form.

23. No award shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation ; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award ;

Possession on payment or tender of award.

24. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the Company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon ; and if any resistance or forcible opposition be made by any person to their so doing, the Judge may, on proof to his satisfaction of such award or agreement, issue his Warrant to the

Warrant of possession.

porting and maintaining the said intended Canal or works, such person or persons shall be adjudged guilty of *felony*, and shall be punished in like manner as felons are directed to be punished by law in such manner as the law directs in cases of simple larceny, in the discretion of the Court.

Company to contribute among themselves the necessary sums for carrying on their undertaking.

16. And to the end that the said Company may be enabled to carry out so useful an undertaking—The said Company and their successors, may raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing the said Canal, and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Canal and other works : Provided always, that the before mentioned Provisional Directors, or any majority of them, shall cause books of subscription to be opened at such places as they shall appoint, for receiving the signatures of persons willing to become subscribers to the said undertaking, and for this purpose they shall give public notice in one or more newspapers in the English and French languages, of the time and places at which such books will be opened and ready for receiving signatures as aforesaid, and of the Banks by them authorized to receive such subscriptions ; and every person who or whose Attorney shall write her or his signature in such book as a subscriber to the said undertaking, and pay such deposit as may be required by the said Provisional Directors or the majority of them on the sum subscribed for, shall thereby become a Member of the Corporation, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as Members of the said Corporation : Provided always, that the sum so raised shall not exceed the sum of two million dollars, in the whole, except as hereinafter mentioned, and that the money so raised shall be laid out and applied in the first place for and towards the payment and discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereto, and all other expenses relating thereunto, [and in re-imbursing to the parties mentioned in the Act of the Legislature of the late Province of Canada, for incorporating a company to make the said canal, passed in the twelfth year of Her Maiesty's Reign, and chaptered one hundred and eighty, and now expired by non-user, the fees and disbursements incurred by them, respectively, in obtaining the passing of the said Act, and for making surveys, plans, and estimates relating to the said canal, and obtaining information relative thereto, or otherwise connected with and preliminary to the carrying out of the said Act, and of this Act,] and all the rest, residue and remainder of such money for and towards making, completing and maintaining the said Canal, and other the purposes of this Act, and to no other use, intent or purpose whatever.

Proviso. Books of subscription to be opened.

Proviso Capital limited.

Order of charges on the Capital : certain preliminary expenses to be first paid.

Capital to be divided into Shares of £25 each.

17. The said sum of two million dollars, or such part thereof as shall be raised by the several persons hereinbefore named, and by such other person or persons as shall or may at any time become a subscriber or subscribers to the said Canal, shall be divided into equal parts or shares of one hundred dollars, currency, per share ; and the shares shall be deemed personal estate, and shall be transferable as such ; and the said shares shall be and are hereby vested in the said several subscribers and their several and respective heirs, executors, curators, administrators

and assigns, proportionally to the sums they and each of them shall severally subscribe and pay thereunto; and all and every the bodies politic, corporate or collegiate, or communities, and all and every person of persons, their several and respective successors, executors, curators, admistrators and assigns, who shall severally subscribe and pay the sum of one hundred dollars, or such sums as shall be demanded in lieu thereof, towards carrying on and completing the said Canal, shall be entitled to and receive, after the said Canal, shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held; and every body politic, corporate or collegiate, or community, person or persons, having such property or shares in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking, in manner by this Act directed and appointed.

To be personal property and transferable.

Rights of Shareholders to profits, &c.

Their liabilities.

[2. Interest shall be allowed to all subscribers of stock in the said Company on the sums by them respectively paid in on their respective subscriptions, at the rate of six per cent. per annum from the time the same is paiduntil the Canal is opened for business, to be paid by the issue of new stock of the Company at par, provided that no fraction of a share shall be issued and no subscriber shall be entitled to an issue of stock for this purpose, until the interest due such subscriber shall be equal to at least one share of the said stock.]

Interest to be allowed on Stock paid up before the Canal is finished.

18. In case the said sum of two million dollars be found insufficient for the purposes of this Act, then the said Company may raise and contribute among themselves in manner and form aforesaid, and in such shares and proportions as to them shall seem meet, or by the admission of new subscribers, a further or other sum of money for completing and perfecting the said intended Canal and other works or conveniences incidental or relative thereto, or hereby authorized, not exceeding the sum of two million dollars; and every subscriber towards raising such further or other sum of money, shall be a proprietor in the said undertaking, and have a like right of voting in respect of his, her or their shares in the said additional sum so to be raised, and shall also be liable to such obligations, and stand interested in all the profits and powers of the said undertaking, in proportion to the sum he, she or they shall or may subscribe thereto, as generally and extensively as if such other or further sum had been originally raised as a part of the said first sum of two million dollars.

If the capital be sufficient the Company may raise a further sum.

19. The said Company may from time to time lawfully borrow either in Canada or elsewhere, such sum or sums of money not exceeding at any time one fourth part of the amount paid up, as they may find expedient, and at such rate of interest per annum as they may think proper, any thing in the laws of Canada to the contrary notwithstanding; and may make the bonds, debentures or other securities they shall grant for the sums so borrowed payable either in currency or in sterling, and at such place or places as the Shareholders may deem advisable, and may give security on the tolls, revenues and other property of the said Company for the due payment of the said sums and the interest thereon, but no such debenture if payable to bearer shall be for a less sum than four hundred dollars.

Company may borrow a limited sum of money;

And hypothecate their property.

Votes of Proprietors according to the number of their Shares.

20. The number of votes to which to each proprietor of shares in the said undertaking shall be entitled on every occasion when in conformity to the provisions of this Act the votes of the Members of the said Company are to be given, shall be in the proportion to the number of shares held by him, that is to say: one vote for any less number that five shares, and each holder or proprietor of every five shares and upwards, shall have two votes for every five shares; and all proprietors of shares may vote by proxy, if they shall see fit, provided that such proxy do produce from his constituent or constituents, an appointment in writing, in the words or to the following effect, that is to say:

Proprietors may vote by proxy.

Form of appointment of proxy.

"I of one
"of the Members of the *Saint Lawrence and Champlain Canal*
"*Company*, do hereby nominate, constitute and appoint
" of to be my proxy, and in my
"name, and in my absence to vote or give my assent or dissent to
"any business, matter or thing relating to the said undertaking that
"shall be mentioned or proposed at any meeting of the Members
"of the said Company, or any of them, in such manner as he the
"said shall think proper accor-
"ding to his opinion and judgment, for the benefit of the said
"undertaking, or any thing appertaining thereto. In witness
"whereof, I have hereunto set my hand and seal, the
" day of in the year.

Questions to be decided by majority of votes.

And such vote or votes by proxy shall be as valid as if the principal or principals had voted in person; and every question, election of proper Officers, or matters or things shall be proposed, discussed or considered in any public meeting of the Proprietors to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid, and all decisions and acts of any such majority shall bind the said Company, and be deemed the decisions and acts of the said Company.

Aliens may vote, &c.

[**21.** Aliens shall have the same right as British subjects to take and hold stock or shares in the Company, and to vote either as principals or proxies; provided that the president of the Company and a majority of the Directors shall reside in Canada, and be subjects of Her Majesty.]

Proviso

Liabilities of Shareholders limited.

22. No Member of the said Company shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the Company beyond the extent of his or her share in the Capital of the Company not paid up.

The first General Meeting of the proprietors to be held at Montreal.

23. The first General Meeting of the Members of the Company for putting this Act into execution, may be held at Montreal whenever sufficient shares have been subscribed for, provided that public notice thereof be given during one week in at least one newspaper published in the English, and at least one published in the French language, and signed by at least three of the subscribers to the said undertaking holding among them at least one hundred shares; and at such said General Meeting, the Members assembled, with such proxies as shall be present, shall choose nine Directors, being each a Proprieter of not less than five shares in the said undertaking, in such manner as is hereinafter directed, and may also proceed to pass such Rules and Regulations and By-laws as shall seem to them fit, provided they be not inconsistent with this Act, or with the laws of Canada.

To elect a Board of nine Directors.

Qualification.

Annual election of Directors.

24. The Directors first appointed (or those appointed in their stead in case of vacancy) shall remain in office until the election of Directors in the month of January of the then next year, and in the month of January in the said year and each year thereafter, and on such day of the month as shall be appointed by any By-law, an Annual General meeting of the Members of the Company shall be held to choose Directors in the room of those whose office may at that time become vacant, and generally to transact the business the Company; but if at any time it shall appear to any five or more of such Members holding together one hundred shares at least, that for more effectually putting this Act in execution, a Special General Meetingof the Members is necessary to be held, such five or more of them may cause fifteen days' notice at least to be given thereof in two public newspapers as aforesaid, or in such manner as the Company shall by any By-law director appoint, specifying in such notice the time and place, and the reason and intention of such Special Meetings, respectively; and the Members are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect to the matter so specified only; and all such acts of the Members or the majority of them, at such Special Meetings assembled, (such majority not having either as principals or proxies less than one hundred shares,) shall be as valid to all intents and purposes as if the same were done at Annual Meetings: Provided always, that it shall and may be lawful for the said Members at such Special Meetings, (in like manner as at Annual Meetings,) in case of the death, absence, resignation or removal of any person elected a Director to manage the affairs of the said Company in manner aforesaid, to appoint another or others in the room or stead of those of the Directors who may die, resign, or be removed as aforesaid; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining Directors.

Special Meetings of Proprietors may be called.

Quorum at special Meetings.

Proviso: Vacancies among the Directors how filled.

Proviso.

Five Directors to retire annually.

25. At each of the said Annual Meetings of the Members of the said Company, five of the said Directors shall retire, the order of retirement of the said first elected Directors being decided by ballot, but the Directors then or at any subsequent time retiring, shall be eligible for re-election: Provided always, that no such retirement shall have effect, unless the Members shall at any such Annual Meeting proceed to fill up the vacancies thus occurring in the Direction.

Directors to elect a President;

And Vice-President.

26. The Directors shall, at their first, or at some other, Meeting, after the day appointed for the Annual General Meeting in each year, elect one of their members to be the President of the said Company, who shall always (when present) be the Chairman of, and preside at all meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead; and the said Directors may in like manner elect a Vice-President who shall act as Chairman in the absence of the President.

Five Directors to be a *Quorum*.

27. Any meeting of the said Directors, at which not less than five Directors shall be present, shall be competent to use and exercise all and any of the powers hereby vested in the Directors of the said Company: Provided always, that no one Director, though he may be a Proprietor of many shares, shall have more than one vote at any Meeting of the Directors, and the President or the Vice-President when acting as Chaiman, or any temporary

Casting vote of Chairman.

Chairman, who in case of the absence of the President and Vice-President, may be chosen by the Directors present, shall, when presiding at a meeting of the Directors in case of a division of equal numbers, have the casting vote, and no other; And provided also, that the Directors shall from time to time be subject to the examination and control of the said Annual and Special Meetings of the said Members as aforesaid, and shall pay due obedience to all By-laws of the Company, and to such orders and directions, in and about the premises, as they shall from time to time receive from the said Members at such Annual or Special Meetings; such orders and directions not being contrary to any express directions or provisions in this Act contained: And provided also, that the Act of any majority of a quorum of the Directors present at any meeting regularly held shall be deemed the act of the Directors.

Proviso: Directors subject to the control of Meetings.

Proviso: Acts of a majority to be valid.

No contractor, &c. to be a Director.

28. No person concerned or interested in any contract or contracts, under the said Company, shall be capable of being chosen a Director, or of holding the office of Director.

Three Auditors to be appointed yearly—

To audit all accounts.

29. Every such Annual Meeting shall have power to appoint not exceeding three Auditors to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Directors and Managers and other officer and officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by or concerned for or under them, in and about the said undertaking; and to that end the said Auditors shall have power to adjourn themselves over from time to time and from place to place as shall be thought convenient by them: and the said Directors chosen under the authority of this Act shall have power from time to time to make such call or calls of money from the Proprietors of the said Canal and other works to defray the expense of, or to carry on the same, as they from time to time shall find wanting and necessary for those purposes: Provided however, that no call do exceed the sum of twenty dollars for every share of one hundred dollars; and provided also, that no calls be made but at the distance of at least three calendar months from each other: And the said Directors shall have full power and authority to direct and manage all and every the affairs of the said Company, as well in contracting for and purchasing lands, rights and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing managers, officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking; and to affix or authorize the Secretary or his Deputy to affix the Common Seal of the Company to any act, deed, bye-law, notice or other document whatsoever; and any such act, peed, by-law, notice or other document bearing the Common Seal of the Company, and signed by the President, Vice-President, or any Director, or by any Officer by order of the Directors, shall be deemed the act of the Directors and of the Company, nor shall the authority of the signer of any document purporting to be so signed and sealed, to sign the name and affix the said Seal thereto, be liable to be called in question by any party except the Company; and the Directors shall have such other and further powers as being vested in the Company by this Act, shall be conferred upon the said Directors by the By-laws of the Company, except such as are hereby expressly directed to be exercised by the Members at Annual or Special Meetings.

Power of the Directors to make calls.

Proviso: calls how to be made.

Other powers of the Directors.

Further powers may be conferred by By-law.

30. The owner or owners of one or more shares in the said undertaking, shall pay his, or her or their shares and proportion of the money to be called for as aforesaid, to such Bankers and at such time and place as the said Directors shall appoint and direct, of which notice shall be given by at least four insertions thereof in the course of three months, in two newspapers as aforesaid, or in such other manner as the members of the Company shall by any By-law direct or appoint ; and if any person or persons neglect or refuse to pay his, her or their rateable or proportional part or share of the said money, to be called for as aforesaid, at the time and place so appointed, he, she or they neglecting or refusing shall forfeit a sum not exceeding the rate of twenty dollars for every four hundred dollars of his, her or their respective share or shares in the said undertaking : and in case such person or persons neglect to pay his, her or their rateable calls as aforesaid, for the space of six calendar months after the time appointed for the payment thereof as aforesaid, then he, she or they shall forfeit his, her and their respective share and shares in the said undertaking, and all the profit and benefit thereof and all money paid thereon ; all which forfeitures shall go to the rest of the Proprietors of the said undertaking, their successors and assigns, for the benefit of the said proprietors in proportion to their respective interests ; and in every case such calls shall be payable with interest from the time the same shall be so appointed to be paid until the payment thereof ; Provided always, that in case any person or persons neglect or refuse to pay any such call or calls at the time and in the manner required for that purpose, the said Company may sue for and recover the same with interest and costs in any Court of Law having competent jurisdiction ; and in any such action it shall be sufficient to allege and to prove by any one witness, whether in the employ of the Company or not, that the defendant is the proprietor of a share (or of any number of shares, stating such number) in the stock of the said Company ; that certain sums of money were duly called for upon such share or shares by the said Company, under the authority of and in the manner provided by this Act, and were due and payable at a certain time or times whereby an action hath accrued to the said Company, to recover such sum or sums with interests and costs ; and the production of the newspapers containing such calls shall be evidence that the same were made as therein stated ; and neither in such action, nor in any other action, suit or legal proceding by the Company, shall the election of the Directors, or the authority of them, or of the Attorney or Solicitor acting in the name of the Company, be called in question except by the Company, nor shall it in any such case be necessary to name the Directors or any of them, or to mention any other special matter whatever, and the defendant shall not plead the general issue, but may by a plea in denial traverse any particular matters of fact alleged in the declaration, or specially plead some particular matters of fact in confession and avoidance.

Shareholders bound to pay calls.

Penalty for neglect.

Forfeiture for not paying calls.

Proviso : Amount of calls may be sued for.

What shall be alledged and proved in such suit.

31. No advantage shall be taken of the forfeiture of any share or shares of the said undertaking, unless the same shall be declared to be forfeited at some Annual or Special Meeting of the said Company assembled after such forfeiture shall be incurred ; and every such forfeiture shall be an indemnification to and for every proprietor so forfeiting against all action and actions, suits or prosecutions whatever, to be commenced or prosecuted for any breach of contract or other agreement between such proprietor and the other proprietors with regard to carrying on the said Canal and works.

Forfeitures to be declared at some General Meeting.

B

Company may remove any Director, &c.

And so of Officers.

May make By-laws, &c.

32. The said Company shall always have power and authority at any General Meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be Directors in the room of those who shall die, resign or be removed, and to revoke, alter, amend or change any of the By-laws or Orders prescribed with regard to their proceedings amongst themselves (the method of calling General Meetings, and the time and place of assembling, and manner of voting and of appointing Directors, only excepted,) and shall have power to make such new Rules, By-laws and Orders, for the good government of the said Company and their servants, agents and workmen, for the good and orderly making, maintaining and using the said Canal and all other works connected therewith, or belonging thereto, or hereby authorized, and for the well governing of all persons and vessels whatsoever travelling upon or using the said Canal and other works, or transporting any goods, wares, merchandize or other commodities thereon ; and by such By-laws to impose and inflict such fines or forfeitures upon the persons guilty of a breach of such By-laws, or Orders, as to such General Meeting shall seem meet, not exceeding the sum of forty dollars, for every offence ; such fines or forfeitures to be levied and recovered by such ways and means as are hereinafter mentioned; which said By-laws and Orders being put into writing under the Common Seal of the said Company, shall be kept in the Office of the Company, and a printed or written copy of so much of them as may relate to or affect any party other than members or servants of the Company, shall be affixed openly in the Office of the said Company in all and every of the places where Tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same : and the said By-laws and Orders so made and published as aforesaid, shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same, and any copy of the said By-laws or any of them purporting to be certified as correct by the President or some person authorized by the Directors to give such certificate, and to bear the Common Seal of the Company, shall be deemed authentic, and shall be received as evidence of such By-laws in any Court without further proof ; Provided always, that no By-law of the said Company, fixing or altering the rate of Tolls on the said Canal, or affecting others than the members or officers of the said Company, shall have force or effect until it shall have been confirmed by the Governor in Council.

Penalties under By-laws limited.

By-laws to be in writing, and published

Certified copies to be evidence.

Proviso : Certain By-laws to be subject to approval of the Governor in Council.

Proprietors of the said Canal may dispose of their Shares and how.

Transfer to be notified to the Company.

33. The several proprietors of the said Canal or undertaking may sell or dispose of his, her or their share or shares therein, subject to the rules and conditions herein mentioned ; and every purchaser shall have a duplicate of the deed of bargain and sale and conveyance made unto him or her, and one part of such deed, duly executed by seller and purchaser, shall be delivered to the said Directors or their Secretary for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book or books to be kept by the said Secretary for that purpose, for which no more than *twenty five cents* shall be paid, and the said Secretary is hereby required to make such entry accordingly ; and until such duplicate of such deed shall be so delivered to the said Directors or their Secretary, and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said undertaking, nor any in-

terest for the said share or shares, paid unto him, her or them, nor any vote as a proprietor or proprietors.

Form of the transfer of Shares.

34. The sale of the said shares shall be in the form following, varying the names and descriptions of the contracting parties as the case may require :

The form.

"I, A, B., in consideration of the sum of paid to me by "C, D., of do hereby bargain, sell and transfer to the said "C. D., share (*or* shares) of the stock of the *Saint "Lawrence and Champlain Canal Company*, to hold to him, the "said C. D., his heirs, executors, curators, administrators and as- "signs, subject to the same rules and orders, and on the same con- "ditions that I held the same immediately before the execution "hereof. And I, the said C. D., do hereby agree to accept of the said "share (*or* shares) subject to the same rules, orders and conditions. "Witness our hands and seals, the day of , in the year "

Proviso.

Provided always, that no such transfer of any share shall be valid until enregistered in a transfer book to be kept for that purpose, nor until all calls or instalments then due thereon shall have been paid up.

Directors may appoint a Treasurer and Clerks, &c.

35. The said Directors may and they are hereby authorized to nominate and appoint the Bankers, Secretary, Treasurer, Solicitor and Servants of the said Company, taking such security for the due execution of their respective offices as the said Directors shall think proper : and in proper books shall be kept a true and perfect account of the names and places of abode of the several members of the said Company, and of the several persons who shall from time to time become owners and proprietors of, or entitled to any share or shares therein, and of all the acts, proceedings and transactions of the said Company and of the Directors for the time being, by virtue of and under the authority of this Act.

Their duties

Company may establish Tolls on the Canal.

36. The said Company may from time to time, and at all times hereafter, ask, demand, take and recover, to and for their own proper use and behoof for all passengers, goods, wares, merchandize and commodities, of whatever description, transported upon the said Canal, or vessels using the same, such Tolls as they may deem expedient ; which said Tolls shall be from time to time fixed and regulated by By-laws of the Company, or by the Directors if thereunto authorized by the said By-laws, and shall be paid to such person or persons, and at such places near to the said Canal, in such manner and under such regulations as the said Company or the said Directors shall direct and appoint ; and in case of denial or neglect of payment of any such rates or dues, or any part thereof on demand, to the person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same in any Court having competent jurisdiction, or the person or persons to whom the said rates or dues ought to be paid, may and he is, and they are hereby empowered to seize and detain such vessels, goods, wares, merchandize or other commodities for or in respect whereof such rates or dues ought to be paid and to detain the same until payment thereof : and in the meantime the said vessels, goods, wares, merchandize, or other commodities, shall be at the risk of the owner or owners thereof ; and the said Company or the said Directors shall have full power, from time to time, at any General Meeting, to lower or reduce all or any of the said Tolls, and again to raise the same as often as it shall be deemed necessary for the interests of the said undertaking ; Provided always, that the same Tolls

How recovered if not duly paid.

Seizure of goods, &c.

Tolls may be lowered and again raised.

Proviso: against monopoly.

shall be payable at the same time and under the same circumstances upon all vessels, and goods, and upon all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any By-law relating to the said Tolls.

To be on Welland and St. Lawrence Canals.

[**37**. And, in order to encourage the making of the said Canal from the St. Lawrence to Lake Champlain, the tolls on all Vessels and freight passing to and from the west through the St. Lawrence and Welland Canals, shall never exceed by more than per cent the rates of 186—, and the tolls on the said Welland and St. Lawrence Canals for the period of years from the passing of this Act, shall not exceed present rates.]

Half yearly accounts to be made up.

38. And in order to ascertain the amount of the clear profits of the said undertaking—The said Company, or the Directors for managing the affairs of the said Company, shall and they are hereby required to cause a true, exact and particular account to be kept and semi-annually made up and balanced to the first day of January and the first day of July in each year, of the money collected and received by the said Company, or by the Directors or Managers and Servants of the said Company, or otherwise for the use of said Company, by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on their works, and all other receipts and expenditure of the said Company or the said Directors; and at the General Meetings of the Members of the said Company, to be from time to time holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such meetings shall declare otherwise; and such dividend shall be at and after the rate of so much per share upon the several shares held by the Members of the said Company, as such meeting or meetings shall think fit to appoint or determine; Provided always, that no dividend shall be made whereby the capital of the said Company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share, after a day appointed for the payment of any call for money in respect thereof, until such call shall have been paid.

Dividends to be made from time to time.

Proviso. Capital not to be impaired.

Fractions in distance or weight how calculated.

39. Provided always, that in all cases where there shall be a fraction of a mile in the distance which vessels, goods, wares, merchandize, or other commodities or passengers shall be conveyed or transported on the said Canal, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile, and that in all cases where there shall be the fraction of a ton in the weight of any such goods, wares, merchandize, or other commodities, a proportion of the said rates shall be demanded and taken by the said Company, to the number of quarters of a ton contained therein; and in all cases where there shall be a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

Tables of Tolls to be publicly affixed.

40. The said Company shall from time to time print and stick up, or cause to be printed and stuck up in their office, and in all and every of the places where the Tolls are to be collected, in some conspicuous place there, a printed board or paper containing all the Tolls payable under this Act.

Proviso as to services to the Government.

41. Any enactments which the Parliament of Canada may hereafter deem it expedient to make, with regard to the exclusive use of the Canal by the Government at any time, or the carriage

of Her Majesty's Mail or Her Majesty's Forces and other persons and articles, or the rates to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph, or other service to be rendered by the Company to the Government shall not be deemed an infringement of the privileges intended to be conferred by this Act.

Company to make fences, &c. if required.

42. The said Company shall within six calendar months after any lands shall be taken for the use of the said Canal or undertaking, and if thereunto required by the proprietors of the adjoining lands respectively, but not otherwise, divide and separate, and keep constantly divided and separated, the lands so taken from the lands or grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, bank or other fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds which shall be purchased by, conveyed to, or vested in the said Company as aforesaid, and shall at their own costs and charges, from time to time, maintain, support and keep in sufficient repair the said posts, rails, hedges, ditches, trenches, banks and other fences so set up and made as aforesaid.

Canal to be measured and miles marked.

43. So soon as conveniently may be after the said Canal shall be completed, the said company shall cause the same to be measured, and stones or posts, with proper inscriptions on the sides thereof denoting the distance, to be erected and maintained at the distance of every mile from each other.

Treasurer, Receiver and Collector to give security.

44. The said Company shall take sufficient security, by one or more bond or bonds, in a sufficient penalty or penalties, from their Managers and Collectors for the time being of the money to be raised by virtue of this Act, for the faithful execution by such Managers and Collectors of his and their office and offices respectively.

Forfeitures under this Act, how recovered and applied, when not otherwise provided for.

45. All fines and forfeitures imposed by this Act, or which shall be lawfully imposed by any By-laws to be made in pursuance thereof, (of which By-laws, when produced, all Justices are hereby required to take notice,) the levying and recovering of which fines and forfeitures are not particularly herein directed, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for the District, either by the confession of the party or parties, or by the oath or affirmation of any one credible witness (which oath or affirmation such Justice or Justices are hereby empowered and required to administer without fee or reward,)

Levy by distress and sale of goods and chattels.

be levied with costs by distress and sale of the offender's goods and chattels, by Warrant under the hand and seal or hands and seals of such Justice or Justices; and all such fines, forfeitures or penalties by this Act imposed or authorized to be imposed, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Company, and shall be applied and disposed of for the use of the said Canal or undertaking, and the overplus of the money raised by such distress and sale, after deducting the penalty and the expenses of the levying and recovering thereof, shall be rendered to the owner of the goods so distrained and sold; and

Imprisonment for want of sufficient chattels.

for want of sufficient goods and chattels whereof to levy the said penalty and expenses, the offender shall be sent to the Common Gaol for the District wherein he is convicted there to remain without bail or mainprize for such term not exceeding one month as such Justice or Justices shall think proper, unless such penalty and forfeiture, and all expenses attending the same, shall be sooner paid and satisfied.

Appeal by persons aggrieved.

46. Any person or persons who thinks himself, herself or themselves aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Act, may within four calendar months after the doing thereof, appeal from the conviction or order in the manner provided by the "Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders."

Limitation of actions for things done under this Act.

47. If any action or suit be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities or of the orders and directions hereinbefore given or granted, such action or suit shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards.

As to contravention of this Act not otherwise punishable.

48. Any contravention of this Act by the said Company or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and punishable accordingly; but such punishment shall not exempt the said Company (if they be the offending party) from the forfeiture of this Act and the privileges hereby conferred on them, if by the provisions thereof, or by law, the same be forfeited by such contravention.

Her Majesty may assume the works.

[**49.** Her Majesty, Her heirs and successors may, at any time, assume the possession and property of the said Canal and works and of all the rights, privileges and advantages of the Company (all which shall after such assumption be vested in Her Majesty Her Heirs and successors) on giving to the said Company a year's notice thereof, and on paying to the said Company the value of the same to be fixed by Arbitrators, one to be chosen by the government, another by the Company and in case of disagreement by a third arbitrator to be chosen by the said two arbitrators; provided that such value shall not be fixed at less than the Capital stock of the Company with interest from the time of the investment thereof at per cent deducting however all dividends declared and paid to the share holders; and the said Chambly Canal and the said St. Ours dam and works may also be at any time *either separately or together, or with or without the Canal and works made and constructed by the Company,* assumed in manner aforesaid on giving the said notice and on paying to the Company the value of improvements made by the Company, to be ascertained by Arbitrators as aforesaid and interest at the rate of per cent.]

Map and book of reference to be deposited, and the Canal completed within certain periods, or this Act to be void.

[**50.** The said Company, to entitle themselves to the benefits and advantages to them granted by this Act, shall and they are hereby required to make and deposit the map or plan and book of reference mentioned in this Act within years after the passing thereof, and to make and complete the said Canal from the River St. Lawrence to Lake Champlain or the River Richelieu in manner aforesaid, within years from the passing of this Act; and if the said map or plan and book of reference be not so made and deposited within the said years, or if the whole of the Stock of the said Company be not subscribed and at least ten per centum thereon paid up and either expended for the purposes of this Act, or deposited in some chartered Bank or Banks in Canada within years from the passing of this Act, or if the said Canal be not so made and completed within the period of

years, so as to be used by the public as aforesaid, then and in either case this Act and every matter and thing therein contained shall cease and be utterly null and void.]

Company annually to submit detailed accounts to the Legislature.

51. The said Company shall annually submit to the three Branches of the Parliament of Canada, within the first fifteen days after the opening of each Session thereof, after the opening of the said Canal or any part thereof to the public, a detailed and particular account, attested upon oath, of the moneys by them received and expended under and by virtue of this Act, with a classified statement of the amount of tonnage and of the vessels, passengers and freight that have been conveyed along the said Canal; and no further provisions which Parliament may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company.

Further provision may be made.

Saving, of Her Majesty's Rights, &c.

52. Nothing herein contained shall affect or be construed to affect, in any manner or way whatsoever, the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

What must be done before commencing operations.

53. The said Company shall not proceed to break ground or commence the construction of the said Canal until shares to the amount of eight hundred thousand dollars shall have been taken in the Capital Stock of the said Company, and ten per cent. thereon shall have been paid into the hands of the Treasurer or Banker of the said Company, nor until the said election of Directors hereinbefore in that behalf provided shall have been held.

Company not exempted from any general Canal law.

54. Nothing herein contained shall be construed to except the Canal by this Act authorized to be made, from the provisions of any general Act, which may be passed during the present or any future Session of Parliament, and no further provision which Parliament may make for enforcing any of the provisions of this Act, or for protecting the public or the rights of private parties shall be deemed an infringement of the rights of the said Company.

No. 19.

3rd Session, 1st Parliament, 33 Vict., 1870.

BILL.

An Act to incorporate a Company for the Construction of a Ship Canal to connect the waters of Lake Champlain and the River Saint Lawrence.

Received and read, First time, Tuesday, 8th March, 1870.

Second reading, 1870.

(Private Bill.)

MR. M. P. RYAN.

OTTAWA:

Printed by I. B. TAYLOR, 29, 32, and 33, Rideau Street.

1870.

No. 20] BILL. [1870.

An Act to amend the Acts of Incorporation of the Great Western Railway Company.

(Re-printed as Amended by Railway Committee.)

WHEREAS the Great Western Railway Company have represented by their Petition that it will be more satisfactory to their Shareholders to have the system for election of Directors defined, the qualification of the Directors increased, and the mode of retiring from office altered; and have also petitioned that the gauge of their Railways may be changed. And it is expedient to grant the prayer of the said Petition.

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

Votes to be on shares registered when Transfer Books closed.

1. The votes of the Shareholders, to be cast either in person or by proxy at any half-yearly or special General meeting, upon any question or for any purpose, shall be taken from a List of Shareholders registered upon the Books at the time the Transfer Books preceding such Meeting shall have been closed, notwithstanding anything in any of the said Acts of Incorporation contained as to the time of holding Shares prior to voting thereon.

Regulations as to proxies.

2. No person shall be entitled to vote as a proxy unless the instrument appointing such proxy has been transmitted to the Secretary of the Company not less than forty-eight hours before the time appointed for holding the meeting at which such proxy is to be used.

Votes of joint shareholders.

3. If several persons be jointly entitled to a share, the person whose name stands first in the register of Shaeholders as one of the holders of such share shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof; and on all occasions the vote of such first named Shareholder, either in person or by proxy, shall be allowed as the vote in respect of such share, without proof of the concurrence of the other holders thereof.

Qualification of Directors.

4. On and after the general meeting in October next, after the passing of this Act, no person shall be capable of being a Director, unless he be a Shareholder to the amount of at least forty shares, duly registered in his name.

Rotation of Directors.

5. The Directors of the said Corporation, who, at the time this Act shall come into force, shall be in Office, shall retire at the times and in the proportions following; the individuals to retire being in each instance determined by ballot among the Directors, unless they shall otherwise agree (that is to say):

At the general meeting to be held in October next, after this Act shall come into force, being at the end of the first year, four of such Directors, to be determined by ballot

among themselves, unless they shall otherwise agree, shall go out of office.

At the general meeting to be held in October, being at the end of the second year, four of the remaining number of such Directors, to be determined in like manner, shall go out of office.

At the general meeting to be held in October, at the end of the third year, the remainder of such Directors shall go out of office.

and in each instance, the places of the retiring Directors shall be supplied by an equal number of qualified Shareholders; and at the general meeting held in October, in every subsequent year the same rotation of vacancies shall take place, being those in the succession of numbers above specified who have been longest in office, shall go out of office, and their places shall be supplied in like manner; nevertheless, every Director so retiring from office, may be re-elected immediately or at any future time, and after such re-election shall, with reference to the going out by rotation, be considered as a new Director.

Supply of occasional vacancies in office of Directors.

6. If any Director die, or resign, or become disqualified or incompetent to act as a Director, or cease to be a Director by any other cause than that of going out of office by rotation, as aforesaid, the remaining Directors, if they think proper so to do, may elect in his place some other Shareholder, duly qualified to be a Director; and the Shareholder so elected to fill up any such vacancy shall continue in office as a Director so long only as the person in whose place he shall have been elected would have been entitled to continue if he had remained in office

Proof of a particular majority of votes only required in the event of a poll being demanded.

7. Whenever the consent of any particular majority of votes of the Shareholders is required in order to authorize any proceeding of the Company, the same shall be determined at an ordinary meeting of the Company, unless the Acts requiring the same shall provide for a Special General Meeting, by a majority of the Shares in number and value held by the Shareholders of the Company, for the time being, entitled to vote upon such shares, as may be present in person or by proxy (in cases where proxies are allowed at such meetings), and such particular majority shall only be required to be proved in the event of a poll being demanded at such meeting; and if such poll be not demanded, then a declaration by the Chairman that the resolution authorizing such proceeding has been carried, and an entry to that effect in the book of proceedings of the Company shall be sufficient authority for such proceeding, without proof of the number or proportion of votes recorded in favor of or against the same.

Cases of doubt, or dispute as to ownership of Stock or Shares, or Dividends, may be disposed of, under order of the Court of Chancery.

8. Whenever the interest in any part of the Capital Stock of the Company, whether in Stock or Share, preference or otherwise, or in the dividend or dividends accrued thereon, shall be transmitted by the death of any Shareholder or Stockholder, or otherwise, or whenever the ownership of, or legal right of possession in any such Stock or Shares, or dividends, shall change by any lawful means, other than by transfer, or shall be disputed, and the Directors of the said Company shall entertain reasonable doubts as to the legality of any claim to and upon such Stock or Shares, or dividend, then and in such case, it shall be lawful for the Company to make and file a Bill or Petition, in the Court of Chancery for Ontario, setting forth the facts, and the amount of Stock or number of Shares previously belonging to the party in whose name such Stock or Shares stand in the Books of the Company,

and praying for an Order, Decree, or Judgment adjudicating and awarding the said Stock or Shares, or dividends, to the party or parties legally entitled to the same, by which Order, Decree, or Judgment, the Company shall be guided and held harmless and indemnified and released from all and every other claim for the said Stock or Shares, or dividends, or arising therefrom ; Provided always that notice of such Bill or Petition shall be given to all parties claiming such Stock or Shares or dividends, who shall, upon the filing of such Bill or Petition, declare, and shew his, her or their claim or right referred to in such Bill or Petition, and all costs and expenses attending such proceedings shall be in the discretion of the Court, who shall adjudge by whom, and to whom the same shall be paid. And any question which can affect the interest of any Proprietor of Perpetual Debenture Stock of the Company may be raised and determined by the said Court of Chancery in like manner as hereby applied to the Capital Stock of the Company.

Duty of Directors on receipt of order of the Court.

9. The Directors of the Company shall immediately, on being duly served with a copy of such Order, Decree, or Judgment of the said Court of Chancery, transfer such Stock or Shares, and pay over such dividends to the party or parties to whom they shall have been declared to belong, by such Order, Decree or Judgment

Registration of Transfers.

10. From and after the passing of this Act, all transfers of bonds, stock or shares of the Company, shall be registered at the office of the Company in Canada, and not at the office of the Company established in England ; but all such transfers may be left at the office of the Company in England, for the purpose of being transmitted to the office of the Company in Canada, for the purpose of registration.

Seal.

11. A Duplicate Seal of the Company, to be marked seal A, may be kept at the office of the Company in England, and may be used for the purpose of being affixed to any documents requiring the seal of the Company in England ; and all documents sealed with the seal A, shall be as valid and effectual to all intents and purposes as if the same had been sealed with the seal of the Company in Canada.

Auditor in Canada.

12. The shareholders may elect annually in the manner provided for the election of the existing Auditors, a third Auditor, being a Shareholder resident in Canada, who shall have free access to the books and vouchers of the Company, and may employ such Accountants and other persons in Canada at the expense of the Company as he shall think proper, and shall examine the accounts of the Company in Canada, and certify the same to the other two Auditors of the Company, or make such report on such accounts as he shall think fit.

Power to change gauge.

13. Whereas the Company in accepting the terms of the Act of the Legislature, of the late Province of Canada, passed in the Session thereof held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled " An Act to make provision for the " construction of a Main Trunk Line of Railway throughout the " whole length of this Province," constructed in compliance with it their Railway on the gauge of five feet and six inches, and now desire to alter the same, it is enacted they may alter the gauge of their Railways, including their Branches to such width as may be deemed convenient and economical, and that all provisions of any Act of the Legislature of the late Province of Canada, requiring them to build their Railways including their Branches on the gauge of five feet six inches are hereby repealed.

No. 20.

3rd Session, 1st Parliament, 33 Victoria, 1870.

An Act to amend the Acts of Incorporation of the Great Western Railway Company.

(*Reprinted as amended by Railway Committee.*)

PRIVATE BILL.

Hon. Mr. CARLING.

OTTAWA

No. 20.] **BILL.** [1870.

An Act to amend the Acts of Incorporation of the Great Western Railway Company.

WHEREAS, the Great Western Railway Company have represented by their Petition, that it will be more satisfactory to their Shareholders to have the system for election of Directors defined, the qualification of the Directors increased, and the mode of retiring from office changed; and have also petitioned that their Branch Railways should be made of uniform gauge with their main line. 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:

Votes to be on shares registered when Transfer Book closed.

1. The votes of the Shareholders, to be cast either in person or by proxy, at any half-yearly or special General meeting, upon any question or for any purpose, shall be taken from a List of Shareholders registered upon the Books at the time the Transfer Books preceeding such Meeting shall have been closed, notwithstanding anything in any of the said Acts of Incorporation contained as to the time of holding Shares prior to voting thereon.

Regulations as to proxies.

2. No person shall be entitled to vote as a proxy, unless the instrument appointing such proxy have been transmitted to the Secretary of the Company the prescribed period, or if no period be prescribed, not less than forty-eight hours before the time appointed for holding the meeting at which such proxy is to be used.

Votes of joint shareholders.

3. If several persons be jointly entitled to a share, the person whose name stands first in the register of Shareholders as one of the holders of such share shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof; and on all occasions the vote of such first named Shareholder, either in person or by proxy, shall be allowed as the vote in respect of such share, without proof of the concurrence of the other holders thereof.

Notice to be given by candidates for office of Directors.

4. No Shareholder shall be eligible for election to the office of Director by the Shareholders, unless he shall have transmitted to the Secretary at his office in London in England, or Hamilton in Canada, as the case may be, where the election is to be held, a notice in writing, fourteen clear days before the meeting to be held for such election, of his intention to offer himself as a Candidate, nor unless he shall, at the time of the transmission of such notice, be qualified by the requisite number of shares registered in his own name in the books of the Company, and if at any meeting, the number of Candidates who shall give such notice as aforesaid, shall be sufficient to fill all the offices which shall have to be filled by election at such meeting, no other Candidates than those who shall have given such notice, shall be proposed at such meeting, but if by reason of neglect to give such notice as aforesaid, or the retirement or death of any Candidates after giving such notice, or

Deficiency of candidates.

for any other cause there shall be at the meeting a deficiency of Candidates who shall have given such notice to fill the offices which shall have to be filled up at such meeting, then and in such case it shall be lawful for any Shareholder to propose and nominate any duly qualified Candidate or Candidates for any office or offices for which there shall be a deficiency of Candidates who shall have given such notice as aforesaid.

Qualification of Directors.

5. On and after the general meeting in October next, after the passing of this Act, no person shall be capable of being a Director, unless he be a Shareholder to the amount of at least forty shares, duly registered in his name.

Rotation of Directors.

6. The Shareholders of the said Corporation, who, at the time this Act shall come into force, shall be Directors, shall retire from Office at the times and in the proportions following; the individuals to retire being in each instance determined by ballot among the Directors, unless they shall otherwise agree (that is to say):

At the general meeting to be held in October next, after this Act shall come into force, being at the end of the first year, four of such Directors, to be determined by ballot amongst themselves, unless they shall otherwise agree, shall go out of office.

At the general meeting to be held in October, being at the end of the second year, four of the remaining number of such Directors, to be determined in like manner, shall go out of office.

At the general meeting to be held in October, at the end of the third year, the remainder of such Directors shall go out of office,

and in each instance, the places of the retiring Directors shall be supplied by an equal number of qualified Shareholders; and at the general meeting held in October, in every subsequent year the same rotation of vacancies shall take place, being those in the succession of numbers above specified who have been longest in office, shall go out of office, and their places shall be supplied in like manner; nevertheless, every Director so retiring from office, may be re-elected immediately or at any future time, and after such re-election shall, with reference to the going out by rotation, be considered as a new Director.

Supply of occasional vacancies in office of Directors.

7. If any Director die, or resign, or become disqualified or incompetent to act as a Director, or cease to be a Director by any other cause than that of going out of office by rotation, as aforesaid, the remaining Directors, if they think proper so to do, may elect in his place some other Shareholder, duly qualified to be a Director; and the Shareholder so elected to fill up any such vacancy shall continue in office as a Director, so long only as the person in whose place he shall have been elected would have been entitled to continue if he had remained in office.

Proof of a particular majority of votes only required in the event of a poll being demanded.

8. Whenever the consent of any particular majority of votes of the Shareholders is required in order to authorize any proceeding of the Company, the same shall be determined at an ordinary meeting of the Company, unless the Acts requiring the same shall provide for a Special General Meeting, and such particular majority shall only be required to be proved in the event of a poll being demanded at such meeting; and if such poll be not demanded, then a declaration by the Chairman that the resolution authorizing

such proceeding has been carried, and an entry to that effect in the book of proceedings of the Company shall be sufficient authority for such proceeding, without proof of the number or proportion of votes recorded in favor of or against the same.

Power to alter guage of Branch Lines.

9. The Company shall have full power to alter the guage of their Branch Railways between Hamilton and Toronto, Harrisburg and Galt, Komoka and Sarnia, including the Branch to Petrolia, or of any Railway which the Company, for the time being, have the control of the works of such Railway, to the guage of four feet eight inches and half an inch; provided that nothing hereinbefore contained shall be deemed to forbid the maintenance and repair of any such Branch Railway, constructed before the passing of this Act, on any guage other than that hereinbefore specified, or to relieve the Company of restoring the guage of any Railway under its control to any former guage, when such control shall cease.

Cases of doubt or dispute as to ownership of Stock, or Shares, or Dividends, may be disposed of under order of the Court of Chancery.

10. Whenever the interest in any part of the Capital Stock of the Company, whether in Stock or Share, preference, or otherwise, or in the dividend or dividends accrued thereon, shall be transmitted, by the death of any Shareholder or Stockholder, or otherwise, or whenever the ownership of, or legal right of possession in any such Stock or Shares, or dividends, shall change by any lawful means, other than by transfer, or shall be disputed, and the Directors of the said Company shall entertain reasonable doubts as to the legality of any claim to and upon such Stock, or Shares, or dividend, then, and in such case, it shall be lawful for the Company to make and file a Bill or Petition, in the Court of Chancery for Ontario, setting forth the facts, and the amount of Stock or number of Shares previously belonging to the party in whose name such Stock or Shares stand in the books of the Company, and praying for an Order, Decree, or Judgment, adjudicating and awarding the said Stock, or Shares, or dividends to the party or parties legally entitled to the same, by which Order, Decree, or Judgment the Company shall be guided, and held harmless, and indemnified and released from all and every other claim for the said Stock, or Shares, or dividends, or arising therefrom; provided always, that notice af such Bill or Petition shall be given to all parties claiming such Stock, or Shares, or dividends, who shall, upon the filing of such Bill or Petition, declare, and show his, her, or their claim or right, referred to in such Bill or Petition; and all costs and expenses attending such proceedings shall be in the discretion of the Court, who shall adjudge by whom and to whom the same shall be paid. And any question which can affect the interest of any proprietor of Perpetual Debenture Stock of the Company may be raised and determined by the said Court of Chancery in like manner as hereby applied to the Capital Stock of the Company.

Duty of Directors on receipt of Order of the Court.

11. The Directors of the Company shall immediately, on being duly served with a copy of such Order, Decree, or Judgment of the said Court of Chancery, transfer such Stock or Shares, and pay over such dividends, to the party or parties to whom they shall have been declared to belong, by such Order, Decree, or Judgment.

No. 20.

3rd Session, 1st Parliament, 33 Victoria, 1870.

An Act to amend the Acts of Incorporation of the Great Western Railway Company.

PRIVATE BILL.

Hon. Mr. CARLING.

OTTAWA:

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

1870.

No. 21.] **BILL.** [1870.

An Act to incorporate the Montreal and Champlain Junction Railway Company.

Preamble.

WHEREAS, the persons hereinafter named, and others, have petitioned for incorporation as a Company to construct the Railway hereinafter described, and the construction of such Railway would be of great benefit to the commerce and for the general advantage of the Dominion of Canada, and it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Incorporation and corporate name.

1. The Montreal and Champlain Junction Railway, is hereby declared to be a work for the general advantage of Canada.

2, The Honorable Christopher Dunkin, the Honorable James Ferrier, Charles John Brydges, Samuel Willard Foster, and Julius Scriver, M. P., Esquires, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of "The Montreal and Champlain Junction Railway Company,"

Line of the Railway.

3. The said Company and their Agents and servants, may lay out, construct, and finish a double or single track iron Railway, of such width or guage as the Company see fit, from some point on the Caughnawaga portion of the Montreal and Champlain Railroad, at the Village of St. Rémi, or at some point between the Village of St. Rémi and St. Isidore Station, to some point on the St. Lambert line of the said Railroad between St. John's and St. Lambert.

Capital stock and shares and how to be applied.

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

Certain manufacturing, &c. companies may take stock.

5. The Honorable Christopher Dunkin, the Honorable James Ferrier, Charles John Brydges, Samuel Willard Foster, and Julius Scriver, Esquires, shall be, and are hereby constituted a Board of Directors of the said Company, and shall hold office as such, until other Directors shall be appointed under the provisions of this Act, by the Shareholders — with power to open Stock Books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed,

to call a general meeting of Shareholders for the election of other Directors as hereinafter provided, and generally to do all such other acts as such Board under the Railway Act may lawfully do.

First Directors and their powers.

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

Subscriptions for stock.

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

Annual election of directors.

8. On the said first Monday in September, and on the first Monday in September in each year thereafter, at the principal office of the said Company, there shall be holden a general meeting of the Shareholders of the said Company, at which meeting the said Shareholders shall elect a like number of Directors for the then ensuing year, in manner and qualified as hereinafter provided; and public notice of such annual general meeting and election shall be published one month before the day of election, in one or more newspapers published in the City of Montreal; and the elections for Directors shall be by ballot, and the persons so elected, together with the *ex-officio* Directors, under "The Rail-way Act," shall form the Board of Directors.

Quorum of directors, &c.

9. Three Directors shall form a *quorum* for the transaction of business; Provided, however, that no person shall be elected a Director unless he shall be the holder and owner of at least ten shares of the stock of the said Company, and shall have paid up all calls on the said stock.

Qualification.

One vote for each share.

10. In the elections of Directors under this Act, and in the transaction of all business at General Shareholders' Meetings, each Shareholder shall be entitled to as many votes as he holds shares upon which the calls have been paid up.

Calls on Shares.

11. The Directors may, at any time, call upon the Shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said Company, in such proportion as they may see fit, no such instalment exceeding ten per cent. and giving one month's notice thereof, in such manner as the Directors may appoint.

Forms of deeds of lands to the Company, and registration thereof.

12. All deeds and conveyances of lands to the said Company for the purposes of this Act, in so far as circumstances will admit, may be in the form given in Schedule A, to this Act subjoined, or in any other form to the like effect; and for the purposes of due enregistration of the same, all Registrars in their respective Counties, are required to be furnished by, and at the expense of the said Company, with a book with copies of the forms given in the said Schedule

A, one to be printed on each page, leaving the necessary blanks to suit the circumstances on each separate conveyance, and shall, upon the production and proof of due execution of any such conveyance, enter the same without any memorial, and shall minute the enregistration or entry on the Deed, and the Registrar shall charge and receive from the said Company for all fees, on every such enregistration, fifty cents, and no more, and such enregistration shall be deemed to be valid in law; any Statute or provision of law to the contrary notwithstanding.

Company may become parties to notes &c.

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

Proviso.

Bonds for raising money by loan, bearing hypothec.

14. The Directors of the said Company shall have the power, upon being duly authorized thereto by a vote of a majority of stockholders in the Company, present at any Annual Meeting in the month of September, for the purpose of electing Directors, to issue their Bonds, made and signed by the President and Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the undertaking, and such Bonds shall be and be considered to be privileged claims upon the property of the said Company, and shall bear *hypothéque* upon the said Railway without registration; provided, however, that no such Bonds bearing such *hypothéque* shall be issued until after ten per cent. of the whole Capital Stock of the said Company, as provided by this Act, shall have been expended in and upon the said Railway; and provided also, that the whole amount raised upon such Bonds shall not exceed one hundred and twenty-five thousand dollars.

Proviso.

Proviso.

Enforcing payment of freight on goods.

15. In case of neglect or refusal to pay the toll or freight due to the said Company on any goods, they shall have the power to detain the same until the payment of such freight be made, and in the meantime such goods shall be at the risk of the owner, and if such goods be of a perishable nature, the said Company shall have a right to sell the same forthwith, on the certificate of two competent persons establishing the fact of their being so perishable; and if such goods are not of a perishable nature, and shall remain unclaimed for twelve months, the Company may, after giving one month's notice in two newspapers nearest the place where the goods may be, dispose of the same by public auction, and the pro-

ceeds of the sale, after paying the freight and cost of sale, shall be handed over to the owner if he shall claim the same.

Agreements with other Companies.

16. It shall be lawful for the said Company to enter into an agreement with the Montreal and Champlain Railway Company, or the Grand Trunk Railway Company of Canada, for leasing the said Railway or any part thereof, or the use thereof, at any time or times, to such other Company, or for leasing or hiring from such other Company, any Railway or part thereof, or the use thereof, or for leasing or hiring any locomotives, tenders, or moveable property, and generally to make any agreement or agreements with any such other Company touching the use by one or the other or by both Companies, of the Railroad or moveable property of either or of both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor, and such agreement shall be valid and binding, and shall be enforced by Courts of Law, according to the terms and tenor thereof.

Aliens may vote, &c.

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

SCHEDULE A.

FORM OF DEED OF SALE.

Know all men by these presents, that I, A.B. of , do hereby, in consideration of paid to me by the Montreal and Champlain Junction Railway Company, the receipt whereof is hereby acknowledge, grant, bargain, sell and convey unto the said Montreal and Champlain Junction Railway Company, their successors and assigns, all that tract or parcel of land (*described the land*), the same having been selected and laid out by the said Company for the purposes of their Railway, to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

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

Signed, sealed and delivered, in presence of

A. B.

[L.S.]

No. 21.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to incorporate the Montreal and Champlain Junction Railway Company.

PRIVATE BILL.

MR. SCRIVER.

OTTAWA:

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

1870.

No. 22.] [1870.

BILL.

An Act to incorporate the St. Francis and Megantic International Railway Company.

Preamble.

WHEREAS the persons hereinafter named, and others have petitioned for incorporation as a Company to construct the Railway hereinafter described, and the construction of such Railway would be of great benefit to the commerce and for the general advantage, of the Provinces of Quebec, New Brunswick, and Nova Scotia, and of the Dominion of Canada, and it is expedient to grant their prayer; therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Cannada enacts as follows:—

Railway of general advantage to Canada.

1. The St. Francis and Megantic and International Railway, is hereby declared to be a work for the general advantage of the Dominion of Canada.

Persons incorporated.

2. Benjamin Pomroy, Charles Brooks, Richard William Heneker, William Farwell the younger, Lemuel Pope, Cyrus A, Bailey, Colin Noble, Edward Towle Brooks, William Farwell and Stephen Edgell, Esquires, with all such other persons and corporations as shall become shareholders in the Company, hereby incorporated, shall be, and are hereby constituted a body corporate and politic by the name of "The St. Francis and Megantic International Railway Company," and shall have all the powers incident to railway corporations in general, and specially the powers hereinafter conferred upon said Company by this Act.

Corporate name.

Powers to construct a line of Railway.

3. The said Company and their agents, and servants may lay out, construct and finish a double or single track, iron Railway, of such width or guage as the Company see fit from the town of Sherbrooke, in the Province of Quebec, to the Province line at a point near Lake Megantic, there to connect with a line of Railway in the State of Maine, about to be constructed, and which will connect with the European and North American Railway, or a branch thereof, so as to form a continuous Railway from the Grand Trunk Railway to the City of St. John in New Brunswick, with the right on the part of the Company hereby incorporated either to make arrangements by agreement with the Grand Trunk Railway Company of Canada, which last mentioned Company are hereby authorized to enter into such arrangement, by the laying of a third rail or otherwise, to use that portion of the Grand Trunk Railway between the said town of Sherbrooke and the village of Lennoxville in the Township of Ascot in the Province of Quebec, as a part of the railway hereby authorized to be constructed or to construct an independent road between the said points as the said Company hereby incorporated shall consider most advantageous for their interests.

Capital Stock and Shares; and how to be applied.

4. The Capital Stock of the said Company shall not exceed, in the whole, the sum of one million, five hundred thousand dollars,

to be divided into thirty thousand shares, of fifty dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and Corporations as may become shareholders in the said Stock; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements for procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the Railway; and all the rest and remainder of such money shall be applied towards making, completing, and maintaining the said Railway, and other purposes of this Act: provided always, that until the said preliminary expenses shall be paid out of the Capital Stock, it shall be lawful for the Municipality of any County, City, Town, or Township, interested in the said Railway, or otherwise, to pay out of the funds of such Municipality, such preliminary expenses, which sums shall be re-funded to such Municipality from the Stock of the said Company, or be allowed in payment of stock, or on account of any sum granted in aid of said road by such Municipality.

Proviso, as to preliminary expenses.

Corporations may take stock.

5. All manufacturing, mining, land, or other trading corporations, carrying on their operations in any of the Municipalities through which or into which this road runs, whether incorporated by special Act, or under any general Act, may subscribe for, or otherwise acquire, and may hold, any number of Shares of the Capital Stock of the said Company, and may dispose of the same at pleasure.

Company may take grants.

6. It shall be lawful for the said Company to receive, either by grant from Government, or any private individuals or Corporations, as aid in the construction of the said Railway, any vacant lands in the vicinity thereof, either as a gift, or in payment of stock, and legally to dispose of and alienate the same for the purposes of the said Company, in carrying out the provisions of this Act.

Provisional Directors.

7. John Henry Pope, M.P., The Honorable John Sewall Sanborn, the Honorable Sir Alexander Tillock Galt, James Ross, M.P.P., Charles Brooks, Richard William Heneker, Thomas S. Morey, Benjamin Pomroy, Cyrus A. Bailey, Lemuel Pope, Colin Noble, and Luis M'Iver, Esquires, shall be, and are hereby constituted, a Board of Directors of the said Company, and shall hold office as such until other Directors shall be appointed under the provisions of this Act by the shareholders, and shall have power and authority to fill vacancies occurring therein, to associate with themselves therein not more than four other persons, who shall thereupon become, and be, Directors of the Company, equally with themselves, to open Stock Books, and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed, to call a general meeting of Shareholders for the election of other Directors as hereinafter provided, and generally to do all such other acts as such Board under the Railway Act may lawfully do.

Their powers.

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

Subscriptions for stock.

8. When and so soon as one-tenth part of the said capital stock shall have been subscribed, as aforesaid, the said Directors, or

a majority of them, may call a meeting of Shareholders at such time and place as they shall think proper, giving at least two weeks' notice in one or more newspapers published in the City of Montreal, and in the Town of Sherbrooke, at which the said general meeting and at the annual general meetings in the following sections mentioned, the Shareholders present, either in person or by proxy, shall elect not less than seven, nor more than ten Directors in the manner, and qualified as hereinafter provided, which said Directors shall constitute a Board of Directors, and shall hold office until the first Monday in September in the year following their election.

General meetings.

9. On the said first Monday in September, and on the first Monday in September, in each year, thereafter, at the principal office of the said Company, at the said town of Sherbrooke there shall be held a general meeting of the Shareholders of the Company, at which meeting, the said Shareholders shall elect a like number of not less than seven, nor more than ten Directors for the then ensuing year, in the mnnner and qualified as hereinafter provided; and public notice of such annual meeting and election shall be published one month before the day of election, in one or more Newspapers in the city of Montreal, and in the town of Sherbrooke, and the election for Directors shall be by ballot, and the persons so elected, together with any *Ex-Officio* Directors, shall form the Board of Directors.

Quorum of Directors.

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

Scale of votes.

11. In the election of Directors under this Act, and in the transaction of all business at General Shareholders Meetings, each Shareholder shall be entitled to as many votes as he holds shares, upon which the calls have been paid up.

Calls on shares.

12. The Directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said Company, in such proportion as they may see fit, no such instalment exceeding ten per cent., and giving one month's notice thereof, in such manner as the Directors may appoint.

Company may become parties to notes, &c.

13. The said Company shall have power and authority to become parties to Promissory Notes and Bills of Exchange, for sums not less than one hundred dollars, and any such promissory Note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a majority of a quorum of the Directors, shall be binding on the said Company; and every such Promissory Note or Bill of Exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn and in no case shall it be necessary to have the seal of the said Company affixed to such promissory Note or Bill of Exchange, nor shall the said President, or Vice-President, or the Secretary and Treasurer, be individually responsible for the same, unless the said Promissory Notes or Bills of Exchange have been issued without the sanction and authority of the Board of Directors as herein provided and

Proviso.

enacted; provided, however, that nothing in this section shall be construed to authorize the said Company to issue Notes or Bills of Exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Bonds for raising money by loan, bearing hypothec.

15. The Directors of the said Company shall have the power, upon being duly authorized thereto by a vote of a majority of stockholders in the said Company, present at any Annual Meeting in the month of September, for the purpose of electing Directors, to issue their Bonds, made and signed by the President and Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the undertaking, and such Bonds shall be and be considered to be privileged claims upon the property of the said Company, and shall bear *hypothèque* upon the said Railway without registration; provided, however, that no such Bonds bearing such *hypothèque* shall be issued until after ten per cent. of the whole Capital Stock of the said Company, as provided by this Act, shall have been expended in and upon the said Railway; and provided also, that the whole amount raised upon such Bonds shall not exceed five hundred thousand pounds.

Proviso.

Proviso.

Arrangements with other Companies.

16. It shall be lawful for the said Company to enter into an agreement with any other Railway Company, with which the said Road shall connect, and particularly with such Company, as shall be authorized to construct a Railroad, in the State of Maine, to connect with the Railway to be constructed under the provisions of this Act, to secure uniformity of tolls, and to make any and all regulations whereby terms may be settled upon, for securing mutual advantage to the Companies interested, and rules established, to be acted upon in common, to facilitate the transport of freight and passengers, over the whole line of Railways, of which said Railway shall form part, or for leasing said Railway, or any part thereof, or acquiring by lease, any Railway or portion of a Railway, to carry out the purposes of said road, and secure a continuous line of Railway from Sherbrooke aforesaid, to the City of St. John, aforesaid; provided that no such agreement to lease any part, or the whole of said Railway, or to acquire any other Railway or any portion thereof, in Canada or in the United States, shall be executed until approved by a majority of the shareholders at their Annual Meeting, to be held as aforesaid.

Agreements for branches or use of any railway bridge

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

Use of wild lands of the crown; lands covered with water, &c.

18. It shall and may be lawful for the said Company to take and appropriate for the use of the said Railway, but not to alienate any wild lands of the Crown along the line of the said Railway, which may be necessary for the said Railway, with the consent of the Governor in Council, and also so much of the land covered with the waters of any river, stream, lake or canal, as may be necessary for the works of the said Railway; provided that if the said Railway shall cross any navigable river or canal, it shall not be lawful for the said Company to obstruct the navigation of such river, or the use of such canal, save and except under and subject to such rules and regulations as may be made from time to time

As to crossing navigable waters.

Regulations.

by the Governor in Council, with reference to draw or swing-bridges for the passage of vessels, boats or rafts.

Aliens may vote, &c.

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

Form of conveyance to Company.

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

Short title.

21. This Act shall be known and cited as the "St. Francis and Megantic Railway Act."

SCHEDULE A.

Form of Deed of Sale.

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

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

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

C. D.
E. F.

No. 22.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to incorporate the St. Francis and Megantic International Railway Company.

PRIVATE BILL.

Mr. POPE.

OTTAWA:

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

1870.

No. 23.] **BILL.** [1870.

An Act to amend an Act intituled "An Act respecting the construction of the Intercolonial Railway."

Preamble.

WHEREAS the appointment of Commissioners having the superintendence of the construction of the Intercolonial Railway is an unnecessary expense, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sect. 3 of 31 V. C. 13, repealed.

1. So much of the Act intituled "An Act respecting the construction of the Intercolonial Railway," 31st, Victoria, Chapter 13, as authorises the construction of the said Railway and its management until completed, under the charge of four Commissioners to be appointed by the Governor, shall be and the same is hereby repeated.

Railway to be managed by four Heads of Departments.

2. The construction of the said Railway and its management until completed, shall be under the charge of four Heads of the Public Departments, to be appointed by the Governor, and who shall hold office during pleasure.

They shall have all the power of the Commissioners.

3. All the powers and duties by the said recited Act conferred on the said Commissioners, are by this Act vested in and authorized to be performed by the said four Heads of the Public Departments, to the same extent and in the same manner as if the four Heads of the Public Department had been named in the said Act.

No. 23.

3rd Section, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to amend an Act intituled "An Act respecting the construction of the Intercolonial Railway."

Received and read, First time, Wednesday, 9th March, 1870.

Second reading, Monday, 14th March, 1870.

MR. JONES,
(Leeds and Grenville.)

OTTAWA.

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

1870.

24

No. 24] **BILL.** [1870.

An Act to amend the Act respecting the Duties of Justices of the Peace out of Sessions in relation to Summary Convictions and Orders.

Preamble.

WHEREAS it is expedient to amend Section seventy-one of the Act respecting the Duties of Justices of the Peace out of Sessions in relation to Summary Convictions and Orders: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Section 71 repealed.

Section seventy-one of the said Act is hereby repealed, and the following substituted therefor:—

New section substituted.

"No conviction made in appeal, and no order or adjudication so made, shall be quashed for want of form, or be removed by Certiorari into any of Her Majesty's Superior Courts of Record: and no warrant or commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same."

No. 24.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to amend the Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders.

Received and read, First time, Wednesday, 9th March, 1870.

Second reading, Monday, 14th March, 1870.

MR. HARRISON.

OTTAWA:

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

1870.

Reprinted as amended by Railway Committee

No. 25.] **BILL.** [1870.

An Act respecting the Grand Trunk Railway Company of Canada and the Buffalo and Lake Huron Railway Company.

Preamble.

WHEREAS an Act was passed by the Parliament of the late Province of Canada, in the Session held in the 29th and 30th years of the reign of Her present Majesty, entitled "An Act to legalise and confirm an Agreement made between the Grand Trunk Railway Company of Canada, and the Buffalo and Lake Huron Railway Company," which Agreement is set out in, and forms the Schedule to the said Act;

And whereas the said Agreement so legalized, provided, that at any time within six years, the Grand Trunk Railway Company of Canada might purchase the whole of the shares of the Buffalo and Lake Huron Railway Company;

And whereas an agreement bearing date the second day of February, 1870, has been made between the Grand Trunk Railway Company of Canada and the Buffalo and Lake Huron Railway Company, and which agreement forms the Schedule of this Act, having for its object the vesting in the Grand Trunk Railway Company of Canada, the undertaking of the Buffalo and Lake Huron Railway, to the extent, and in the manner in the said agreement forming the Schedule to this Act set out and expressed;

And whereas the said agreement forming the Schedule to this Act, has been confirmed at a General Meeting of the Stock holders and Bond Holders of the Grand Trunk Railway Company of Canada, and at separate general meetings of the Shareholders and Bond holders of the Buffalo and Lake Huron Railway Company, all such meetings having been specially convened for that purpose.

Confirmation of Agreement by respective Companies.

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

1. The agreement bearing date the second day of February, in the year of our Lord 1870, and made by and between the Grand Trunk Railway Company of Canada of the one part, and the Buffalo and Lake Huron Railway Company of the other part, and which agreement is set out in, and forms the Schedule to this Act is hereby confirmed, and all the powers, provisions, stipulations, covenants, agreements, and all and singular other the matter in the said agreement contained shall be valid and binding, in favor of and upon both Companies, and in favor of and upon all mortgagees, debenture holders, and creditors of each Company, as fully and effectually, and shall in all respects have the same force and effect as though the same were, and every of them was expressly embodied in this Act; Provided always that nothing in this Act, or in the agreement forming the schedule to this Act, contained shall vary or change the position of the Corporation of the Town of Brantford, as defined in the Act of the Parliament of the late Province of Canada, passed in the 29th and 30th years of Her Majesty's reign, and chaptered 92, or as it now is, under existing Acts; And provided also, that nothing in this Act con-

Agreement of 2 Feb. 1870, set forth in Schedule hereby confirmed and made binding

Proviso.

tained shall in any manner prejudicially affect any rights or remedies, if any such exist, of any person or persons who is or are judgment or other creditors of the Buffalo, Brantford, and Goderich Railway Company.

Recital.

2. And whereas the present mode of working the traffic from the Buffalo and Lake Huron Railway across the Niagara River is inefficient and expensive, and it is therefore desirable to secure the construction of the International Bridge across the said river, and for that purpose the Grand Trunk Railway Company of Canada, desire power to guarantee to the International Bridge Companies or to the United Bridge Companies as the case may be, an income in return for the use of the said Bridge, equal at least, to the sum it costs the Grand Trunk Railway Company to worktheir present traffic across the said river, including the expenses of maintaining the Boats and all the works connected with their present Ferry; Therefore, it shall be lawful for the Grand Trunk Railway Company of Canada to enter into agreement with the International Bridge Company, incorporated by the Parliament of the late Province of Canada, and also with the International Bridge Company, incorporated by the Laws of the State of New York, or with the said Companies united as authorized by the Statute passed by the Parliament of the Dominion of Canada, for the purpose of securing such annual rent as may be necessary to pay interest upon the cost of the said bridge across the Niagara River, at or near Fort Erie, in the Province of Ontario, such annual rental being in lieu of the present cost of working and maintaining the present Ferry and Ferry Works between Fort Erie and Buffalo, and the said sum so agreed to be paid shall form part of the working expenses of the Grand Trunk Railway Company, under section twenty of the Grand Trunk Arrangements Act of 1862, (25 Vic. cap. 56.) And any such agreements made between the Companies mentioned in this section shall be binding upon each and all of them: Provided always the sum so agreed to be paid by way of rent as aforesaid shall not exceed the sum of twenty thousand pounds sterling per annum. But nothing in this section contained shall alter, affect, vary or lessen the rights and privileges granted to railway companies in respect to the passage of the said bridge, and the use of the machinery and fixtures thereof, and of all the approaches thereto, by an Act passed by the Legislature of the late Province of Canada in the 14th and 20th years of Her Majesty's reign, entitled, "An Act to incorporate the International Bridge Company."

G. T. R. Company may agree with International Bridge Company, and other Companies for annual rental, &c.

Proviso.

SCHEDULE.

Articles of Agreement, made the 2nd day of February, 1870, between the Grand Trunk Railway Company of Canada, hereinafter called "The Grand Trunk Railway Company" of the one part, and The Buffalo and Lake Huron Railway Company, hereinafter called "The Buffalo Company" of the other part. Whereas, by an Act of the Provincial Legislature of the late Province of Canada, passed in the 29th and 30th years of the reign of Her present Majesty, entitled "An Act to legalize and confirm an Agreement made between "The Grand Trunk Railway Company of Canada," and "The Buffalo and Lake Huron Railway Company," the Agreement, dated the seventh day of July, 1864, (hereinafter called the Agreement of 1864), made between the said Companies, and set forth in the Schedule to the said Act was confirmed, subject to the acceptance thereof, by meetings of the Shareholders of the respective Companies, which were subse-

quently held, and which duly accepted the same, and by which Agreement, The Grand Trunk Company, undertook the working of the Buffalo Railway, paying the Buffalo Company a certain proportion of the net receipts of the two undertakings, and by the said Agreement, the option was given to the Grand Trunk Company at any time within six years from the date of the Agreement, on assuming all the obligations and liabilities as therein ascertained and described, of the Buffalo Company to purchase at the price therein named, the whole of the Ordinary Share Capital of the Buffalo Company, the purchase-money being payable either in cash, or in Grand Trunk Railway Stock, at the option of the individual holders of the Buffalo Capital, and the said Agreement was by the 7th clause thereof to subsist for 21 years only: And whereas, by another Act of the same Legislature, entitled "The Grand Trunk Railway Act, 1867," it was enacted, that it should be lawful for the said two Companies, from time to time, during the continuance of the Agreement of 1864, by Agreement under their respective Common Seals, to alter and vary its terms and conditions in so far as related to all, or any of the several matters in the 1st, 2nd, 4th, 5th, 6th, and 7th clauses of the said Agreement of 1864 contained; subject nevertheless, to a proviso that no such new Agreement should have any effect for any period in excess of twenty-one years declared in the said seventh clause, nor unless, and until confirmed at General Meetings of the respective Companies specially convened for the purposes, at which meetings, Bondholders, as well as Stockholders and Shareholders should be entitled to vote. And whereas, difficulties have arisen in carrying out the Agreement of 1864, and the said Companies have agreed, subject to confirmation at such General Meetings as aforesaid, of their respective Companies to alter the terms of the said Agreement of 1864, and lest such alteration should not be within the power of alteration, given by the Act of 1867, as aforesaid, it has been agreed, subject to Article 21, hereinafter contained, to cancel the said Agreement of 1864, as from the date hereinafter mentioned, and to substitute this Agreement in its place, and to apply to the Legislature of the Dominion of Canada for confirmation thereof: Now therefore, it is hereby mutually agreed and declared by and between the said Companies, each of the said Companies covenanting for itself and its successors, with the other of the said Companies and its successors, in manner following, that is to say:

1. The sum of £30,000 already paid by the Grand Trunk Company to the Buffalo Company, shall be considered and accepted by both Companies as in full and final Settlement of all Accounts between them, and of all share of profits or money upon any Account, due from either Company to the other, as up to the 30th day of June, 1868.

2. In respect of the period between the 1st of July, 1868, and the 1st July, 1869, the sum of £42,500 shall be taken as the share of the Buffalo Company, in the net receipts of the undertaking under the Agreement of 1864, including all interest and in settlement of all other claims whatsoever of either Company upon the other, up to the 1st of July, 1869, The Buffalo Company hereby agreeing to accept for this £42,500 Equipment Mortgage Bonds, No. 2, having 50 years to run, bearing interest at £6 per cent. per annum, to be issued by the Grand Trunk Company, under The Grand Trunk Railway Act, 1867; The Bonds to be taken at par in lieu of cash, and to bear interest as from the 1st of

July, 1869. The Grand Trunk Company; shall, on the execution of this Agreement, forthwith issue and deposit these Bonds in the hands of the Chairman of the Grand Trunk Company and the Chairman of the Buffalo Company, immediately after the confirmation of this Agreement by the Legislature of Canada, the Bonds shall be handed over to the Buffalo Company.

3. As from the 1st of July, 1869, the Agreement of 1864 shall be, and the same is hereby cancelled, and all rights and liabilities of either Company thereunder shall wholly cease and determine.

4. As from the 1st of July, 1869, the Railway and Works, Stores, rolling Stock and surplus lands, and all other the property and rights of the Buffalo Company, except the £30,000 mentioned in the first article of this Agreement and except the sums of money, Bonds, and Stock receivable under this Agreement, from the Grand Trunk Company, shall vest absolutely in the Grand Trunk Company, and be deemed part of their undertaking, subject (1) to all obligations imposed on the Buffalo Company by their several Acts, with respect to the maintenance, management, and working of the vested property; (2) to all existing mortgages and incumbrances thereon, ; (3) to all mortgages and incumbrances to be created under the provisoes in this clause hereinafter contained; (4) to an annual rent charge thereon, and on the tolls or rates arising therefrom, of the sum of £42,500, payable to the Buffalo Company by the Grand Trunk Company, under the (14) clause of this Agreement (but not to extend to any further sums payable under that clause) with power for the Buffalo Company, by distress as for rent in arrear, and by entry upon the Railway Works and property of the Buffalo Company hereby vested in the Grand Trunk Company, and by the receipt of the tolls, rates, and profits arising therefrom, to recover payment of the said annual sum of £42,500, and of any half-yearly payment thereof, when in arrear for six months. Provided always, that the Buffalo Company may from time to time issue Mortgage Bonds, Debentures, or Debenture Stock, in renewal of, or in substitution for, (but not to a greater amount, nor at a higher rate of interest) existing Mortgage Bonds and Debentures of the Buffalo Company, including the £166,666 13s. 4d., Bonds issued by the Buffalo, Brantford, and Goderich Railway Company, and including the £61070 16s. 8d., or Capitalized Coupon Bonds, issued by the Buffalo Company in 1865, and all such Mortgage Bonds, Debentures, or Debenture Stock may extend over the whole of the undertaking of the Buffalo Company hereby vested in the Grand Trunk Company, and this, although the securities for which they are substituted may extend over a part only; And the Buffalo Company may also issue Mortgage Bonds, Debentures, or Debenture Stock, extending over the whole undertaking of the Buffalo Company, to an amount not exceeding £44,988, bearing interest at a rate not exceeding £6 per cent. per annum, in satisfaction of, and in order to capitalize the present arrears of interest to that amount on the present Debenture debt; subject only as hereinbefore in this clause mentioned the Railway Works surplus lands, property and rights of the Buffalo Company, hereby vested in the Grand Trunk Company, shall be held by them free from all the debts, liabilities, and obligations of the Buffalo Company.

5. All the provisions of part III of The Companies' Clauses Act, 1863, relating to Debenture Stock, shall, except so far as they are varied by sec. 24 of the Railway Companies' Act, 1867, and,

by this Agreement apply to the Debenture Stock to be created and issued under the preceding article, as if the same had been set forth in this Agreement.

6. On the passing of the Act hereinafter mentioned, £615,000 of Ordinary Stock, and £615,000 of 4th Preference Stock, shall be deemed to have been created by the Grand Trunk Company, to rank respectively with, and to have the same privileges and incidents as are attached to the Ordinary Stock, and to the 4th Preference Stock of the Grand Trunk Company respectively, by the Grand Trunk Arrangements Act, 1862, and to be consolidated with, and to form part of those Stocks respectively, and to be entitled respectively to the respective dividends mentioned in the said Act, as from the day of the passing of the said Act, or the 1st day of July, 1870, which shall first happen, and the Grand Trunk Company shall forthwith, after the passing of the said Act, issue to, and shall register in, the name of each holder of Ordinary Shares in the Buffalo Company, £10 5s. 0d. of Grand Trunk Ordinary Stock, and £10 5s. 0d. of Grand Trunk Fourth Preference Stock, in substitution for, and in satisfaction of each Ordinary Share of £20 10s. 0d. in the Buffalo Company, and shall issue, gratis, to each such registered holder, certificates for the amount of Stock in the Grand Trunk Company registered in his name, and thereupon all the then existing Ordinary Share Capital of the Buffalo Company shall be extinguished.

7. On the passing of the said Act, and the substitution of Ordinary and Fourth Preference Shares of the Grand Trunk Company, for the Ordinary Shares of the Buffalo Company, under the preceding article, the Buffalo Company shall be represented by the holders of the Preference Shares in the Buffalo Company, until such Preference Shares shall be converted under the provisions hereinafter contained into Ordinary Shares, or Stock, of the Buffalo Company, and thereafter the Buffalo Company shall be represented by the holders of such Ordinary Shares, or Stock; and subject to this Agreement, all the powers and provisions of the Buffalo Company's Acts, relating to the Capital of that Company, and to the administration of its affairs, shall continue in force, notwithstanding the vesting of the undertaking of the Buffalo Company in the Grand Trunk Company under this Agreement.

8. The Buffalo Company may, with the sanction of the votes of three-fifths of its Preferential Shareholders present in person, or by proxy, and voting at a Special General Meeting of the Preferential Shareholders, to be called in the usual manner for that purpose, create and issue, on such terms as the Meeting may think fit, Stock or Shares, of such amount as the Meeting may think fit, to be accepted by the Preference Shareholders, in lieu and satisfaction of the arrears then due on the several classes of Preference Shares of the Buffalo Company, and bearing a Preferential rate of Dividend not exceeding that payable on the Shares, in respect of which arrears are due; and, by the like authority, they may convert the several classes of Preference Shares in the Buffalo Company, including the last-mentioned Preference Shares, into Ordinary Stock, or into Ordinary Shares of such amounts as the Meeting may think fit, without any special advantages or priority of Dividend.

9. Immediately after any such conversion has been resolved on, the

Directors of the Buffalo Company shall issue to each Proprietor of Preferential Shares, Certificates of Stock, or Shares, in lieu and satisfaction of the arrears then due on the Preference Shares held by him, and shall also issue to each Proprietor Certificates of Ordinary Shares, or Stock, in exchange for the Certificates of the said Preferential Shares; or the Directors may endorse on such last-mentioned Certificates, a Statement that the Shares represented by such Certificates have been converted as aforesaid.

10. All Stock and Shares to be created and issued by virtue of the Act confirming this Agreement, as well by the Grand Trunk Company as by the Buffalo Company, shall be subject and liable to the same trusts, powers, provisions, declarations, agreements, charges, liens and incumbrances, as immediately before the creation and issue of such Stock, or Shares, affected the then existing Shares, for which such Stock, or Shares, are substituted, and so as to give effect to, and not revoke any Testamentary disposition of, or affecting such then-existing Shares.

11. At all General Meetings of the Buffalo Company, every Shareholder shall be entitled to one vote for every Share in that Company held by him, and for the purpose of voting under article (8) of this Agreement, and for all other purposes, until the conversion of the Preference Shares of the Buffalo Company into Ordinary Shares, every Preference Shareholder in that Company shall be entitled to one vote for every Preference Share held by him.

12. On the passing of the said Act, the Trust Deed, dated the 10th of January, 1865, made between the Buffalo Company, of the first part; Henry Hyde and Thomas Moxon, of the second part; Philip Rawson and Charles Holland, of the third part; and Messrs. Hyde and Moxon, and Messrs. Rawson and Holland, of the fourth part: executed on the occasion of the issuing by the Buffalo Company of Bonds (herein called Coupon Bonds) for the amount of interest on their respective Mortgage Debentures, due up to, and in December 1864, or January or February 1865, shall, as to any future operation thereof, be wholly void and of no effect; and the Trustees of the said Deed shall be released and discharged from any obligation thereunder, and the Coupons in respect whereof the said Coupon Bonds were issued shall be deemed to be cancelled.

12a. From and after the 1st of January, 1870, the interest now payable by the Buffalo Company, upon all their mortgages and bonds now outstanding, and which amount in the aggregate to £727,737 10s. 0d., shall be reduced from the rates of interest now payable thereon, to the uniform rate of £5 10s. 0d. per centum per annum, provided that the same be duly paid half-yearly, or within three calendar months from the day on which such interest falls due. All arrears of interest due to Mortgage Bondholders and Debenture Holders of the Buffalo Company to 31st December, 1869, including that capitalized by the said Trust Deed of 10th January, 1865, are to be paid by the Buffalo Company, partly in cash, partly in Grand Trunk Equipment Bonds, and the residue funded in 5½ per cent bonds.

13. General Meetings of the Shareholders of the Buffalo Company may be convened by a Notice published once in the *Times* newspaper of London, in England, at least fourteen days before the day appointed for such meetings, instead of by the notices re-

quired to be given under Section 10, of the Act of Incorporation of the Buffalo Company.

14. Subject as in the 19th Section of the Grand Trunk Arrangements Act, 1862, mentioned, the earnings of the Grand Trunk Company other than those in the first Section of that Act mentioned, after deduction of working expenses, as in the said Act defined, shall in each half-year ending on the 31st of December, and the 30th of June, be appropriated and applied (1) in payment to the Buffalo Company of one equal moiety of the annual sum of £42,500 and of all arrears if any in respect of such annual sum (2) in payment of the interest for the time being due on the Equipment Mortgage Bonds, in the said Section mentioned and of all arrears, if any, in respect thereof, (3) in payment of the interest for the time being due on the Equipment Mortgage Bonds No. 2, authorised to be issued by the Grand Trunk Railway Act, 1867, and of all arrears, if any, in respect thereof, (4) in priority to any other payments in the said Section mentioned in payment to the Buffalo Company of one equal moiety of the following further sums and of all arrears, if any, in respect thereof :—

For the year ending 30th June,	1870 - - -	£2,500
" " "	1871 - - -	7,500
" " "	1872 - - -	12,500
" " "	1873 - - -	17,500
" " "	1874 - - -	22,500
" " "	1875 - - -	23,500
" " "	1876 - - -	24,500
" " "	1877 - - -	25,500
" " "	1878 - - -	26,500
" " "	1879 - - -	27,500

and subject to the proviso hereinafter contained for every subsequent year £27,500 ; provided that in respect of any year after the 30th day of June, 1879, the sum of £27,500 shall be payable only if there shall be a surplus (or to the extent that such surplus shall extend) of earnings in the whole year, ending the 30th June after payment of the interest for the time being due on the said Equipment Mortgage Bonds, issued under the said Acts of 1862 and 1867 respectively, and of all arrears, if any, in respect thereof. All the said half-yearly payments to the Buffalo Company are to be made on the 1st January and 1st July in each year, or within two calendar months from those periods respectively, the first half-yearly payments amounting to £21,250 and £1,250, to be deemed to have become due on the 1st of January, 1870, and to be paid within one month after the confirmation of this Agreement by the Parliament of Canada.

The payments to be made without any deduction whatsoever, except for property or income tax, or any similar tax or imposition now or hereafter to be imposed.

Provided that the Grand Trunk Company shall be entitled to retain out of such half-yearly payments any sums of money which they may have been called upon to pay, and have actually paid, on account of any Debentures, Mortgage, or other incumbrances or liabilities (except those by this agreement expressly assumed by the Grand Trunk Company) of the Buffalo Company, together with interest thereon after the rate of £6 per cent per annum, with half-yearly rests for accumulations of interest.

15. The Mortgages and Incumbrances on the whole or any

part of the undertaking of the Buffalo Company already existing or hereafter to be created under the 4th clause of this Agreement, and subject to which the said undertaking is hereby vested in the Grand Trunk Company, shall, according to the respective rights and priorities of the holders, be the first charges on the sums from time to time payable to the Buffalo Company under this Agreement; and so long as those sums are duly paid to that Company according to the terms of this Agreement, but no longer none of the holders of such Mortgages or Incumbrances shall exercise any of their powers or rights against the undertaking or property of that Company, but only against the said sums.

16. The Grand Trunk Company shall from time to time pay and discharge the rents and tolls now charged to, and payable by the Grand Trunk Company, and all new rents and tolls which may hereafter be chargeable against the joint system of the Grand Trunk and Buffalo Company, and the working of the traffic.

17. The Buffalo Company shall forthwith, or when and as the same from time to time become due, pay and discharge all sums due from them as purchase-money for land sold to them, and for rights of way (but the Grand Trunk Company shall within twelve months from the confirmation of this Agreement by the Canadian Parliament, sell or retain at a valuation to be ascertained by a valuer to be named by each Company, the valuers to name an umpire to decide between them, in case of difference, the said surplus lands, and shall forthwith apply the proceeds of such sale or the amount of such valuation in extinction, so far as the same will go, of the sums so due for rights of way), and all other debts and obligations whatever except those by this agreement expressly assumed by the Grand Trunk Company, and except Mortgage and Debenture debts, and the arrears which, under this Agreement, may be capitalized, but including the interest not so capitalized on Mortgage and Debenture Debts, and that whether such obligations are a charge upon the line and property of the Buffalo Company, or upon any part thereof, or not; and shall for ever indemnify the said Grand Trunk Company against all the debts, liabilities, and obligations of the Buffalo Company, except those hereby expressly adopted by the Grand Trunk Company, and against any interference with the railway, the works, the surplus lands, or other the property of the Buffalo Company vested by this Agreement in the Grand Trunk Company, and any demand by or on behalf of any creditor of or claimant against the Buffalo Company, except as aforesaid.

18. Either of the two Companies will, at the request of the other of them, execute all deeds and other documents (if any), and do all things necessary for carrying this Agreement into full effect, such deeds or documents, in case of difference, to be settled on behalf of the two Companies by counsel to be appointed, if not otherwise agreed on, by Her Majesty's Attorney-General for the time being, and such deeds and documents shall contain such details and incidental provisions as such counsel may think fit, together with such modifications (if any) of this agreement as the Companies may then agree to, and each of the said companies shall forthwith submit for confirmation at a Special General Meeting duly convened and held this agreement and such deeds and documents if prepared, provided that the Grand Trunk Company shall not be bound to submit this agreement for confirmation to its General Meeting until it has been

submitted to and approved by the General Meetings of the Shareholders and of the Bondholders of the Buffalo Company.

19. Both Companies will concur in an application or applications to the Legislature of the Dominion of Canada in the Session of 1870 and in the Session of 1871 for an Act or Acts of Parliament to confirm this agreement and to carry out its provisions. The Grand Trunk Company, by their agents, shall have the conduct of such applications, but the Buffalo Company may appear thereon by their own agent. Each Company shall pay its own costs attending such applications.

20. In case of failure to obtain the requisite Act of the Legislature in the Session of Parliament of 1870, the Grand Trunk Company shall, immediately after the expiration of such Session, pay to the Buffalo Company a further sum of £18,000 on account of the half year ending 31st December, 1869, and the two Companies shall renew such applications for confirmation of the said agreement in the Session of 1871, the Grand Trunk Company paying to the Buffalo Company, on the 1st day of September, 1870, the further sum of £20,000 on account of the half year ending the 30th of June, 1870.

21. If the requisite Act is not passed by the Legislature of Canada in the Session of 1871, this agreement shall be deemed to be at an end and void, and the said agreement of 1864 shall be and continue in force as if this agreement had not been made, and in such case the £30,000 mentioned in the first clause of this agreement, and the £18,000 and £20,000 mentioned in the 20th clause of this agreement shall be deemed to have been payments made on account only, under the agreement of 1864, and the said bonds deposited with the Chairmen of the two Companies, shall be returned to the Grand Trunk Company. IN WITNESS whereof the said Grand Trunk Railway Company of Canada, and the Buffalo and Lake Huron Railway Company have caused their Common Seals to be hereunto affixed the day and year first above written.

[L. S.] (Signed.) J. M. GRANT,
Secretary.

(Signed.) RICHARD POTTER,
Chairman of the Grand Trunk of Canada.

[L. S.] (Signed.) THOMAS SHORT,
Secretary.

(Signed.) M. H. MAXWELL,
Chairman of the Buffalo and Lake Huron Company.

No. 25.

3rd Session, 1st Parliament, 33 Victoria 1870.

An Act respecting the Grand Trunk Railway Company of Canada, and the Buffalo and Lake Huron Railway Company.

PRIVATE BILL.

MR. WORKMAN.

As amended by the Railway Committee

OTTAWA:

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

1870.

See respected Co

No. 25.] [1870.

BILL.

An Act respecting the Grand Trunk Railway Company of Canada and the Buffalo and Lake Huron Railway Company.

Preamble.

WHEREAS an Act was passed by the Parliament of the late Province of Canada, in the Session held in the 29th and 30th years of the reign of Her present Majesty, entitled "An Act to legalise and confirm an Agreement made between the Grand Trunk Railway Company of Canada, and the Buffalo and Lake Huron Railway Company," which Agreement is set out in, and forms the Schedule to the said Act;

And whereas the said Agreement so legalized, provided, that at any time within six years, the Grand Trunk Railway Company of Canada might purchase the whole of the shares of the Buffalo and Lake Huron Railway Company;

And whereas an agreement bearing date the second day of February, 1870, has been made between the Grand Trunk Railway Company of Canada and the Buffalo and Lake Huron Railway Company, and which agreement forms the Schedule of this Act, having for its object the vesting in the Grand Trunk Railway Company of Canada, the undertaking of the Buffalo and Lake Huron Railway, to the extent, and in the manner in the said agreement forming the Schedule to this Act set out and expressed;

Confirmation of Agreement by respective Companies.

And whereas the said agreement forming the Schedule to this Act, has been confirmed at a General Meeting of the Stock holders and Bond Holders of the Grand Trunk Railway Company of Canada, and at separate general meetings of the Shareholders and Bond holders of the Buffalo and Lake Huron Railway Company, all such meetings having been specially convened for that purpose. Therefore Her Majesty, by, and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Agreement of 2 Feb. 1870, set forth in Schedule hereby confirmed and made binding.

1. The agreement bearing date the second day of February, in the year of our Lord 1870, and made by and between the Grand Trunk Railway Company of Canada of the one part, and the Buffalo and Lake Huron Railway Company of the other part, and which agreement is set out in, and forms the Schedule to this Act is hereby confirmed, and all the powers, provisions, stipulations, covenants, agreements, and all and singular other the matter in the said agreement contained shall be valid and binding, in favor of and upon both Companies, and in favor of and upon all mortgagees, debenture holders, and creditors of each Company, as fully and effectually, and shall in all respects have the same force and effect as though the same were, and every of them was expressly embodied in this Act; Provided always that nothing in this Act contained shall vary or change the position of the Corporation of the Town of Brantford, as defined in the provisos to the first section of the Act of the Parliament of the late Province of Canada, passed in the 29th and 30th years of Her Majesty's reign, and chaptered 92.

Proviso.

Recital.

2. And whereas the present mode of working the traffic from the Buffalo and Lake Huron Railway across the Niagara River is inefficient and expensive, and it is therefore desirable to secure the construction of the International Bridge across the said river, and for that purpose the Grand Trunk Railway Company of Canada, desire power to guarantee to the International Bridge Companies or to the United Bridge Companies as the case may be, an income in return for the use of the said Bridge, equal at least, to the sum it costs the Grand Trunk Railway Company to worktheir present traffic across the said river, including the expenses of maintaining the Boats and all the works connected with their present Ferry; Therefore, it shall be lawful for the Grand Trunk Railway Company of Canada to enter into agreement with the International Bridge Company, incorporated by the Parliament of the late Province of Canada, and also with the International Bridge Company, incorporated by the Laws of the State of New York, or with the said Companies united as authorized by the Statute passed by the Parliament of the Dominion of Canada, for the purpose of securing such annual rent as may be necessary to pay interest upon the cost of the said bridge across the Niagara River, at or near Fort Erie, in the Province of Ontario, such annual rental being in lieu of the present cost of working and maintaining the present Ferry and Ferry Works between Fort Erie and Buffalo, and the said sum so agreed to be paid shall form part of the working expenses of the Grand Trunk Railway Company, under section twenty of the Grand Trunk Arrangements Act of 1862, (25 Vic. cap. 56.) And any such agreements made between the Companies mentioned in this section shall be binding upon each and all of them: Provided always the sum so agreed to be paid by way of rent as aforesaid shall not exceed the sum of twenty thousand pounds sterling per annum.

G. T. R. Company may agree with International Bridge Company, and other Companies for annual rental, &c.

Proviso.

Articles of Agreement, made the 2nd day of February, 1870, between the Grand Trunk Railway Company of Canada, hereinafter called "The Grand Trunk Railway Company" of the one part, and The Buffalo and Lake Huron Railway Company, hereinafter called "The Buffalo Company" of the other part. Whereas, by an Act of the Provincial Legislature of the late Province of Canada, passed in the 29th and 30th years of the reign of Her present Majesty, entitled "An Act to legalize and confirm an Agreement made between "The Grand Trunk Railway Company of Canada," and "The Buffalo and Lake Huron Railway Company," the Agreement, dated the seventh day of July, 1864, (hereinafter called the Agreement of 1864), made between the said Companies, and set forth in the Schedule to the said Act was confirmed, subject to the acceptance thereof, by meetings of the Shareholders of the respective Companies, which were subsequently held, and which duly accepted the same, and by which Agreement, The Grand Trunk Company, undertook the working of the Buffalo Railway, paying the Buffalo Company a certain proportion of the net receipts of the two undertakings, and by the said Agreement, the option was given to the Grand Trunk Company at any time within six years from the date of the Agreement, on assuming all the obligations and liabilities as therein ascertained and described, of the Buffalo Company to purchase at the price therein named, the whole of the Ordinary Share Capital of the Buffalo Company, the purchase-money being payable either in cash, or in Grand Trunk Railway Stock, at the option of the individual holders of the Buffalo Capital, and the said Agreement was by the 7th clause thereof to subsist for 21 years only: And whereas, by another Act of the same Legislature, entitled "The

Grand Trunk Railway Act, 1867," it was enacted, that it should be lawful for the said two Companies, from time to time, during the continuance of the Agreement of 1864, by Agreement under their respective Common Seals, to alter and vary its terms and conditions in so far as related to all, or any of the several matters in the 1st, 2nd, 4th, 5th, 6th, and 7th clauses of the said Agreement of 1864 contained; subject nevertheless, to a proviso that no such new Agreement should have any effect for any period in excess of twenty-one years declared in the said seventh clause, nor unless, and until confirmed at General Meetings of the respective Companies specially convened for the purposes, at which meetings, Bondholders, as well as Stockholders and Shareholders should be entitled to vote. And whereas, difficulties have arisen in carrying out the Agreement of 1864, and the said Companies have agreed, subject to confirmation at such General Meetings as aforesaid, of their respective Companies to alter the terms of the said Agreement of 1864, and lest such alteration should not be within the power of alteration, given by the Act of 1867, as aforesaid, it has been agreed, subject to Article 21, hereinafter contained, to cancel the said Agreement of 1864, as from the date hereinafter mentioned, and to substitute this Agreement in its place, and to apply to the Legislature of the Dominion of Canada for confirmation thereof: Now therefore, it is hereby mutually agreed and declared by and between the said Companies, each of the said Companies covenanting for itself and its successors, with the other of the said Companies and its successors, in manner following, that is to say:

1. The sum of £30,000 already paid by the Grand Trunk Company to the Buffalo Company, shall be considered and accepted by both Companies as in full and final Settlement of all Accounts between them, and of all share of profits or money upon any Account, due from either Company to the other, as up to the 30th day of June, 1868.

2. In respect of the period between the 1st of July, 1868, and the 1st July, 1869, the sum of £42,500 shall be taken as the ~~share of the Buffalo Company, in the net receipts~~ of the undertaking under the Agreement of 1864, including all interest and in settlement of all other claims whatsoever of either Company upon the other, up to the 1st of July, 1869, The Buffalo Company hereby agreeing to accept for this £42,500 Equipment Mortgage Bonds, No. 2, having 50 years to run, bearing interest at £6 per cent. per annum, to be issued by the Grand Trunk Company, under The Grand Trunk Railway Act, 1867; The Bonds to be taken at par in lieu of cash, and to bear interest as from the 1st of July, 1869. The Grand Trunk Company; shall, on the execution of this Agreement, forthwith issue and deposit these Bonds in the hands of the Chairman of the Grand Trunk Company and the Chairman of the Buffalo Company, immediately after the confirmation of this Agreement by the Legislature of Canada, the Bonds shall be handed over to the Buffalo Company.

3. As from the 1st of July, 1869, the Agreement of 1864 shall be, and the same is hereby cancelled, and all rights and liabilities of either Company thereunder shall wholly cease and determine.

4. As from the 1st of July, 1869, the Railway and Works, Stores, rolling Stock and surplus lands, and all other the property and rights of the Buffalo Company, except the £30,000 mentioned

in the first article of this Agreement and except the sums of money, Bonds, and Stock receivable under this Agreement, from the Grand Trunk Company, shall vest absolutely in the Grand Trunk Company, and be deemed part of their undertaking, subject (1) to all obligations imposed on the Buffalo Company by their several Acts, with respect to the maintenance, management, and working of the vested property; (2) to all existing mortgages and incumbrances thereon, ; (3) to all mortgages and incumbrances to be created under the provisoes in this clause hereinafter contained; (4) to an annual rent charge thereon, and on the tolls or rates arising therefrom, of the sum of £42,500, payable to the Buffalo Company by the Grand Trunk Company, under the (14) clause of this Agreement (but not to extend to any further sums payable under that clause) with power for the Buffalo Company, by distress as for rent in arrear, and by entry upon the Railway Works and property of the Buffalo Company hereby vested in the Grand Trunk Company, and by the receipt of the tolls, rates, and profits arising therefrom, to recover payment of the said annual sum of £42,500, and of any half-yearly payment thereof, when in arrear for six months. Provided always, that the Buffalo Company may from time to time issue Mortgage Bonds, Debentures, or Debenture Stock, in renewal of, or in substitution for, (but not to a greater amount, nor at a higher rate of interest) existing Mortgage Bonds and Debentures of the Buffalo Company, including the £166,666 13s. 4d., Bonds issued by the Buffalo, Brantford, and Goderich Railway Company, and including the £61070 16s. 8d., or Capitalized Coupon Bonds, issued by the Buffalo Company in 1865, and all such Mortgage Bonds, Debentures, or Debenture Stock may extend over the whole of the undertaking of the Buffalo Company hereby vested in the Grand Trunk Company, and this, although the securities for which they are substituted may extend over a part only; And the Buffalo Company may also issue Mortgage Bonds, Debentures, or Debenture Stock, extending over the whole undertaking of the Buffalo Company, to an amount not exceeding £44,988, bearing interest at a rate not exceeding £6 per cent. per annum, in satisfaction of, and in order to capitalize the present arrears of interest to that amount on the present Debenture debt; subject only as hereinbefore in this clause mentioned the Railway Works surplus lands, property and rights of the Buffalo Company, hereby vested in the Grand Trunk Company, shall be held by them free from all the debts, liabilities, and obligations of the Buffalo Company.

5. All the provisions of part III of The Companies' Clauses Act, 1863, relating to Debenture Stock, shall, except so far as they are varied by sec. 24 of the Railway Companies' Act, 1867, and, by this Agreement apply to the Debenture Stock to be created and issued under the preceding article, as if the same had been set forth in this Agreement.

6. On the passing of the Act hereinafter mentioned, £615,000 of Ordinary Stock, and £615,000 of 4th Preference Stock, shall be deemed to have been created by the Grand Trunk Company, to rank respectively with, and to have the same privileges and incidents as are attached to the Ordinary Stock, and to the 4th Preference Stock of the Grand Trunk Company respectively, by the Grand Trunk Arrangements Act, 1862, and to be consolidated with, and to form part of those Stocks respectively, and to be entitled respectively to the respective dividends mentioned in the said Act, as from the day of the passing of the said Act, or the

1st day of July, 1870, which shall first happen, and the Grand Trunk Company shall forthwith, after the passing of the said Act, issue to, and shall register in, the name of each holder of Ordinary Shares in the Buffalo Company, £10 5s. 0d. of Grand Trunk Ordinary Stock, and £10 5s. 0d. of Grand Trunk Fourth Preference Stock, in substitution for, and in satisfaction of each Ordinary Share of £20 10s. 0d. in the Buffalo Company, and shall issue, gratis, to each such registered holder, certificates for the amount of Stock in the Grand Trunk Company registered in his name, and thereupon all the then existing Ordinary Share Capital of the Buffalo Company shall be extinguished.

7. On the passing of the said Act, and the substitution of Ordinary and Fourth Preference Shares of the Grand Trunk Company, for the Ordinary Shares of the Buffalo Company, under the preceding article, the Buffalo Company shall be represented by the holders of the Preference Shares in the Buffalo Company, until such Preference Shares shall be converted under the provisions hereinafter contained into Ordinary Shares, or Stock, of the Buffalo Company, and thereafter the Buffalo Company shall be represented by the holders of such Ordinary Shares, or Stock; and subject to this Agreement, all the powers and provisions of the Buffalo Company's Acts, relating to the Capital of that Company, and to the administration of its affairs, shall continue in force, notwithstanding the vesting of the undertaking of the Buffalo Company in the Grand Trunk Company under this Agreement.

8. The Buffalo Company may, with the sanction of the votes of three-fifths of its Preferential Shareholders present in person, or by proxy, and voting at a Special General Meeting of the Preferential Shareholders, to be called in the usual manner for that purpose, create and issue, on such terms as the Meeting may think fit, Stock or Shares, of such amount as the Meeting may think fit, to be accepted by the Preference Shareholders, in lieu and satisfaction of the arrears then due on the several classes of Preference Shares of the Buffalo Company, and bearing a Preferential rate of Dividend not exceeding that payable on the Shares, in respect of which arrears are due; and, by the like authority, they may convert the several classes of Preference Shares in the Buffalo Company, including the last-mentioned Preference Shares, into Ordinary Stock, or into Ordinary Shares of such amounts as the Meeting may think fit, without any special advantages or priority of Dividend.

9. Immediately after any such conversion has been resolved on, the Directors of the Buffalo Company shall issue to each Proprietor of Preferential Shares, Certificates of Stock, or Shares, in lieu and satisfaction of the arrears then due on the Preference Shares held by him, and shall also issue to each Proprietor Certificates of Ordinary Shares, or Stock, in exchange for the Certificates of the said Preferential Shares; or the Directors may endorse on such last-mentioned Certificates, a Statement that the Shares represented by such Certificates have been converted as aforesaid.

10. All Stock and Shares to be created and issued by virtue of the Act confirming this Agreement, as well by the Grand Trunk Company as by the Buffalo Company, shall be subject and liable to the same trusts, powers, provisions, declarations, agreements, charges, liens and incumbrances, as immediately before the creation

and issue of such Stock, or Shares, affected the then existing Shares, for which such Stock, or Shares, are substituted, and so as to give effect to, and not revoke any Testamentary disposition of, or affecting such then existing Shares.

11. At all General Meetings of the Buffalo Company, every Shareholder shall be entitled to one vote for every Share in that Company held by him, and for the purpose of voting under article (8) of this Agreement, and for all other purposes, until the conversion of the Preference Shares of the Buffalo Company into Ordinary Shares, every Preference Shareholder in that Company shall be entitled to one vote for every Preference Share held by him.

12. On the passing of the said Act, the Trust Deed, dated the 10th of January, 1865, made between the Buffalo Company, of the first part; Henry Hyde and Thomas Moxon, of the second part; Philip Rawson and Charles Holland, of the third part; and Messrs. Hyde and Moxon, and Messrs. Rawson and Holland, of the fourth part: executed on the occasion of the issuing by the Buffalo Company of Bonds (herein called Coupon Bonds) for the amount of interest on their respective Mortgage Debentures, due up to, and in December 1864, or January or February 1865, shall, as to any future operation thereof, be wholly void and of no effect; and the Trustees of the said Deed shall be released and discharged from any obligation thereunder, and the Coupons in respect whereof the said Coupon Bonds were issued shall be deemed to be cancelled.

12a. From and after the 1st of January, 1870, the interest now payable by the Buffalo Company, upon all their mortgages and bonds now outstanding, and which amount in the aggregate to £727,737 10s. 0d., shall be reduced from the rates of interest now payable thereon, to the uniform rate of £5 10s. 0d. per centum per annum, provided that the same be duly paid half-yearly, or within three calendar months from the day on which such interest falls due. All arrears of interest due to Mortgage Bondholders and Debenture Holders of the Buffalo Company to 31st December, 1869, including that capitalized by the said Trust Deed of 10th January, 1865, are to be paid by the Buffalo Company, partly in cash, partly in Grand Trunk Equipment Bonds, and the residue funded in 5½ per cent bonds.

13. General Meetings of the Shareholders of the Buffalo Company may be convened by a Notice published once in the *Times* newspaper of London, in England, at least fourteen days before the day appointed for such meetings, instead of by the notices required to be given under Section 10, of the Act of Incorporation of the Buffalo Company.

14. Subject as in the 19th Section of the Grand Trunk Arrangements Act, 1862, mentioned, the earnings of the Grand Trunk Company other than those in the first Section of that Act mentioned, after deduction of working expenses, as in the said Act defined, shall in each half-year ending on the 31st of December, and the 30th of June, be appropriated and applied (1) in payment to the Buffalo Company of one equal moiety of the annual sum of £42,500 and of all arrears if any in respect of such annual sum (2) in payment of the interest for the time being due on the Equipment Mortgage Bonds, in the said Section mentioned and of all arrears, if any, in respect thereof, (3) in payment of the interest

for the time being due on the Equipment Mortgage Bonds No. 2, authorised to be issued by the Grand Trunk Railway Act, 1867, and of all arrears, if any, in respect thereof, (4) in priority to any other payments in the said Section mentioned in payment to the Buffalo Company of one equal moiety of the following further sums and of all arrears, if any, in respect thereof :—

For the year ending	30th	June,	1870 - - -	£2,500
"	"	"	1871 - - -	7,500
"	"	"	1872 - - -	12,500
"	"	"	1873 - - -	17,500
"	"	"	1874 - - -	22,500
"	"	"	1875 - - -	23,500
"	"	"	1876 - - -	24,500
"	"	"	1877 - - -	25,500
"	"	"	1878 - - -	26,500
"	"	"	1879 - - -	27,500

and subject to the proviso hereinafter contained for every subsequent year £27,500; provided that in respect of any year after the 30th day of June, 1879, the sum of £27,500 shall be payable only if there shall be a surplus (or to the extent that such surplus shall extend) of earnings in the whole year, ending the 30th June after payment of the interest for the time being due on the said Equipment Mortgage Bonds, issued under the said Acts of 1862 and 1867 respectively, and of all arrears, if any, in respect thereof. All the said half-yearly payments to the Buffalo Company are to be made on the 1st January and 1st July in each year, or within two calendar months from those periods respectively, the first half-yearly payments amounting to £21,250 and £1,250, to be deemed to have become due on the 1st of January, 1870, and to be paid within one month after the confirmation of this Agreement by the Parliament of Canada.

The payments to be made without any deduction whatsoever, except for property or income tax, or any similar tax or imposition now or hereafter to be imposed.

Provided that the Grand Trunk Company shall be entitled to retain out of such half-yearly payments any sums of money which they may have been called upon to pay, and have actually paid, on account of any Debentures, Mortgage, or other incumbrances or liabilities (except those by this agreement expressly assumed by the Grand Trunk Company) of the Buffalo Company, together with interest thereon after the rate of £6 per cent per annum, with half-yearly rests for accumulations of interest.

15. The Mortgages and Incumbrances on the whole or any part of the undertaking of the Buffalo Company already existing or hereafter to be created under the 4th clause of this Agreement, and subject to which the said undertaking is hereby vested in the Grand Trunk Company, shall, according to the respective rights and priorities of the holders, be the first charges on the sums from time to time payable to the Buffalo Company under this Agreement; and so long as those sums are duly paid to that Company according to the terms of this Agreement, but no longer none of the holders of such Mortgages or Incumbrances shall exercise any of their powers or rights against the undertaking or property of that Company, but only against the said sums.

16. The Grand Trunk Company shall from time to time pay and discharge the rents and tolls now charged to, and payable by

the Grand Trunk Company, and all new rents and tolls which may hereafter be chargeable against the joint system of the Grand Trunk and Buffalo Company, and the working of the traffic.

17. The Buffalo Company shall forthwith, or when and as the same from time to time become due, pay and discharge all sums due from them as purchase-money for land sold to them, and for rights of way (but the Grand Trunk Company shall within twelve months from the confirmation of this Agreement by the Canadian Parliament, sell or retain at a valuation to be ascertained by a valuer to be named by each Company, the valuers to name an umpire to decide between them, in case of difference, the said surplus lands, and shall forthwith apply the proceeds of such sale or the amount of such valuation in extinction, so far as the same will go, of the sums so due for rights of way), and all other debts and obligations whatever except those by this agreement expressly assumed by the Grand Trunk Company, and except Mortgage and Debenture debts, and the arrears which, under this Agreement, may be capitalized, but including the interest not so capitalized on Mortgage and Debenture Debts, and that whether such obligations are a charge upon the line and property of the Buffalo Company, or upon any part thereof, or not; and shall for ever indemnify the said Grand Trunk Company against all the debts, liabilities, and obligations of the Buffalo Company, except those hereby expressly adopted by the Grand Trunk Company, and against any interference with the railway, the works, the surplus lands, or other the property of the Buffalo Company vested by this Agreement in the Grand Trunk Company, and any demand by or on behalf of any creditor of or claimant against the Buffalo Company, except as aforesaid.

18. Either of the two Companies will, at the request of the other of them, execute all deeds and other documents (if any), and do all things necessary for carrying this Agreement into full effect, such deeds or documents, in case of difference, to be settled on behalf of the two Companies by counsel to be appointed, if not otherwise agreed on, by Her Majesty's Attorney-General for the time being, and such deeds and documents shall contain such details and incidental provisions as such counsel may think fit, together with such modifications (if any) of this agreement as the Companies may then agree to, and each of the said companies shall forthwith submit for confirmation at a Special General Meeting duly convened and held this agreement and such deeds and documents if prepared, provided that the Grand Trunk Company shall not be bound to submit this agreement for confirmation to its General Meeting until it has been submitted to and approved by the General Meetings of the Shareholders and of the Bondholders of the Buffalo Company.

19. Both Companies will concur in an application or applications to the Legislature of the Dominion of Canada in the Session of 1870 and in the Session of 1871 for an Act or Acts of Parliament to confirm this agreement and to carry out its provisions. The Grand Trunk Company, by their agents, shall have the conduct of such applications, but the Buffalo Company may appear thereon by their own agent. Each Company shall pay its own costs attending such applications.

20. In case of failure to obtain the requisite Act of the Legislature in the Session of Parliament of 1870, the Grand Trunk Company shall, immediately after the expiration of such Session,

pay to the Buffalo Company a further sum of £18,000 on account of the half year ending 31st December, 1869, and the two Companies shall renew such applications for confirmation of the said agreement in the Session of 1871, the Grand Trunk Company paying to the Buffalo Company, on the 1st day of September, 1870, the further sum of £20,000 on account of the half year ending the 30th of June, 1870.

21. If the requisite Act is not passed by the Legislature of Canada in the Session of 1871, this agreement shall be deemed to be at an end and void, and the said agreement of 1864 shall be and continue in force as if this agreement had not been made, and in such case the £30,000 mentioned in the first clause of this agreement, and the £18,000 and £20,000 mentioned in the 20th clause of this agreement shall be deemed to have been payments made on account only, under the agreement of 1864, and the said bonds deposited with the Chairmen of the two Companies, shall be returned to the Grand Trunk Company. IN WITNESS whereof the said Grand Trunk Railway Company of Canada, and the Buffalo and Lake Huron Railway Company have caused their Common Seals to be hereunto affixed the day and year first above written.

No. 25.

3rd Session, 1st Parliament, 33 Vict., 1870.

An Act respecting the Grand Trunk Railway Company of Canada and the Buffalo and Lake Huron Railway Company.

PRIVATE BILL.

MR. WORKMAN.

OTTAWA:

Printed by I. B. TAYLOR, 29, 32, and 33, Rideau Street.

1870.

An Act to amend the Act 31 Victoria, Chapter nine, intituled: "An Act to impose duties on Promissory Notes and Bills of Exchange."

Preamble.

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

How innocent parties may be relieved from the penalty imposed when the duty is not paid by the proper party or at the proper time.

1. When upon the trial of any issue, or on any legal enquiry, the validity of any Promissory Note, Draft or Bill of Exchange, is questioned by reason of the proper duty thereon not having been paid, or not having been paid by the proper party or at the proper time, and it appears as a matter of fact that it was through inadvertence, accident or mistake, or any other sufficient excuse, and without any intent to violate the law, on the part of the payee, or any subsequent party to such Promissory Note, Draft, or Bill of Exchange, that such duty was not so paid by the proper party or at the proper time, such Promissory Note, Draft, or Bill of Exchange, and any endorsement or transfer thereof, shall nevertheless be held to be legal and valid, if the payee, or any subsequent party thereto shall in the manner prescribed by section eleven of the said Act, have paid double the duty required thereon, or a duty equal to double the amount, by which the duty actually paid, at the proper time and by the proper party, falls short of the duty required by law, as soon as, or within a reasonable time after such payee or subsequent party became aware of such error or mistake, and before action brought: but nothing herein shall be construed to release any party wilfully violating any of the provisions of the Act hereby amended from any of the penalties imposed by the said Act.

Proviso. Guilty parties not relieved.

Interest not reckoned in amount of note, &c., for duty.

2. It shall not be necessary to count as part of the amount of any Bill, Draft, or Note, in estimating the amount of duty to be paid thereon under the said Act, any interest made payable at the maturity thereof.

No. 26.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to amend the Act 31 Victoria, Chapter nine, intituled "An Act to impose duties on Promissory Notes and Bills of Exchange.

Received and Read, 1st time, Wednesday, 9th March, 1870.

Second Reading, Monday, 14th March, 1870.

MR. SAVARY.

OTTAWA:

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

1870.

Mr. Blake

No. 27.] **BILL.** [1870.

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 Senator to hold an office of Emolument under the Government of Canada.

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

Exception as to certain officers.

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

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

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

Exception as to Senators now holding offices.

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

2. No person being a Member of the Senate shall, while he is such Member, be capable of holding, enjoying, undertaking, or executing, directly or indirectly, alone or with any other, by himself, or by the interposition of any trustee, or third party, any contract or agreement with Her Majesty, or with any Public Officer, or Department, with respect to the public service of Canada, or under which any public money of Canada, is to be paid for any service or work. Senators not to be Contractors with the Government of Canada.

3. If any person by the first or second Sections declared ineligible for or incapable of occupying, holding, enjoying, undertaking, or executing, any office, commission, employment, contract or agreement, shall accept, hold, enjoy, undertake, or execute the same, he shall thereby forfeit the sum of *two thousand dollars* for each and every day in which he so accepts, holds, enjoys, undertakes, or executes the same; and such sum may be recovered from him by 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. Penalty on Senators contravening this Act.

No. 27.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act further securing the Independence of Parliament.

Received and Read 1st time, Wednesday, 9th March, 1870.

Second Reading, Monday, 14th March, 1870.

MR. BLAKE.

OTTAWA:

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

1870.

No. 28] **BILL.** [1870.

An Act respecting the Law of Usury in the Province of Nova Scotia.

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

1. No Contract made since the twenty-first day of December, 1867, or hereafter to be made, in the Province of Nova Scotia, shall be deemed usurious, by reason of a rate of interest not exceeding seven per centum per annum having been reserved thereon; but this Act shall not affect the rights of parties, or of the Crown, in any suit or prosecution now actually pending. Contracts made after 21st December, 1867, not usurious for reserving seven per cent. interest.

No. 28.

3rd Session, 1st Parliament, 33 Vict., 1870.

BILL.

An Act respecting the Law of Usury, in the Province of Nova Scotia.

Received and read, First time, Wednesday, 9th March, 1870.

Second reading, Monday, 14th March, 1870.

MR. SAVARY.

OTTAWA:

Printed by I. B. TAYLOR, 29, 32, and 33, Rideau Street.

1870.

No. 29.] **BILL.** [1870.

An Act respecting Weights and Measures.

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

1. The hundred-weight for weighing all goods, wares and other commodities whatsoever, sold by the hundred weight or ton weight in the Dominion, shall consist of one hundred pounds avoirdupois, and the ton weight used for the said purposes shall consist of twenty hundred weights, as hereinabove established, or of two thousand pounds avoirdupois; and the said hundred-weight and ton weight as hereinabove established, with their parts, multiples and proportions, shall be the standard weights in Canada, for the weighing of all such goods, wares and commodities as aforesaid: And in all cases in which a duty or toll is imposed by law upon or by the hundred-weight or the ton, such duty or toll shall be chargeable on the hundred-weight or ton as established by this Act. Hundred-weight to be 100 lbs. avoirdupois. Ton to be 2,000 lbs. Act to apply to duties, tolls, &c.

2. All and every the laws in force in the Provinces of Quebec, Ontario, New Brunswick and Nova Scotia respectively, relating to the inspection and adjustment of weights and measures in the said Provinces, shall extend and apply to the standards of the ton weight and hundred-weight hereinabove established, and to the several parts and proportions thereof; the said standards hereinabove established being, as regards such inspection and adjustment, and the duties of Inspectors of weights and measures, and others under the said Acts, and the penalties to be incurred for infraction thereof, in all respects substituted for any standard hundred-weight and ton in use before the coming into force of this Act; and no other of the standard hundred-weight or ton than that hereinabove established, shall be used in any part of the Dominion. Laws touching inspection, &c., in the several Provinces, to apply to the weights hereby established.

3. The following shall be the standard weights which in all cases shall be held to be equal to the Winchester bushel of the grain, pulse, or seeds opposite to which they are set, viz.:— Standard weights of various kinds of grain, &c.

Wheat	Sixty Pounds.
Rye	Fifty-six Pounds.
Peas	Sixty Pounds.
Barley	Forty-eight Pounds.
Oats	Thirty-two Pounds.
Beans	Sixty Pounds.
Clover Seed	Sixty Pounds.
Timothy Seed	Forty-eight Pounds.
Buck Wheat	Forty-eight Pounds.

Of other articles.

4. The following shall be the standard weights which in all cases shall be held to be equal to the Winchester Bushel of the articles opposite to which they are respectively set, namely:—

Potatoes, Turnips, Carrots, Parsnips, Beets and Onions	Sixty Pounds.
Flax Seed	Fifty Pounds.
Hemp Seed	Forty-four Pounds.
Blue Grass Seed	Fourteen Pounds.
Castor Beans	Forty Pounds.
Salt	Fifty-six Pounds.
Dried Apples	Twenty-two Pounds.
Dried Peaches	Thirty-three Pounds.
Malt	Thirty-six Pounds.

Act to be applied to all contracts hereafter, under a penalty for contravention.

5. Upon any sale and delivery of any description of grain, pulse, or seeds, or other articles mentioned in this Act, and in every contract for the sale or delivery of any such grain, pulse seeds, or other articles, the *minot* or bushel shall be taken and intended to mean the weight of a bushel as regulated by this Act, and not a *minot* or bushel in measure, or according to any or greater, or less weight, under a penalty, for each contravention of this Act, of not more than , nor less than , and such penalty shall be recoverable in a summary manner before one Justice of the Peace residing in the vicinity of the place where the offence has been committed, upon the evidence under oath of one credible witness, other than the complainant or informer, who shall also attest the truth of his complaint on oath, such suit to be brought within the three months next after the commission of the offence; and one half of such penalty shall belong to the informer, and the other half to the Crown for the uses of the Dominion of Canada.

Repeal of former Acts.

6. All Acts and parts of Acts inconsistent with this Act shall be repealed from and after the passing of this Act.

No. 29.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act respecting Weights and Measures.

Received and read, First time, Thursday, 10th March, 1870.

Second reading, Monday, 14th March, 1870.

Mr. Masson (Soulanges.)

OTTAWA:

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

1870.

No. 30.] **BILL.** [1870.

An Act to continue in force the provisions of divers Acts relating to La Banque du Peuple.

Preamble.

WHEREAS La Banque du Peuple hath, by its petition, prayed that its Charter may be continued in fore, and it is expedient to grant its prayer; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

7th Vict. C. 66.
10th and 11th Vict. C. 62.
18th Vict. C. 43.
19th Vict. C. 27.
22nd Vict. C. 51.
24th Vict. C. 93.
Above Acts continued.

1. The provisions of the Act passed by the Legislature of the late Province of Canada, in the seventh year of Her Majesty's Reign, intituled "An Act to incorporate certain persons carrying on the business of banking in the City of Montreal, under the name of "La Banque du Peuple;" as amended by an Act passed in the eleventh year of Her Majesty's Reign, intituled; "An Act to amend the Act incorporating La Banque du Peuple" and by another Act passed in the eighteenth year of Her Majesty's Reign, intituled; "An Act to inceease the Capital Stock of La Banque du Peuple and for other purposes, and by another Act passed on the nineteenth year of Her Majesty's Reign, intituled "An Act to amend the Acts relating to La Banque du Peuple" and by another Act passed in the twenty-second year of Her Majesty's Reign, intituled "An Act to amend a certain Act relating to La Banque du Peuple" and by another Act passed in the twenty-fourth year of Her Majesty's Reign, intituled "An Act further to increase the capital stock of La Banque du Peuple, are hereby continued and shall remain in force, until the first day of January, which will be in the year of Our Lord one thousand eight hundred and ninety, and from that time to the end of the then next Session of the Parliament of Canada.

No. 30.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to continue in force the provisions of divers Acts relating to "La Banque du Peuple."

PRIVATE BILL.

Hon. MR. DORION.

OTTAWA.

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

1870.

as amended by Ry Committee

No. 31.] **BILL.** [1870.

An Act to Incorporate the Ontario and Erie Ship Canal Company.

Preamble.

WHEREAS, the Municipalities of the Town and Township of Niagara, the respective Boards of Trade of the Cities of Chicago, Oswego, Toledo, the Chamber of Commerce of the City of Milwaukie, and others interested in obtaining greater inland navigation facilities than at present exist, have petitioned for the incorporation of a Company to construct a Ship Canal in accordance with this Act; therefore Her Majesty, by and with, the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Certain powers incorporated.

1. The Hon. Walter Dickson, Henry Paffard, S. S. J. Brown, William Kirby, Angus Smith, John Brown, J. M. Richards, F. J. King, J. S. McMurray, S. H. McRae, Robert F. Sage, Donald Robertson, Cheney Ames, A. G. P. Dodge, D. B. Chambers, Hon. J. B. Robinson, Alexander Kirkland, Duncan Milloy, Edward O'Neill, S. H. Follett, Angus Morrison, Thomas Walton, Daniel C. Gunn, James F. Macklim. John C. Kirkpatrick, Henry Rolls, James Lewson, and George B. Gregg or either of them, together with all such persons (subjects of Her Majesty, or others), as shall become stockholders of the Company hereinafter mentioned, shall be, and are hereby, ordained, constituted, and declared, to be a body corporate and politic in fact, and by the name of the "Ontario and Erie Ship Canal Company," and by that name they and his successors shall and may have continued succession; and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; and they and their successors may, and shall, have a common seal, and may change and alter the same at their will and pleasure; and also, they and their successors by the same name of the Ontario and Erie Ship Canal Company, shall be in law capable of purchasing and holding to them and their successors, any real estate, personal, or mixed, to and for the use of the said Company, and of letting, selling, conveying, or otherwise departing therewith, for the benefit, and on the account of the said Company, from time to time as they shall deem expedient or necessary.

Corporate powers.

Power to construct a Ship Canal.

2. The Directors of the said Company shall have full power and authority to survey and explore the country lying between the waters of the Niagara River and Lake Erie, and to designate and establish, and for the said Company to take, appropriate, have and hold, to and for the use of them and their successors, the line and boundaries of a Ship Canal, to commence on the Niagara River, at or near Fort George in the town of Niagara, and thence to a point at or near the village of Thorold, and from thence to the waters of Lake Erie, at or near Port Colborne, or to the waters of the Upper Niagara River, at or near the village of Chippewa; and to build

and erect the same, with the necessary locks, dams, tow-paths, branches, feeders, basins, and tramways, and also, to select such sites for such warehouses and other erections as may be considered expedient by the said Directors, and to purchase and dispose of the same to and for the use and profit of the said Company; Provided that nothing hereinbefore contained shall be construed to extend to compel the owners of any mill seat which shall be in existence before the construction of the said Canal, or any of its branches or feeders, to sell or convey the same to the said Company, unless the same shall be in the line of the said Canal, or that the possession of the same shall be necessary to the construction of the said Canal or any of its branches and feeders; Provided also, that the owner or owners of any mill seat or mill seats, using any additional supply of water brought thereto by the said canal, or its branches or feeders, shall pay a reasonable compensation therefor to the said Company, to be determined, as hereinafter provided for determining any damage done to property by the said Company.

Proviso.

Proviso.

Plan to be submitted to Governor in Council.

3. Before the said Company shall break ground, or commence the construction of the said Canal, the plan, location, dimensions, and all necessary particulars of the said Canal, and the locks, bridges, and other works therewith connected, and the points at which it is to leave the River Niagara, shall have been submitted to, and received the sanction of, the Governor in Council; and the said Canal, and locks, and works thereon, shall not be of a less size, depth, or capacity, than the Cornwall Canal, on the River St. Lawrence;—[and all maps, plans, surveys, levels, reports, and documents, relating to a survey of a Branch Canal to connect the Welland Canal with the mouth of the Niagara River, now in possession of the Government, or copies thereof, shall be open to the said Company, to aid it in the prosecution of its works, and the preparation of the map or plan and book of reference hereinafter mentioned.]

Company to have power to take water, &c for the use of the Canal.

4. It shall and may be lawful for the said Company, and they are hereby authorized and empowered, from and after the passing of this Act, to supply the said Canal, whilst making, and when made, with water from all such brooks, springs, streams, watercourses, lakes, hollows or repositories of water, as shall be found in making the said Canal, or within the distance of two thousand yards of the same, or any part thereof, or any reservoir or reservoirs to be made for the supplying of the said canal with water; and the said Company are hereby authorized and empowered to make all such reservoirs, and such and so many feeders, branches, aqueducts, tunnels and channels in connection with and for the use of the said Canal, as to them shall seem necessary and proper; and for the purposes aforesaid, the said Company, their agents, servants, and workmen, are hereby authorized and empowered to enter upon and into the lands and grounds of, or belonging to the Queen's Majesty, Her Heirs or Successors, or any other person or persons, bodies corporate or politic (except as hereinbefore mentioned), and to survey and take lands of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for the making of the said Canal and its appurtenances, and for the completion of the said water connection and navigation, according to the true intent and meaning of this Act, and all such other matters and conveniences as they shall think proper and neccessary for making, preserving, improving, completing, and using the said intended navigation, and also to bore, dig, trench, cut, remove, take, carry away, and

lay soil, clay, stone, rubbish, trees, roots, and stumps of trees, beds of gravel or sand, or any other matter or thing which may be dug or got in the making of the said Canal, or in deepening or improving the navigation of any river or rivers, lake or lakes, in connection with, and forming part of the intended navigation, or out of any land of any person or persons adjoining or contiguous thereto, and which may be proper or convenient for carrying on the repairing of the said Canal, or other the said works, or which may hinder or obstruct the making, completing, and using the same, and the same to lay in or upon the boundaries of the said Canal or rivers and lakes forming portions of the said navigation, or in and upon the land of any other person or persons adjoining thereto; and also to make, build, erect and set up in and upon the said Canal, and at the points of entrance to the same, or any part thereof, or of the said intended navigation, or upon the land adjoining or near the same, such and so many wharves, quays, piers, landing places, bridges, tunnels, aqueducts, sluices, rivers, pens for water, tanks, reservoirs, drains, bridges, and other ways, roads, and works, as the said Company shall think requisite and convenient for the purpose of the said navigation; and also, from time to time, to alter, enlarge, amend, and repair the said works, or any of them, for conveying all manner of materials necessary for making, erecting, altering, or repairing, widening, or enlarging the said works, or any part thereof, and also, to place, lay, work, and manufacture the said materials, and erect such workshops, forges, and other erections as they may deem necessary, upon the lands near the said works; and to make, maintain, and alter, any places, or passages, over, under or through the said Canal, or any of its branches, or connections, or other part of the said intended navigation; and also to make, purchase, set up, and build and construct such tug or tow-boats, barges, vessels, or rafts, for the use ofthe said navigation, as they shall see fit; also to erect, an keep in repair, any piers, arches, or other works, in, upon, and across, any rivers, brooks, or lakes, for making, using, maintaining, and repairing the said Canal, and other the rivers and navigable waters, forming part of the said intended navigation, and the towing paths and other conveniences connected therewith; And also to construct, make, and do all other works, matters, and things whatsoever, which they shall think necessary and convenient for the making, effecting, preserving, improving, completing, and using the said Canal, and the said intended navigation, in pursuance of, and within the true meaning of this Act, they, the said Company, doing as little damage as may be in the execution of the powers hereby granted, and making satisfaction, in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of such lands, hereditaments, and tenements.

Power to hold public beach, or beach road.

5. The said Company may take, use, occupy, and hold, but not alienate, so much of the public beach or beach road, or of the land covered with the waters of the rivers or lake which the said Canal may cross, start from, or terminate at as may be required for the wharves and other works of the said Canal, for making easy entrances thereto, and other works which they are hereby authorized to construct, doing no damage to, nor causing any obstruction in the navigation of the said rivers or lake, and conforming in all respects to the plan and mode of construction sanctioned, as aforesaid, by the Governor in Council, except in so far only as he may, at any time, authorize a deviation

Power to connect with the Welland Canal.

from such plan and mode of construction; And the said Company, with the sanction of the Governor in Council, and upon such terms and conditions as may be agreed upon between the said Company and the Governor General in Council, may cause their Canal to enter into the Welland Canal, instead of taking it directly to Lake Erie, or to the Waters of the Upper Niagara River, and may widen, deepen, enlarge, alter, and improve so much of the Welland Canal and its Locks, as may be necessary, in order to make it from the point where the Canal, shall intersect it to Port Colborne, not less in size, depth, and capacity, than the Cornwall Canal aforesaid.

Power to hold and use Welland Canal.

6. The said Company may take, hold, and use, any portion of the Welland Canal, and the works therewith connected, and all the tolls, receipts, and revenues thereof, upon terms to be settled and agreed upon between the Company, and the Governor in Council.

Lands and their valuation.

After any lands have so been set out.

7. After any lands shall be set out and ascertained in manner aforesaid, for making and completing the said Canal and other works, and other the purposes and conveniences hereinbefore mentioned:—

Certain parties may convey to Company.

1. All Corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons, seized, possessed of, or interested in any lands, may contract, sell or convey unto the Company all or any part thereof:

Limitation in certain cases.

2. But the powers by the next preceding sub-section conferred upon Ecclesiastical and other Corporations, Trustees of Land for Church and School purposes, or either, Executors appointed by Wills in which they are not invested with any power over the real estate of the Testator, Administrators of persons dying intestate, but at their death seized of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of the Company.

Contract or agreement for sale.

3. Any contract, agreement, sale, conveyance and assurance so made, under the two preceding sub-sections, shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the Company, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever; and the Corporation or person so conveying, is hereby indemnified for what it or he respectively does by virtue of or in pursuance of this Act;

Disposition of purchase money.

4. The Company shall not be responsible for the disposition of any purchase money for lands taken by them for their purposes, if paid to the owner of the land, or into Court for his benefit, as hereinafter provided.

Contract before deposit of map.

5. Any contract or agreement made as it may be by any party authorized by this Act to convey lands, and made before the deposit of the Map or Plan and Book of Reference, and before the setting out and ascertaining of the lands required for the Canal or works of the Company, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime, have become the

property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of Arbitrators as hereinafter provided, and the agreement shall be in the place of an award;

Fixed rent to be paid in certain cases.

6. All Corporations or parties who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the Canal and works and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the Registry Office of the proper County in which the land is is situate.

As to proprietors *par indivis.*

7. Whenever there is more than one party proprietor of any land as joint tenant or tenants in common, or *par indivis*, any contract or agreement made in good faith with any party or parties proprietor or being together proprietors of one third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenant or tenants in common or *par indivis;* and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be;

Application to owners after deposit of map.

8. After the deposit of the Map or Plan and Book of Reference, and after notice thereof given for one month in at least one newspaper published in the Counties of Lincoln and Welland, the Company may apply to the owners of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the Canal and works ; and in the case of Indian lands application shall be made to the Secretary of State for the Provinces, and thereupon, agreements and contracts may be made with such parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then all questions which arise between them, shall be settled as follows, that is to say :

Deposit to be general notice

9. The deposit of a Map or Plan and Book of Reference, and the notice of such deposit, shall be deemed a general notice to all the parties of the lands which will be required for the Canal and works;

Notice to party what to contain.

10. The notice served upon the party shall contain :

a. A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them;

b. A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and,

c. The name of a person to be appointed as the Arbitrator of the Company, if their offer be not accepted; And such notice shall be accompanied by the certificate of a sworn Surveyor for the Province of Ontario, disinterested in the matter, and not being the Arbitrator named in the notice :

That the land, if the notice relate to the taking of land, shewn

on the said Map or Plan, is required for the Canal, or is within the limits of deviation hereby allowed;

That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and,

That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid.

If the owner be absent or unknown.

11. If the opposite party is absent from the County in which the lands lie, or is unknown, then, upon application to the Judge of the County Court of the said County, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the Company that the opposite party is so absent, or that, after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, (but without a Certificate,) to be inserted three times in the course of one month in some newspaper published in the said Counties of Welland and Lincoln, to be named by the Judge, or both, in the discretion of the Judge.

Party not accepting offer, and not appointing an Arbitrator.

12. If within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not notify to the Company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as Arbitrator, then the Judge shall, on the application of the Company, appoint a Sworn Surveyor for the Province of Ontario, to be sole Arbitrator for determining the compensation to be paid as aforesaid;

If he appoints one. Third Arbitrator.

13. If the opposite party within the time aforesaid, notifies to the Company the name of his Arbitrator, then the two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third (of which fact the allegation of either of them shall be evidence) then the Minister of Public Works shall, on the application of the party or of the Company (previous notice of at least two clear days having been given to the other party), appoint one of the Official Arbitrators to be a third Arbitrator ;

Duties of Arbitrators.

14. The Arbitrators, or two of them, or the sole Arbitrator, being sworn before some Justice of the Peace for the County in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best, and the award of such Arbitrators, or any two of them, or of the sole Arbitrator, shall be final and conclusive ; But no such award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other Arbitrator has had at least two clear days notice, or to which some meeting at which the third Arbitrator was present, had been adjourned ; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the Arbitrator appointed by him, or whose appointment he required ;

Award by majority.

Increased value by Canal to be considered.

15. The Arbitrators in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the Canal will pass, by reason of the passage of the Canal through or over the same, or by reason of the construction of the Canal, and to set off the increased value that will attach to the said lands or grounds against the inconvenience, loss or damage that might be suffered or sustained by reason of the Company taking possession of or using the said lands or grounds as aforesaid.

Costs, how paid.

16. The award given by any sole Arbitrator shall never be for a less sum than that offered by the Company, as aforesaid, and if in any case where three Arbitrators have been appointed, the sum awarded is not greater than that offered, the costs of the Arbitra-

tion shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the Company, and in either case they may, if not agreed upon, be taxed by the Judge ;

Power to examine parties or witnesses on oath.

17. The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as voluntarily appear before them or him, and may administer such oath or affirmation ; and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly ;

Time for making the award.

18. The Judge by whom any third Arbitrator or sole Arbitrator is appointed, shall fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by order of the Judge, as it may be for reasonable cause shown on the application of the sole Arbitrator or of one of the Arbitrators, after one clear day's notice to the others, then, the sum offered by the Company as aforesaid, shall be the compensation to be paid by them ;

Arbitrator dying.

19. If the sole Arbitrator appointed by the Judge, or the Official Arbitrator appointed by the Minister of Public Works, or any Arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the sole Arbitrator the Judge, upon the application of either party, and in the case of the official Arbitrator, the Minister of Public Works, upon a like application, the Judge or Minister being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another Arbitrator in his place, and in the case of any Arbitrator appointed by the parties, the Company or party respectively may appoint an Arbitrator in the place of his or their Arbitrator so deceased or not acting, notifying the other party or his or their Arbitrator of such appointment, but no recommencement or repetition of prior proceedings shall be required in any case ;

Desisting from notice and giving a new one.

20. Any such notice for lands, as aforesaid, may be desisted from and new notice given, with regard to the same or other lands, to the same or any other party, but in any such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist ;

Certain persons not disqualified as arbitrators.

21. The Surveyor or other person offered or appointed as Valuator or as sole Arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the Company, provided he is not himself personally interested in the amount of the compensation ; and no cause of disqualification shall be urged against any Arbitrator appointed by the Judge, after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the Judge ;

Time for objecting.

No objection allowed after a certain time

22 No cause of disqualification shall be urged against any Arbitrator appointed by the Company or by the opposite party after the appointment of a third Arbitrator ; and the validity or invalidity of any cause of disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by the Judge, on the application of either party, after two clear days' notice to the other, and if the cause is determined to be valid, the appointment shall be null, and the

party offering the person so adjudged to be disqualified, shall be held not to have appointed an Arbitrator ;

Awards not avoidable for want of form.

23. No award shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation ; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award ;

Possession on payment or tender of

24. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the Company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon ; and if any resistance or forcible opposition be made by any person to their so doing, the Judge may, on proof to his satisfaction of such award or agreement, issue his Warrant to the Sheriff of the County, or to a Bailiff, as he may deem most suitable, to put the Company in possession, and to put down such resistance or opposition, which the Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do ;

Warrant of possession.

Warrant in certain cases of necessity before award.

25. Such Warrant may also be granted by Judge, without such award or agreement, on affidavit to his satisfaction that the immediate possesson of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the Canal or works with which the Company are ready forthwith to proceed ; and upon the Company giving security to his satisfaction and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be awarded within one month after the making of the award, with interest from the time at which possession is given, and with such costs as may be lawfully payable by the Company :

Security in such case.

Compensation to stand in place of the land.

26. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands ; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the Company, be converted into a claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party ;

Proceedings if the Company has reason to fear incumbrances.

27. If the Company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the Company, or if for any other reason the Company deems it advisable, the Company may pay such compensation into the hands of the Judge of the County Court for the County in which the land is situate, with the interest thereon for six months, and may deliver to the said Judge an authentic copy of the conveyance, or of the award if there be no conveyance, and such award shall thereafter be deemed to be the title of the Company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the Company, in like manner as in other cases of confirmation of title, except that, in addition to the usual contents of the notice, the Judge shall state that the title of the Company (that is, the conveyance or award,) is under this Act, and shall call upon all persons entitled to the lands, or any

part thereof, or representing or being the husband of any party so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court ;

Effect of judgment of confirmation of title.

28. Such judgment of confirmation shall forever bar all claims to the land, or any part thereof (including dower not yet open) as well as any mortgage, hypothec or incumbrance upon the same ; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the security of the rights of all parties interested, as to right and justice, and the provisions of this Act and to law, shall appertain ;

Costs how paid.

29. The costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court may order ; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the said Judge, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it is not obtained until after the six months have expired, the Court shall order the Company to pay the Judge the interest for such further period as may be right.

Interest.

If the compensation do not exceed $20.

30. If the amount of the said compensation do not exceed eighty dollars, the same may be paid by the Company to the party in whose possession, as proprietor, the land was at the time the Company took possession thereof, or to any person who may lawfully receive money due to such party, and proof of such payment, and the award, conveyance or agreement, shall be a sufficient title to the said Company, and shall forever discharge them from all claims of any other party to such compensation or any part thereof, saving always the recourse of such other party against the party who shall have received such compensation.

Proviso as to cases where this Act shall not have been complied with.

31. With regard to any lands which could not be taken without the consent of some party entitled under this Act to convey the same, or in any case in which the requirements of this Act shall not have been complied with, and in all cases where land shall have been taken, or damage shall have been done by the Company, without previously complying with the requirements of this Act, the rights of the Company and of other parties shall be governed by the ordinary rules of law.

If the lands taken belong to Indians.

32. If the Canal passes through any land belonging to or in possession of any Tribe of Indians in Canada, or if any act occasioning damage to their lands be done under the authority of this Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the lands or rights of other individuals ; and whenever it is necessary that Arbitrators should be chosen by the parties, the Secretary of State for the Provinces, is hereby authorized and required to name an Arbitrator on behalf of the Indians, and where the lands belong to the Indians, the amount awarded in any case shall be paid to the said Secretary of State, for the use of such Tribe or Body.

Company to make fences, &c. if required.

33. The said Company shall, within six calendar months after any lands shall be taken for the use of the said Canal or undertaking, divide and separate, and keep constantly divided and separated, the lands so taken from the lands or grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, bank or other fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds which shall be purchased by, conveyed to, or vested in the said Company as aforesaid, and shall, at their own costs and charges, from time to time, maintain, support, and keep in sufficient repair the said posts, rails, hedges, ditches, trenches, banks and other fences so set up and made as aforesaid.

Company to cause survey to be made.

8. For the purpose of this Act, the said Company shall, and and may, by a sworn Land Surveyor for the Province of Ontario, and by an Engineer by them appointed, cause to be taken and made, surveys and levels of the said lands, through which the said intended Canal is to be carried, together with a map or plan of such intended Canal, and the course and direction thereof, and of the said lands through which the same is to pass, and also a book of reference of the said Canal, in which shall be set forth a description of the said several lands, and the names of the owners, occupiers, and proprietors thereof, so far as the same can be ascertained, and in which shall be contained everything that is necessary for the right understanding of such map, or plan, copies of which said map, or plan, and book of reference shall, on the completion of such survey, map, and book of reference, be deposited by the said Company in the offices of the respective Registrars for the several counties through which the said Canal, or any part thereof, shall pass, and also in the office of the Secretary of State of Canada; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts from or copies thereof, as occasion shall require, paying to the said Secretary of State, or to the said respective Registrars, at the rate of ten cents current money of the Dominion, for every one hundred words; and the said copies of the said map, or plan, and book of reference so deposited, or a true copy or copies thereof, certified by the said Secretary of State, or by one of the said Registrars for the said respective counties, shall severally be, and they are hereby declared to be, good evidence in the Courts of Law, and elsewhere.

Highways not to be obstructed.

9. Whenever any highway or public road shall be cut through by the said Canal, or any of its branches, the said Company shall, within one month thereafter, cause to be constructed a secure and sufficient bridge over the same, with proper approaches not exceeding a grade of one foot in twenty feet, so as to establish the communication between the several parts of such highway, under a penalty of twenty dollars per day for every day after the expiring of the said time, during which the said Company shall neglect to construct the said bridge: Provided always, that in the mean time some temporary means of passing along the said highway shall be constructed or provided; also that the said Company shall, at their own costs and charges, make and maintain such works as may be necessary to secure the safest and most thorough working of the trains upon any line of Railway that the said Canal may intersect; that the charges of watching any such works shall be paid for by the Canal Company; that all works rendered necessary by the intersection of any line of Railway shall be intimated to the Companies owning said Railway lines, and approved of by the Governor General in Council before being commenced, and full and proper compensation shall be made to the Railway Companies for the injury and damage done to their lines by the intersection of the Canal.

Persons maliciously injuring works

10. If any person or persons shall maliciously, or wilfully break, injure, throw down, or destroy, any bank, lock-gate, sluice, or any other work, machine, or other device, belonging, or pertaining to the said Company, or do any other wilful act, hurt, or mischief, to disturb, hinder, or prevent, the carrying into execution, the completing, and supporting the said Canal and navigation, or any of its branches, feeders, or other connections or works belonging to the said Company, every such person or persons so

offending shall forfeit, and pay to the said Company, the full value of the damage so done, including loss or inconvenience occasioned by such obstruction, proved by the oath of two or more credible witnesses to have been done; such damages, with costs of suit in that behalf incurred, to be recovered in any Court having competent jurisdiction, and such wilful and malicious act shall be a misdemeanor, and the party or parties committing the same shall, and may be indicted and tried for a misdemeanor, in any Court of competent jurisdiction, and on conviction thereof, may be committed to the common gaol for any time not exceeding twelve months, at the discretion of the Court before whom such offenders shall have been convicted.

Persons obstructing navigation of the canal.

11. If any person shall obstruct, or impede the navigation of the said Canal, or other portion of the said intended navigation, by the introduction of any timber, or boats, or vessels, contrary to the rules and regulations laid down for the government of the same, to be made by the said Directors, and shall not immediately, upon notice given to the owner or person in charge of such timber, raft, boat, or vessel, so obstructing the navigation, remove the same, every such owner or person in charge of such timber, raft, boat or vessel so obstructing or impeding the navigation as aforesaid, shall forfeit and pay a sum not exceeding twenty dollars currency, for every hour during which the said obstruction shall continue; and it shall be lawful for the Company, or their servants, to cause such obstruction to be removed, and to cause every such boat, vessel, or raft, as shall be so overladen as to cause obstruction, to be detained and unloaded, so as to prevent or remove such obstruction, and to recover the cost of so doing from the owner or person in charge of the same, and to seize and detain such vessel, boat, or raft, and the cargo thereof, or any part of the cargo or furniture of such vessel, boat or raft, until the charges occasioned by such unloading or removal, or both, shall be paid or satisfied: And if any vessel, boat, or raft shall be sunk in any part of the said intended navigation, and the owners shall neglect, or refuse to weigh and remove the same forthwith, the said Company may cause the same to be weighed and removed, and retain the same until all the charges necessarily incurred in so doing shall be paid or satisfied, and all such charges may be recovered, in any Court of competent jurisdiction, from the owners or persons in charge of such vessel, boat, or raft.

Penalty.

Vessels, &c., wrecked.

Powers in case of accidents requiring immediate repair.

12. In case of any accident requiring immediate repair on the said Canal, or any part of the said navigation, the said Company, their agents, or workmen, may enter upon the adjoining land (not being an orchard or garden) without any previous treaty with the owners or occupiers thereof, and dig for, work, get, and carry away, and use, all such gravel, stone, earth, clay, or other materials, as may be necessary for the repair of the accident aforesaid, doing as little damage as may be to such land, and making compensation therefor, and in case of dispute or difference regarding the amount to be so paid, the same shall be decided by arbitration, as hereinbefore provided: Provided, however, that if any action or suit shall be brought against the said Company, for any matter or thing done in pursuance of this Act, such action or suit shall be brought within twelve calendar months after the fact committed, and not afterwards.

Proviso.

Power to open and construct basins, docks, &c.

13. The said Company may open, cut, and erect such ponds and basins for the lying up and turning of vessels, boats, or rafts,

using the said Canal or navigation, and at such portions of the navigation as they shall deem expedient, and they may also build and erect such dry docks, slips, and machinery connected therewith, for the hauling out and repairing such vessels, as they shall think proper, and may let the same on such terms as they shall deem expedient, or carry on the business of the same by their servants or agents, as the said Company, or the Directors thereof, shall decide from time to time.

Time for construction limited.

14. The said Company, in order to entitle themselves to the benefit and privileges conferred upon them by this Act, shall commence the said work within two years, and complete the said Canal within five years after the passing of this Act; otherwise, this Act, and anything herein contained, shall be null and void to all intents and purposes.

Vessels to have draught of water marked.

15. Every vessel, of whatsoever kind, using the said Canal, shall have her draught of water legibly marked in figures of not less than six inches long, from one foot to her greatest draught, upon the stem and stern posts, and any wilful misstatement of such figures, so as to mislead the officers of the Canal as to any vessel's true draught, shall be punishable as a misdemeanor on the part of the owner and master of such vessel, and the said Directors may detain any such vessel upon which incorrect figures of draught shall be found, until the same are corrected at the expenses of her owner.

Canal to be measured and miles marked.

16. So sood as conveniently may be after the said Canal shall be completed, the said Company shall cause the same to be measured, and stones or posts, with proper inscriptions on the sides thereof denoting the distance, to be erected and maintained at the distance of every mile from each other.

Measurement of tonnage.

17. And for preventing disputes touching the tonnage of vessels navigating the said Canal, every owner, or master of every boat, barge, raft, or vessel, navigating the said Canal, or other part of the said navigation, shall permit the same to be gauged and measured, and for refusing to permit the same, shall forfeit and pay the sum of twenty dollars, and it shall be lawful for the person appointed for that purpose by the said Directors, to gauge and measure all vessels using the said navigation, and his decision shall be final in respect to the tolls to be paid thereon, and he may mark the tonnage or measurement on every vessel habitually using the said Canal, and such measure so marked by him shall always be evidence respecting the tonnage in all questions respecting the tolls or dues to be paid to the said Company by virtue thereof.

Power to hold lands granted by the Crown.

18. The said Company may hold all such lands and water, hereditaments and tenements, as may, at any time, be granted to them by Her Majesty the Queen, Her Heirs or Successors, as necessary for the works.

Capital Stock.

19. The capital stock of the said company shall be eight millions of dollars, to be held in eighty thousand shares of one hundred dollars each; and the shares of the said capital stock shall after the first instalment thereon shall have been paid, be transferable by the respective persons subscribing or holding the same to any other person or persons, but no assignment or transfer shall be valid and effectual, unless it be made with the consent of the directors, and registered in the books to be kept by the said company for that purpose.

Who may subscribe for shares.

20. All persons, subjects of Her Majesty, or aliens, may subscribe for any number of shares, the amount whereof, shall be payable to the said company, in the manner hereinafter mentioned, that is to say, five per cent. on each share so subscribed, shall be payable to the said company immediately after the stockholders shall have elected the directors as hereinafter mentioned, and the remainder by instalments of not more than twenty per centum, at such periods as the President and directors shall, from time to time, direct for the payment thereof, provided that no instalment shall be called in at a shorter period than sixty days from the next preceding instalment; Provided always, that if any stockholder or stockholders shall neglect or refuse to pay the said Company the instalment due upon any share, or shares, held by him, her, or them, at the time required by law, such share or shares, with the amount previously paid thereon, shall be forfeited, and the said Directors shall sell such share or shares by public auction, after having given thirty days' notice of such intended sale to such stockholder or respective stockholders, and the proceeds thereof, with the amount previously paid thereon, shall be accounted for, and applied in the same manner as the other funds of the Company; Provided always, that such purchaser, or purchasers, shall pay all instalments which shall be due upon such shares, over and above the purchase-money thereof, immediately after the sale, and before they shall be entitled to a certificate of the transfer of such share or shares, so to be purchased, as aforesaid.

Instalments.

Proviso.

Proviso.

Company may appoint Agents.

21. The directors of the said company may appoint such and so many agents in Canada, or in any other part of Her Majesty's Dominion, or elsewhere, as to them shall seem expedient, and may, by any By-law to be made for such purpose, empower, and authorize, any such agent, or agents, to do and perform any act or thing, or to exercise any powers which the Directors themselves, or any of them, may lawfully do, perform, or exercise, except the power of making By-laws; and all things done by such agent, or agents, by virtue of the powers in him vested by any such By-law, shall be as valid and effectual, to all intents and purposes, as if done by such directors themselves, anything in any part of this Act to the contrary notwithstanding.

Representation of Municipalities.

22. The Mayor, Warden, or Reeve, being the head of any Municipal Corporation, subscribing for and holding stock in the company to the amount of twenty thousand dollars, or upwards, shall be, and continue to be, *ex officio* one of the directors of the company, in addition to the number of directors authorized by this Act, and shall have the same rights, powers, and duties as any of the directors of the company.

Organization of the Company.

23. So soon as seven hundred and fifty thousand dollars of the capital stock shall have been subscribed, and ten per cent. thereon shall have been paid into some one or more of the Chartered Banks of the Dominion, or into some branch or agency of such Bank or Banks, it shall and may be lawful for the subscribers, or any of them, to call a meeting, pursuant to directions hereinafter contained, for the purpose of proceeding to elect directors as hereinafter mentioned, and such election shall then and there be made by a majority of the subscribers present, in person or by proxy, and the persons then chosen shall remain in office as directors, and be capable of serving until the first Wednesday in February succeeding their election; and until the aforesaid five hundred thousand dollars of stock shall have been subscribed, the following persons shall be

Provisional Directors.

provisional directors of the said company: Hon. Walter H. Dickson, Henry Paffard, S. S. J. Brown, William Kirby, Angus Smith, John Brown, J. M. Richards, F. J. King, J. S. McMurray, S. H. McCrae, Robert F. Sage, Donald Robertson, Cheney Amos, A. G. P. Dodge, D. B. Chambers, Hon. J. B. Robinson, Alexander Kirkland, Duncan Milloy, Edward O'Neill, S. H. Follett, Angus Morrison, Thomas Walton, Daniel C. Gunn, Henry Rolls, James F. Macklem, John C. Kirkpatrick, James Lawson, and George B. Gregg; Provided always that the parties hereinbefore named, or a majority of them, shall cause books of subscription to be opened in the town of Niagara, and in such other places as they may, from time to time, appoint, until the meeting of shareholders, hereinafter provided for, for receiving the subscriptions of persons willing to become subscribers to the said undertaking; and for that purpose it shall be their duty, and they are hereby required to give public notice in one or more newspapers, published in the said town or place, as they, or a majority of them, may think proper, of the time and places at which such books will be opened, and ready for receiving subscriptions, as aforesaid, the persons authorized by them to receive such subscriptions, and the Chartered Bank or Banks into which the ten per cent. thereon is to be paid, and the time hereinafter limited for such payment; and every person whose name shall be written in such books as a subscriber to the said undertaking, and who shall have paid, within ten days after the closing of the said books, into the Bank or Banks aforesaid, or any branches or agencies thereof, ten per centum on the amount of stock so subscribed for, to the credit of the said company, shall thereby become a member of the said company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name, as members of the said company; Provided also, and it is hereby enacted, that such ten per cent. shall not be withdrawn from the said bank or banks, or otherwise applied, except for the purposes of the said company.

Proviso.

Opening of subscription books.

Proviso.

Duties of Directors.

24. The chief duties of the directors, so chosen, shall be, in the first place, to provide for and pay the preliminary expenses of the undertaking, procure and provide means for the payment for accurate and detailed surveys, specifications, plans, and estimates of the work to be done, in order to complete the intended navigation as contemplated by this Act; also, to ask, and receive tenders for the whole or any part of the proposed work, and generally to do all things authorized by the said Company to be done by virtue of this Act; also, to issue to the parties, persons, or bodies, who may have contributed towards the payment of the preliminary expenses, stock certificates of the Company, for the amount of the respective contributions.

Power to borrow money

25. The said Company may from time to time lawfully borrow, either in Canada, or elsewhere, such sum or sums of money, as they may find expedient, and may make the bonds, debentures, or other securities, they shall grant for the sums so borrowed, payable either in currency or in sterling, and at such place, or places, within, or without this Dominion, as they may deem advisable, and may mortgage, or pledge the lands, tolls, revenues, or other property of the said Company, for the due payment of the said sums, and the interest thereon; and the said Company may issue debentures, in sums of not less than one hundred dollars currency, at not less than twelve months; Provided always that the sum or sums so borrowed, together with

the sum or sums raised by stock or subscription, shall not at any time exceed the sum of eight million dollars.

Votes.

26. Each proprietor of shares in the said undertaking, shall be entitled, on every occasion when, in conformity to the provisions of this Act, the votes of the members of the said Company are to be given, to one vote for each share; Provided always, that all proprietors of shares, whether resident in this Dominion or not, may vote by proxy, if he, she, or they, shall see fit, provided that such proxy do produce from his constituent, or constituents, a notice in writing in the words or to the effect following, that is to say:

Provies.

"I, , of , one of the proprietors of the "Ontario and Erie Ship Canal Company, do hereby nominate, "constitute, and appoint , of , to be my "proxy, in my name, and in my absence, to vote, or give my "assent, or dissent, to any business, matter, or thing, relating to "the said undertaking, that shall be mentioned or proposed at any "meeting of the proprietors of the said undertaking, or any of "them, in such manner as he the said shall think fit, "according to his opinion and judgment, for the benefit of the "said undertaking, or any thing appertaining thereto.

"In witness whereof, I have hereunto set my hand and seal, the "day of , in the year one thousand "eight hundred and ."

And such vote or votes, by proxy, shall be as valid as if such principals had voted in person; and whatsoever question, election of proper officers, matters, or things, shall be proposed, discussed, or considered in any public meeting of the proprietors to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present, and so given as aforesaid, and all decisions and acts of any such majority, shall bind the said Company, and be deemed the decision and acts of the said Company.

Liability of Shareholders limited.

27. No shareholder in the said Company, shall be in any manner whatsoever liable for, or charged with the payment of any debt, or demand due by the said Company, beyond the extent of his, her, or their share, in the capital of the said Company not paid up.

Board of Directors.

28. The affairs of the said Company shall be managed by a Board of eleven Directors, who shall elect from among themselves a President and Vice-President; a majority of the said Directors shall be subjects of Her Majesty, and shall reside in Canada; the said Directors shall be elected on the first Wednesday in February, in every year, at a meeting of stockholders, to be held in the town of Niagara, and the said election shall be made by such Stockholders, as shall be present at such meeting, in person, or by proxy, and all elections for Directors shall be by ballot, and the eleven persons who shall have the greatest number of votes at any election, shall be Directors, (except as hereinbefore or after provided), and if two or more persons shall have an equal number of votes, in such manner, that more than eleven shall, by a plurality of votes appear to be chosen Directors, a second ballot shall be held, to determine which of the said persons having an equal number of votes, shall be Director or Directors.

Annual General Meetings.

29. The Directors so chosen, or those appointed in their stead,

in case of vacancy, shall remain in office until the first Wednesday in the month of February next following their election, and on the said first Wednesday in February, and on the first Wednesday in February, in each year thereafter, or on such other day as shall be appointed by any By-Law, an annual general meeting of the said proprietors shall be held at the office of the Company, for the time being, to choose eleven Directors for the ensuing year: but if at any time it shall appear to any ten or more of such proprietors, holding together two hundred shares at least, that for more effectually putting this Act into execution, a special general meeting of proprietors is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen day's notice at least to be given thereof, in two public newspapers as aforesaid, or in such manner as the Company shall, by any By-law direct or appoint, specifying in the said notice, the time and place, and the reason and intention of such special meeting respectively; and the proprietors are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the proprietors, or the majority of them, at such special meeting assembled, such majority, not having either as principal or proxies, less than two hundred shares, shall be as valid to all intents and purposes, as if the same were done at annual meetings; Provided always, that it shall, and may be lawful, for the said Directors, in case of the death or absence, resignation or removal of any person elected a Director to manage the affairs of the said Company, in the manner aforesaid, to appoint another or others, in the room or stead of those of the Directors, who may die or be absent, resign or be removed as aforesaid, anything in this Act to the contrary notwithstanding; but if such appointment be not made, such death, absence, or resignation, shall not invalidate the acts of the remaining Directors.

Special General Meetings.

Proviso. Vacancies now filled.

President and Vice-President.

30. The Directors shall, at their first (or at some other) meeting after the day appointed for the Annual General Meeting in each year, elect one of their members by ballot to be the President of the said Company, who shall always (when present) be the chairman of, and preside at all meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead, and the said Directors may in like manner elect a Vice-President, who shall act as chairman in the absence of the President.

Quorum.

31. Any meeting of the said directors, at which not less than six directors shall be present, shall be a *quorum*, and shall be competent to use and exercise all and any of the powers hereby vested in the said directors. Provided always, that no one director, though he may be a proprietor of many shares, shall have more than one vote at any meeting of the directors, except the president or vice-president when acting as chairman, or any temporary chairman, who, in case of the absence of the president or vice-president, may be chosen by the directors present, either of whom, when presiding at a meeting of the directors shall, in case of a division of equal numbers, have the casting vote, although he may have given one vote before; And provided also, that such directors shall, from time to time, be subject to the examination and control of the said annual and special meetings of the said proprietors as aforesaid, and shall pay due obedience to all by-laws of the said Company, and to such orders and directions in and about the

Votes of Directors.

Subject to general meetings of Shareholders.

premises as they shall, from time to time receive from the said proprietors, at such annual or special meetings; such orders and directions not being contrary to the special directions or provisions in this Act contained. And provided also, that the act of any majority of a *quorum* of the directors present at any meeting regularly held, shall be deemed the act of the directors.

Act of quorum to be act of directors.

32. Every such annual meeting shall have power to appoint not exceeding three auditors, to audit all accounts of money laid out and disbursed on account of the said undertaking, by the treasurer, receiver or receivers, and other officer or officers to be by the said Directors appointed, or by any other person or persons whatsoever, and employed by or concerned for or under them, in and about the said undertaking, and to that end the said auditors shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by them; and the said Directors chosen under the authority of this Act, shall have power, from time to time to make such call or calls of money from the stockholders of the said canal and other works, to defray the expenses of or to carry on the same as they, from time to time, may find wanting and necessary for these purposes, except as before provided; and such Directors shall have full power and authority to direct and manage all and every the affairs of the said Company, as well in contracting for and purchasing lands, rights and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing under-officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking, and to affix, or authorize any person to affix the common seal of the Company to any Act, deed, by-law, notice or other document whatsoever; and any such act, deed, by-law, notice or other document, bearing the common seal of the Company, and signed by the President or Vice-President shall be deemed the act of the Directors of the said Company, nor shall the authority of the signer of any document purporting to be so signed and sealed, to sign and affix the said seal thereto, be liable to be called in question by any party except the Company.

Auditors.

Calls.

Directors to manage affairs of the Company.

33. The owner or owners of one or more shares in the said undertaking, shall pay his, her or their shares and proportion of the moneys to be called for as aforesaid, to such person or persons, and at such time and place, as the said Directors shall, from time to time appoint and direct, of which thirty days' notice at least shall be given in two newspapers as aforesaid, or in such other manner as the said proprietors or their successors shall by any by-law direct or appoint.

Calls, how to be paid.

34. The said Company shall always have power and authority at any general meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be directors in the room of those who shall die, resign, or be removed, and to remove any other officer or officers under them, to revoke, alter, amend, or change any of the by-laws or orders prescribed with regard to the proceedings amongst themselves (the method of calling general meetings, and their time and place of assembling and manner of voting and appointing directors only excepted,) and shall have the power to make such new rules, by-laws, and orders for the good government of the said Company, and their servants, agents, or workmen, for the good and orderly making and using the said Canal, and

Powers of general meetings.

By-laws.

all other works connected therewith, or belonging thereto, as hereby authorized, and for the well governing of all persons whatever travelling upon or using the said Canal and other works, or transporting any goods, wares, merchandise, or other commodities thereon, which said by-laws and orders shall be put into writing under the common seal of the said Company, and shall be kept in the office of the Company, and a printed or written copy of so much of them as relates to or affects any party other than the members or servants of the Company, shall be affixed openly in all and every of the places where tolls are to be gathered, and in like manner as often as any change or alteration shall be shall be made to the same; and the said by-laws and orders so made and published as aforesaid shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same; and any copy of the said by-laws, or any of them, certified as correct by the President, or some other person authorized by the directors to give such certificate, and bearing the common seal of the Company, shall be deemed authentic, and shall be received as evidence of such by-laws in any court without further proof.

Sales of shares.

35. All sales of the shares in the said undertaking shall be in the form following, varying the names and descriptions of the contracting parties as the case may require.

I, A. B., in consideration of the sum of paid by C. D., of do hereby bargain, sell and transfer to the said C. D., share or (or shares) of the Stock of the Ontario and Erie Ship Canal Company; to hold to him the said C. D., his executors, administrators and assigns, subject to the same rules and orders and on the same conditions that I held the same immediately before the execution hereof; and I, the said C. D., do hereby agree to accept the said share (or shares) subject to the rules, orders and conditions.

Witness our hands and seals, this day in the year one thousand eight ; Provided always that no such transfer of any share shall be valid until all calls or instalments then due thereon shall have been paid up.

Appointment of officers.

36. It shall and may be lawful to and for the said Directors, and they are hereby authorized from to time, to nominate and appoint a treasurer or treasurers, and a clerk or clerks to the said Company, taking such security for the due execution of their respective offices as the Directors shall think proper; and such clerk shall, in a proper book or books, enter and keep a true and perfect account of the names and places of abode of the several Stockholders of the said Company, and of the several persons who shall, from time to time, become owners or proprietors of, or entitled to any share or shares therein, and of the other acts, proceedings and transactions of the said Company, and of the Directors for the time being, by virtue of and under the authority of this Act; And the said Directors shall have power by by-law to fix and regulate the tolls to be taken upon the said Canal, but no such tolls shall be levied or taken until approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof.

Tables of Tolls to be publicly affixed.

37. The said Company shall from time to time print and stick up, or cause to be printed and stuck up in their office, and in all and every of the places where the Tolls are to be collected, in some conspicuous place there, a prioted board or paper containing all the Tolls payable under this Act.

Accounts of the Company.

38. The said company, or the directors of the said company, shall, and they are hereby required to cause a true, exact, and particular account to be kept, and annually made up, and balanced, on the thirty-first day of December in each year, of the money collected and received by the said company, or by the directors or treasurer of the said company, or otherwise, for the use of the said company by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining, and carrying on their works, and of all other receipts and expenditures of the said company, or the said directors: And, at the general meetings of the proprietors of the said undertaking, to be, from time to time, holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such meetings shall declare otherwise and such dividend shall be at and after the rate of so much per share upon the several shares held by the proprietors in the joint stock of the said company, as such meeting or meetings shall think fit to appoint or determine; Provided always, that no dividend shall be made, whereby the capital of the said company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share after a day appointed for payment of any call for money in respect thereof, until such call shall have been paid.

Dividends.

Proviso.

Fractions of distances and weight.

39. In all cases where there shall be a fraction in the distance which vessels, rafts, goods, wares, merchandize, or other commodities or passengers shall be conveyed or transported on the said navigation, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile; and in all cases where there shall be the fraction of a ton, in the weight of any such goods, wares, merchandize, and other commodities, a proportion of the said rates shall be demanded and taken by the said company of proprietors to the number of quarters of a ton contained therein; and in all cases where there shall be the fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

Interpretation.

40. Every matter or thing which the said company are authorized to do or suffer, shall be interpreted to mean that the said company shall be empowered to do and suffer all such acts, matters and things by their duly appointed agents, servants and workmen, whether the same be specially mentioned or not; and in all cases wherein the said canal is mentioned in this Act, the same shall apply to all branches, feeders, reservoirs, and rivers or parts of rivers which shall be made part or parcel of the navigation thereof, or of the supplying of the same with water.

Company to carry mails, troops, &c., when required.

41. The said company shall at all times, when thereunto required by the Post Master General of the Dominion, the Commander of the Forces, or any person having the superintendence or command of any Police Force, carry Her Majesty's Mails, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others, travelling on Her Majesty's service, on the said canal, on such terms and conditions, and under such regulations

as the Governor or person administering the Government shall, in Council appoint and declare.

Proviso as to services to the Government.

42. Any enactments which the Parliament of Canada may hereafter deem it expedient to make, or any Order in Council which the Governor General may hereafter deem it expedient to pass, with regard to the exclusive use of the Canal by the Government at any time, or the carriage of Her Majesty's Mail or Her Majesty's Forces and other persons and articles, or the rates to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph, or other service to be rendered by the Company to the Government shall not be deemed an infringement of the privileges intended to be conferred by this Act.

Securities of officers.

43. The said company shall and are hereby required and directed to take sufficient security by one or more bond or bonds, in a sufficient penalty or penalties from their treasurer, receiver and collector for the time being, of the moneys to be raised by virtue of this Act, for the faithful execution, by such treasurer, receiver and collector of his and their office and offices respectively.

Time for bringing suit limited.

44. If any action or suit shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities or of the orders and directions hereinbefore granted, every such action or suit shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the defendant or defendants in such action or suit, shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act, and if it shall appear to have been so done, or if any action or suit shall be brought after the time so limited for bringing the same, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his, her or their action or suit, after the defendant or defendants shall have appeared, or if judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have full costs, and shall have such remedy for the same as any defendant or defendants hath or have for costs of suit in other cases by law.

Appeal by persons aggrieved.

45. Any person or persons who thinks himself, herself, or themselves aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Act, may, within four calender months after the doing thereof, appeal from the conviction or order in the manner provided by the "Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders."

Contravention of this Act to be misdemaanor.

46. Any contravention of this Act by the said company or any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punished accordingly, but such punishment shall not exempt the said company (if they be the offending party,) from the forfeiture of this Act, and the privileges hereby conferred on them, if, by the provisions thereof, or by law, the same be forfeited by such contravention.

Rights of Her Majesty saved.

47. Nothing herein contained shall affect or be construed to affect in any manner or way whatsoever, the rights of Her Majesty,

Her Heirs and Successors, or of any person or persons, or any bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

Her Majesty may assume the works.

48. Her Majesty, Her heirs and successors may, at any time, assume the possession and property of the said Canal and works and of all the rights, privileges, and advantages of the Company (all which shall after such assumption be vested in Her Majesty, Her Heirs and successors) on giving to the said Company one week's notice thereof, and on paying to the said company the value of the same, to be fixed by Arbitrators, one to be chosen by the Government, another by the Company, and in case of disagreement by a third arbitrator to be chosen by the said two arbitrators; provided that such value shall not be fixed at less than the Capital stock of the Company with interest from the time of the investment thereof at eight per cent., deducting, however, all dividends declared and paid to the shareholders.

Company annually to submit detailed accounts to the Legislature.

49. The said Company shall annually submit to the Parliament of Canada, within thh first fifteen days after the opening of each Session thereof, after the opening of the said Canal, or any part thereof, to the public, a detailed and particular account, attested upon oath, of the moneys by them received and expended under and by virtue of this Act, with a classified statement of the amount of tonnage and of the vessels, passengers and freight that have been conveyed along the said Canal; and no further provisions which Parliament may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company.

Further provision may be made.

Provisions of any general Act to apply.

50. Nothing herein contained shall be construed to except the Canal by this Act authorized to be made, from the provisions of any general Act, which may be passed during the present or any future Session of Parliament, and no further provision which Parliament may make for enforcing any of the provisions of this Act, or for protecting the public or the rights of private parties shall be deemed an infringement of the rights of the said company.

No. 31.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to incorporate the Ontario and Erie Ship Canal Company.

[*Reprinted as amended by Railway Committee.*]

PRIVATE BILL.

Mr. ANGUS MORRISON (Niagara).

OTTAWA:

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

1870.

Her Heirs and Successors, or of any person or persons, or any bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

Her Majesty may assume the works.

48. Her Majesty, Her heirs and successors may, at any time, assume the possession and property of the said Canal and works and of all the rights, privileges, and advantages of the Company (all which shall after such assumption be vested in Her Majesty, Her Heirs and successors) on giving to the said Company one week's notice thereof, and on paying to the said company the value of the same, to be fixed by Arbitrators, one to be chosen by the Government, another by the Company, and in case of disagreement by a third arbitrator to be chosen by the said two arbitrators; provided that such value shall not be fixed at less than the Capital stock of the Company with interest from the time of the investment thereof at eight per cent., deducting, however, all dividends declared and paid to the shareholders.

Company annually to submit detailed accounts to the Legislature.

49. The said Company shall annually submit to the Parliament of Canada, within thh first fifteen days after the opening of each Session thereof, after the opening of the said Canal, or any part thereof, to the public, a detailed and particular account, attested upon oath, of the moneys by them received and expended under and by virtue of this Act, with a classified statement of the amount of tonnage and of the vessels, passengers and freight that have been conveyed along the said Canal; and no further provisions which Parliament may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company.

Further provision may be made.

Provisions of any general Act to apply.

50. Nothing herein contained shall be construed to except the Canal by this Act authorized to be made, from the provisions of any general Act, which may be passed during the present or any future Session of Parliament, and no further provision which Parliament may make for enforcing any of the provisions of this Act, or for protecting the public or the rights of private parties shall be deemed an infringement of the rights of the said company.

No. 31.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to incorporate the Ontario and Erie Ship Canal Company.

[*Reprinted as amended by Railway Committee.*]

PRIVATE BILL.

Mr. ANGUS MORRISON (Niagara).

OTTAWA:

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1870.

No. 31.] **BILL.** [1870.

An Act to Incorporate the Ontario and Erie Ship Canal Company.

Preamble.

WHEREAS, the Municipalities of the Town and Township of Niagara, the respective Boards of Trade of the Cities of Chicago, Oswego, Toledo, the Chamber of Commerce of the City of Milwaukie, and others interested in obtaining greater inland navigation facilities than at present exist, have petitioned for the incorporation of a Company to construct a Ship Canal in accordance with this Act; therefore Her Majesty, by and with, the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Certain powers incorporated.

1. Hon. Walter Dickson, Henry Paffard, S. S. J. Brown, William Kirby, Angus Smith, John Brown, J. M. Richards, F. J. King, J. S. McMurray, S. H. McRae, Robert F. Sage, Donald Robertson, Cheney Ames, A. G. P. Dodge, D. B. Chambers, Hon. J. B. Robinson, Alexander Kirkland, Duncan Milloy, Edward O'Neill, S. H. Follett, Angus Morrison, Thomas Walton, Daniel C. Gunn, or either of them, together with all such persons (subjects of Her Majesty, or others), as shall become stockholders of the Company hereinafter mentioned, shall be, and are hereby, ordained, constituted, and declared, to be a body corporate and politic in fact, and by the name of the "Ontario and Erie Ship Canal Company," and by that name they and his successors shall and may have continued succession; and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; and they and their successors may, and shall, have a common seal, and may change and alter the same at their will and pleasure; and also, they and their successors by the same name of the Ontario and Erie Ship Canal Company, shall be in law capable of purchasing and holding to them and their successors, any real estate, personal, or mixed, to and for the use of the said Company, and of letting, selling, conveying, or otherwise departing therewith, for the benefit, and on the account of the said Company, from time to time as they shall deem expedient or necessary.

Corporate powers.

Power to construct a Ship Canal.

2. The Directors of the said Company shall have full power and authority to survey and explore the country lying between the waters of the Niagara River and Lake Erie, and to designate and establish, and for the said Company to take, appropriate, have and hold, to and for the use of them and their successors, the line and boundaries of a Ship Canal, to commence on the Niagara River, at or near Fort George in the town of Niagara, and thence to a point at or near the village of Thorold, and from thence to the waters of Lake Erie, at or near Port Colborne, or to the waters of the Upper Niagara River, at or near the village of Chippewa; and to build and erect the same, with the necessary locks, dams, tow-paths, branches, feeders, basins, and tramways, and also, to select such

sites for such warehouses and other erections as may be considered expedient by the said Directors, and to purchase and dispose of the same to and for the use and profit of the said Company; Provided that nothing hereinbefore contained shall be construed to extend to compel the owners of any mill seat which shall be in existence before the construction of the said Canal, or any of its branches or feeders, to sell or convey the same to the said Company, unless the same shall be in the line of the said Canal, or that the possession of the same shall be necessary to the construction of the said Canal or any of its branches and feeders; Provided also, that the owner or owners of any mill seat or mill seats, using any additional supply of water brought thereto by the said canal, or its branches or feeders, shall pay a reasonable compensation therefor to the said Company, to be determined, as hereinafter provided for determining any damage done to property by the said Company.

Proviso.

Proviso.

Plan to be submitted to Governor in Council.

3. Before the said Company shall break ground, or commence the construction of the said Canal, the plan, location, dimensions, and all necessary particulars of the said Canal, and the locks, bridges, and other works therewith connected, and the points at which it is to leave the River Niagara, shall have been submitted to, and received the sanction of, the Governor in Council; and the said Canal, and locks, and works thereon, shall not be of a less size, depth, or capacity, than the Cornwall Canal, on the River St. Lawrence;—[and all maps, plans, surveys, levels, reports, and documents, relating to a survey of a Branch Canal to connect the Welland Canal with the mouth of the Niagara River, now in possession of the Government, or copies thereof, shall be open to and placed at the disposal of the said Company, to aid it in the prosecution of its works, and the preparation of the map or plan and book of reference hereinafter mentioned.]

Company to have power to take water, &c for the use of the Canal.

4. It shall and may be lawful for the said Company, and they are hereby authorized and empowered, from and after the passing of this Act, to supply the said Canal, whilst making, and when made, with water from all such brooks, springs, streams, watercourses, lakes, hollows or repositories of water, as shall be found in making the said Canal, or within the distance of two thousand yards of the same, or any part thereof, or any reservoir or reservoirs to be made for the supplying of the said canal with water; and the said Company are hereby authorized and empowered to make all such reservoirs, and such and so many feeders, branches, aqueducts, tunnels and channels in connection with and for the use of the said Canal, as to them shall seem necessary and proper; and for the purposes aforesaid, the said Company, their agents, servants, and workmen, are hereby authorized and empowered to enter upon and into the lands and grounds of, or belonging to the Queen's Majesty, Her Heirs or Successors, or any other person or persons, bodies corporate or politic (except as hereinbefore mentioned), and to survey and take lands of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for the making of the said Canal and its appurtenances, and for the completion of the said water connection and navigation, according to the true intent and meaning of this Act, and all such other matters and conveniences as they shall think proper and neccessary for making, preserving, improving, completing, and using the said intended navigation, and also to bore, dig, trench, cut, remove, take, carry away, and lay soil, clay, stone, rubbish, trees, roots, and stumps of trees, beds of gravel or sand, or any other matter or thing which may be dug

or got in the making of the said Canal, or in deepening or improving the navigation of any river or rivers, lake or lakes, in connection with, and forming part of the intended navigation, or out of any land of any person or persons adjoining or contiguous thereto, and which may be proper or convenient for carrying on the repairing of the said Canal, or other the said works, or which may hinder or obstruct the making, completing, and using the same, and the same to lay in or upon the boundaries of the said Canal or rivers and lakes forming portions of the said navigation, or in and upon the land of any other person or persons adjoining thereto; and also to make, build, erect and set up in and upon the said Canal, and at the points of entrance to the same, or any part thereof, or of the said intended navigation, or upon the land adjoining or near the same, such and so many wharves, quays, piers, landing places, bridges, tunnels, aqueducts, sluices, rivers, pens for water, tanks, reservoirs, drains, bridges, and other ways, roads, and works, as the said Company shall think requisite and convenient for the purpose of the said navigation; and also, from time to time, to alter, enlarge, amend, and repair the said works, or any of them, for conveying all manner of materials necessary for making, erecting, altering, or repairing, widening, or enlarging the said works, or any part thereof, and also, to place, lay, work, and manufacture the said materials, and erect such workshops, forges, and other erections as they may deem necessary, upon the lands near the said works; and to make, maintain, and alter, any places, or passages, over, under or through the said Canal, or any of its branches, or connections, or other part of the said intended navigation; and also to make, purchase, set up, and appoint, such tug or tow-boats, barges, vessels, or rafts, for the use of the said navigation, as they shall see fit; also to erect, and keep in repair, any piers, arches, or other works, in, upon, and across, any rivers, brooks, or lakes, for making, using, maintaining, and repairing the said Canal, and other the rivers and navigable waters, forming part of the said intended navigation, and the towing paths and other conveniences connected therewith; And also to construct, make, and do all other works, matters, and things whatsoever, which they shall think necessary and convenient for the making, effecting, preserving, improving, completing, and using the said Canal, and the said intended navigation, in pursuance of, and within the true meaning of this Act, they, the said Company, doing as little damage as may be in the execution of the powers hereby granted, and making satisfaction, in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of such lands, hereditaments, and tenements.

Power to hold public beach, or beach road.

5. The said Company may take, use, occupy, and hold, but not alienate, so much of the public beach or beach road, or of the land covered with the waters of the rivers or lake which the said Canal may cross, start from, or terminate at as may be required for the wharves and other works of the said Canal, for making easy entrances thereto, and other works which they are hereby authorized to construct, doing no damage to, nor causing any obstruction in the navigation of the said rivers or lake, and conforming in all respects to the plan and mode of construction sanctioned, as aforesaid, by the Governor in Council, except in so far only as he may, at any time, authorize a deviation from such plan and mode of construction; And the said Company, with the sanction of the Governor in Council, and upon such

Power to connect with the Welland Canal.

terms and conditions as may be agreed upon between the said Company and the Dominion Government, may cause their Canal to enter into the Welland Canal, above Lock 25, in the Village of Thorold, instead of taking it directly to Lake Erie, or to the Waters of the Upper Niagara River, and may widen, deepen, enlarge, alter, and improve so much of the Welland Canal and its Locks, as may be necessary, in order to make it from the point where the Canal, hereby authorised, shall intersect it to Port Colborne, not less in size, depth, and capacity, than the Cornwall Canal aforesaid.

Power to hold and use Welland Canal.

6. The said Company may take, hold, and use, any portion of the Welland Canal, and the works therewith connected, and all the tolls, receipts, and revenues thereof, upon terms to be settled and agreed upon between the Company, and the Governor in Council.

Owners of land to have power to sell to the Company.

7. After any land or ground shall be set out, and ascertained to be necessary for the purposes of the said navigation, or other purposes herein mentioned, it shall be lawful for all owners, whether individuals, or bodies corporate or politic, or trustees or lessees, or other party or parties, holding any right, title, interest, or claim, to any of such lands or grounds, to contract for, sell, and convey to the said Company, all, or any part of such land or ground, which shall, from time to time, be set out, and ascertained as aforesaid; and all such contracts, agreements, sales, and conveyances shall be valid and effectual in law to all intents or purposes, notwithstanding any law, statute, or usage to the contrary, and the amount of the purchase moneys to be paid for such lands or grounds respectively, shall be ascertained by arbitration, as hereinafter mentioned, unless in such cases as the owner or owners may agree thereupon, without the intervention of any third party.

Acquirement of land by the Company.

8. The Directors of the said Company may contract, compound, compromise, settle, and agree, with the owners or occupiers respectively, of any land, through, or upon which they may determine to cut, and construct the said Canal, or other works, hereby authorized, either for the purchase of so much of the land, as they shall require for the purposes, uses, or profits of the Company, or for damages which he, she, or they shall, or may, be entitled to recover from the said Company, in consequence of any of the works hereby authorized being constructed in or upon his or their respective lands; and in case of any disagreement between the said Directors, and the owner or owners, occupier or occupiers aforesaid, the amount of the purchase moneys for the land and tenements proposed to be purchased, or the amount of damages to be paid to them as aforesaid, shall be ascertained by arbitration in manner hereinafter mentioned.

Disputes—how settled.

9. In each and every case where any dispute shall arise between the said Directors, or any other person or persons whomsoever, touching any purchase, sale, or damage, or the money to be paid in respect thereof, and in each and every case where, under the provisions of this Act, any purchase, sale, or damage, or the money to be paid in respect of the same, are directed to be ascertained and determined by arbitration, the same shall be referred to, ascertained and determined by three indifferent persons, one of whom shall be chosen by the owner or occupier of the land, or other person or persons interested,

who shall disagree with the said Directors in respect to the compensation or purchase money to be paid him, her, or them respectively, pursuant to the provisions of this Act; one other of the arbitrators shall be chosen by the said Directors, and the third shall be chosen by the two persons to be so named as aforesaid, and such three persons shall be the arbitrators to award, determine, adjudge, and order, the respective sums of money, which the said Company shall pay to the respective persons entitled to receive the same, and the award of such three persons, or any two of them, shall be final; and the said arbitrators so appointed are hereby required to attend, at some convenient place on or near the line of the said Canal, to be appointed by the said Directors, within eight days after notice, in writing, shall be given them by the said Directors for that purpose, then and there to arbitrate, award, and determine such matters as shall be submitted to their consideration by the parties interested; and each of the said arbitrators shall be sworn before one of Her Majesty's Justices of the Peace for the said District, for that purpose, any of whom may be required to attend the said meeting, for that purpose, well and truly to assess the damages between the parties, according to the best of his judgment; Provided also, that if the owner or owners, or other person or persons, interested in any of the land required for carrying out the purposes of this Act, shall neglect, or refuse to appoint an arbitrator, upon being notified to do so by the Directors aforesaid, by writing a letter to that effect, addressed to him, her, or them, at his, or their last, or then present residence, and by publication of such notice for one month, in one or more local newspapers of the District in which the land is situated; then, and in that case, after the expiration of thirty days from the time of such notice being fully completed, the Judge of the County Court, within which the lands are situate, shall act as arbitrator for such party or parties so refusing or neglecting, and the said Judge shall, with the other two arbitrators. as hereinbefore provided, proceed to adjudge or determine the damages, or purchase money, or other matter, or thing, submitted to their judgment, according to the provisions of this Act; And provided further, that either party dissatisfied with the said award may apply to any of the Superior Courts of Law or Equity during the term next after the publication of such award, to set it aside, for any cause for which an award could be set aside as between party and party; and any of the said Courts shall have cognizance thereof, although the submission do not provide for its being made a rule of the Court; and provided, further, that in all arbitrations under this Act, the arbitrators shall take into consideration the benefit conferred on the property on which they are arbitrating, as well as the damage done to any particular portion thereof.

Proviso.

Appeal.

10. For the purpose of this Act, the said Company shall, and may, by some Provincial Land Surveyor in the Province, and by an Engineer by them appointed, cause to be taken and made, surveys and levels of the said lands, through which the said intended Canal is to be carried, together with a map or plan of such intended Canal, and the course and direction thereof, and of the said lands through which the same is to pass, and also a book of reference of the said Canal, in which shall be set forth a description of the said several lands, and the names of the owners, occupiers, and proprietors thereof, so far as the same can be ascertained, and in which shall be contained everything that is necessary for the right understanding of

Company to cause survey to be made.

such map, or plan, copies of which said map, or plan, and book of reference shall, on the completion of such survey, map, and book of reference, be deposited by the said Company in the offices of the respective Registrars for the several counties through which the said Canal, or any part thereof, shall pass, and also in the office of the Secretary of State; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts from or copies thereof, as occasion shall require, paying to the said Secretary of State, or to the said respective Registrars, at the rate of ten cents current money of the Dominion, for every one hundred words; and the said copies of the said map, or plan, and book of reference so deposited, or a true copy or copies thereof, certified by the Secretary of State, or by one of the said Registrars for the said respective counties, shall severally be, and they are hereby declared to be, good evidence in the Courts of Law, and elsewhere.

Highways not to be obstructed.

11. Whenever any highway or public road shall be cut through by the said Canal, or any of its branches, the said Company shall, within one month thereafter, cause to be constructed a secure and sufficient bridge over the same, with proper approaches not exceeding a grade of one foot in twenty feet, so as to establish the communication between the several parts of such highway, under a penalty of twenty dollars per day for every day after the expiring of the said time, during which the said Company shall neglect to construct the said bridge: Provided always, that in the mean time some temporary means of passing along the said highway shall be constructed or provided,

Persons maliciously injuring works.

12. If any person or persons shall maliciously, or wilfully break, injure, throw down, or destroy, any bank, lock-gate, sluice, or any other work, machine, or other device, belonging, or pertaining to the said Company, or do any other wilful act, hurt, or mischief, to disturb, hinder, or prevent, the carrying into execution, the completing, and supporting the said Canal and navigation, or any of its branches, feeders, or other connections or works belonging to the said Company, every such person or persons so offending shall forfeit, and pay to the said Company, the full value of the damage so done, including loss or inconvenience occasioned by such obstruction, proved by the oath of two or more credible witnesses to have been done; such damages, with costs of suit in that behalf incurred, to be recovered in any Court having competent jurisdiction, and such wilful and malicious act shall be a misdemeanor, and the party or parties committing the same shall, and may be indicted and tried for a misdemeanor, in any Court of competent jurisdiction, and on conviction thereof, may be committed to the common gaol for any time not exceeding twelve months, at the discretion of the Court before whom such offenders shall have been convicted.

Persons obstructing navigation of the canal.

13. If any person shall obstruct, or impede the navigation of the said Canal, or other portion of the said intended navigation, by the introduction of any timber, or boats, or vessels, contrary to the rules and regulations laid down for the government of the same, to be made by the said Directors, and shall not immediately, upon notice given to the owner or person in charge of such timber, raft, boat, or vessel, so obstructing the navigation, remove the same, every such owner or person in charge of such timber, raft, boat or vessel so obstructing or impeding the navigation as aforesaid, shall forfeit and pay a sum not exceeding twenty dollars currency, for

Penalty.

every hour during which the said obstruction shall continue; and it shall be lawful for the Company, or their servants, to cause such obstruction to be removed, and to cause every such boat, vessel, or raft, as shall be so overladen as to cause obstruction, to be detained and unloaded, so as to prevent or remove such obstruction, and to recover the cost of so doing from the owner or person in charge of the same, and to seize and detain such vessel, boat, or raft, and the cargo thereof, or any part of the cargo or furniture of such vessel, boat or raft, until the charges occasioned by such unloading or removal, or both, shall be paid or satisfied: And if any vessel, boat, or raft shall be sunk in any part of the said intended navigation, and the owners shall neglect, or refuse to weigh and remove the same forthwith, the said Company may cause the same to be weighed and removed, and retain the same until all the charges necessarily incurred in so doing shall be paid or satisfied, and all such charges may be recovered, in any Court of competent jurisdiction, from the owners or persons in charge of such vessel, boat, or raft.

Vessels, &c., wrecked.

14. In case of any accident requiring immediate repair on the said Canal, or any part of the said navigation, the said Company, their agents, or workmen, may enter upon the adjoining land (not being an orchard or garden) without any previous treaty with the owners or occupiers thereof, and dig for, work, get, and carry away, and use, all such gravel, stone, earth, clay, or other materials, as may be necessary for the repair of the accident aforesaid, doing as little damage as may be to such land, and making compensation therefor, and in case of dispute or difference regarding the amount to be so paid, the same shall be decided by arbitration, as hereinbefore provided: Provided, however, that if any action or suit shall be brought against the said Company, for any matter or thing done in pursuance of this Act, such action or suit shall be brought within twelve calendar months after the fact committed, and not afterwards.

Powers in case of accidents requiring immediate repair.

Proviso.

15. The said Company may open, cut, and erect such ponds and basins for the lying up and turning of vessels, boats, or rafts, using the said Canal or navigation, and at such portions of the navigation as they shall deem expedient, and they may also build and erect such dry docks, slips, and machinery connected therewith, for the hauling out and repairing such vessels, as they shall think proper, and may let the same on such terms as they shall deem expedient, or carry on the business of the same by their servants or agents, as the said Company, or the Directors thereof, shall decide from time to time.

Power to open and construct basins, docks, &c.

16. The said Company, in order to entitle themselves to the benefit and privileges conferred upon them by this Act, shall commence the said work within two years, and complete the said Canal within four years after the passing of this Act; otherwise, this Act, and anything herein contained, shall be null and void to all intents and purposes.

Time for construction limited.

17. Every vessel, of whatsoever kind, using the said Canal, shall have her draught of water legibly marked in figures of not less than six inches long, from one foot to her greatest draught, upon the stem and stern posts, and any wilful misstatement of such figures, so as to mislead the officers of the Canal as to any vessel's true draught, shall be punishable as a misdemeanor on the part of the owner and master of such vessel, and the said Directors

Vessels to have draught of water marked.

may detain any such vessel upon which incorrect figures of draught shall be found, until the same are corrected at the expenses of her owner.

Measurement of tonnage.

18. And for preventing disputes touching the tonnage of vessels navigating the said Canal, every owner, or master of every boat, barge, raft, or vessel, navigating the said Canal, or other part of the said navigation, shall permit the same to be gauged and measured, and for refusing to permit the same, shall forfeit and pay the sum of twenty dollars, and it shall be lawful for the person appointed for that purpose by the said Directors, to gauge and measure all vessels using the said navigation, and his decision shall be final in respect to the tolls to be paid thereon, and he may mark the tonnage or measurement on every vessel habitually using the said Canal, and such measure so marked by him shall always be evidence respecting the tonnage in all questions respecting the tolls or dues to be paid to the said Company by virtue thereof.

Power to hold lands granted by the Crown.

19. The said Company may hold all such lands and water, hereditaments and tenements, as may, at any time, be granted to them by Her Majesty the Queen, Her Heirs or Successors, necessary for the works.

Capital Stock.

19. The capital stock of the said company shall be eight millions of dollars, to be held in eighty thousand shares of one hundred dollars each ; and the shares of the said capital stock shall after the first instalment thereon shall have been paid, be transferable by the respective persons subscribing or holding the same to any other person or persons, but no assignment or transfer shall be valid and effectual, unless it be made with the consent of the directors, and registered in the books to be kept by the said company for that purpose.

Whomay subscribe for shares.

20. All persons, subjects of Her Majesty, or others, may subscribe for any number of shares, the amount whereof, shall be payable to the said company, in the manner hereinafter mentioned, that is to say, five per cent. on each share so subscribed, shall be

Instalments.

payable to the said company immediately after the stockholders shall have elected the directors as hereinafter mentioned, and the remainder by instalments of not more than twenty per centum, at such periods as the President and directors shall, from time to time, direct for the payment thereof, provided that no instalment shall be called in at a shorter period than sixty days from the next

Proviso.

preceding instalment ; Provided always, that if any stockholder or stockholders shall neglect or refuse to pay the said Company the instalment due upon any share, or shares, held by him, her, or them, at the time required by law, such share or shares, with the amount previously paid thereon, shall be forfeited, and the said Directors shall sell such share or shares by public auction, after having given thirty days' notice of such intended sale to such stockholder or respective stockholders, and the proceeds thereof, with the amount previously paid thereon, shall be accounted for, and applied in the same manner as the other funds of the Company;

Proviso.

Provided always, that such purchaser, or purchasers, shall pay all instalments which shall be due upon such shares, over and above the purchase-money thereof, immediately after the sale, and before they shall be entitled to a certificate of the transfer of such share or shares, so to be purchased, as aforesaid.

Company may appoint Agents.

21. The directors of the said company may appoint such and

so many agents in this Province, or in any other part of Her Majesty's Dominion, or elsewhere, as to them shall seem expedient, and may, by any By-law to be made for such purpose, empower, and authorize, any such agent, or agents, to do and perform any act or thing, or to exercise any powers which the Directors themselves, or any of them, may lawfully do, perform, or exercise, except the power of making By-laws; and all things done by such agent, or agents, by virtue of the powers in him vested by any such By-law, shall be as valid and effectual, to all intents and purposes, as if done by such directors themselves, anything in any part of this Act to the contrary notwithstanding.

Municipalities subscribing for shares.

22. Notwithstanding anything contained in the foregoing section, any of the Municipalities interested in the said works may subscribe for any number of shares in the capital stock of, or lend to, or guarantee the payment of any sum of money borrowed by the company from any corporation or person, or endorse, or guarantee the payment of any debenture to be issued by the company for the money by them borrowed, and shall have power to assess and levy, from time to time, upon the whole rateable property of the Municipality, a sufficient sum for them to discharge the debt, or any engagement so contracted, and for the like purpose to issue debentures payable either in currency or sterling, and at such places either within or without the Dominion, and at such time, and for such sum respectively, not less than twenty dollars currency, and bearing or not bearing interest, as such Municipality may think fit; and any such debenture issued, endorsed, or guaranteed, shall be valid and binding upon such Municipality, if signed, or endorsed, and countersigned by such officer or person, and in such manner and form as shall be directed by any By-law of such Municipality, and the corporation seal thereto shall not be necessary, nor the observance of any other form with regard to the debentures than such as shall be directed in such By-law, as aforesaid.

By-law to authorize Municipalities to subscribe.

23. No Municipality shall subscribe for stock, or incur any debt or liability under this Act, unless, and until a By-law to that effect shall have been duly made and adopted, with the consent first had of a majority of the qualified ratepayers of the Municipality, to be ascertained in such manner as shall be determined by the said By-law, after public advertisement thereof, containing a copy of such proposed By-law, inserted at least four times in each newspaper printed within the limits of the Municipality, or if none be printed therein, then in some one or more newspapers printed in the nearest city or town thereto and circulated therein, and also put up in, at least, four of the most public places in each Municipality.

Representation of Municipalities.

24. The Mayor, Warden, or Reeve, being the head of such Municipality, subscribing for and holding stock in the company to the amount of twenty thousand dollars, or upwards, shall be, and continue to be, *ex officio* one of the directors of the company, in addition to the number of directors authorized by this Act, and shall have the same rights, powers, and duties as any of the directors of the company.

Organization of the Company.

25. So soon as five hundred thousand dollars of the capital stock shall have been subscribed, and ten per cent. thereon shall have been paid into some one or more of the Chartered Banks of this Province, or into some branch or agency of such Bank or

Banks, it shall and may be lawful for the subscribers, or any of them, to call a meeting, pursuant to directions hereinafter contained, for the purpose of proceeding to elect directors as hereinafter mentioned, and such election shall then and there be made by a majority of the subscribers present, in person or by proxy, and the persons then chosen shall remain in office as directors, and be capable of serving until the first Wednesday in February succeeding their election; and until the aforesaid five hundred thousand dollars of stock shall have been subscribed, the following persons shall be provisional directors of the said company: Hon. Walter H. Dickson, Henry Paffard, S. S. J. Brown, William Kirby, Angus Smith, John Brown, J. M. Richards, F. J. King, J. S. McMurray, S. H. McCrae, Robert F. Sage, Donald Robertson, Cheney Amos, A. G. P. Dodge, D. B. Chambers, Hon. J. B. Robinson, Alexander Kirkland, Duncan Milloy, Edward O'Neill, S. H. Follett, Angus Morrison, Thomas Walton, Daniel C. Gunn, Henry Rolls, James Lawson, and George B. Gregg; Provided always that the parties hereinbefore named, or a majority of them, shall cause books of subscription to be opened in the town of Niagara, and in such other places as they may, from time to time, appoint, until the meeting of shareholders, hereinafter provided for, for receiving the subscriptions of persons willing to become subscribers to the said undertaking; and for that purpose it shall be their duty, and they are hereby required to give public notice in one or more newspapers, published in the said town or place, as they, or a majority of them, may think proper, of the time and places at which such books will be opened, and ready for receiving subscriptions, as aforesaid, the persons authorized by them to receive such subscriptions, and the Chartered Bank or Banks into which the ten per cent. thereon is to be paid, and the time hereinafter limited for such payment; and every person whose name shall be written in such books as a subscriber to the said undertaking, and who shall have paid, within ten days after the closing of the said books, into the Bank or Banks aforesaid, or any branches or agencies thereof, ten per centum on the amount of stock so subscribed for, to the credit of the said company, shall thereby become a member of the said company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name, as members of the said company; Provided also, and it is hereby enacted, that such ten per cent. shall not be withdrawn from the said bank or banks, or otherwise applied, except for the purposes of the said company.

Provisional Directors.

Proviso.

Opening of subscription books.

Proviso.

Duties of Directors.

26. The chief duties of the directors, so chosen, shall be, in the first place, to provide for and pay the preliminary expenses of the undertaking, procure and provide means for the payment for accurate and detailed surveys, specifications, plans, and estimates of the work to be done, in order to complete the intended navigation as contemplated by this Act; also, to ask, and receive tenders for the whole or any part of the proposed work, and generally to do all things authorized by the said Company to be done by virtue of this Act; also, to issue to the parties, persons, or bodies, who may have contributed towards the payment of the preliminary expenses, stock certificates of the Company, for the amount of the respective contributions.

Power to borrow money

27. The said Company may from time to time lawfully borrow, either in Canada, or elsewhere, such sum or sums of money, not exceeding at any time the subscribed and paid up capital of the Company, as they may find expedient, and may

make the bonds, debentures, or other securities, they shall grant for the sums so borrowed, payable either in currency or in sterling, and at such place, or places, within, or without this Dominion, as they may deem advisable, and may mortgage, or pledge the lands, tolls, revenues, or other property of the said Company, for the due payment of the said sums, and the interest thereon; and the said Company may issue debentures, in sums of not less than one hundred dollars currency, at not less than twelve months, provided the whole debt, including such debentures, does not at any time exceed the subscribed capital.

Votes.

28. Each proprietor of shares in the said undertaking, shall be entitled, on every occasion when, in conformity to the provisions of this Act, the votes of the members of the said Company are to be given, to one vote for each share; Provided always, that all proprietors of shares, whether resident in this Dominion or not, may vote by proxy, if he, she, or they, shall see fit, provided that such proxy do produce from his constituent, or constituents, a notice in writing in the words or to the effect following, that is to say:

Provies.

"I, , of , one of the proprietors of the "Ontario and Erie Ship Canal Company, do hereby nominate, "constitute, and appoint , of , to be my "proxy, in my name, and in my absence, to vote, or give my "assent, or dissent, to any business, matter, or thing, relating to "the said undertaking, that shall be mentioned or proposed at any "meeting of the proprietors of the said undertaking, or any of "them, in such manner as he the said shall think fit, "according to his opinion and judgment, for the benefit of the "said undertaking, or any thing appertaining thereto.

"In witness whereof, I have hereunto set my hand and seal, the " day of , in the year one thousand "eight hundred and ."

And such vote or votes, by proxy, shall be as valid as if such principals had voted in person; and whatsoever question, election of proper officers, matters, or things, shall be proposed, discussed, or considered in any public meeting of the proprietors to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present, and so given as aforesaid, and all decisions and acts of any such majority, shall bind the said Company, and be deemed the decision and acts of the said Company.

Liability of Shareholders limited.

29. No shareholder in the said Company, shall be in any manner whatsoever liable, or charged for any debt, or demand due by the said Company, beyond the payment, or the extent of his, her, or their share, in the capital of the said Company not paid up.

Board of Directors.

30. The affairs of the said Company shall be managed by a Board of eleven Directors, who shall elect from among themselves a President and Vice-President; the said Directors may be subjects of Her Majesty, or otherwise; the said Directors shall be elected on the first Wednesday in February, in every year, at a meeting of stockholders, to be held in the town of Niagara, and the said election shall be made by such Stockholders, as shall be present at such meeting, in person, or by proxy, and all elections for Directors shall be by ballot, and the eleven persons who shall have the greatest number of votes at any election, shall be Directors, (except as hereinbefore or after provided), and if two or

more persons shall have an equal number of votes, in such manner, that more than eleven shall, by a plurality of votes appear to be chosen Directors, a second ballot shall be held, to determine which of the said persons having an equal number of votes, shall be Director or Directors.

Annual General Meetings.

31. The Directors so chosen, or those appointed in their stead, in case of vacancy, shall remain in office until the first Wednesday in the month of February next following their election, and on the said first Wednesday in February, and on the first Wednesday in February, in each year thereafter, or on such other day as shall be appointed by any By-Law, an annual general meeting of the said proprietors shall be held at the office of the Company, for the time being, to choose eleven Directors for the ensuing year: but if at any time it shall appear to any ten or more of such proprietors, holding together two hundred shares at least, that for more effectually putting this Act into execution, a special general meeting of proprietors is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen day's notice at least to be given thereof, in two public newspapers as aforesaid, or in such manner as the Company shall, by any By-law direct or appoint, specifying in the said notice, the time and place, and the reason and intention of such special meeting respectively; and the proprietors are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the proprietors, or the majority of them, at such special meeting assembled, such majority, not having either as principal or proxies, less than two hundred shares, shall be as valid to all intents and purposes, as if the same were done at annual meetings; Provided always, that it shall, and may be lawful, for the said Directors, in case of the death or absence, resignation or removal of any person elected a Director to manage the affairs of the said Company, in the manner aforesaid, to appoint another or others, in the room or stead of those of the Directors, who may die or be absent, resign or be removed as aforesaid, anything in this Act to the contrary notwithstanding; but if such appointment be not made, such death, absence, or resignation, shall not invalidate the acts of the remaining Directors.

Special General Meetings.

Proviso. Vacancies now filled.

President and Vice-President.

32. The Directors shall, at their first (or at some other) meeting after the day appointed for the Annual General Meeting in each year, elect one of their members by ballot to be the President of the said Company, who shall always (when present) be the chairman of, and preside at all meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead, and the said Directors may in like manner elect a Vice-President, who shall act as chairman in the absence of the President.

Quorum.

33. Any meeting of the said directors, at which not less than six directors shall be present, shall be a *quorum*, and shall be competent to use and exercise all and any of the powers hereby vested in the said directors. Provided always, that no one director, though he may be a proprietor of many shares, shall have more than one vote at any meeting of the directors, except the president or vice-president when acting as chairman, or any temporary chairman, who, in case of the absence of the president or vice-president, may be chosen by the directors present, either of whom,

Votes of Directors.

when presiding at a meeting of the directors shall, in case of a division of equal numbers, have the casting vote, although he may have given one vote before; And provided also, that such directors shall, from time to time, be subject to the examination and control of the said annual and special meetings of the said proprietors as aforesaid, and shall pay due obedience to all by-laws of the said Company, and to such orders and directions in and about the premises as they shall, from time to time receive from the said proprietors, at such annual or special meetings; such orders and directions not being contrary to the special directions or provisions in this Act contained. And provided also, that the act of any majority of a *quorum* of the directors present at any meeting regularly held, shall be deemed the act of the directors.

Subject to general meetings of Shareholders.

Act of quorum to be act of directors.

34. Every such annual meeting shall have power to appoint not exceeding three auditors, to audit all accounts of money laid out and disbursed on account of the said undertaking, by the treasurer, receiver or receivers, and other officer or officers to be by the said Directors appointed, or by any other person or persons whatsoever, and employed by or concerned for or under them, in and about the said undertaking, and to that end the said auditors shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by them; and the said Directors chosen under the authority of this Act, shall have power, from time to time to make such call or calls of money from the stockholders of the said canal and other works, to defray the expenses of or to carry on the same as they, from time to time, may find wanting and necessary for these purposes, except as before provided; and such Directors shall have full power and authority to direct and manage all and every the affairs of the said Company, as well in contracting for and purchasing lands, rights and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing under-officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking, and to affix, or authorize any person to affix the common seal of the Company to any Act, deed, by-law, notice or other document whatsoever; and any such act, deed, by-law, notice or other document, bearing the common seal of the Company, and signed by the President or Vice-President shall be deemed the act of the Directors of the said Company, nor shall the authority of the signer of any document purporting to be so signed and sealed, to sign and affix the said seal thereto, be liable to be called in question by any party except the Company.

Auditors.

Calls.

Directors to manage affairs of the Company.

35. The owner or owners of one or more shares in the said undertaking, shall pay his, her or their shares and proportion of the moneys to be called for as aforesaid, to such person or persons, and at such time and place, as the said Directors shall, from time to time appoint and direct, of which thirty days' notice at least shall be given in two newspapers as aforesaid, or in such other manner as the said proprietors or their successors shall by any by-law direct or appoint.

Calls, how to be paid.

36. The said Company shall always have power and authority at any general meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be directors in the room of those who shall die, resign, or be removed, and to remove any other officer or officers under them, to revoke, alter, amend, or change any of

Powers of general meetings.

By-laws.

the by-laws or orders prescribed with regard to the proceedings amongst themselves (the method of calling general meetings, and their time and place of assembling and manner of voting and appointing directors only excepted,) and shall have the power to make such new rules, by-laws, and orders for the good government of the said Company, and their servants, agents, or workmen, for the good and orderly making and using the said Canal, and all other works connected therewith, or belonging thereto, as hereby authorized, and for the well governing of all persons whatever travelling upon or using the said Canal and other works, or transporting any goods, wares, merchandise, or other commodities thereon, which said by-laws and orders shall be put into writing under the common seal of the said Company, and shall be kept in the office of the Company, and a printed or written copy of so much of them as relates to or affects any party other than the members or servants of the Company, shall be affixed openly in all and every of the places where tolls are to be gathered, and in like manner as often as any change or alteration shall be shall be made to the same; and the said by-laws and orders so made and published as aforesaid shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same; and any copy of the said by-laws, or any of them, certified as correct by the President, or some other person authorized by the directors to give such certificate, and bearing the common seal of the Company, shall be deemed authentic, and shall be received as evidence of such by-laws in any court without further proof.

Sales of shares.

37. All sales of the shares in the said undertaking shall be in the form following, varying the names and descriptions of the contracting parties as the case may require.

I, A. B., in consideration of the sum of paid by C. D., of do hereby bargain, sell and transfer to the said C. D., share or (or shares) of the Stock of the Ontario and Erie Ship Canal Company; to hold to him the said C. D., his executors, administrators and assigns, subject to the same rules and orders and on the same conditions that I held the same immediately before the execution hereof; and I, the said C. D., do hereby agree to accept the said share (or shares) subject to the rules, orders and conditions.

Witness our hands and seals, this day in the year one thousand eight ; Provided always that no such transfer of any share shall be valid until all calls or instalments then due thereon shall have been paid up.

Appointment of officers.

38. It shall and may be lawful to and for the said Directors, and they are hereby authorized from to time, to nominate and appoint a treasurer or treasurers, and a clerk or clerks to the said Company, taking such security for the due execution of their respective offices as the Directors shall think proper; and such clerk shall, in a proper book or books, enter and keep a true and perfect account of the names and places of abode of the several Stockholders of the said Company, and of the several persons who shall, from time to time, become owners or proprietors of, or entitled to any share or shares therein, and of the other acts, proceedings and transactions of the said Company, and of the Directors for the time being, by virtue of and under the authority of this Act; And the said Directors shall have power by by-law to fix and regulate the tolls to be taken

upon the said Canal, but no such tolls shall be levied or taken until approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof.

Accounts of the Company.

39. The said company, or the directors of the said company, shall, and they are hereby required to cause a true, exact, and particular account to be kept, and annually made up, and balanced, on the thirty-first day of December in each year, of the money collected and received by the said company, or by the directors or treasurer of the said company, or otherwise, for the use of the said company by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining, and carrying on their works, and of all other receipts and expenditures of the said company, or the said directors: And, at the general meetings of the proprietors of the said undertaking, to be, from time to time, holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such meetings shall declare otherwise and such dividend shall be at and after the rate of so much per share upon the several shares held by the proprietors in the joint stock of the said company, as such meeting or meetings shall think fit to appoint or determine; Provided always, that no dividend shall be made, whereby the capital of the said company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share after a day appointed for payment of any call for money in respect thereof, until such call shall have been paid.

Dividends.

Proviso.

Fractions of distances and weight.

40. In all cases where there shall be a fraction in the distance which vessels, rafts, goods, wares, merchandize, or other commodities or passengers shall be conveyed or transported on the said navigation, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile; and in all cases where there shall be the fraction of a ton, in the weight of any such goods, wares, merchandize, and other commodities, a proportion of the said rates shall be demanded and taken by the said company of proprietors to the number of quarters of a ton contained therein; and in all cases where there shall be the fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

Interpretation.

41. Every matter or thing which the said company are authorized to do or suffer, shall be interpreted to mean that the said company shall be empowered to do and suffer all such acts, matters and things by their duly appointed agents, servants and workmen, whether the same be specially mentioned or not; and in all cases wherein the said canal is mentioned in this Act, the same shall apply to all branches, feeders, reservoirs, and rivers or parts of rivers which shall be made part or parcel of the navigation thereof, or of the supplying of the same with water.

Company to carry mails, troops, &c., when required

42. The said company shall at all times, when thereunto required by the Post Master General of the Dominion, the Commander of the Forces, or any person having the superintendence or command of any Police Force, carry Her Majesty's Mails, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others, travelling on Her Majesty's service, on the said canal, on such terms and conditions, and under such regulations

as the Governor or person administering the Government shall, in Council appoint and declare.

Securities of officers.

43. The said company shall and are hereby required and directed to take sufficient security by one or more bond or bonds, in a sufficient penalty or penalties from their treasurer, receiver and collector for the time being, of the moneys to be raised by virtue of this Act, for the faithful execution, by such treasurer, receiver and collector of his and their office and offices respectively.

Time for bringing suit limited.

44. If any action or suit shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities or of the orders and directions hereinbefore granted, every such action or suit shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the defendant or defendants in such action or suit, shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act, and if it shall appear to have been so done, or if any action or suit shall be brought after the time so limited for bringing the same, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his, her or their action or suit, after the defendant or defendants shall have appeared, or if judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have full costs, and shall have such remedy for the same as any defendant or defendants hath or have for costs of suit in other cases by law.

Contravention of this Act to be misdemaanor.

45. Any contravention of this Act by the said company or any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punished accordingly, but such punishment shall not exempt the said company (if they be the offending party,) from the forfeiture of this Act, and the privileges hereby conferred on them, if, by the provisions thereof, or by law, the same be forfeited by such contravention.

Rights of Her Majesty saved.

46. Nothing herein contained shall affect or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or any bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

Canal and works may be assumed by the Crown.

47. At any time after commencing the said works or after the making and completing the said canal it shall be lawful for Her Majesty, Her Heirs and Successors to assume the possession and property of the same, and of all and every the works and dependencies thereto belonging, upon paying to the said shareholders, their heirs, executors, administrators and assigns, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards making and completing the said canal, together with such other sums as will amount to ten per centum upon the moneys so advanced and paid, as a full indemnification to such company, and the said canal, shall from the time of such assumption in manner aforesaid, appertain and belong to Her Majesty, Her Heirs and Successors, who shall thenceforth be substituted in the place and stead of the said company, their heirs and assigns, for all the purposes of this Act in so far as regards the said canal.

48. Nothing herein contained shall be construed to except the Canal by this Act authorized to be made, from the provisions of any general Act, which may be passed during the present or any future Session of Parliament, and no further provision which Parliament may make for enforcing any of the provisions of this Act, or for protecting the public or the rights of private parties shall be deemed an infringement of the rights of the said company. Provisions of any general Act to apply.

49. This Act shall be deemed a Public Act. Public Act.

No. 31.

3rd Session, 1st Parliament, 33 Vict., 1870.

BILL.

An Act to incorporate the Ontario and Erie Ship Canal Company.

PRIVATE BILL.

Mr. ANGUS MORRISON (Niagara).

OTTAWA:

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

1870.

No. 32.] **BILL.** [1870.

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

WHEREAS, it is expedient to make more effectual provision for securing the Independence of Parliament, therefore, in amendment of the Act now in force for that purpose, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. From and after the dissolution of the present Parliament of Canada, no person being a member of the Executive Council of any of the Provinces comprised in the Dominion of Canada, shall be eligible as a Member of the House of Commons, nor shall he sit or vote in the same. Members of Local Executive Councils not eligible to House of Commons.

2. If any person, hereby disqualified, or declared incapable of being elected a Member of Commons, is, nevertheless, elected and returned as a Member, his election and return shall be null and void. His election void.

3. (1.) No person disqualified by the first and second sections of this Act to be elected a Member of the House of Commons, shall sit or vote in the same while he remains under such disqualification. Not to sit or vote.

(2.) And if any person disqualified, or declared incapable of sitting or voting in the House of Commons, by the first or second section, sits or votes therein, he shall thereby forfeit the sum of *two thousand dollars*, for each and every day on which he so sits or votes; and such sum may 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 Canada. Penalty for contravention.

4. From and after the dissolution of the present Parliament of Canada, no person being a Member of the Local Legislature of any of the Provinces comprised in the Dominion of Canada shall be eligible for, or capable of accepting or holding any of the following offices, that is to say, President of the Privy Council, Receiver General, Minister of Finance, Minister of Justice, Minister of Militia and Defence, Secretary of State of Canada, Secretary of State for the Provinces, Minister of Public Works, Postmaster General, Minister of Agriculture and Emigration, Minister of Inland Revenue, Minister of Customs, or Minister of Marine and Fisheries. Members of Local Governments not to hold certain Ministerial offices in the Dominion.

5. If any person, by the fourth section declared ineligible Penalty for contravention.

for or incapable of accepting or holding any of the offices in the said section mentioned, shall accept or hold the same, or any of them, he shall thereby forfeit the sum of *two thousand dollars* for each and every day on which he so accepts or holds the same; and such sum may 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 Canada.

No. 32.

3rd Section, 1st Parliament, 33 Victoria, 1870.

BILL.

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

Received and read, First time, Monday, 14th March, 1870.

Second reading, Wednesday, 16th March, 1870.

Mr. MILLS.

OTTAWA.

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

1870.

Reprinted as amended by the Railway Committee

No. 33.] **BILL.** [1870.

An Act respecting the Canada Central Railway Company.

WHEREAS, it has been found impracticable to complete the line of Railway, authorized to be constructed by the Canada Central Railway Company, within the time limited for that purpose; and whereas, the said Company, by its Petition has prayed for an extension of the time fixed for the completion of the said Railway, and for other privileges; and it is expedient to grant the prayer of the said Petition.

1. The time limited for the deposit of maps, plans, and books of reference of the Canada Central Railway, is hereby extended for two years; and the time limited by the Act of the Legislature of the late Province of Canada, 29 Vict., cap. 80, for the completion thereof, for five years from the 1st day of September next, and thence until the end of the Session of Parliament next thereafter. Provided, however, that the portion of the projected line of said Railway, between Hawkesbury and Vandreuil, may at any time during the said five years, from any point in West Hawkesbury to Vandreuil, be constructed by the Vandreuil Railway Company —which Company as to the said line shall have the full exercise of all powers conferred upon it by the several Acts concerning the same. And inasmuch as by the British North America Act, 1867, the control of the land grant mentioned in the Act of incorporation of the said Company, is vested in the local Governments and Legislatures of the respective Provinces of Quebec and Ontario, it is hereby declared that the extension of time hereby granted shall not be construed to effect the continuance of such land grant beyond the time at present by law limited for its existence or otherwise to affect the same. And as to the portion of said railway between Sand Point and Pembroke, the same shall be made via the town of Renfrew, and within half a mile of the corporate limits of that town; and shall be commenced within one year after the passage of a valid By-law of the County of Renfrew subscribing for at least $180,000 of stock in the said Railway Company; and such subscription shall be expended exclusively upon the section of the said Railway lying between Sand Point and Pembroke, and equally along the said section in proportion to its length.

2. The said Company may amalgamate with the Northern Colonization Railway Company, and may accept and receive such Company as forming part of the Canada Central Railway Company in the place and stead of any other Company now comprised within the said Canada Central Railway Company, or as a part of the Canada Central Railway Company, with the consent of the Company for which it is substituted. And such amalgamation may be by deed, which, however, shall not have any force or effect until it shall have been submitted to the shareholders of both Companies at meetings of such shareholders respectively, duly called for the purpose thereof, and approved by them.

3. By such deed of amalgamation, it may be agreed that the amalgamating Companies shall thereafter form one Company, under the name of the Ottawa Valley Railway of which change of name notice shall be given by advertisement, published for one month, in the *Canada Gazette*; and after such amalgamation, all debts, due and owing by the Companies parties to such amalgamation, shall become due and owing by the amalgamated Company, in the same manner as if they had been originally contracted by it; and upon being approved of by the Governor in Council, all the assets and property of the Companies parties to such amalgamation (except any branch line not forming part of the main line, that may be specially excepted in such deed,) shall become vested in the amalgamated Company, in the same manner, and to the same extent as if they had been originally acquired by it, but subject to all liens, privileges, and charges thereon. And by such deed the proportion of stock which shall be represented by each Company shall be settled, and provision shall be made for giving the voting power to the stockholders of such of the Companies as shall be entitled thereto, either by the retention of the stock originally issued to them, or by the conversion thereof, on terms which shall be agreed upon by the said deed, into stock of the amalgamated Company. And by such deed, also, the number of Directors to constitute the Board of Directors of the amalgamated Company shall be fixed, and the mode of appointing the first Board of such Directors shall be established, leaving subsequent Boards of Directors to be elected at the annual meetings of the amalgamated Company in the manner provided by law for the election of the Directors of the Canada Central Railway Company.

4. If it should be deemed necessary for facilitating the negociation of the bonds or debentures issued or due by the Company, the shareholders thereof may, at any time, by a by-law thereof, duly passed at a meeting thereof, called for the purpose, resolve and provide that, if at any time the bonds or debentures issued by either of the amalgamated Companies, or by the amalgamated Company, or the interest coupons thereon, or any of them, shall become due, and shall remain unpaid for a period after they shall have become due and exigible, to be fixed by such by-law, the voting power of the shareholders in the amalgamated Company shall cease and be at an end, and thereafter that the holders of the bonds or debentures due and payable by the amalgamated Company shall have the right to vote at all meetings of the Company, and shall have all the powers conferred upon the shareholders of the Company by the Act of incorporation thereof, in the place and stead of such shareholders. And that the holders of such bonds or debentures shall be so entitled to vote in proportion to the amount of bonds or debentures held by them, in such manner as may be fixed by such by-law. And also to provide for the resumption of such voting power by the shareholders, and the cessation thereof in the bondholders, as to such shareholders may seem advisable. And such by-law shall not be modified or rescinded without the consent of all the persons then holding bonds of the Company negotiated subsequent to its passage.

5. The amalgamated Company shall have power to receive from the Local Goverments of the Provinces of Ontario and Quebec, such grant or grants of land, or of money, or both, as such Provinces may think proper to make to it in aid of the construction

of the said Railway from Montreal to Lake Huron, and to hold and dispose of the same in such manner as may be prescribed by the terms of such grant or grants.

6. If it should become expedient to reduce the gauge of the said Railway to the gauge of four feet eight inches and a half, in order to make the entire line thereof, of the said gauge, the said Company may do so upon being authorized so to do by the Governor in Council.

7. Nothing in this Act contained shall apply to the Brockville and Ottawa Railway Company.

8. The bonds or debentures to be issued by the Company under the powers heretofore conferred upon it, shall not require registration to secure the ranking of such bonds or debentures upon the Railway, its rolling stock, property and revenues, according to the date of the issue thereof respectively.

9. Her Majesty, Her Heirs and Successors may at any time assume the possession and property of the said Railway and works, or any part thereof, and of all the rights of the Company (all which shall after such assumption be vested in Her Majesty, Her Heirs and Successors,) on giving to the said Company one week's notice thereof. and on paying to the said Company the value of the same to be fixed by three Arbitrators, or the majority of them, one to be chosen by the Government, another by the Company, and a third Arbitrator, by the said two Arbitors, the Arbitrators having full power to consider in the valuation, the expenditure of the Company, the business of the Railway, and its past and present business, but not any claim for any exclusive right of way which the said Company may pretend to ; with interest from the time of the investment of the capital thereof, at eight per cent. per annum deducting however all dividends declared and paid to the Shareholders; or upon conditions to be fixed in like manner Her Majesty Her Heirs and Successors may lease the said Railway, or make running arrangements therewith, for any Railway connecting therewith, appertaining to the Government of Canada.

No. 33.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act respecting the Canada Centra Railway Company.

Reprinted as amended by the Railway Committee.

Hon. Mr. Abbott.

OTTAWA:

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

1870.

No. 33] **BILL.** [1870.

An Act respecting the Canada Central Railway Company.

Preamble.

WHEREAS, it has been found impracticable to complete the line of Railway, authorized to be constructed by the Canada Central Railway Company, within the time limited for that purpose; and whereas, the said Company, by its Petition, has represented that a portion of the said Railway is under construction, and has prayed for an extension of the time fixed for the 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:—

Time for completion of road extended.

1. The time limited by the Act of the Legislature of the late Province of Canada, 29 Victoria, Chapter 80, for the completion of the Canada Central Railway, is hereby extended for five years from the 1st day of September next, and thence until the end of the Session of Parliament next thereafter.

Company may amalgamate with other Companies.

2. The said Company may amalgamate with any Railway Company having corporate powers authorizing it to construct a Railway over the same line of country as that upon which the Canada Central Railway Company, or any of the Companies composing it, are empowered to build a Railway; and may accept and receive such Company as forming part of the Canada Central Railway Company in the place and stead of any other Company now comprised within the said Canada Central Railway Company, or as a part of the Canada Central Railway Company, with the consent of the Company for which it is substituted. And such amalgamation may be by deed, which, however, shall not have any force or effect until it shall have been submitted to the shareholders of all the Companies which are parties to such amalgamation, at meetings of such shareholders respectively, duly called for the purpose thereof, and approved by them.

Terms of such amalgamation.

3. By such deed of amalgamation, it may be agreed that the amalgamating Companies shall thereafter form one Company, either under the name of the Canada Central Railway Company, or under such other name as shall be fixed by the said deed, of which change of name notice shall be given by advertisement, published for one month, in the *Canada Gazette;* and after such amalgamation, all debts, due and owing by all the Companies parties to such amalgamation, shall become due and owing by the amalgamated Company, in the same manner as if they had been originally contracted by it; and all the assets and property of all the Companies parties to such amalgamation shall become vested in the amalgamated Company, in the same manner, and to the same extent as if they had been originally acquired by it, but subject to all liens, privileges, and charges thereon. And by such deed the proportion of stock which shall be represented by each Company shall be settled, and provision shall be made for giving

the voting power to the stockholders of such of the Companies as shall be entitled thereto, either by the retention of the stock originally issued to them, or by the conversion thereof, on terms which shall be agreed upon by the said deed, into stock of the amalgamated Company. And by such deed, also, the number of Directors to constitute the Board of Directors of the amalgamated Company shall be fixed, and the mode of appointing the first Board of such Directors shall be established, leaving subsequent Boards of Directors to be elected at the annual meetings of the amalgamated Company in the manner provided by law for the election of the Directors of the Canada Central Railway Company.

By-law may be passed to give Bond-holders the right to vote instead of Shareholders in certain cases.

4. If it should be deemed necessary for facilitating the negociation of the bonds or debentures issued or due by the Company, the shareholders thereof may, at any time, by a by-law thereof, duly passed at a meeting thereof, called for the purpose, resolve and provide that, if at any time the bonds or debentures issued by any of the amalgamated Companies, or by the amalgamated Company, or the interest coupons thereon, or any of them, shall become due, and shall remain unpaid for a period after they shall have become due and exigible, to be fixed by such by-law, the voting power of the shareholders in the amalgamated Company shall cease and be at an end, and thereafter that the holders of the bonds or debentures due and payable by the amalgamated Company shall have the right to vote at all meetings of the Company, and shall have all the powers conferred upon the shareholders of the Company by the Act of incorporation thereof, in the place and stead of such shareholders. And that the holders of such bonds or debentures shall be so entitled to vote in proportion to the amount of bonds or debentures held by them, in such manner as may be fixed by such by-law. And also to provide for the resumption of such voting power by the shareholders, and the cessation thereof in the bondholders, as to such shareholders may seem advisable. And such by-law shall not be modified or rescinded without the consent of all the persons then holding bonds of the Company negotiated subsequent to its passage.

Amalgamated Company may increase its Capital Stock.

5. The amalgamated Company shall have the right to increase its Capital Stock by the additional sum of five millions of dollars, and shall have power thereupon, and upon the subscription of at least 20 per cent. of such stock, and the payment of 20 per cent. of such subscription, to proceed with the construction of a Railway from Pembroke to such point on Lake Huron as may be found best adapted for the purpose. And thereupon, all the powers conferred on the Canada Central Railway Company by the Act of incorporation thereof, for the construction of the Railway from Montreal to Pembroke, shall be possessed and enjoyed by the said amalgamated Company in respect of the Railway between Pembroke and Lake Huron; and it shall be subject to similar obligations in respect thereof.

And may receive grants of land or money.

6. The amalgamated Company shall have power to receive from the Local Governments of the Provinces of Ontario and Quebec, such grant or grants of land, or of money, or both, as such Provinces may think proper to make to it in aid of the construction of the said Railway from Pembroke to Lake Huron, and to hold and dispose of the same in such manner as may be prescribed by the terms of such grant or grants.

No. 33.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act respecting the Canada Central Railway Company.

PRIVATE BILL.

Hon. Mr. ABBOTT.

OTTAWA.

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

1870.

No. 34.] **BILL.** [1870.

An Act to Incorporate the "Quebec and Ottawa Lumber Forwarding Company."

Preamble.

WHEREAS, the several persons, hereinafter named, have by their Petition represented that they have associated themselves together, for the purpose of forwarding Sawlogs, and other Timber, from the River Ottawa to Quebec, and the more effectually, to carry out, their said enterprise, they have prayed that an Act be passed, incorporating them with the powers hereinafter mentioned, and it is expedient, that the prayer of their 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:—

Certain persons incorporated.

1. George Benson Hall, John Sharples, Robert Herbert Smith, James Gibb Ross, Alfred Frederick Augustus Knight, Henry King, James Connolly, Richard Nevil Dobell, the Honorable Thomas McGreevy, John Roche, Benson Bennett, Henry Atkinson, William Gerrard Ross, William Drum, and Simon Peters, all of Quebec Merchants, George Baptist, William Stoddart, George A. Gouin, and James K. Ward, all of the City of Three Rivers, Merchants, and the Honorable George Bryson and John Poupore, Esquire, and such others, as may be associated with them and their successors, and such, and so many other persons as have become, or may become Shareholders in the Stock, hereinafter mentioned, shall be, and they are hereby constituted a body, politic and corporate, in fact and in name, by the title of "The Quebec and Ottawa Lumber Forwarding Company."

Corporate name.

Object of Company.

2. The said Company hereby incorporated, shall have the power to carry on the business of forwarding sawlogs and other timber, down the River Ottawa to Quebec, and are hereby authorized to do all acts, matters, and things, and to acquire and own all moveable property, necessary and incident to the carrying on of such business.

Capital Stock.

3. The Capital Stock of the said Company, shall be one hundred thousand dollars, divided into one hundred shares of one hundred dollars each.

Payment of Capital Stock.

4. The Capital Stock shall be paid by the subscribers therefor, when, and where, and as the directors of the Company shall require, or as the By-Laws may provide, and if not paid on the day required, interest at the rate of six per cent per annum shall be payable, after the said day upon the amount due and unpaid, and in case any instalment shall not be paid as required by the Directors, with the interest thereon, after such demand and notice as the By-Laws prescribe, and within the time limited by the notice, the

Directors may by vote summarily forfeit any share whereon such payment is not made, and the same shall thereupon become the property of the Company and may be disposed of as the By-Laws provide.

Stock, personal property, &c.

5. The Stock of the Company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions as the By-Laws prescribe, but no shares shall be assignable until all instalments due thereon have been paid, unless it has been declared forfeited for non-payment.

Votes.

6 At all meetings of the Company, every Shareholder not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the Stock of the Company, to the number of twenty shares. No Shareholder to have more than twenty votes, and all votes may be given in person or by proxy, provided the said proxy is held by a Shareholder not in arrear, and is in conformity with the By-Laws, and at such meetings there must be at least twelve Shareholders present to form a quorum.

Provisional Directors.

7. The said George Benson Hall, John Sharples, Robert Herbert Smith, John Roche, Benson Bennett, George Bryson, and James K. Ward, shall be, and are hereby constituted and appointed provisional Directors of the said Company, and shall hold office until a board of Directors shall be elected by the Shareholders, under the provisions of this Act.

Annual meeting.

8. The annual meeting of the Shareholders of the Company, at which the Directors for the ensuing year shall be elected, shall be held at the City of Quebec, at such place as the Directors may appoint on the first Monday in March in each year, and at such meeting the Directors shall submit a statement of the affairs of the Company up to the thirty-first day of January previous, and in the event of any failure, to hold the said meeting by reason of the want of a quorum or other cause, the Directors for the previous year shall remain in office until others are elected.

Election of officers.

9. The Directors of the said Company, so elected, and the Provisional Directors herein named, shall at their first meeting elect a President and a Vice President, and shall have power to make By-Laws and generally to manage all the affairs of the Company, and to appoint all Officers necessary for its management.

Power to erect piers, &c., on River Ottawa.

10. The said Company shall have the right to erect piers and booms on the River Ottawa, in conformity with the plan deposited by them, with the Minister of Public Works, with power to change and modify the said plan with the consent in writing of the said Minister of Public Works, and also with such consent to erect other piers and booms on the said River, and at, and near the mouth thereof, the plan of which shall also be deposited with the said Minister.

Use of such piers, &c.

11. The said piers and booms shall be under the exclusive control of the said Company, but all persons bringing timber

or sawlogs down the said River shall have the right to use the said booms upon paying the said Company for the use of the same, according to a tariff to be made by the said Company and approved by the Minister of Public Works.

Time for completion of works.

12. This Act shall be of no effect unless one half of said Stock is subscribed, and the said works completed, and the Company in operation before the 1st of March, 1875.

Power to hold real estate.

13. The said Company shall be authorized to hold real estate for the purpose of their business, exclusive of the said piers to the value of twenty thousand dollars.

No. 34.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to Incorporate the "Quebec and Ottawa Lumber Forwarding Company."

PRIVATE BILL.

Hon. Mr. IRVINE.

OTTAWA:

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

1870.

No. 35.] **BILL.** [1870.

An Act to authorize the Town of Belleville to impose and collect Harbor Dues, and for other purposes.

Preamble.

WHEREAS, the Town of Belleville has incurred large liabilities in the improvement and repair of the harbor within the limits of the said town, and the Corporation of the Town of Belleville have petitioned that an Act be passed to authorize them to pass a By-law, or By-laws, for the imposition and collection of harbor dues, rents, or tolls upon goods, wares, merchandize, and chattels shipped on, or landed from any vessel or steamboat within the said harbor; and for the imposition and collection of dues or tolls upon logs, timber, pine, cedar, and railway ties passing down the River Moira, through the Port of Belleville, for the purpose of enabling them to provide a fund for the payment of debts incurred for the improvement of the said harbor, and for the further improvement of the said harbor from time to time, and the maintenance of the same: and it is expedient to grant the prayer of the said Petition.

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

Corporation of Belleville may, by By-law, impose harbor dues.

1. The Corporation of the Town of Belleville, are authorized and empowered to pass a By-law, or By-laws, for the imposition and collection of harbor dues, or tolls, to be employed, after the expenses of collection, for the purpose of assisting in liquidating the debt incurred, or which may hereafter be incurred, in the improvement of the harbor within the limits of the said Town, by dredging, or otherwise, and to provide a fund for the maintenance and improvement of the said harbor and works connected therewith, on all goods, wares, merchandize, and chattels shipped on board, or landed out of any vessel, steamboat, boat, or any other craft within the limits of the said harbor, or elsewhere within the limits of the said Corporation; and upon all logs, timber, pine, cedar, and railway ties passing down the River Moira, through, or intothe Port of Belleville, or through or into the said harbor.

But By-law, &c., must be appoved by Governor in Council.

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

Persons refusing to pay tolls.

3. If any person, or persons, neglect or refuse to pay the tolls or dues to be imposed or collected under this Act, or any By-law that may be passed under the authority thereof, the said Corporation, or their officer, clerk, servant, agent, or

lessee may seize and detain the goods, wares, merchandize, and chattels, logs, timber, pine, cedar, and railway ties, on which the same are due and payable, until such tolls or dues are paid; and if the same be unpaid after the space of thirty days after such seizure, the said Corporation, or their officer, clerk, servant, or lessee, as aforesaid, may sell and dispose of the said goods, wares, merchandize, chattels, logs, timber, pine, cedar, and railway ties, or such part thereof as may be necessary to pay the said tolls or dues, and the reasonable costs and charges of keeping and selling the same, by public auction, giving ten days' notice thereof, and returning the surplus, if any, to the owner or owners thereof.

Vessels to be liable for dues.

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

Application of amount received from dues.

5. The proceeds arising from the said harbor dues and tolls shall be applied to the liquidation of all indebtedness, whether for principal or interest incurred in the improvement of the said harbor, and to the maintenance of the same; and if, after payment of all such indebtedness, there should be a surplus remaining, it shall be lawful for the said Corporation to apply the same to the general purposes of the Municipality.

Existing powers of Corporation not affected.

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

No. 35.

3rd Session, 1st Parliament, 33 Victor

An Act to authorize the Town c
ville to impose and collect Harb
and for other purposes.

PRIVATE BILL.

Mr. F

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, and 33, Rideau
1870.

No. 36.] **BILL.** [1870.

An Act further to amend the Acts respecting the Improvement and Management of the Harbor of Quebec.

Preamble.

WHEREAS, the Quebec Harbor Commissioners have, by their petition, set forth that doubts have arisen as to the right of persons indebted to the said corporation, for rent or for wharfage, to offer in payment coupons for interest due on the bonds or debentures thereof, which interest the said Commissioners have not the means of paying in full to all holders of such coupons, and have prayed that an Act may be passed to prevent such persons from obtaining priority or preference over other holders of such coupons; and, whereas, 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:—

Before each 1st July or 1st January, the Commissioners shall declare what coupons they can then pay; and enter the same on their minutes.

1. On, or shortly before, the first day of July next, and on, or shortly before, every first day of January, and first day of July thereafter, so long as any debentures or bonds issued by the Quebec Harbor Commissioners are outstanding, the said Commissioners shall make an estimate as to whether or not there remains, or will remain, in their hands, on such first day of July, or first day of January, as the case may be, out of the dues, tolls, duties, rates, penalties, and other revenues and profits collected and received by them, any sum available and sufficient for the payment, without priority or preference, of interest due on all debentures or bonds issued by the said Commissioners, for the period of six months to such first day of July or first day of January, or for that and any like previous period or periods of six months, or for any such previous period or periods of six months only, and thereupon the said Commissioners may resolve and declare, as the case may require, either that there will not be any payment made on such first day of January or first day of July, as the case may be, on account of such interest accrued prior to that day, or that payments of such interest for a period, or for a stated number of periods of six months only will then be made; and such resolution and declaration shall be recorded forthwith in the minutes of the proceedings of the said Commissioners.

Until any interest is so declared payable, it shall not be deemed liquidated and demandable, &c.

2. At no time, after the passing of this Act, shall the debt of the Quebec Harbor Commissioners for the interest accrued on any debenture or bond of the said Commissioners for any period, be or be deemed to be liquidated and demandable to the effect of extinguishing by compensation, any liquidated and demandable debt due to them, unless nor until the said Commissioners have so resolved and declared their ability to pay the interest due for that period on all sums borrowed under the said Act, without priority or preference, and an entry of such resolution and declaration has been made as aforesaid.

And so with respect to the principal of any bond, &c.

3. So long as any accrued interest on any debentures or bonds issued by the Quebec Harbor Commissioners remains unpaid, no debt of the said Commissioners, for the principal of any such debenture or bond, shall be or be deemed to be liquidated and demandable, to the effect of extinguishing by compensation, any liquidated and demandable debt due to them, unless nor until the said Commissioners have so resolved and declared their ability to pay the interest due for the period during which such unpaid interest accrued, on all sums borrowed under the said Act, without priority or preference, and an entry of such resolution and declaration has been made as aforesaid.

Copy of minutes duly certified to be evidence.

4. A copy of any entry in the minutes of the proceedings of the said Commissioners, certified by the Secretary-Treasurer of the said corporation to be a true copy, sealed with the seal of the said corporation, and counter-signed by the Chairman thereof, shall be *primâ facie* evidence of the truth of all statements of facts therein contained, and of the correctness of all dates therein mentioned, including the date therein mentioned as being that on which such entry was made.

No. 36.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL

An Act further to amend the Acts respecting the improvement and management of the Harbor of Quebec.

Received and read, First time, Tuesday, 15th March, 1870.

Second reading, Thursday, 17th March, 1870.

Hon. Mr. LANGEVIN.

OTTAWA:

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

1870.

No. 37.] [1870.

BILL.

An Act relating to the Court of Divorce and Matrimonial Causes in New Brunswick.

Preamble.

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

When the judge is of kin to either party, or has been Proctor or Advocate of either: the Governor may appoint another judge to try the cause.

1. Whenever the Judge of the Court of Divorce and Matrimonial Causes, in the Province of New Brunswick, is of kin to either party, or interested by having been Proctor or Advocate for either party, in any cause now or hereafter brought or pending in the said Court, the Governor General may appoint any other Judge of the Supreme Court of New Brunswick, to hear, try, and determine such cause, in the same manner, and with the like power, authority, force, and effect, in all respects, as the Judge of said Court.

No. 37.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act relating to the Court of Divorce and Matrimonial Causes in New Brunswick.

Received and Read, 1st time, Tuesday, 15th March, 1870.

Second Reading, Thursday, 17th March, 1870.

HON. SIR J. A. MACDONALD.

OTTAWA:

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

1870.

38

An Act respecting Official Assignees appointed under the Insolvent Act of 1864.

WHEREAS doubts exist as to the legality of certain appointments of Assignees made by Boards of Trade under the fourth section of "*The Insolvent Act of* 1864" for the late Province of Canada, in Districts and Counties not contiguous to the Districts or Counties where such Boards of Trade existed, and it is expedient to remove such doubts, and confirm such appointments. Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada declares and enacts as follows:

1. The naming and appointment of any official assignee by a Board of Trade for any District or County not contiguous to, or adjacent to the District or County where such Board of Trade so making such nomination existed in the late Province of Canada, shall not, by reason of such County or District where such officer has been named, not being contiguous to, or adjacent to the District or County where the Board of Trade making such appointment existed, if otherwise made in conformity with said Act, be held to have been made contrary to the true intent and meaning of said Act; and such appointments, and all proceedings consequent thereon, made, had and done in conformity with *The Insolvent Act of* 1864, and its amendments, are hereby declared and enacted to have been legally made, had, and done; Provided, that any suits or litigation involving any question as to the legality of such appointments, pending when this Act shall come into force, shall be determined as if this Act had not been passed.

No. 39.] **BILL.** [1870.

An Act to amend Chapter 66 of the Consolidated Statutes of Canada, intituled "An Act respecting Railways."

Preamble.

WHEREAS, doubts have arisen as to the powers possessed by Municipalities and Municipal Officers to enforce the obligation of Railway Companies toward such Municipalities, with respect to fences, roads, and watercourses on lands belonging to such Companies, and held by them, and considerable damage has resulted for want of the necessary works to maintain the lands traversed by the said Railways in the condition in which they were previous to the making of the same; therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Consolidated Statutes of Canada, Chapter 66 amended.

1. Chapter 66 of the Consolidated Statutes of Canada, intituled: "An Act respecting Railways," is hereby amended by the addition, after the word "Company," which is the last word of Section 122, of the following words:—

In case of neglect by Railway Company to do work, the same may be done by Municipality.

"Whenever a Railway Company refuses, or neglects to execute, or cause to be executed, any works legally ordered by the by-laws, *procès verbaux*, or regulations of the Municipality, after expiration of the delay, fixed by the notice which shall be given to the Company, it shall be lawful for the Council of the Municipality to order any Municipal Officer, under their control, to execute, or cause to be executed, such works; and the Municipality shall be entitled to recover from the Company the cost and expense of such works; but such officer shall not execute, or cause to be executed, such works, without having previously given eight days' notice to the Company, by serving the same upon the officer or *employé* of the Company in charge of the section of Railway situated within the jurisdiction of the Municipality, or serving the same upon the Company by leaving a copy at the nearest Station on their line of Railway."

Application of Act.

2. This Act shall apply only to Railways which are exclusively under the control of the Parliament of Canada.

No. 39.

3rd Session, 1st Parliament, 33 Vict., 1870.

BILL.

An Act to amend Chapter 66 of the Consolidated Statutes of Canada, intituled "An Act respecting Railways."

Received and read, First time, Wednesday, 16th March, 1870.

Second reading, Monday, 21st March, 1870.

Mr. MASSON (Soulanges).

OTTAWA:

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

1870.

No. 40.] **BILL.** [1870.

An Act to amend the Act 31 Victoria, Chapter 10, relating to Postal Service.

WHEREAS, it is expedient to abolish the privilege of free transmission of letters by post enjoyed by Members of the Senate and House of Commons, Preamble.

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

1. So much of Section 38 of "The Post Office Act, 1867," as confers upon Members of the Senate and of the House of Commons any privilege of receiving or sending letters by mail, free of postage, is hereby repealed. Privilege abolished.

No. 40.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to amend the [Act 31 Victoria, Chapter 10, relating to Postal Service.

Received and read, First time, Wednesday, 16th March, 1870.

Second reading, Monday, 21st March, 1870.

Mr. THOMPSON (Haldimand).

OTTAWA:

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

1870.

No. 41.] **BILL.** [1870.

An Act respecting the Naturalization of certain Aliens.

Preamble.

WHEREAS, certain persons, Aliens by birth, have, prior to the 1st July, 1867, with the view of becoming British subjects by naturalization, taken the oaths of residence and allegiance, but have either neglected to obtain certificates of their having taken such oaths, or, having obtained them, have neglected to have the same read in open Court, and filed of record, as by law required; and whereas, it is expedient that such persons should be admitted to all the rights and privileges of British subjects; therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Persons who took the required oaths before the 1st July, 1871, naturalized.

1. Every person who, being by birth an Alien, and who, prior to the first day of July, 1867, took the oaths of residence and allegiance required by the Naturalization Laws then in force in the Province in which he then resided, shall be admitted to all the rights and privileges of a natural-born British subject conferred upon naturalized persons by the Act of the Parliament of Canada respecting Aliens and Naturalization.

If the right of any such person, or his having so taken such oaths, be disputed.

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

Oath to be taken by him.

"J. A. B. do (swear) that, on or about the day of , at , in the County of , in the Province of (or in the late Province of Canada), I did take and subscribe before the oaths of residence and allegiance required by the Laws respecting the Naturalization of Aliens then in force in the said Province; and that I have since that time continued to have my residence in Canada: so help me God."

Certificate to be given to him; and its effect.

3. The Member of the Board of Registration, Revising Barrister, Judge, Commissioner, or Justice, before whom such oath shall have been taken and subscribed, shall grant to such person a certificate of his having taken and subscribed such oath, and the production of such certificate, shall be a proof of his naturalization under this Act, and that he is entitled to and enjoys the rights and privileges of a British subject, as provided by the first section of this Act.

No. 41.

3rd Session, 1st Parliament, 33 Vict., 1870.

BILL.

An Act respecting the Naturalization of certain Aliens.

Received and read, First time, Thursday, 17th March, 1870.

Second reading, Monday, 21st March, 1870.

Mr. YOUNG.

OTTAWA :

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

1870.

No. 42.] **BILL.** [1870.

An Act respecting the Ottawa City Passenger Railway Company.

Preamble.

WHEREAS, the Ottawa City Passenger Railway Company have, by their Petition, represented that they are incorporated under an Act of the Legislature of the late Province of Canada, passed in the year one thousand eight hundred and sixty six, and known as the 29 and 30 Vic., cap 106, and are thereby authorized to construct an iron railway, as therein mentioned, upon certain streets in the City of Ottawa, in the Province of Ontario, and the Municipalities adjoining, namely:—From the east end of Ottawa Street in New Edinburgh, and through the City of Ottawa, along the streets, in the said Act mentioned, along Duke Street, to or near the Suspension Bridge, and upon such other streets within the said City and the Municipalities in Upper Canada, adjoining the City, or any of them, as they may be authorized to pass along under any subsequent agreement with and by-laws of the Corporations of the said City and Municipalities; and, further, that by an Act of the Legislature of the Province of Ontario, passed in the year One thousand eight hundred and sixty-eight, known as the 31 Vic., cap 45, certain extended powers are conferred upon the said Company, and the time for the completion of that portion of the Railway lying within the limits of the City of Ottawa, is thereby extended to the first day of September, in the year one thousand eight hundred and seventy; and further stating that the large increase of business and of population necessary to the carrying on of such business, in respect to milling and manufacturing purposes on the River Ottawa, in the Village of Hull, situate in the Township of Hull, in the County of Ottawa, in the Province of Quebec, being the Municipality immediately opposite to the said City of Ottawa, renders it necessary for the convenience of the inhabitants thereof, that the Railway to be constructed by the said Company should be carried from its terminus as defined by the first therein-before mentioned Act, at or near the Suspension Bridge, across the same (usually known as the Union Bridge) and its approaches, and through the Village of Hull, in the Province of Quebec, and that the powers conferred by the therein mentioned Acts, in respect to the Company, and in respect to the Municipalities therein mentioned, should be conferred upon them in respect to the Village of Hull, and to such other Municipalities in the Province of Quebec as the said Railway may at any time pass through, and that they should be authorized to connect the said extension with any Railway or Tramway of

like guage that may be constructed to Aylmer, or to any other point or points from the said Village of Hull; and the Petitioners have prayed that an Act may be passed, giving them power to extend their line of Railway from its Terminus at or near the Suspension Bridge, in the City of Ottawa, across the said Bridge and its approaches, and through the Village of Hull, in the Province of Quebec, with power to connect the said extension with any Railway or Tramway of like guage that may be constructed to or from the said Village of Hull, and that the powers given to the Company by the Acts thereinbefore mentioned may be conferred upon them in respect to the said extension and such further powers as may be necessary to enable them to complete and work the said Railway; and whereas the Municipal Council of the said Village of Hull, and the inhabitants of the said Village of Hull have respectively presented their Petitions reciting as or to the effect set out in the Petition of the Ottawa City Passenger Railway Company, and have prayed for the passing of an Act for the purposes contemplated as aforesaid; and, whereas, it is expedient to grant the prayer of the said Petitions; and, whereas, the Ottawa City Passenger Railway Company, although a local work and undertaking, and wholly situate within the Province of Ontario, is for the advantage of the Provinces of Ontario and Quebec; and, whereas, the extension of the said Railway, by this Act intended to be authorized, will connect the Province of Ontario with the Province of Quebec, and will extend beyond the limits of the Province of Ontario; therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons, enacts as follows:—

Railway declared of general advantage to Provinces of Ontario and Quebec.

1. The Ottawa City Passenger Railway, authorized by an Act of the Legislature of the late Province of Canada, made and passed in the twenty-ninth and thirtieth years of Her Majesty's Reign, and intituled "An Act to incorporate the Ottawa City Passenger Railway Company," and by an Act of Lgislature of the Province of Ontario, made and passed in the Thirty-first year of Her Majesty's reign, chaptered 45, and intituled "An Act " to amend an Act intituled an Act to " Incorporate the Ottawa City Passenger Railway Company," although wholly situate in the Province of Ontario, is hereby declared to be a work for the advantage of the Provinces of Ontario and Quebec, being two of the Provinces of Canada.

Company declared to be a Corporation and Acts of late Province of Canada and of Province of Ontario declared applicable thereto.

2. The Ottawa City Passenger Railway Company is hereby declared to be a Corporation for the purposes, and with the powers mentioned in the Acts of the Legislature of the late Province of Canada and of the Province of Ontario, in the preceding section mentioned, and the several provisions thereof respectively are hereby declared to be and are enacted as applicable to the Ottawa City Passenger Railway Company, and shall be read and taken as if the said Acts were incorporated with this Act, and as if the same were an Act or Acts of the Parliament of Canada, and in so far as the same are respectively applicable to the extension of the Line of Railway hereby authorized shall be read and taken as applicable thereto

Power of extension of Railway over Suspension Bridge and into Province of Quebec.

3. The Ottawa City Passenger Railway Company shall have full power and authority to extend its line of Railway from its Terminus at or near the Suspension Bridge in the City of Ottawa, to, over, upon, and across the said Suspension Bridge, commonly called the Union Bridge, and its approaches thereto respectively, and to, in, and through the Village of Hull, in the Township of Hull, in the County of Ottawa, in the Province of Quebec, and all and every the rights, powers, and privileges, granted to and conferred upon the said Company in and by the said Acts hereinbefore respectively mentioned, are hereby granted to and conferred upon the said Company in respect to the extension of the Line of Railway herein authorized. Provided always that the said Company shall not exercise or enjoy any of the rights, powers, and privileges by this section conferred in respect to the extension of the said Line, to, over, upon, and across the said Suspension Bridge, until the same is sanctioned by the Governor in Council, and such rights, powers, and privileges shall thereafter be exercised under and subject to such conditions, stipulations, provisions, and restrictions as may be, from time to time, made, specified, and imposed under any Order of the Governor in Council in that behalf.

Proviso.

Power to Governor in Council to prescribe conditions as to use of Suspension Bridge.

4. The Governor in Council shall have full power to make and prescribe such conditions, stipulations, provisions and restrictions in respect to the extension of the said Line of Railway to, over, upon, and across the said Suspension Bridge, and generally in respect to the use of the said Bridge, and in any other respects whatsoever, and from time to time to alter and vary the same, and on breach by the said Company of any conditions, stipulations, provisions, and restrictions made by Order in Council, to restrain and prevent the use of the said Suspension Bridge by the said Company, or the running of their cars, carriages, or other vehicles upon or over the same, and may again thereafter authorize the use of the said Bridge as aforesaid.

Powers given to Municipal Councils in Province of Quebec.

5. All and every the rights, powers, and privileges in and by the said Acts hereinbefore mentioned, conferred upon the Corporation of the City of Ottawa are hereby in so far as the same are applicable thereto, conferred in and upon the Municipal Council of the Village of Hull, or of any other Municipalitythrough which or any part of which the extension of the Line of Railway hereby authorized shall at any time hereafter be made or constructed.

Powers given to Railway Companies to connect with Passenger Railway Co.

6. All and every the powers granted and conferred by the first section of the Act of the Legislature of the Province of Ontario hereinbefore mentioned, in respect to the connection of the said Ottawa City Passenger Railway with the Line of the Railway of the Saint Lawrence and Ottawa Railway Company shall extend to the connection with any Railway which may be constructed by the Saint Lawrence and Ottawa Railway Company under the 14th section of the Act of the Parliament of Canada, made and passed in the Thirty-first year of Her Majesty's Reign, intituled "An Act to incor- "porate the Saint Lawrence and Ottawa Railway Company," and to any other Railway or Tramway of like guage, the

construction of which from or in the vicinity of the Terminus of the Ottawa City Passenger Railway, in the Village of Hull, to any point in the Province of Quebec, may be authorized by any Act of the Parliament of Canada, or any Act of the Legislature of the Province of Quebec.

Period for extension of line under this Act.

7. All and every the powers conferred upon the Ottawa City Passenger Railway Company, in respect to its extension, shall be exercised by the commencement of the said work within six months after any order of the Governor in Council, sanctioning the same as hereinbefore provided, and the said work shall be completed within twelve months therefrom.

Repeal of Section 4, Act of Ontario.

8. The fourth section of the Act of the Legislature of Ontario, hereinbefore mentioned is hereby repealed.

Certain clauses of Railway Act, 1868, to apply.

9. "The Railway Act, 1868," shall apply to the Ottawa City Passenger Railway, and so far as the same is applicable to the undertaking, and not inconsistent with or repugnant to any of the provisions of the hereinbefore mentioned Acts affecting the said Company, or of this present Act, the same is incorporated with this present Act, and shall form part thereof, and be construed therewith, as forming one Act, provided that the sections of "The Railway Act, 1868," referred to by the words forming the headings of such sections respectively as are hereinafter mentioned, shall not be incorporated with this present Act, and shall be excepted from such incorporation, that is to say: "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "Working of the Railway," subsections one to ten inclusive, and "General Provisions."

No. 42.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act respecting the Ottawa City Passenger Railway Company.

PRIVATE BILL.

Mr. CURRIER.

OTTAWA:

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

1870.

No. 43.] **BILL.** [1870.

An Act respecting Banks and Banking.

Preamble.

WHEREAS, it is important that the provisions of Law respecting Banks and Banking in Canada should be as nearly as practicable uniform, and it is therefore expedient to enact certain clauses and provisions adapted to protect as well the interests of the public as of the Shareholders, which may be incorporated into any Act hereafter to be passed for establishing a New Bank, without its being necessary to repeat them in such Act, and which may in like manner, to be adopted as amendments to the Charter of any existing Bank, where such Charter requires to be amended :

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

Sub sections of this section to be deemed part of the Charter of any new bank, unless otherwise provided

1. Unless it be otherwise provided in any Act establishing a new Bank, or re-enacting and continuing the Charter of any now existing Bank, the following sub-sections of this Act, numbered from 1 to 20, and the clauses and provisions therein contained, shall be held to be incorporated with, and to form part of, such Act, as if therein repeated and enacted, subject always to the exceptions and provisions made in the said sub-sections with respect to Banks *en commandite:*

Amount to be paid up before commencing business.

1. The Bank shall not issue notes or commence the business of Banking until two hundred thousand dollars of its Capital shall have been *bonâ fide* paid up, nor until it shall have obtained from the Treasury Board a certificate that this condition has been complied with ; and the Treasury Board shall, before granting such certificate, be satisfied in such manner as may be prescribed by Regulations to be from time to time made by the Board and approved by the Governor in Council, that the said amount of the Capital has been *bonâ fide* paid up :

Paying up subscribed capital.

2. At least twenty per cent of the subscribed Capital of the Bank shall be paid up in each year after it shall have commenced the business of Banking :

Circulation—no notes less than $4.

3. The amount of notes intended for circulation, issued by the Bank and outstanding at any time, shall never exceed the amount of its unimpaired paid up capital, and no such note for a less sum than *four* dollars shall be issued by the Bank :

Place of redemption of notes, &c.

4. The Bank shall always receive in payment its own notes at par, at any of its offices, and whether they be made payable there or not ; but shall not be bound to redeem them in specie or Dominion Notes, at any place other than where they are made payable. The place or one of the places at which the notes of the Bank shall be made payable, shall always be its chief seat of business :

Part of Cash Reserves to be in Dominion Notes.

5. The Bank shall always hold, as nearly as may be practicable, one half of its Cash Reserves in Dominion Notes, and the proportion of such

Reserves held in Dominion Notes, shall never be less than one third thereof:

Lien of Bank on Stock, &c.

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

Paid-up Capital not to be impaired.

7. No dividend or bonus shall ever be made so as to impair the paid up Capital Stock, and if any dividend or bonus be so made, the Directors knowingly and wilfully concurring therein, shall be jointly and severally liable for the amount thereof, as a debt due by them to the Bank; and if any part of the paid up Capital be lost, the Directors shall, if all the subscribed stock be not paid up, forthwith make calls upon the Shareholders sufficient to make good such loss; and such loss (and the calls, if any) shall be mentioned in the Return then next made by the Bank to the Government:

Reserved Fund required before division of profits over 8 per cent.

8. No division of profits, either by way of dividends, or bonus, or both combined, or in any other way, exceeding the rate of *eight* per cent. per annum, shall be paid by the Bank, unless, after paying the same, it shall have a rest or reserved fund equal to at least *twenty* per cent. of its capital, deducting all bad and doubtful debts before calculating the amount of such rest.

Forfeiture for suspension beyond 90 days.

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

Powers of Assignees in such cases.

Liability of Shareholders in such case.

10. In the event of the property and assets of the Bank becoming insufficient to pay its debts and liabilities, the Shareholders of the Bank, in their private or natural capacities, shall be liable for the deficiency, so far as that each Shareholder shall be so liable to an amount (over and above any amount not paid up on their respective shares) equal to the amount of their shares respectively; and if any suspension of payment in full, in specie or Dominion notes, of all or any of the notes or other liabilities of the Bank, shall continue for *six months*, the Directors may and shall make calls on such Shareholders to the amount they may deem necessary to pay all the debts and liabilities of the Bank, without waiting for the collection of any debts due to it, or the sale of any of its assets or property;—such calls shall be made at like intervals and for like amounts as calls on unpaid stock, and payment thereof may be enforced in like manner, and the first of such calls shall be made within *ten days* after the expiration of the said six months; and any failure on the part of any Stockholder liable to such call, to pay the same when due, shall operate a forfeiture by such Stockholder of all claim in or to any part of the assets of the Bank, such call and any further call thereafter, being nevertheless recoverable from him, as if no such forfeiture had been incurred: Provided that, if the Bank be *en commandite* and the principal partners are personally liable, then, in case of any such suspension, such liability shall at once accrue and may be enforced against such principal partners, without waiting for any sale or discussion of the property or assets of the Bank, or other preliminary proceedings whatever, and the provision respecting calls shall not apply to such Bank:

Calls to be made.

Proviso: as to Banks *en commandite*.

Duration of liability of Shareholders transferring their shares.

11. Persons who, having been Shareholders in the Bank, have only transferred their shares or any of them to others, or registered the transfer thereof, within *one month* before the commencement of the suspension of payment by the Bank, shall be liable to calls on such shares under the next preceding sub-section as if they had not transferred them, saving their recourse against those to whom they were transferred; and any

Director refusing to make or enforce, or to concur in making or enforcing any such call, shall be deemed guilty of a misdemeanor, and shall be personally responsible for any damages suffered by such default; and any assignee, or other officer, or person appointed to wind up the affairs of the Bank in case of its insolvency, shall have the powers of the Directors with respect to such calls: Provided that if the Bank be *en commandite*, the liability of the principal partners and of the *commanditaires* shall continue for such time after their ceasing to be such, as is or may be provided in the charter of the Bank; and the foregoing provisions, with respect to the transfer of shares or to calls, shall not apply to such Bank:

Proviso as to Banks *en commandite.*

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

Bank to be subject to any general winding up Act.

13. Each Shareholder in the Bank shall, on all occasions on which the votes of the Shareholders are to be taken, have one vote for each share held by him for at least three months before the time of voting. Shareholders may vote by proxy, but no person but a Shareholder shall be permitted to vote or act as such proxy; and no Manager, Cashier, Bank Clerk, or other subordinate officer of the Bank, shall either vote in person or by proxy, or hold a proxy for that purpose:

Votes and proxies.

14. The Shareholders in the Bank shall have power to regulate by by-law, the following matters incident to the management and administration of the affairs of the Bank, viz: The qualification and number of the Directors, which shall not be less than five, nor more than ten;— the method of filling up vacancies in the Board of Directors, whenever the same may occur during each year; and the remuneration of the President, Vice-President, and other Directors; but no Director shall hold less than three thousand dollars of the stock of the Bank, when the *paid up* capital thereof is one million of dollars or less;—or less than four thousand dollars of Stock, when the paid up capital thereof is over one million, and does not exceed three millions,—nor less than five thousand dollars of Stock, when the paid up capital thereof exceeds three millions: the Directors shall be elected annually by the Shareholders, and shall be eligible for re-election. Provided that the foregoing provisions touching Directors, shall not apply to a Bank *en commandite*, which shall in these matters be governed by the provisions of its Charter. The Shareholders (or if the Bank be *en commandite*, the principal partners) may regulate, by by-law, the amount of discounts or loans which may be made to Directors, (or if the Bank be *en commandite*, to the principal partners,) either jointly or severally, or to any one firm or person, or to any shareholder, or to corporations: provided always, that the aggregate amount of discounts and advances, made by the Bank upon commercial paper or securities to any Director, or any firm of which a Director is a partner, (or if the Bank be *en commandite* to any principal partner or any firm in which a principal partner in the Bank is a partner) shall never, at any one time, exceed one-twentieth of the total amount of the discounts and advances made by the Bank at the same time.

Shareholders may regulate certain matters by By-law.

Directors and their qualification.

Proviso: as to Bank *en commandite.*

Loans and to Directors.

Further proviso as to such loans.

15. Certified lists of the Shareholders, (or of the principal partners if the Bank be *en commandite*,) with their additions and residences, and the number of shares they respectively hold, shall be laid before Parliament every year, within fifteen days after the opening of the Session.

Certified lists of Shareholders to be laid before Parliament.

16. The monthly returns to be made by the Bank to the Government shall be in the following form, and shall be made up on the first juridical day of each month, and shall exhibit the condition of the Bank on the last juridical day of the month preceding; and such monthly returns shall be signed by the President, or the Director (or if the Bank be *en commandite*, the principal partner) then acting as President, and by the Cashier, or other principal officer of the Bank at its chief seat of business:

Form and times of making Returns to Government.

The form.

RETURN of the amount of Liabilities and Assets of the Bank, on the day of A.D. 18 .

CAPITAL AUTHORIZED, $.	CAPITAL SUBSCRIBED, $.	CAPITAL PAID UP, $.

LIABILITIES.

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

ASSETS.

		$	cts.
1	Specie		
2	Provincial or Dominion Notes		
3	Notes of other Banks		
4	Balances due from other Banks in Canada		
5	Balances due from other Banks or Agents not in Canada		
6	Government Debentures or Stock		
7	Loans to the Government		
8	Loans, Discounts, or Advances on Current Account to Corporations		
9	Notes and Bills discounted, and current		
10	Notes and Bills discounted, overdue and not specially secured		
11	Overdue Debts secured by Mortgage, or other Deed, on Real Estate, or by Deposit of, or lien on Stock, or by other Securities		
12	Real Estate, the property of the Bank, (other than the Bank Premises,) and Mortgages on Real Estate *sold* by the Bank		
13	Bank Premises		
14	Other Assets not included under the foregoing heads		

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

(*Place*) this day of 18

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

Wilfully false statement in Returns, &c., to be misdemeanor,

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

Or any unfair preference given to any creditor.

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

Bank to be subject to any general Act.

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

Duration of Charter.

20. The Act incorporating the Bank shall continue in force until the end of the Session commencing next after the first day of January 1881, and no longer.

Existing Banks may obtain an extension of Charters from the Governor in Council, subject to certain provisions.

2. The Directors of any now existing Bank, being thereunto authorized at a general meeting of the Shareholders, called for that purpose, or the principal partners of a Bank *en commandite*, may, at any time before the expiration of its present charter, notify the Minister of Finance of their intention to apply for an extension or modification of its Charter, with amendments embodying and applying to such Bank the provisions contained in the last eighteen sub-sections of the preceding section, and may apply to the Governor General for a Charter granting the extension or modification with such amendments, which Charter the Governor in Council shall grant on the report of the Minister of Justice and of the Treasury Board that it is in conformity with this Act; such Charter shall contain such of the provisions of the Act incorporating the Bank, and of the Act or Acts (if any) amending it as are then in force, and are not inconsistent with the said last eighteen sub-sections of the next preceding section, and such of the provisions of the said eighteen sub-sections as would be applicable to a new Bank of the same kind (that is to say, *en commandite* or not *en commandite*), and shall provide for the continuance of the Charter and the privileges thereby granted, until the period mentioned in the last of the said sub-sections. And such Charter shall commence and take effect from and after the expiration of the present Charter of the Bank, unless an earlier period be therein fixed for its commencement (as it may be by the consent of the Directors or Principal Partners applying for it, such Directors being authorized to give such consent by the Shareholders as aforesaid), in which case it shall commence and take effect at the period so fixed, and the Present Charter shall then be held to have expired: Provided, always, that such Charter shall not be construed as a new Charter or Law, or as making the Bank a new corporation, but as continuing the present Charter and the corporation therein mentioned, subject to the amendments aforesaid: And provided also, that any provision contained in a Charter granted under this Act, altering the qualification of Directors, shall not take effect until the election of Directors next after the time when such Charter shall come into force.

Commencement of such Charter.

Proviso.

Proviso.

Its effect: copy to be laid before Parliament.

3. Any Charter granted under this Act, shall, so far, and so far only as its provisions are consistent with this Act, have the same force and effect as if recited in, and confirmed by, an Act of Parliament of Canada, and a copy of every such Charter shall be laid before Parliament within the first fifteen days of the then next Session thereof.

As to notes under $4.

4. No Bank obtaining a Charter under this Act, shall, after such Charter shall come into force, issue any note for a less sum than four dollars, and all such notes of the Bank then outstanding shall be called in and redeemed as soon as practicable.

Exemption from tax in circulation.

5. Every new Bank shall, and every existing Bank obtaining a Charter under this Act, shall, from the time when such Charter shall come into force, be exempt from the tax now imposed on the average amount of its notes in circulation, and to which other Banks will continue liable.

Provisions concerning the Bank of British North America.

6. The Bank of British North America, which, by the terms of its present Charter, is to be subject to the general laws of the Dominion, with respect to Banks and Banking, shall not, after the first day of January, 1871, issue or re-issue in Canada, any note for a less sum than four dollars, and any such notes of the said Bank, then outstanding shall be called in and redeemed as soon as practicable: and the provisions contained in the fourth, fifth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth sub-sections of the first section of this Act, shall apply to the said Bank; those contained in the other sub-sections shall not apply to it.

Enchange of specie for Dominion Notes.

7. The Receiver General shall make such arrangements as may be necessary for ensuring the delivery of Dominion Notes to any Bank, in exchange for an equivalent amount of specie, at the several offices at which Dominion Notes will be redeemable, in the cities of Toronto, Montreal, Halifax, and St. John (N.B.), respectively.

Chartered Banks only to issue notes for circulation. Penalty.

8. No private person or party, except a Chartered Bank, shall issue or re-issue, make, draw, or indorse, any bill, bond, note, check or other instrument, intended to circulate as money, or to be used as a substitute for money, for any amount whatever; under a penalty of *four hundred dollars*, to be recovered with costs, in any court having civil jurisdiction to the amount, by any party who will sue for the same; and one half of such sum shall belong to the party suing for the same, and the other half to Her Majesty, for the public uses of the Dominion:

When shall be deemed such notes.

The intention to pass any such instrument as money, shall be presumed, if it be made for the payment of a less sum than twenty dollars, and be payable either in form or in fact to the bearer thereof, or at sight or on demand, or at less than thirty days thereafter, or be overdue, or be in any way calculated or designed for circulation, or as a substitute for money; unless such instrument be a check on some Chartered Bank, paid by the maker directly to his immediate creditor, or a promissory note, bill of exchange, bond or other undertaking, for the payment of money paid or delivered by the maker thereof to his immediate creditor, and be not designed to circulate as a substitute for money:

Proviso as to Halifax Banking Company.

Provided always, that the Halifax Banking Company may, until the end of the year 1874, continue to re-issue their notes now in circulation, but the whole of such notes shall, as far as practicable, be called in and withdrawn by the end of the said year:

Act 31 Vic. continued.

9. The Act passed in the thirty-first year of Her Majesty's Reign, Chapter 11, intituled "*An Act respecting Banks*," shall be, and is, hereby continued until the end of the Session of Parliament, commencing next, after the first day of January, one thousand eight hundred and

No. 43.

3rd Session, 1st Parliament, 33 V

BILL.

An Act respecting Banks and

Received and read, First time, Th
March, 1870.

Second reading, Tuesday, 22nd Mar

Honorable Sir. F.

OTTAWA:

Printed by I. B. Taylor, 29, 31, and 33, R
1870.

44

An Act to amend the Act respecting the Office of Queen's Printer.

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

1. The Queen's Printer shall be an Officer of the Department of the Secretary of State of Canada, and shall have and perform such duties as now are, or may be hereafter assigned to him by law, or by order of the Governor in Council, or by the Secretary of State, under the supervision and direction of the Secretary of State.

2. This Act shall be construed as one Act with the Act thirty-second and thirty-third Victoria, chapter seven.

No. 45.] **BILL.** [1870.

An Act to incorporate "The Society of Canadian Artists."

WHEREAS Charles J. May, O. R. Jacobi, A. Vogt Allan Edson and other Artists, members of an Association of Canadian Artists, have by Petition set forth that they have during the last two years existed as an association known as "The Society of Canadian Artists," having for their object the advancement of the Fine Arts in the Dominion of Canada, by elevating the standard of art, training artists throughout this Dominion and inciting them to emulation in the production of works of art for public exhibition and disposal, in the manner practised by the Art Unions of Great Britain, France, and other European Powers, and for these purposes to establish and maintain schools of art and design, Art libraries, Picture Galleries, and Art unions, at the same time providing for the relief of indigent artists, their widows and children, in case of sickness, old age, or death, by an annual subscription of its members, to form a fund distributable according to their wants and neceessities; and that they are desirous of being enabled to carry out the objects of such association, by legislative enactment, incorporating them under the name of "The Society of Canadian Artists," and whereas 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 said Charles J. May, O. R. Jacobi, A. Vogt, Allan Edson, and all other persons, being artists, who may, by virtue of this Act, replace, or be united with them, shall be, and they are hereby constituted a body politic and corporate, under the name of "The Society of Canadian Artists," for all and every the purposes and ends aforesaid, and, under the said name, may acquire, by any legal title whatever, such real estate as they may require for their actual use and occupation, as such association; and may sell and alienate any real estate held by them, and acquire other instead thereof, for the purposes of this Act, and may acquire any other real estate or interest therein, by gift, devise, or bequest, and may hold such real estate for a period of not more than five years, but the same, or any part, or portion thereof, or interest therein which may not, within the said period, have been alienated, shall revert to the party from whom the same was acquired, his heirs, or other representatives. Certain persons incorporated.

2. The Corporation shall have power to administer their affairs by such and so many councillors, and other officers, and under such restrictions as touching their powers and duties as any By-laws in that behalf they may, from time to Officers of Corporation.

time, ordain: and they may assign to any of such officers, such remuneration as they may deem requisite.

By-laws for certain purposes.

3. The Corporation may make all such By-laws, not contrary to Law, as they may deem expedient for the Government thereof, the maintainance and due regulation of any and every Gallery of Art, School of Design, Museum, Library, Reading Room, Art Union, or other subsiduary undertaking of the like description, which they may find practicable and conducive to the advancement of the Fine Arts, the raising of capital by the issue of transferable shares, or otherwise, the conditions under which such shares shall be issued and may be transferred, or forfeited, and the administration of their affairs generally, and may amend and repeal such By-laws, from time to time, observing always, however, such formalities of proceedure as, by such By-laws, may have been prescribed to that end; and, generally, shall have all needful corporate powers, for the aforesaid purposes of their organization and the purposes of this Act.

Application of revenues.

4. All the revenues of the Corporation, from whatever source they may be derived, shall be devoted exclusively to the maintenance and objects of the Corporation, and of such aids and reliefs to indigent Artists, their widows, and children, purposes and undertakings as aforesaid, and to the acquisition, improvement, and repair of the buildings, and other real estate required to that end, and to the purchase of pictures and books for the supply of their Gallery of Art, School of Design, Art Unions, and Libraries aforesaid, and to no other purposes whatsoever.

Corporation may establish an Art Union.

5. And it shall be lawful for the said Corporation to establish and maintain an Art Union in connection with the other operations of the said Corporation, and, for that purpose, to purchase, or otherwise acquire pictures, or other works of art, and distribute the same amongst the members of the said Corporation, or subscribers, or contributors to its fund, by lot or chance, under By-laws enacted, or to be enacted, to regulate such distribution, anything contained in chapter ninety-five of the consolidated statutes of the late Province of Canada, intituled "An Act respecting Lotteries," or any other law, custom, or usage to the contrary, notwithstanding.

No. 45.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to incorporate "The Society of Canadian Artists."

PRIVATE BILL.

Mr. WORKMAN

OTTAWA:

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

1870.

No. 46.] **BILL.** [1870.

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

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

1. This Act may be cited as "The *Crédit Foncier* Act, 1870." Short title.

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

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

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

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

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

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

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

3. The amount of its Capital Stock.

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

5. The names in full, and the address and calling of each of the applicants, with special mention of the names of not less than three, nor more than nine of their number, who

are to be the first Directors, and all of whom must be resident in Canada and subjects of Her Majesty.

Petition for

5. At any time not more than one month after the last publication of such notice, the applicants may petition the Governor General, through the Secretary of State, of Canada, for the issue of such Letters Patent.

Its contents.

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

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

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

Proof of facts alleged.

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

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

Contents of Letters Patent.

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

Notice of granting.

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

Corporate rights of Credit Foncier.

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

To be subject to this Act.

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

First general meeting.

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

First Directors.

12. At the said meeting, nine Directors shall be chosen, who shall elect their President; they shall form the Board of Directors of the Crédit Foncier; the list of subscriptions shall be transferred to the Board, who shall give notice of the times and places at which they will be opened and deposited for receiving further subscriptions.

Assistant Directors.

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

Qualification.

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

Quorum.

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

To hold office till replaced.

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

Retirement by rotation.

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

Amount of first instalment.

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

Payment of Instalment.

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

Stockholders may pay up Stock in full.

20. If any person subscribing for shares in the capital stock of the said Crédit Foncier, is desirous of paying up, either at the time of subscribing, or at any other time the full amount of his shares, the Directors may at any time admit and receive such subscriptions, and the full payment or payments of any number of instalments upon such con-

ditions as they may deem expedient, provided that it be open to all Shareholders to avail themselves of similar conditions.

Failure to pay instalments.

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

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Vacancies among Directors.

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

Scale of Votes

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

Above 2 shares to 1 vote for every 2 additional shares.

"	10	"	1	"	4 "
"	18	"	1	"	6 "
"	30	"	1	"	10 "

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

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

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

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

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

Shareholders classified.

26. The Shareholders are divided into two classes, that is to say: responsible Shareholders and ordinary Shareholders; the responsible Shareholders are personally responsible for all the debts of the Crédit Foncier, but they have the sole right to the reserve fund, subject, nevertheless, to the restrictions hereinafter mentioned; the ordinary Shareholders are not liable for more than the amount of their shares, the payment of the amount of which shares to the Crédit Foncier frees them from any further liability; any person who, at the time of subscribing, shall not have expressly declared in writing his intention of becoming a responsible Shareholder, shall be and remain an ordinary Shareholder, notwithstanding any subsequent participation by him in the management or direction of the Crédit Foncier; the responsible Shareholders shall elect five Directors, and the four other Directors shall be elected by the Shareholders present.

Shares and their transfer

27. The shares of the capital stock of the Crédit Foncier, shall be held and adjudged to be personal property, and shall be transmissible accordingly, and shall be assignable and transferable at the chief place of business of the Crédit Foncier or at any of its branches which the Directors shall appoint for that purpose, and according to such form as the Directors shall from time to time prescribe; but no assignment or transfer shall be valid and effectual, unless it be made and registered in a book or books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge, to the satisfaction of the Directors, all debts actually due or contracted and not then due by him, her or them, to the institution which may exceed in amount the remaining stock (if any) belonging to

such person or persons; and no fractional part or parts of a share, or other than a whole share shall be assignable or transferable, and when any share or shares of the said capital stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed, shall, within thirty days after the sale, leave with the Cashier of the Crédit Foncier an attested copy of the writ, with the certificate of such Sheriff endorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all the debts due or contracted, but not then due by the original holder or holders of the said shares to the Crédit Foncier shall have been discharged as aforesaid) the President or Vice-President or Cashier shall execute the transfer of the share or shares so sold to the purchaser, and such transfer being duly executed, shall be to all intents and purposes valid and effectual in law, as if it had been executed by the original holder or holders of the said share or shares; any law or usage to the contrary notwithstanding; the transfer of any share or shares belonging to a responsible shareholder, for whatever cause, or in whatever manner made except by will or succession, shall not render the transferee a responsible Shareholder, if such share or shares have not been transferred with the express condition that such transfer shall render the new proprietor thereof a responsible Shareholder.

Shares transferable in United Kingdom and elsewhere.

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

Case of death or insolvency of a Shareholder.

29. If the interest in any share in the Crédit Foncier become transmitted, in consequence of the death or bankrutcy or insolvency of any Shareholder, or in consequence of the marriage of a female Shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors shall require; and every such declaration shall be by the party making and signing the same, acknowledged before a Judge of a Court of Record, or before the Mayor, Provost, or Chief Magistrate of any city, town, borough, or other place, or before a public Notary, when the same shall be made and signed; and every such declaration so signed and acknowledged, shall be left with the Cashier, or other officer or agent of the Crédit Foncier, duly authorized to that effect, who shall thereupon enter the name of the party entitled under such transmission in the register of Shareholders; and until such transmission shall have been so authenticated, no party or persons claiming by virtue of any such transmission, shall be entitled to receive any share of the profits, nor to vote in respect of any such share, as to the holder thereof: Provided always, that every such declaration

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and instrument, as by this and the following section of this Act is required to perfect the transmission of a share, which shall be made in any other country than this, or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited representative of the British Government, in the country where the declaration shall be made or shall be made directly before such British Consul or Vice-Consul or other accredited representative; and provided also, that nothing in this Act contained, shall be held to debor the Directors, Cashier, or other officer or agent of the Credit Foncier, from requiring corroborative evidence of any fact or facts alleged in any such declaration.

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In case transmission of stock be by marriage.

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

If, by decease of a Shareholder.

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

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

32. The Crédit Foncier shall not be bound to see to the execution of any trust, whether expressed, implied, or constructed, to which any of the shares of its stock shall be subject; and the receipt of the party in whose name any such share shall stand in the books of the Crédit Foncier, or if it stand in the name of more parties than one, the receipt of one of the parties shall from time to time be a sufficient discharge to the Crédit Foncier for any dividend or other

sum of money, payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Crédit Foncier have had notice of such trust, and the Crédit Foncier shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

Annual general meeting and Report.

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

Directors to make by-laws

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

And appoint Officers, &c.

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

Corporate Seal.

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

Certified extracts from books, &c.

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

Credit Foncier may only lend on first Mortgage.

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

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How annuity is be computed.

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

Rate of interest.

40. The Crédit Foncier shall not charge on its loan, or to its debtor, a higher rate of interest than eight per cent.

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

41. The rate of payment of the sinking fund shall be calculated so as not to last more than fifty years, with power nevertheless, to the borrower to acquit himself of the whole,

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

Partial repayments.

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

Indemnity in case of anticipatory payment.

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

Costs of management.

44. The Crédit Foncier shall be empowered to charge one per cent. per annum on its loans for costs of management.

Power to issue Mortgage bonds.

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

Amount of bonds.

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

Coupons may be attached.

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

How payable.

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

Removal of doubts as to ownership of stock or bonds

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

Proviso.

Proviso.

Bonds divided into series.

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

Liability of Directors in case of Mortgage bonds be issued in excess of amount authorized.

51. In case the Crédit Foncier should at any time issue a larger amount of mortgage bonds calculated at par, than they are authorized to do by this Act, the Directors under whose administration the excess shall happen, shall be jointly and severally liable for the same, in their private capacity, as well to the Shareholders, as to the holders of the mortgage bonds of the Crédit Foncier, and an action or actions in that behalf, may be brought against them or any of them, and the heirs, executors, administrators, or curators of them, or any of them, and be prosecuted to judgment and execution according to law; but such action shall not exempt the Crédit Foncier, nor its lands, tenements, goods or chattels, from being also liable for such excess; Provided always, that if any Director present at the time of contracting any such excess of debt, shall forthwith, or if any Director absent at the time of contracting any such excess of debt, do, within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of the Crédit Foncier, his protest against the same, and do within eight days thereafter, publish such protest, in at least one newspaper, he may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators, or curators, from the liability aforesaid, anything herein contained, or any law to the contrary notwithstanding; Provided always, that such publication shall not exonerate any Director as a Shareholder.

Liability for interest.

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

Inspection of books, &c., by bondholders.

Censors on behalf of bondholders.

53. The mortgage bondholders or their agents shall be entitled, at any time during office hours, to inspect the books of the Crédit Foncier, in the presence of one of the employees of the institution, upon payment of a fee of twenty-five cents per hour; they shall also be entitled to demand, certified extracts on payment of ten cents for every hundred words, and fifty cents for each certificate; Provided always, that such inspection of the said books shall not take place when they are required for making the entries, or so as to interfere with the transaction of business; the mortgage bondholders shall also be empowered to elect three censors, who shall have the right to be present at all the meetings of the Directors; to take part in all the deliberations; to express their opinions, and discuss them; see and examine the books; verify, criticise and approve all the operations of the Crédit Foncier, in the interest and for the satisfaction of the mortgage bondholders; the mortgage bondholders shall apply to the Crédit Foncier for the payment of their mortgage bonds and dues; the mortgage bondholders can only apply for payment to the occupant (*détenteur*) of the immovables mortgaged to the Crédit Foncier, or for the guarantee of the mortgage bonds, after discussion of the property of the Crédit Foncier.

Bonds presented elsewhere than at place specified for payment.

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

Reserve Fund Its composition.

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

Its application

56. The Directors may use the reserve fund in loans on mortgage; the responsible Shareholders, although alone entitled to the reserve fund, shall nevertheless receive nothing therefrom, until it has reached an amount equal to one-fourth of all instalments paid in upon the shares of the first capital stock, and the reserve fund having attained that amount, shall always be maintained at the same; the responsible Shareholder being entitled only to the surplus or the profits accruing therefrom.

Payment of expenses.

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

Payment of debts, &c.

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

Applications for loans.

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

What shall be stated.

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

Costs.

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

Renunciation by Married Women.

62. Any married woman, being authorized to that effect by her husband, may renounce in favor of the Credit Foncier to

the priority of any right, privelege, claim, or hypothec whatsoever, which she might or would have, in virtue of any stipulated or customary power, matrimonial resumption (*reprises matrimoniales*) or for any other couse whatsoever, or any property sold or hypothecated, or preposed to be sold or hypothecated in favor of the Crédit Foncier.

Power to receive deposits.

63. The Crédit Foncier may receive deposits bearing, or not bearing interest, and may sell foreign bills of exchange, but for cash only; the Crédit Foncier shall have the right of retaining from the deposits the amount which might be due by the depositor.

Certificates of deposits.

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

Powers to enforce payment of loans.

65. The Crédit Foncier may at any time, exact payment of the balance not paid up, from any debtor who shall not have paid his annuity, three months after it shall have become due, or who shall have reduced the value of the land he has hypothecated, to such an extent as to endanger the claims of the Crédit Foncier; any debtor who shall neglect to pay his annuity at the time it shall become due, will incur a penalty in favor of the Crédit Foncier of two per cent. of the amount due, and of one per cent. on the same amount for each and every month he continues in arrear, besides all costs of notice, protest, collection and legal proceedings.

In case of dispute respecting value of Real Estate.

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

Interest on annuities.

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

Declaration and payment of dividends.

68. Whenever the Director shall be of opinion that the profits are sufficient, they may declace dividends, which shall

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

Forfeiture of Charter after suspension of payment for a certain period

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

Proceedings to prevent counterfeiting of bonds, &c.

70. It shall, and may be lawful to and for any Justice of the Peace, on complaint made before him, upon the oath of one creditable person, that there is just cause to suspect that any one or more persons or persons is, or are, or hath, or have been concerned in making or counterfeiting any false mortgage bonds, false interest coupons, false undertakings, or false orders of the said Crédit Foncier, or hath in his possession any plates, presses, or other instruments, tools or materials for making or counterfeiting the same, or any part thereof, by warrant, under the hand of such Justice, to cause the dwelling-house, room, workshop, or out-house, or other building, yard, garden, or other place, belonging to such suspected person or persons, or where any such person or persons shall be suspected of carrying on such making or counterfeiting to be searched; and if any such false mortgage bonds, false interest coupons, false undertakings, or false orders, or any plates, presses, or other tools, instruments, or materials shall be found in the custody or possession of any person or persons whomsoever, not having the same by some lawful authority, it shall, and may be lawful to, and for any person or persons whomsoever, discovering the same, to seize, and he or they, are hereby required to seize such false or counterfeit mortgage bonds, interest coupons, undertakings, or orders, and such plates, presses, or other tools, instruments or materials, and to carry the same forthwith, before a Justice of the Peace of the County or District (or if more convenient, of the adjoining County or District), in which the same shall be seized, who shall cause the same to be secured, and produced in evidence, against any person or persons who shall, or may be prosecuted for any of the offences aforesaid, in some Court of Justice, having competent jurisdiction for the determination thereof, and the same, after being so produced in evidence, shall, by order of the Court, be defaced or destroyed, or otherwise disposed of, as such Court shall direct.

Semi-Annual Statements to Minister of Finance.

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

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

Attestation thereof.

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

Statement to be published.

Penalty on neglect to transmit it.

In what cases Minister of Finance may suspend the business.

SCHEDULE A.

Public notice is hereby given, that under The Crédit Foncier Act 1870, Letters Patent have been issued under the Great Seal of the Dominion of Canada, bearing date the day of , incorporating (*Here state names, address, and calling of each incorporation named in the Letters Patent*) as a *Crédit Foncier* by the name of (*Here state name of Crédit Foncier as set forth in the Letters Patent* with a total capital stock of dollars divided into shares of dollars each.

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

A. B.
Secretary.

No. 46.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

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

Received and read, First time, Friday, March 18, 1870.
Second reading, Monday, March 21, 1870.

Mr. DUFRESNE.

OTTAWA:
Printed by I. B. TAYLOR, 29, 31, and 33, Rideau-street.
1870.

No. 47] **BILL.** [1870.

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

Preamble.

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

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

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

Penalty for contravening this Act.

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

Fishery officers to act under this Act

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

Exemptions in certain cases.

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

No. 47.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

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

Received and read, First time, Friday, 18th March, 1870.

Second reading, Monday, 21st March, 1870.

Mr. CARTWRIGHT.

OTTAWA.

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

1870.

No. 43.] **BILL.** [1870.

An Act to establish a Supreme Court for Canada.

NOTE.—*The clauses and words in brackets* [ ] *are to originate in Committee of the Whole.*

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

1. There is hereby constituted and established, a Court of Common Law and Equity, in and for the Dominion of Canada, which shall be called "The Supreme Court of Canada." Court established.

2. The said Court shall be a Court of Record. Of Record.

THE JUDGES.

3. The Court shall consist of a Chief Justice and six Puisne Judges, any five of whom, in the absence of the others of them, may lawfully hold the Court in Term. Number and quorum.

4. Her Majesty may appoint, by Letters Patent under the Great Seal of Canada, one person, who is or has been, a Judge of one of the Superior Courts in either of the Provinces of Ontario, Quebec, Nova Scotia, or New Brunswick, or who is a Barrister or Advocate of at least fifteen years' standing at the Bar of any of the said Provinces, to be Chief Justice of the Court, and six persons who are or have been Judges of one of the said Superior Courts, or who are Barristers or Advocates of at least ten years' standing at the Bar of any of the said Provinces, to be Puisne Judges of the Court; and vacancies in any of the said offices shall, from time to time, be filled in like manner. Qualification of Chief Justice and Judges, respectively. Vacancies.

5. The Chief Justice of the Court shall have rank and precedence over all other Judges in the Dominion, or in any of the Provinces thereof; and the Puisne Judges of the Court shall also take precedence over all other Judges in the Dominion, or in any of the Provinces, except the Chief Justices in the several Provinces and the Chancellor of Upper Canada, and as between themselves according to seniority of appointment. Rank and precedence.

6. The Judges to be appointed under this Act shall reside at the City of Ottawa or within . . . . . miles thereof, and shall hold their offices during good behaviour; but the Governor General may remove any Judge upon the address of the Senate and House of Commons. Tenure of Office.

7. [The salary of the Chief Justice of the said Court shall be dollars per annum, and that of each of the Puisne Judges dollars per annum, and so *pro ratâ* for any less period than a year during which they shall respectively hold the Salaries, and how payable.

office, and shall be payable out of the Consolidated Revenue Fund of Canada, next after any sums already charged thereon.]

Retiring allowances of Judges of the Court.

8. [Whenever any Judge of the said Court has held such office for fifteen years or upwards, or has held such office and the office of Judge of one or more of the Superior Courts of Law or Equity, or of the Court of Vice Admiralty, in any Province in Canada, for periods amounting together to fifteen years or upwards, or becomes afflicted with some permanent infirmity disabling him for the due execution of his office, then if such Judge resigns his office, Her Majesty may by Letters Patent under the Great Seal of Canada, reciting such fact, grant him an annuity equal to two-thirds of the salary attached to the office he held at the time of his resignation, and to commence from the date thereof, and to be paid out of the Consolidated Revenue Fund of Canada, and payable *pro ratâ* for any less period than a year.]

Oath of office.

9. Every Judge to be appointed in pursuance of this Act, shall, previously to his executing the duties of his office, take the following Oath:

Form.

"I, , do solemnly and sincerely promise, and swear, "that I will duly and faithfully, and to the best of my skill and "knowledge, execute the powers and trusts reposed in me, as "Chief Justice (*or* as one of the Judges) of the Supreme Court of "Canada."

How administered.

10. The Oath shall be administered to the Chief Justice by the Governor in Council, and to the Puisne Judges in open Court by the Chief Justice.

Judges to hold no other office.

11. No Judge to be appointed under this Act shall hold any other Office either under the Government of Canada, or under the Government of any Province of Canada.

APPELLATE JURISDICTION.

Jurisdiction throughout Canada.

12. The Supreme Court shall have, hold, and exercise, an appellate civil and criminal jurisdiction within and throughout Canada.

Interpretation clause.

13. Unless it is otherwise provided, or the context manifestly requires another construction, the following words and expressions, when used in this Act, shall have the meaning hereby assigned to them respectively:—The word, "Judgment," when used with reference to the Court appealed from, includes any judgment, rule, order, decree, decretal order, or sentence; and when used with reference to the Supreme Court it includes any judgment or order of that Court: The word "Appeal" includes any appeal or proceeding in error to set aside or alter any judgment of the Court appealed from on a point of law, as well as an Appeal founded on the facts, or on the facts and law of any case: The expression "the Court," means the Supreme Court; and the expression "the Court appealed from," means the Court from which the Appeal has been brought directly to the Supreme Court, whether such Court be a Court of original jurisdiction, or a Court of Error and Appeal.

From what Provincial Courts Appeal lies.

14. Subject to the limitations hereinafter made,—an Appeal shall lie to the Supreme Court from all final judgments of the Court of Error and Appeal in the Province of Ontario, of the Court of Queen's Bench in the Province of Quebec, of the Supreme Court

in either of the Provinces of Nova Scotia and New Brunswick, and of any other Superior Court of last resort, now or hereafter established in any Province of Canada,—and from any preliminary or interlocutory judgment which would carry execution by ordering something to be done which could not be remedied by the final Judgment, or whereby the matter in contestation may be in part decided, or whereby the final hearing and judgment would be unnecessarily delayed.

Appeal by consent of parties.

15. An appeal shall also lie directly to the Supreme Court from all judgments in civil matters of any of the Courts of Superior Jurisdiction in any of the Provinces, by consent of parties.

Quorum in Appeal

Proviso.

16. Five Judges of the Supreme Court shall constitute a quorum for the purpose of hearing and determining cases in Appeal: Provided that no judgment of the Court appealed from shall be affirmed or reversed without the concurrence of at least four Judges of the Supreme Court; except that where the number of Judges concurring is less than four, and either party desires to appeal to Her Majesty in Council, the judgment of the majority of the judges present at its delivery may, by consent of parties, be considered the judgment of the Court for the purpose of allowing such Appeal, but for no other purpose whatever.

Two Terms in Appeal yearly.

17. The Supreme Court, for the purpose of hearing and determining Appeals and of exercising such original jurisdiction as is hereinafter directed to be exercised by the Court sitting in Term, shall hold two terms in each year, at the City of Ottawa, one of such terms beginning on the third Monday in January, and the other beginning on the first Monday in June, in each year, and each of such terms shall continue for the space of twenty days, subject to the provision in the next following section.

Power to adjourn.

18. The Supreme Court may continue the said terms beyond the said twenty days, or adjourn the same from time to time, and meet again at the time appointed, for the transaction of business; and any sittings held in pursuance of such continuance or adjournment shall be deemed part of the term, and the Court may then do whatever it could do during the said twenty days.

Power to quash proceedings in certain cases.

19. The Supreme Court shall have power to quash proceedings in cases brought before it, in which an Appeal does not lie, or where such proceedings are taken against good faith, or in which proceedings in Error may be quashed according to the law and practice of the Court of Exchequer Chamber in England.

Power to dismiss Appeal or give the judgment which ought to have been given.

Costs.

20. The Supreme Court shall have power to dismiss an Appeal, or to give the judgment, and to award the process or other proceedings, which the Court whose judgment is appealed from ought to have given or awarded; and the Court, in its discretion, may make any order with respect to the payment of costs in the Court appealed from, or in the Court below it (if any) in which the cause originated, and also of the Appeal, and as well when the judgment appealed from is reversed, as when it is affirmed.

Proceedings in Appeal.

21. Proceedings in the Supreme Court in Appeal shall, when not otherwise provided for by this Act, or by the general rules and orders to be made in pursuance hereof, be as nearly as possible in conformity with the present practice of the Judicial Committee of Her Majesty's Privy Council in England.

Discontinuing proceedings.

22. An Appellant may discontinue his proceedings by giving to the Respondent, and filing in the office of the Registrar, a notice entitled in the Court and cause and signed by the Appellant, his Attorney or Solicitor, stating that he discontinues such proceedings, and thereupon any Judge of the Court in chambers may direct judgment to be entered, as of course, dismissing the appeal, with costs, and the Respondent shall be at once entitled to the costs of, and occasioned by, the proceedings in Appeal.

Consent to reversal.

23. A Respondent may consent to the reversal of the judgment appealed from, by giving to the Appellant a notice entitled in the Court and cause, and signed by the Respondent, his attorney or solicitor, stating that he consents to the reversal of the judgment, and thereupon the Court shall pronounce judgment of reversal, as of course.

Judgment, &c., to be carried out by Court below.

24. The judgment of the Supreme Court in Appeal, shall be certified by the Registrar, to the proper officer of the Court appealed from, and all subsequent proceedings may be taken thereupon as if the judgment had been given or pronounced in the Court last mentioned.

Motion for dismissal if case be not proceeded with.

25. In case an Appellant unduly delays to prosecute his appeal, or fails to bring on the appeal to be heard at the first term of the Supreme Court, after the appeal is ripe for hearing, the Respondent may, on notice to the Appellant, move the Court, or a Judge thereof in Chambers, for the dismissal of the Appeal, and such order shall thereupon be made as to the Court or Judge seems just.

Appeal upon special case.

26. An Appeal shall lie to the Supreme Court from a judgment upon a special case, unless the parties agree to the contrary; and the proceedings for bringing a special case before the Court shall, as nearly as possible, be the same as in the case of a special verdict, and the Court shall draw any inferences of fact from the facts stated in the special case which the Court appealed from ought to have drawn.

Notice required.

27. No Appeal shall be allowed in any case, unless notice thereof be given in writing to the opposite party, or his Attorney or Solicitor, within twenty days after the judgment complained of, or within such further time as the Court appealed from, or a Judge thereof may allow.

Notice of reasons of Appeal.

28. No Appeal shall be allowed, unless within twenty days after such notice shall have been given, or within such further time as the Court appealed from, or a Judge thereof may allow, the Appellant files with the proper officer of the said Court, a memorandum or statement in writing of the grounds of Appeal.

Exception :— Appeal may be allowed under special circumstances

29. Provided always, that the Supreme Court, or any Judge thereof, may allow an Appeal under special circumstances, notwithstanding that the notice of Appeal may not have been given, or the memorandum or statement of the grounds of Appeal filed, within the time or in the manner hereinbefore provided; but in such case, the Court or Judge shall impose such terms as to security or otherwise, as may seem proper.

30. No Appeal shall be allowed until the Appellant has given proper security to the extent of five hundred dollars to the satisfaction of the Court from whose judgment he is about to appeal, or a Judge thereof, that he will effectually prosecute his Appeal and pay such costs and damages as may be awarded, in case the judgment appealed from be affirmed. Security in Appeal or Error, $500.

31. Upon the perfecting of such security, execution shall be stayed in the original cause, except in the following cases :— Execution stayed.

1. If the judgment appealed from directs an assignment, or delivery of documents, or personal property, the execution of the judgment shall not be stayed until the things directed to be assigned or delivered have been brought into the Court appealed from, or placed in the custody of such officer or receiver as the said Court may appoint, nor until security has been given to the satisfaction of the said Court, or of a Judge thereof, in such sum as the said Court or Judge may direct, that the Appellant will obey the judgment of the Supreme Court. :— Exceptions and conditions.
2. If the judgment appealed from directs the execution of a conveyance or any other instrument, the execution of the judgment shall not be stayed until the instrument has been executed and deposited with the proper officer of the Court appealed from, to abide the judgment of the Supreme Court.
3. Provided that, if the Court appealed from be itself a Court of Appeal, and such assignment or conveyance, document, instrument, or property, or thing, has been deposited in the custody of the proper officer of the Court in which the cause originated, the Appellant's consent that it shall so remain to abide the judgment of the Supreme Court, or of any appeal from it to the Queen in Council, shall be binding on him, and be deemed a compliance with the foregoing requirements of this section.
4. If the judgment appealed from directs the sale or delivery of possession of real or immoveable property or chattels real or immoveable, the execution of the judgment shall not be stayed until security has been entered into, to the satisfaction of the Court appealed from, or a Judge thereof, and in such sum as such last mentioned Court or Judge may direct, that during the possession of the property by the appellant, he will not commit, or suffer to be committed, any waste on the property, and that if the judgment appealed from be affirmed, he will pay the value of the use and occupation of the property from the time of the appeal until the delivery of possession thereof; and also, in case the judgment is for the sale of property, and the payment of a deficiency arising upon the sale, that the appellant will pay the deficiency.
5. If the judgment appealed from directs the payment of money, either as a debt, or for damages or costs, execution thereon shall not be stayed until the appellant has given security to the satisfaction of the Court appealed from, or of a Judge thereof, that if the judgment, or any part thereof, be affirmed, the appellant will pay the amount thereby directed to be paid, or the part thereof as to which the judgment may be affirmed, if it be affirmed only as to part, and all damages awarded against the appellant on appeal.

Perishable property.

32. If the judgment appealed from directs the delivery of perishable property, the Court appealed from, or a Judge thereof, may order the property to be sold, and the proceeds to be paid into Court, to abide the judgment in appeal.

Interest.

33. When, on an appeal against any judgment, the Supreme Court affirms such judgment, interest shall be allowed for such time as execution has been delayed by the appeal.

Fiat to Sheriff.

34. When the security has been perfected and allowed, any Judge of the Court appealed from, may issue his fiat to the Sheriff to whom any execution on the judgment, has issued, to stay the execution, and the execution shall be thereby stayed, whether a levy has been made under it or not.

Money levied to be repaid by Sheriff.

35. If at the time of the receipt by the Sheriff of the fiat, or of a copy thereof, the money has been made or received by him, but not paid over to the party who issued the execution, the party appealing may demand back from the Sheriff the amount made or received under the execution, or so much thereof as is in his hands not paid over, and in default of payment by the Sheriff, upon such demand, the appellant may recover the same from him in an action for money had and received, or by means of an order or rule of the Court appealed from.

Case of death of one of several appellants.

36. In the case of the death of one of several appellants pending the Appeal to the Supreme Court, a suggestion may be filed of his death, and the proceedings may thereupon be continued at the suit of, and against the surviving appellant, as if he were the sole appellant, and such suggestion, if untrue, may be set aside on motion made to the Supreme Court, or a Judge thereof in chambers.

Or of sole appellant or of all the appellants.

37. In case of the death of a sole appellant, or of all the appellants, the legal representative of the sole appellant, or of the last surviving appellant, may, by leave of the Supreme Court, or a Judge thereof, file a suggestion of the death, and that he is such legal representative, and the proceedings may thereupon be continued at the suit of, and against such legal representative, as the appellant; and if no such suggestion be made, the respondent may proceed to an affirmance of the judgment, according to the practice of the Court, or take such other proceedings as he may be entitled to, and such suggestion, if untrue, may be set aside on motion by the Court, or a Judge thereof.

One of several respondents.

38. In the case of the death of one of several respondents, a suggestion may be filed of such death, and the proceedings may be continued against the surviving respondent, and such suggestion, if untrue, may be set aside on motion by the Supreme Court, or a Judge thereof.

Of sole respondent, or of all.

39. In the case of the death of a sole respondent, or of all the respondents, the appellant may proceed, upon giving one month's notice of the appeal, and of his intention to continue the same, to the representative of the deceased party, or if no such notice can be given, then upon such notice to the parties interested, as a Judge of the Supreme Court may direct.

APPEAL TO THE QUEEN IN COUNCIL.

In what cases to be allowed.

40. If any final judgment of the Supreme Court be given for, or in respect of any sum or matter at issue of or above the amount or value of *five hundred pounds sterling*, or if such judgment involves directly or indirectly, any claim, demand, or question to, or respecting property or any civil right, amounting to, or above the value of five hundred pounds sterling, any party feeling aggrieved by such judgment, may within *fourteen* days next after it is given, apply to the Supreme Court by motion or petition, for leave to appeal therefrom to Her Majesty in Her Privy Council.

Conditions preliminary to appeal.

41. Such appeal shall not be allowed, until the appellant has given security to the satisfaction of the Supreme Court, or a judge thereof, in a sum not exceeding *five hundred pounds sterling*, for the prosecution of the appeal and the payment of all such costs as may be awarded by Her Majesty, or by the Judicial Committee of Her Majesty's Privy Council, to the Respondent: and the Supreme Court may either direct that its judgment so appealed from shall be carried into effect, or that upon the perfecting of such security as aforesaid, the execution of such judgment shall be suspended, subject to like conditions as are provided in section *thirty-one* with respect to appeals to the Supreme Court, or such of them as is or are applicable to the case, and security being given, as thereby required, to the satisfaction of the Supreme Court or a Judge thereof, that the appellant will obey the judgment of Her Majesty in Her Privy Council; and if such security be perfected within *three months* from the date of the motion or petition in appeal, then, but not otherwise, the Supreme Court shall allow the appeal.

Appeal from interlocutory judgments.

42. The Supreme Court may, also, on the petition of any party feeling aggrieved by any preliminary or interlocutory judgment of the Court in any such case as is mentioned in section *forty*, under which anything would be done which could not be remedied by the final judgment, or whereby the matter in contestation would be in part decided, or the final hearing and judment unnecessarily delayed, grant permission to such party to appeal against the same to Her Majesty in Her Privy Council, subject to the same conditions, provisions, and limitations as are hereinbefore made respecting appeals from final judgments.

Saving Her Majesty's right to allow appeal, if so advised.

43. Nothing in this Act shall extend or be construed to extend to take away or abridge the undoubted right of Her Majesty, upon the humble petition at any time of any party feeling aggrieved by any judgment of the Supreme Court, in any case in which it may appear to Her Majesty that some constitutional question, or some matter of great public interest, or some right, the value of which cannot be estimated in money, is involved, or in which for any other reason Her Majesty may be so advised, to admit the appeal of such party therefrom, upon such terms, securities, limitations, restrictions, and regulations as Her Majesty may think fit, or to reverse, correct, or vary such judgment as to Her Majesty may seem meet; but except in cases where an appeal is allowed by this section, or the three sections next preceding it, the judgment of the Snpreme Court shall be final and conclusive.

Judgment of S. C. final in other cases.

CRIMINAL APPEALS.

Appeal allowed from affirmance of conviction: notwithstanding 32 and 33 Vict. c. 29, s. 80.

44. A person convicted of treason, felony, or misdemeanour, before any Court of Oyer and Terminer or Gaol Delivery, or in the Court of Queen's Bench in the Province of Quebec on its Crown side, whose conviction has been affirmed by any Superior Court, or in the Province of Quebec by the Court of Queen's Bench on its appeal side, may appeal to the Supreme Court against the affirmation, and the said Court shall make such rule or order therein, either inaffirmance of the conviction, or for granting a new trial, or otherwise, as the justice of the case requires, and shall make all other necessary rules and orders for carrying such rule or order into effect, anything in the eightieth section of the Act, 32 and 33 Victoria, chapter twenty-nine, to the contrary, notwithstanding: Provided that no such Appeal shall be allowed where the Court affirming the conviction is unanimous, nor unless notice of Appeal in writing has been served on the Attorney General, within *twenty* days after such affirmance.

Proviso: Not if Court affirming is unanimous.

When the appeal must be brought on.

45. Unless the Appeal is brought on for hearing by the appellant at the first term of the Supreme Court, after such affirmance, the Appeal shall be held to have been abandoned, unless otherwise ordered by the Supreme Court.

Judgment final.

46. The judgment of the Supreme Court, in such cases, shall be final and conclusive.

SPECIAL CASE ON CONSTITUTIONAL MATTERS.

Special case on any Provincial Act.

47. The Governor in Council, may direct a special case to be laid before the Supreme Court sitting in term, in which special case there may be set forth any Act passed by the Legislature of any Province of the Dominion of Canada, and thereupon there may be stated, for the opinion of the said Supreme Court, such questions as to the constitutionality of the said Act, or of any provision or provisions thereof, as the Governor in Council may order.

Opinion to be certified after hearing.

48. The Supreme Court shall, after hearing counsel for the Dominion of Canada, and for the Province whose Act may be in question (if the respective Governments of the Dominion and the Province think fit to appear,) and also after hearing counsel for any person or persons whose interests may be affected by the said Act, and who may desire to be heard touching the questions submitted for the opinion of the Court, and who shall have obtained leave to appear and be so heard on application to a Judge of the said Court in chambers, certify their opinions upon the said special case to the Governor in Council.

Other matters may be so referred for opinion.

49. It shall be lawful for the Governor in Council, to refer to the Supreme Court, for hearing or consideration, any such other matters whatsoever, as he may think fit,, and the Court shall thereupon hear or consider the same, and certify their opinions thereon to the Governor in Council.

ORIGINAL JURISDICTION.

In what cases the Court shall have it.

50. The Supreme Court shall have original jurisdiction in Canada, in all cases in which it shall be sought to enforce any law of Canada relating to the revenue, including actions, suits and proceedings, by way of information, to enforce penalties, and

proceedings by way of information *in rem*; or in which demand shall be made or relief sought in respect of any matter which might in England be the subject of a suit or action in the Court of Exchequer on its Revenue side, by or against the Crown or the officers of the Crown. Dominion Revenue Laws.

51. The Supreme Court and any Judge thereof shall have original concurrent jurisdiction to issue the Writ of Habeas Corpus *ad subjiciendum*, to bring up the body of any person in custody within Canada, in pursuance of any treaty with any foreign State or Government for the extradition of criminals, or in pursuance of any Act of the Parliament of the United Kingdom, or of the Parliament of Canada, to carry out the provisions of any such treaty, and on the return of such writ to make such order as to the remand or discharge of the Prisoner, as may seem meet. Jurisdiction in cases of extradition.

52. At the terms of the Court there shall be had in cases within its original jurisdiction; Business at terms.

1. Such proceedings in suits at common law as may be had before Courts of common law sitting in Banc;
2. The re-hearing of causes, petitions, and motions in equity causes which may have already been heard before a single Judge.

53. In any proceedings within the original jurisdiction of the Supreme Court, one of the Judges of the said Court may sit either at the City of Ottawa, or at any other place or places appointed by the Court, and at such time or times as may be prescribed by the Court, to try issues in fact, and hear causes in equity, in actions or suits originally brought or instituted in the Supreme Court. Trial of issues and hearing of causes.

54. A single Judge of the Supreme Court may in cases within its original jurisdiction, sit in Court out of Term, and may hear and determine motions, petitions, and all other interlocutory applications in equity suits, and dispose of matters of practice not cognizable by a Judge sitting in chambers, in actions at common law. Sittings out Term.

55. The procedure in suits and actions within the original jurisdiction of the Court, shall, unless otherwise herein provided or until otherwise provided by general rules made in pursuance of this Act, be regulated by the present practice and procedure of Her Majesty's Court of Exchequer at Westminster. Rules of procedure in common law cases.

56. Issues of fact, on the common law side of the Court, shall be tried according to the laws of the Province in which the cause of action arose. Issues of fact: by jury.

57. The process of the Supreme Court shall run throughout the Dominion, shall be tested in the name of the Chief Justice and shall be directed to the Sheriff of the County, or other judicial division into which any of the said Provinces may be divided, in which such process is to be executed; and the Sheriffs of the said respective Counties or divisions shall be deemed and taken to be, ex-officio Officers of the Court, and shall perform the duties and functions of Sheriffs in connection with the Court; and in any case where the Sheriff may be disqualified, process shall be directed to any Coroner of the County, or other judicial division. Process of the Court. Duty of Sheriffs. Coroners.

Their Fees.

58. [The Sheriffs and Coroners shall receive and take to their own use, such fees as the Judges of the said Supreme Court shall, by general order, fix, and determine.]

Jurors to be summoned to attend the Court.

59. For the trial of any issues of fact by a jury, a Judge of the Supreme Court may order a writ of *venire facias* to be issued, directed to the Sheriff or Coroner, as the case may be, commanding him to summon a panel of thirty-six jurors according to the Jury Laws of the Province where the issues are to be tried, to attend at the time and place in such writ named, and the Sheriff or Coroner shall execute and return the said writ as directed thereby.

GENERAL PROVISIONS.

Registrar.

60. There shall be a Registrar of the Supreme Court, who shall reside and keep his office at the City of Ottawa.

Salary and how appointed.

61. [The Registrar shall be appointed by an instrument under the Great Seal of Canada and shall hold office during pleasure, and shall be paid a salary at the rate of dollars per annum.]

Registrar's fees to be paid by stamps.

62. [All fees payable to the Registrar under the provisions of this Act shall be paid by means of stamps, which shall be issued for that purpose by the Minister of Inland Revenue, who shall regulate the sale thereof, and the proceeds of the sale of such stamps shall be paid to the Receiver General, and form part of the Consolidated Revenue Fund of Canada.]

Masters and referees, &c.

63. The Judges of the Court may appoint such persons as they may think fit, being Barristers-at-Law or Advocates, of not less than three years' standing, to be masters, referees, and examiners in suits in equity depending in the Court, to whom reference may be ordered, and who may take evidence in causes in equity depending therein.

Fees of Masters, &c.

64. [The said masters, referees, and examiners shall receive and take to their own use such fees as the Court may, by general orders direct.]

Reporter.

65. A fit and proper person, being a Barrister or Advocate of at least five years' standing, may be appointed by the Governor, to hold office during pleasure, as the Reporter of the Court, who shall, subject to the direction of the Judges of the Court, report the decisions thereof, and publish such reports [and such Reporter

Salary.

shall be paid a salary at the rate of dollars per annum, out of the Consolidated Revenue Fund of Canada.]

Affidavits.

66. All persons authorised to take affidavits in any of the Superior Courts of any Province in Canada, may take affidavits in such Province, to be used in the Supreme Court.

Who may practice in the Court as Barristers.

67. All persons being Barristers or Advocates in any of the said Provinces, shall be admitted by the Supreme Court sitting in term, to practise as Barristers and Counsel at the bar of the Court, and before the Judges thereof, upon [paying such fees as the Court shall, by its general rules or orders, fix and determine], and, upon signing a roll, to be kept in the custody of the Registrar of the Court, amongst the records thereof, to be called "The Barristers' Roll."

68. All persons being Attorneys, Solicitors, or Proctors, in the Superior Courts of any of the said Provinces, shall be admitted to practice as Attorneys, Solicitors, and Proctors in the Supreme Court, upon taking such oath, [and paying such fees], as shall, by the Court, be prescribed and fixed, and upon signing a roll, to be kept in the custody of the Registrar of the Court amongst the records thereof, to be called "The Roll of Attorneys and Solicitors." And as Attorneys or Solicitors.

69. The Judges of the Supreme Court, or any five or more of them, of whom the Chief Justice shall be one, may from time to time, make general rules and orders for regulating, as well the original as the appellate procedure of the Court, and for the effectual execution of this Act, and of the intention and object thereof, and for fixing the fees and costs to be taxed, and allowed to, and received and taken by, the practitioners and officers of the Court, and may, from time to time, alter, and amend any of such rules or orders, and make other rules or orders instead thereof. Judges to make Rule of proceduresas well in appellate as original jurisdiction.

70. The foregoing enactments of this Act shall come into force respectively, upon a day or days to be named by the Governor, in a Proclamation or Proclamations to be issued for that purpose; provided that the same day or different days may be named in any such Proclamation for the coming into force of these of the said enactments which relate to the Original Jurisdiction of the Supreme Court, and of those which relate to its Appellate Jurisdiction and other matters: And the provisions respecting appeals to the Supreme Court, shall apply to judgments rendered before the day so appointed for the coming into force of the enactments relative to the appellate jurisdiction of the Court, provided the twenty days after the judgment, limited by section *twenty seven*, for giving notice of appeal have not elapsed, and that such notice is given within the said twenty days:—or, provided an appeal to the Queen in Council has been allowed, and that before the record in the cause has been transmitted to the Registrar of Her Majesty's Privy Council, and while it would be still competent to the appellant so to transmit the same, as having complied with all the preliminary requirements of the law within the periods limited for each, the appellant gives to the respondent, and files in the Court appealed from, a notice that he intends to appeal to the Supreme Court, and complies afterwards with all the requirements of this Act, reckoning such notice as the notice of appeal to the Supreme Court, mentioned in section *twenty seven*: and the security (if any) given by the appellant with reference to the appeal to the Queen in Council, shall in such case become void. Commencement of Act.

71. This Act may be cited as "The Supreme Court Act." Short Title.

No. 48.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to establish a Supreme Court in Canada.

Received and read first time, Friday 18th March, 1870.

Second reading, Tuesday, 22nd March, 1870.

Hon. Sir John A. Macdonald.

OTTAWA:

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

1870.

No. 49.] **BILL.** [1870.

An Act to amend the Act intituled, "An Act to incorporate The Sun Insurance Company of Montreal,"

Preamble.

WHEREAS, the promoters of "The Sun Insurance Company of Montreal," have petitioned for the amendment and etxension of the Act of Incorporation of the said Company, and it is expedient that the prayer of their 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:—

Act 28 Vict. cap. 43, amended.

Capital.

Increase thereof.

1. The Act passed in the Session of the Parliament of the late Province of Canada, held in the Twenty-eighth Year of Her Majesty's Reign, and intituled "An Act to incorporate The Sun Insuranoe Company of Montreal," is hereby amended and extended, so that, notwithstanding anything therein contained, the capital stock of the said company shall be One Million of Dollars, with power to the said company to increase the same, under the provisions of the said Act, in sums of not less than One Million of Dollars, to a sum not exceeding Four Millions of Dollars.

Time for deposit, 31 Vict. cap. 45, extended.

2. The privileges allowed in the Act passed in the Parliament of Canada, in the Thirty-first year of Her Majesty's Reign, intituled, "An Act respecting Insurance Companies," of obtaining a license from the Minister of Finance, and of the deposit of Fifty Thousand Dollars being made payable in three equal annual instalments, are hereby extended to the said company, as fully as if the said company had fulfilled all the requirements of the said Act within the time limited therein, provided, however, that the said company shall make the deposits so required, the first one on or before the First day of March, one thousand eight hundred and seventy-one, and the remaining deposits on or before the first days of March in the next two succeeding years respectively, and shall otherwise fulfil the requirements of the said Act.

Life and accident business to be a distinct branch.

What to include.

Under name "The Sun Insurance Company of Montreal "Life Branch."

3. The business of Life and Accident Assurance, which the said company is authorized to transact, shall include power to effect contracts of assurance, with any persons or bodies corporate, upon lives, or in any way dependent upon lives, and to grant or sell annuities, either for lives or otherwise, and on survivorship, and to purchase annuities, to grant endowments to children or other persons, and to receive investments of money for accumulation, to purchase contingent rights, whether of reversion, remainder, annuities, life policies, or otherwise, and generally to enter into any transaction depending upon the contingency of life or accident to the person, whether by land or sea, usually entered into by life or accident assurance companies, including re-assurance, and shall be established, maintained, and prosecuted by the said company, as a distinct branch of its business, under the corporate name of the said company, with the addition thereto of the words "Life Branch."

Capital One million of dollars, increaseable to two millions of dollars.

4. The capital stock of One Million of Dollars shall be applied solely to the "Life Branch" of the said Company, but may be increased under the terms of the Act of Incorporation to Two Millions of Dollars.

Directors to be elected when 5,000 shares subscribed, and fifty thousand dollars paid up in "Life Branch."

5. So soon as at least five thousand shares of the capital stock of the said company shall have been subscribed and allotted to the "Life Branch" of the said company, and fifty thousand dollars paid in on account of the same, it shall be lawful for the shareholders to elect the directors of the said company, as provided in the said Act, and to commence the business of Life and Accident Assurance under their said charter.

Business of General Branch.

6. The general business which the said company is authorized to transact in fire insurance, as well as in marine and guarantee insurance, and the re-insurance of any risks thereunder, shall be established, maintained, and prosecuted, as a distinct branch of the business of the said company, under the corporate name of the said company, with the addition thereto of the words "General Branch."

"General Branch" to be commenced when 5,000 shares subscribed, and fifty thousand dollars paid up.

7. One Million of Dollars may be raised for the purposes of the said "General Branch," which may be increased to Two Millions of Dollars, and so soon as at least five thousand shares of the capital stock of the said company shall have been subscribed and allotted to the "General Branch" of the said company, and fifty thousand dollars paid in on account of the same, it shall be lawful for the said company to commence the business of insurance included under the branch styled the "General Branch."

Separate accounts to be kept of "Life Branch" and "General Branch."

8. The said company shall maintain separate accounts of the stock subscribed and allotted, and of the business transacted by it, under the "Life Branch" and "General Branch," and of the expenses, profits, and claims, losses, and liabilities under each of the said branches respectively.

Separate liability in "Life Branch" and "General Branch."

9. The capital stock of the said company so subscribed and allotted to the "Life Branch," and "General Branch" respectively, shall be liable only for the expenses, losses, and liabilities incurred by the branch to which the same has been allotted, and entitled only to the profits and claims arising in, and proceeding from, such branch.

Company not bound to take notice of trusts.

10. The Company shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any share or shares of its stock may be subject, and the receipt of the party in whose name any share stands in the books, or if such share stands in the name of more than one, the receipt of one shall be a sufficient discharge to the company, for any money paid in respect of such share or shares, notwithstanding any trust to which they may be held subject, and whether or not the company shall have had notice of such trust.

Directors or officers not to borrow from company.

11. No director or other officer of the company shall become a borrower of any portion of its funds, nor become surety for any other person who is or shall become a borrower from the company, nor shall the funds of one branch be applied or borrowed to or for the purposes of the other.

12. The failure of the Life Branch or of the General Branch to meet its obligations shall not necessitate the suspension of its business by the other branch, or subject such other branch to the provisions of the Act respecting Insurance Companies, in relation to companies becoming insolvent. Case of failure of either Branch.

13. The provisional directors of the said company shall be George Stephen, George Winks, Thomas Gordon, Henry Mulholland, George H. Frothingham, A. W. Ogilvie, A. F. Gault, James Hutton, and M. H. Gault, all of the City of Montreal, merchants, instead of the persons named in the said Act. Provisional directors.

14. The value of the real estate which may be held by the said company for the purpose of conducting its business, shall be extended to an annual value of Twenty Thousand Dollars. Annual value of real estate for business purposes extended to Twenty thousand dollars.

15. The securities which the said company shall be entitled to hold, shall include the securities of the Dominion of Canada, or of any of the Provinces comprising the said Dominion.

16. The twenty-seventh section of the said Act is hereby repealed, and the said Act is extended, as if the said section had never been enacted, and all the provisions of the said Act inconsistent with this Act are hereby repealed. Section 7 of 28 Vict. cap. 43, repealed. Inconsistent enactments repealed.

No. 49.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to amend the Act to incorporate "The Sun Insurance Company of Montreal."

PRIVATE BILL.

Mr. WORKMAN.

OTTAWA:

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

1870.

No. 50]. **BILL.** [1870.

An Act respecting the Marking of Timber.

Penalties and Fees to form the subject of resolutions in Committee of the Whole.

Preamble.

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

Persons engaged in lumbering to select and register marks.

1. Every person engaged in the business of Lumbering or getting out timber, and floating or rafting the same on the inland waters of Canada within the Provinces of Ontario and Quebec, shall, (subject to a penalty of dollars for failure or neglect so to do) within three months after the passing of this Act, select a Mark or Marks, and having caused such mark or marks to be registered in the manner hereinafter provided, shall put the same in a conspicuous place on each log or piece of timber so floated or rafted.

Minister of Agriculture to register marks, and grant certificates on certain conditions.

2. The Minister of Agriculture shall cause to be kept in his office a book to be denominated the "Timber Mark Register," in which any person engaged in the business of Lumbering as aforesaid, may have his Timber Mark registered by depositing with the Minister a drawing or impression and description in duplicate of such Timber Mark, together with a declaration that the same was not in use to his knowledge by any other person than himself at the time of his adoption thereof; and the Minister, on receipt of the fee hereinafter provided shall cause the said Timber Mark to be examined, to ascertain whether it resembles any other Mark already registered; and if he finds that such Mark is not identical with or does not so closely resemble as to be confounded with any other Timber Mark already registered, he shall register the same, and shall return to the proprietor thereof one copy of the drawing and description, with a certificate signed by the Minister or his Deputy to the effect, that the said Mark has been duly registered in accordance with the provisions of this Act; and there shall be further stated in such certificate the day, month and year of the entry thereof, in the proper Register; and every such certificate shall be received in all Courts of Law or of Equity in Canada, as evidence of the facts therein alleged, without proof of the signature.

Minister may make rules and adopt forms.

3. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make rules and regulations and adopt forms for the purposes of this Act.

Exclusive right to use registered mark.

4. The party who registers such Timber Marks shall

thereafter have the exclusive right to use the same, to designate the timber got out by him and floated or rafted as aforesaid.

Marks may be cancelled.

5. Any person having registered a Timber Mark may petition for the cancellation of the same, and the Minister of Agriculture may, on receiving such petition, cause the said Mark to be so cancelled; and the same shall, after such cancellation be considered as if it had never been registered under the name of the said party.

Registered marks assignable.

6. Every Timber Mark registered in the office of the Minister of Agriculture shall be assignable in law, and on the assignment being produced and the fee hereinafter provided being paid, the Minister of Agriculture shall cause the name of the assignee, with the date of the assignment and such other details as he may see fit, to be entered on the margin of the Register of Timber Marks on the folio where such Mark is registered.

Different marks to be used.

7. If any person makes application to register, as his own, any Timber Mark which has been already registered, the Minister of Agriculture shall notify the fact to such person, who shall then select some other Mark and forward the same for registration.

Penalty for using another person's mark.

8. If any person, other than the party who has registered the same, shall mark any timber of any description with any mark registered under the provisions of this Act, or with any part of such Mark, he shall be guilty of a misdemeanor, and, on conviction thereof, shall forfeit, for each offence, a sum of not less than *twenty dollars* and not exceeding *one hundred dollars*, which amount shall be paid to the proprietor of such Mark, together withthe costs incurred in enforcing and recovering the same: Provided always, that every complaint under this section shall be made by the proprietor of such timber mark, or by some one acting on his behalf and duly authorized thereto.

Proviso.

Table of Fees.

9. The following fees shall be payable, to wit:

On every application to register a timber mark, including certificate	$2.00
For each certificate of registration not already provided for	0.50
For each copy of any drawing, the reasonable expenses of preparing the same.	
For recording any assignment	1.00

How applied.

And such fees shall be paid over by the Minister of Agriculture to the Receiver General, and form part of the Consolidated Revenue Fund of Canada.

No. 50.

3rd Session, 1st Parliament, 33

BILL.

An Act to make provision fo
tration of Marks or Bra
Marking Timber.

Received and read, first time,
March, 1870.
Second reading, Wednesday, 23rd

MR.

OTTAWA.
Printed by I. B. TAYLOR, 29, 31 and 33,
1870.

No. 51.] **BILL.** [1870.

An Act to amend the Act, 31 Victoria, Chapter 46, and to regulate the Issue of Dominion Notes.

Preamble, 31 V., c. 46.

In amendment of the Act passed in the thirty-first year of Her Majesty's Reign, intituled *"An Act to enable Banks in any part of Canada to use notes of the Dominion instead of issuing notes of their own;"* Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Sects. 1 to 7 repealed, Exception

1. Sections one to seven of the said Act, both inclusive, are hereby repealed, except as to any arrangement with the Bank of Montreal now existing under them, which shall remain in force until terminated in accordance with the conditions thereof.

Sect. 10, and part of Sec. 8. repealed.

2. Section ten of the said Act is hereby repealed, and also so much of Section eight, as determines or relates to the amount of Dominion notes which may be issued and outstanding at any time; and the amount of such notes which may be issued and outstanding at any time, and the amount of specie and debentures to be held for securing the redemption thereof, shall hereafter be such, and such only, as is authorized by the following sections of this Act.

Amount of Dominion Notes, and how secured.

3. Dominion notes to the amount of five million dollars, or such greater amount as may be authorized as hereinafter mentioned, may be issued and remain outstanding at any time, on the security of debentures of the Dominion and specie, equal together to a like amount, and of which not more than eighty per cent. shall be debentures; such debentures and specie to be held by the Receiver General for the redemption of such notes.

How the amount may be increased. Conditions.

4. The amount of Dominion notes to be issued and outstanding may be, from time to time, increased to an amount not exceeding nine million dollars, on like security, of debentures and specie, equal together to the amount of notes so issued and outstanding, by order in Council founded on a report of the Treasury Board, such increase being so authorized for amounts not exceeding one million dollars at one time, and at intervals of not less than three months, and no such increase being authorized unless the Receiver General then holds specie to the amount of one-fourth of the aggregate amount of such increase and of the debentures already held by him as aforesaid; nor shall the amount of nine millions be so authorized, unless the Receiver General then holds specie to the amount of two million dollars: and the Receiver General shall always, as a rule, hold specie to the amount of twenty-five per cent of the debentures to be held by him as aforesaid, and shall, under no circumstances, hold a less amount of specie than fifteen per cent. of such debentures; the amount of debentures and specie, so held for securing the redemption of the said notes, being, together, never less than the amount of notes then issued and outstanding; and if the amount of such specie should at at any time fall below twenty-five per cent. of the amount of such debentures, it shall be the duty of the Receiver General, without delay, to increase the proportion of specie to at least twenty-five per cent. of the amount of debentures.

Proportion of Specie and debentures to be held for redemption of notes.

Debentures to be delivered to Receiver-General for the said purpose.

5. Debentures of the Dominion may be issued and delivered to the Receiver General, for the purposes of this Act, and to enable him to comply with its requirements, such debentures being held as afore-

said, for securing the redemption of Dominion notes, and the Receiver General having full power to dispose of them, either temporarily or absolutely, in order to raise funds for that purpose, or for procuring the amounts of specie required to be held by him under this Act;

Proviso.

but nothing in this Act shall be construed to permit the issue of Debentures not otherwise authorized by Parliament, or any increase of the public debt, beyond the amount authorized by Section five of the Act of Supply, passed in the Session held in the thirty-second and thirty-third years of Her Majesty's Reign, chapter one.

Any further amount to be issued against specie only.

6. If any amount of Dominion notes be issued and outstanding at any time in excess of the amount then authorized as aforesaid, the Receiver General shall hold specie to the full amount of such excess, for the redemption of such notes; and any amount of such notes which the public convenience may require may be issued and remain outstanding, provided the excess of such amount over that so authorized be represented by an equal amount of specie held by the Receiver General as aforesaid; and the issue of Dominion notes so represented in full by specie, shall not be deemed an increase of the public debt; but except in the case of notes, so issued against an equal amount of specie, the total amount of Dominion notes outstanding shall never exceed the amount authorized under the foregoing Sections of this Act.

Section 9 repealed. Exception. Offices or agencies for redemption of notes.

7. Section nine of the Act hereby amended is repealed, except as respects any existing arrangements made under it, which shall remain in force until terminated in accordance with the conditions thereof; and the Governor may in his discretion establish Branch Offices of the Receiver General's Department in Montreal, Toronto, Halifax, and St. John (N. B.) respectively, or any of them, for the redemption of Dominion notes, or may make arrangements with any Chartered Bank or Banks for the redemption thereof, and may allow a fixed sum per annum for such service at all or any of the said places; and specie or debentures held at any such Branch Office or by any such Bank for the redemption of Dominion notes, shall be deemed to be held by the Receiver General.

Section 11 repealed. Receiver-General to publish monthly statements.

8. Section eleven of the Act hereby amended is repealed; and the Receiver General shall publish monthly, in the "Canada Gazette," a statement of the amount of Dominion notes outstanding on the last day of the preceding month, and of the specie and debentures then held by the Receiver General for the redemption thereof, distinguishing the amounts of specie and debentures so held at each of the cities aforesaid respecrively; such statements to be made up from returns to be made by the Branch Offices, Bank or Banks aforesaid, to the Receiver General.

Interpretation clause.

9. All words and expressions in this Act shall have their meaning assigned to them respectively in the Act hereby amended; and the unrepealed provisions of the said Act, in so far as they are not inconsistent with this Act, shall apply to the Dominion notes to be issued under this Act, which shall be construed as one Act with that hereby amended.

No. 51

3rd Session, 1st Parliament, 33 V

BILL.

An Act to amend the Act, Chapter 46, and to regulat of Dominion Notes.

Received and Read 1st time, Th March, 1870.

Second Reading, Thursday, 24th M

Hon. Sir Fran

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, 1870.

No. 52.] **BILL.** [1870.

An Act to amend the Insolvent Act of 1869.

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

1. The first section of *The Insolvent Act of* 1869, is hereby repealed, and the said Act shall apply to all classes of persons, as well as to traders. Section 1 repealed.

2. Upon the appointment of an Assignee under the fifth section of the said Act, such Assignee shall, before the Interim Assignee shall be bound to make over to him the Estate of the Insolvent, pay to the Interim Assignee all his lawful expenses and disbursements, and a fair remuneration for his services, to be settled summarily by the Judge on the application of either, if not agreed upon, and charged by the Asssignee as part of his lawful disbursements. Interim Assignee to be paid before making over the Estate.

3. No partner in business of the Assignee, shall hereafter act as the attorney or solicitor of the Insolvent, in any matter depending upon the said Act. Certain parties may not act as Attorneys, &c.

4. No Insolvent shall be required to travel more than one hundred miles from the place of his residence at the time of his becoming an Insolvent, in order to attend for examination before any meeting of his creditors. Distance from which an Insolvent may be summoned.

5. Section ninety-four of the said Act is hereby amended, by substituting "Creditors for sums of fifty dollars or upwards," for "Creditors for sums of one hundred dollars or upwards," as those who may execute a deed of composition and discharge under the said section; and creditors for sums of fifty dollars and upwards may vote at any meeting, when the votes of the creditors are to be given. Creditors for $50 may vote.

6. So much of the said Act as may be inconsistent with this Act, is hereby repealed. Repeal.

No. 52.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to amend the Insolvent Act of 1869.

Received and read first time, Wednesday, 23rd March, 1870.

Second reading, Monday, 28th March, 1870.

MR. KEELER.

OTTAWA:

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

1870.

No. 54] **BILL.** [1870.

An Act to facilitate the signing of Militia Commissions.

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

1. The Governor may cause his signature to be affixed to any Commission in the Militia, to be granted or issued under the *Act respecting the Militia and the defence of the Dominion of Canada*, by stamping the same on such Commission with a stamp approved by him, and used for the purpose by his authority, and the signature so affixed, shall be, to all intents and purposes, as valid and effectual, as if in the handwriting of the Governor; and neither the authenticity of any such stamped signature, nor the authority of the person by whom it has been affixed to any Commission, shall be called in question, except on behalf of the Crown; and the forging or counterfeiting of any such stamped signature, or the uttering thereof, knowing it to be forged or counterfeited, shall be felony, punishable in like manner as the forgery of the Governor's Privy Seal or Seal-at-Arms. The Governor's signature to such Commissions may be affixed by stamping.

No. 54.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to facilitate the signing of Militia Commissions.

Received and read, First time, Wednesday, 23rd March, 1870.

Second reading, Saturday, 26th March, 1870.

Hon. Sir GEORGE E. CARTIER.

OTTAWA.

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

1870.

No. 55.] **BILL.** [1870.

An Act to revive the Charter of the Grand Junction Railroad Company.

Preamble.

WHEREAS, by an Act of the Parliament of Canada, passed in the sixteenth year of Her Majesty's reign, chaptered forty-three, intituled, "An Act to Incorporate the Grand Junction Railroad Company," certain persons therein named, with all such other persons or Corporations as should become shareholders in such Company, as was therein mentioned were ordained, constituted, and declared to be a Body Corporate and Politic in fact, by and under the name and style of the Grand Junction Railroad Company; And whereas after the passing the said Act, the said Grand Junction Railroad Company became amalgamated with the Grand Trunk Railway Company of Canada, with the view of securing the construction of the said Grand Junction Railroad, under the auspices of the said Grand Trunk Railway Company, but the said Grand Trunk Railroad Company having declined, the construction of the said Grand Junction Railroad are willing and consenting to the Charter of the said Grand Junction Railroad being re-invested in and restored to those persons and Corporations now interested in the construction of the said Grand Junction Railroad; And whereas Alexander Robertson, Mayor of Belleville, Thomas Kelso, President of the Board of Trade, William Fabian Meudell, Esquire, W. H. Ponton, Esquire, Abraham Diamond, Esquire, George Ritchie, Esquire, William Sutherland, Esquire, George Denmark, Esquire, and others have petitioned, representing the foregoing facts, and have prayed that an Act be passed to revive the Charter of the Grand Junction Railroad Company, and to place the said Company in the same position as it held before its amalgamation with the Grand Trunk Railway Company of Canada, with power to make arrangements with the said Grand Trunk Railway Company of Canada for the use of part of their line, and for Station and other accommodation at Belleville, and for other purposes connected with the same as hereinafter more fully set forth, 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:—

Charter of Grand Junction Railway Company revived.

1. All the corporate powers, rights, and privileges vested in the Grand Junction Raiload Company, by virtue of the Act of the late Province of Canada, passed in the sixteenth year of Her Majesty's Reign, chaptered forty-three, and intituled: "An Act to incorporate the Grand Junction Railroad Company shall be, and the same are hereby restored to and vested in William Fabian Meudell, Peter Robertson, Henry Bull, James Ross, William Hamilton Ponton, James Brown, M.P., Hon. Robert Read, M.P., Hon. Billa Flint, Senator, Alexander Robertson, Mayor of the Town of Belleville, Thomas Kelso, Thomas Holden, Peregrine Maitland Grover, M.P., Charles Perry, M.P., Ketchem Graham, M.P.P., Henry Corby, M.P.P., George H. Boulter, M.D., M.P.P., John Carnagie, Jun., M.P.P., the Hon. James Cockburn, M.P. Speaker of the House of Commons, George Read, M.P., James S. Fowlds,

Reeve of the Township of Percy, James Dinwoodie, Reeve of the Township of Seymour, James J. Farley, Reeve of the Township of Thurlow, Baltas Rose, Reeve of the Township of Sidney, Peter Chard, Reeve of the Village of Stirling, George Conley, Reeve of the Township of Rawdon, James Miller, Reeve of the Township of Otonabee, William W. Armstrong, Reeve of the Township of Belmont, George C. Choat, Reeve of the Township of Dummer, William Mohar, Reeve of the Township of Duro, Robert D. Rogers, Reeve of the Village of Ashburnhan, W. H. Scott, Mayor of the Town of Peterborough, Hugh Jones, Reeve of the Township of Marmora, S. S. Peck, Warden of the County of Peterborough, Robert Cockburn, of Campbellford, and such other persons as shall become Shareholders in the said Company after the passing of this Act, and the said corporators in this Act named shall in all respects have and hold and exercise the said powers as fully as the parties originally named in the said Act sixteenth Victoria, chapter 43, could and did hold and exercise the same, and all powers in respect of the subscribing for and holding of Stock in the said Company, and all other powers whatsoever by the said Act granted to Municipal Corporations and others, shall be continued by this Act, and may be exercised as fully and effectually as they might have been under the said Act; and the name of the said Company shall be the Grand Junction Railway Company.

New provisional Directors.

2. In place of the Directors named in the sixth section of the said charter of the said Grand Junction Railroad Company, the following persons shall be the Provisional Directors of the said Company; Hon. Billa Flint, William Hamilton Ponton, Alexander Robertson, Thomas Kelso, and James Brown, of the Town of Belleville; George H. Boulter, of the Village of Sterling; John Carnegie, of the Town of Peterborough; Robert Cockburn, of Campbellford; James S. Foulds, of the Village of Hastings; James Dinwoodie, of the Township of Seymour; James Miller, of the Township of Otonabee; and Robert D. Rogers of the Village of Ashburnham.

Guage, line, &c.

3. The said Company shall have the right, notwithstanding anything in the said Act contained, to build the said Railway with such guage, on such line, and in such manner as the Directors of the said Company may think best.

Powers of Directors.

4. The Directors in this Act named shall have all the powers assigned to the Provisional Directors of the Company by the said Act, sixteenth Victoria, chapter forty-three.

First general meeting.

5. When and so soon as one-tenth of the capital required by the said Act shall be obtained by the subscription of Stock and bonuses from Corporations or parties interested in the said line of Railway, or by the subscription of Stock alone, the Directors in this Act named shall have all the powers mentioned in Section ten of the said Act, sixteenth Victoria, chapter forty-three. And the first general meeting of the Company for the election of Directors shall be held as prescribed by section ten of the said Act.

Arrangements with Grand Trunk Company.

6. It shall be lawful for the said Company and the Grand Trunk Railway Company of Canada, to make arrangements for the use of a part of the line of the said Grand Trunk Company at or near Belleville, and for station accomodation and for such other purposes connected with the working of the traffic from

one line to the other as the said two Companies may think for their mutual interest and the public convenience, and for the payment of compensation for the said accommodation as they may agree upon.

Commencement and completion of works.

7. The said Railway shall be commenced within two years, and completed to Peterborough within six years from the passing of this Act; and the Company shall not build or make such line to the City of Toronto.

Grand Trunk amalgamation not affected.

8. Nothing in this Act contained shall, in any form, manner, or respect, affect or interfere with the amalgamation of the several Railway Companies composing the Grand Trunk Railway Company of Canada.

No. 55.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to revive the Charter of the Grand Junction Railroad Company.

PRIVATE BILL.

OTTAWA:

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

1870.

56

An Act respecting Bills of Exchange and Promissory Notes.

WHEREAS it is expedient to assimilate the law of the several Provinces of the Dominion as is hereinafter contained; therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Every Bill of Exchange drawn, and every Promissory Note made payable to the order of any person, or to the order of the maker or drawer thereof, or to the bearer thereof, shall be deemed and taken to be negotiable, and shall be transferable by endorsement either in full or in blank, or, if payable to bearer, by delivery; and the holder under a blank endorsement shall have the same remedy by action as if the endorsement were in full.

2. Every bill and note shall be held, *primâ facie*, to import that it has been given for valuable consideration, whether the words "for value received" are used therein or not.

3. No acceptance of any Bill shall be sufficient to bind or charge any person, unless such acceptance is in writing on the bill, or, if there be more than one part to such bill, then on one of the said parts.

4. Every bill and note shall be held to be payable generally, unless it is expressed in the body thereof that it is payable at a bank or other stated place; and every acceptance of a bill shall be deemed and taken to be a general acceptance, unless the same is expressed to be payable at a bank or other stated place, or unless in the case of an acceptance generally some bank or other stated place be expressed in the body of the bill; and the promise in such note, so made payable at a bank or other stated place as aforesaid, or the acceptance on such bill so drawn or accepted, payable at a bank or other stated place as aforesaid, shall be and be taken to be a qualified promise of such note, or acceptance of such bill, and it shall be payable at such stated place only; and the parties to such bill or note, other than the acceptor or maker, shall only be liable to pay such bill or note if payment shall have been duly demanded at such bank or other stated place.

5. No Bill shall be presented for acceptance on any non-juridical day.

6. Three days of grace and no more, after the day when the bill or note is made due and payable, or after the day when such bill is presented to the drawee thereof if drawn at sight, shall be allowed for the payment thereof, and shall be reckoned to expire in the afternoon of the third of the said days of grace, unless the said third day falls on a non-juridical day at the place where the bill or note is payable, in which case the next juridical day thereafter shall be the last of the days of grace.

2. But nothing herein contained shall entitle the maker of any note payable on demand to any days of grace, or prevent the holder of any such note from demanding payment for the same at any time, and protesting for non-payment whenever payment is refused.

NON-JURIDICAL DAYS.

7. In the Provinces of Ontario, Nova Scotia, and New Brunswick, the following days shall, for the purposes of this Act, be deemed to be non-juridical days, videlict: Sunday, the first day of January, Ash Wednesday, Good Friday, Easter Monday, the Birthday of the Reigning Sovereign, or the day set apart for celebrating the same, any day set apart by Proclamation as a holiday or as a day of Fasting or Thanks-giving, and Christmas day; and in the Province of Quebec, all the said days, and in addition thereto, the Epiphany or twelfth day, Annunciation day, Ascension day, Corpus Christi day, St. Peter and St. Paul's day, All Saints day, and Conception day. All other days shall be deemed and taken to be juridical days, except that when Christmas day and the first day of January fall on Sundays, the Monday following each of those days shall also be deemed to be a non-juridical day.

OF PAYMENT.

8. Every bill and note, payable at a bank, or other stated place, shall at maturity be presented for payment at such bank or place only; but the maker or acceptor of such note or bill shall not be discharged from liability by the non-presentation thereof, under this section, at the place where the same is made payable; and if such maker or acceptor has made provision there for the payment thereof, his liability thereon shall be subject to his right to pay the amount thereof into Court upon suit, on or before the return of the writ, without interest or cost.

9. Every bill and note payable generally, shall at maturity be presented to the acceptor or maker, either personally, or at his then residence, or office, or usual place of business; or if presentment for payment of any such bill or note payable generally cannot be made to the acceptor or maker as aforesaid, by reason of his absence, and his not having any known residence, or office, or place of business, at or in the place where his acceptance or note is made or bears date, or by reason of his death, then such presentment for payment shall be sufficient if made at the residence, or office, or usual place of business of such acceptor or maker, or at his last known residence, or office, or usual place of business, in the place where the acceptance or note bears date; but the maker or acceptor of such bill or note shall not be discharged from liability by the non-presentation thereof, under this section.

10. If a bill accepted payable generally, or a note payable generally, becomes due after the execution by the acceptor or

maker of a deed of voluntary assignment of his estate and effects as an insolvent, or after the issuing of a writ of attachment in compulsory liquidation against the estate and effects of the acceptor or maker, the presentment for payment of such bill or note may be made either to the insolvent personally, or at his residence, or office, or usual place of business, or, as the case may be, and according as the bill or note becomes due before or after the appointment of an assignee, to the interim assignee, guardian, or assignee personally, or at his residence, or office, or usual place of business; and any such last mentioned presentment shall be as valid and effectual as if the presentment had been made to the insolvent personally, or at his residence, or office, or usual place of business, provided the acceptance of the bill or the making of the note was effected before the making of such deed by such acceptor or maker, or the issuing of such writ of attachment against the estate and effects of such acceptor or maker.

11. Every bill, draft, and note drawn or payable in Canada shall be subject to interest from the date of the maturity thereof, or if interest be therein expressed as payable from a particular period, or at a particular and lawful rate, then from such period to the time of payment, and at such rate; and in case of protest, the expense of protesting, and giving notice of protest, and the postages thereby incurred, shall be allowed and paid to the holder, over and above such interest.

NOTING AND PROTESTING OF BILLS AND NOTES.

12.—Whenever any bill is refused acceptance by the drawee thereof, the same may be forthwith protested for non-acceptance; and after due notice of such protest has been given to the parties liable on such bill, the holder thereof may insist on immediate payment from the said parties, and may sue for and recover the amount of such bill, with costs, as if the same had matured and been protested for non-payment; and when due notice of non-acceptance has been given to the said parties, it shall not be necessary afterwards to present the said bill for payment, or if such presentment be made, to give notice of the dishonor.

13. The holder of any Bill, instead of protesting upon the refusal to accept, may cause it to be noted for non-acceptance by a Notary; such noting to be made upon the said Bill; and should such Bill be afterwards protested for non-payment, a protest for non-acceptance need not be extended; but the noting, with the date thereof, and the name of the Notary by whom the same was made, must be stated in the protest for non-payment.

14. Except in the cases hereinafter specially provided for, the duty of noting and protesting bills and notes shall be performed by a Public Notary for the Province in which the noting or protest is made; and every protest shall be made by the notary on the back of a copy of the bill or note and its endorsements; and

the notary shall preserve of record in his office a true copy of every such protest made by him.

15. No clerk, teller, or agent of any bank shall act as a notary in the noting or protesting of any bill or note, payable at the bank or at any of the agencies of the bank in which he is employed.

16. Upon every bill noted or protested for non-acceptance, and upon every bill and note protested for non-payment, the protesting notary shall write, print, or stamp the words "noted for non-acceptance," or "protested for non-acceptance" (as the case may be), or "protested for non-payment," (as the case may be) with the date of the noting or protest, and his fees and charges, and shall subscribe thereto his initials, and the usual initial letters designating his office.

17. The noting or protest of any bill, inland or foreign, or of any note, for dishonor, either by non-acceptance or non-payment, may be made on the day of such dishonor, at any time after non-acceptance, or, in case of non-payment, at any time after the hour of three o'clock in the afternoon; and if such bill or note is payable at a bank, it may be presented at such bank, and the demand of payment preliminary to the protest thereof may be made either within or after the usual afternoon banking hours of such bank.

18. No presentment and protest for non-payment of any bill or note shall be sufficient to charge the parties liable thereon, other than the acceptor or maker, unless such presentment and protest are made in the afternoon of the last day of grace, nor unless also due notice of the protest be given to the said parties as hereinafter provided; but the liability of the acceptor or maker towards the holder shall continue in full force and effect, although the liability of the other parties may be discharged from the want or insufficiency of protest or of notice of protest; and the want of protest and notice shall be excused, when they are, or either of them is rendered impossible by inevitable accident, or irresistible force, nor shall the drawer of any bill avail himself of the want of protest or notice, unless he shall prove that provision was duly made by him for the payment of such bill.

19. Every bill or note drawn or made in any part of Canada, and made payable in or drawn on any person resident in Canada, shall be deemed to be an inland bill or note; and nothing in this Act contained shall be construed to render unnecessary the noting or protesting of any foreign bill.

NOTICE OF THE PROTEST.

20. A notice of such protest shall be sent to each of the parties to the bill or note, and such notice shall be deemed to have been duly served, for all purposes, upon the party to whom the same is addressed, by being deposited in the post office, or way office, nearest to the place of making presentment of such bill or note,

at any time during the day whereon such protest has been made, or the next following juridical day.

21. Like notice given to the assignee, or to the interim assignee, or guardian, as the case may require, of the estate and effects of any insolvent party liable on any bill or note shall be as valid and effectual as if such notice had been given to the insolvent through the post office as aforesaid; provided, in such cases, that the bill was drawn or endorsed, or the note endorsed by the insolvent before the execution by him of the deed of assignment of his estate and effects, or before the issuing of the writ of attachment against his estate and effects.

22. In places where the holder of a bill or note is prevented from employing a Notary, by reason of there being none resident and practicing therein, or by reason of the refusal, absence or disability from sickness or otherwise of the Notary or Notaries so resident and practicing, any Justice of the Peace may make such noting and protest and give notice of the same; and all such acts done by any such Justice shall have the same force and virtue as if the same had been done by a Notary; but such Justice shall set forth in the body or preamble of such protest the reasons why the same could not be done by a Notary; and a certificate and duplicate of such protest, containing such reasons, under the hand of such Justice, shall be deemed sufficient proof in any Court of the truth thereof.

23. Any person who represents himself to be a Notary or Justice of the Peace, and who acts as such in and about the protesting of a bill or note, or in or about the noting of a bill, not being such Notary or Justice, shall be deemed guilty of a misdemeanor, and shall be liable to be punished by fine and by imprisonment for a period of not more than six months.

24. The several fees and charges hereinafter mentioned, on the noting and protesting of bills and notes, together with the postages prepaid upon notices deposited at any post office as herein provided for, shall and may be claimed from the holder of the bill or note by the Notary or Justice of the Peace performing such duties, and shall be recovered from such parties thereto as are liable for the payment of the same.

25. All protests, duplicates and notarial copies of protests of bills and notes, shall be received in all Courts as *primâ facie* evidence of the allegations and facts therein contained.

BILLS DRAWN ABROAD.

26. A bill drawn abroad upon any person in Canada, or payable or accepted at any place therein shall, as to all parties resident therein and liable on such bill, be subject to the provisions of this Act with respect to the days of grace for payment of the same, and to the protesting of such bill for non-

acceptance or non-payment, and the notification and service of such protest.

BILLS DRAWN UPON PERSONS ABROAD.

27. Every bill drawn, sold, or negotiated within Canada, which is returned under protest for non-payment, shall be subject to one per cent. damages, if drawn upon any person in the United States of America, and to two and one-half per cent. damages, if drawn upon any person out of Canada and not within the United States of America, with interest on the principal from the date of maturity, besides expenses of protesting and all incidental charges.

DISCOUNT, COMMISSION, USURY.

28. In discounting any bill or note, the party discounting may retain, receive, or charge the amount of the interest upon the principal sum therein specified as discount at the time the bill or note is discounted..

29. No bill or note, shall, though given for an usurious or other illegal consideration, or upon an usurious or otherwise illegal contract, be void in the hands of an endorsee, or in the case of a note transferable by delivery in the hands of a person who acquired the same as bearer, for valuable consideration, unless such endorsee or bearer had, at the time of discounting or paying such consideration for the same, actual knowledge that such bill or note had been originally given for an usurious or other illegal consideration, or upon an usurious or otherwise illegal contract.

FORMS AND FEES.

30. Every protest and notice may be according to the forms following, or to the like effect:

FORM OF PROTEST.

" On this day of , in the year of our Lord One
" thousand eight hundred and , at the request of
" , holder of the bill of exchange hereunto annexed, I,
" , a Notary Public for the Province of
" duly appointed, did exhibit the said bill unto , at
" , being the place where the same is payable, and
" speaking did demand payment of the said bill; to
" which demand *he* answered ; Wherefore, I, the
" said Notary, at the request aforesaid, have protested, and do
" hereby solemnly protest, for want of payment of the said bill.
" And afterwards, on the day and year mentioned in the margin,
" I, the said Notary Public, did serve due notice, according to law,
" of the said presentment, non-payment and protest of the said

" bill, upon the several parties thereto, by depositing, in Her " Majesty's Post Office at , being the nearest Post " Office (*or* Way Office) to the place of the said presentment, " letters containing such notices, one of which letters was ad- " dressed to each of the said parties, severally; the superscription " and address of which letters are respectively copied below, as " follows, that is to say:

(*Here insert the directions of the letters.*)

" In testimony whereof, I have hereunto set my Hand and " affixed my Seal of Office, the day and year first above written.

(*Signature*) L. S.

FORM OF NOTICE TO PARTIES.

" To Mr. (*date*)

" SIR.

" Take notice that a Bill of Exchange, dated on the day of " , for the sum of $ (or £) , drawn by , on " and accepted by , payable (*three months*) after the date " thereof, at the Bank of , in (*Toronto*) and endorsed by " A. B. C. D. E. F. &c., was, this day, presented by me for payment " at the said Bank, and that payment thereof was refused, and " that , the holder of the said Bill, looks to you for " payment thereof. Also, take notice that the same Bill was, this " day, protested by me for non-payment,

" Your obedient servant,

" A. H.,

" Notary Public."

The above forms may be changed to suit Protests for non-acceptance or non-payment of Bil's, or non-payment of Notes.

31. The fees to be taken by Notaries Public and Justices of the Peace for the services mentioned in this Act, shall be such as follows, and no more, *Videlicet:*

	$ cts.
For Noting for non- acceptance of any Bill	30
For the Protest of any Bill or Note	50
For every Notice	25

(Exclusive of travelling expenses.)

32. Chapter fifty-seven of the Consolidated Statutes of the late Province of Canada, intituled "An Act respecting Promissory Notes and Bills of Exchange," Chapter sixty-four of the Consolidated Statutes for Lower Canada, intituled "An Act respecting Bills of Exchange and Promissory Notes;" Chapter forty-two of the Consolidated Statutes for Upper Canada, intituled "An Act

respecting Bills of Exchange and Promissory Notes;" Sections 1 and 2 of Chapter eighty-two of the Revised Statutes of Nova Scotia, third series, intituled "Of Bills of Exchange and Promissory Notes;" Chapter one hundred and sixteen of the Revised Statutes of New Brunswick, intituled "Of Bills, Notes and Choses in Action;" Chapter twenty-two of the Acts of the Legislature of New Brunswick, passed in the twenty-second year of Her Majesty's reign, intituled "An Act in amendment of chapter 116, Title XXX., of the Revised Statutes 'Of Bills, Notes and Choses in Action;" and so much of the Civil Code of Lower Canada, or of any other Act or Law, as may be inconsistent with this Act, shall be, and are hereby repealed, except only as regards suits pending when this Act comes into force, and Bills or Notes matured and payable before that time, and except also that all Acts or parts of Acts or provisions of law, repealed by those hereby repealed, shall remain repealed.

33. This Act shall not come into force until the first day of September next after the passing thereof.

No. 57.] **BILL.** [1870.

An Act to amend the Act to incorporate the Merchants' Bank of Halifax.

WHEREAS, in and by the Act to incorporate the Merchants' Bank of Halifax, it is provided that the unpaid stock shall be called in at such time as shall be prescribed by future legislation, and application has been made to enable the said Corporation to call in and add to the paid up capital the further sum of $100,000; 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 Directors of the Merchants' Bank of Halifax may, and they are hereby authorized to call in and require the payment of the further sum of one hundred thousand dollars of the capital stock of the Corporation, in addition to a sum of three hundred thousand dollars authorized and directed to be called in and paid up in and by the Act hereby amended; but the same shall not be called in until thirty days' notice shall have been first given, in at least two of the newspapers published in Halifax, of the time and place appointed for the payment thereof. Further amount of capital may be called in.

No. 57.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to amend the Act to incorporate the Merchants' Bank of Halifax.

PRIVATE BILL.

The Hon. Mr. ARCHIBALD.

OTTAWA:

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

1870.

58

An Act to amend the Act respecting the extradition of certain offenders to the United States of America.

IN amendment of the Act passed in the thirty-first year of Her Majesty's reign, intituled *An Act respecting the treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain offenders,* Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. So much of the first section of the said Act as is in the words following, that is to say: "or any Police Magistrate, or Stipendiary "Magistrate in Canada, or any Judge of the Sessions of the Peace "in the Province of Quebec, or any Inspector and Superintendent "of Police empowered to act as a Justice of the Peace in the "Province of Quebec,"—shall be and is hereby repealed, except only as respects any proceedings commenced by or before any of the functionaries therein mentioned, before the coming into force of this Act, which may be continued and completed as if this Act had not been passed: but nothing herein contained shall be construed to prevent any person holding any of the said offices from being appointed under the said section to be a Commissioner for the purposes of the said Act.

59

An Act to amend "An Act respecting Cruelty to Animals."

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

1. The following words shall be added to, and be taken and read as, and form, part of, the first Section of the Act made and passed in the Session held in the thirty-second and thirty-third years of Her Majesty's Reign, chapter twenty-seven, intituled "*An Act Respecting Cruelty to Animals*," that is to say:—

"And any person who, in any manner, encourages, aids, or assists at the fighting or baiting of any bull, bear, badger, dog, cock, or other kind of animal, whether of domestic or wild nature, shall, upon being convicted before any one Justice of the Peace for the District, County, or place in which the offence was committed, for every such offence forfeit and pay such a sum of money not exceeding forty dollars, nor less than two dollars, with costs, as to such Justice seems meet.

An Act to amend the Act relating to Light-Houses, Buoys and Beacons.

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

1. For and notwithstanding anything to the contrary contained in the Act passed in the thirty-first year of Her Majesty's Reign, Chapter fifty-nine, intituled "*An Act relating to Light-Houses, "Buoys and Beacons,*" or any other Act, the Minister of Marine and Fisheries may direct the construction of all Light-Houses, light-ships, floating and other lights, lanterns, and other signals, buoys, beacons, anchors, and land-marks, and of all buildings and other works belonging thereto and in connection therewith, hereafter to be constructed at the expense of Canada for the greater security and facility of navigation, the construction of which is by Order of the Governor in Council, placed under the direction of the said Minister, as well as the maintenance and repair of the same when constructed and the maintenance and repair of all similar buildings and other works placed under his direct control and management by the said Act or by this Act; but nothing in this Act shall give authority to the said Minister to cause expenditure not previously sanctioned by Parliament.

2. The words "Lights, Buoys and Beacons" in the said Act shall be construed to mean and include all Light Ships, floating and other lights, lanterns, and other signals, anchors, and land-marks erected, placed or laid down, as therein mentioned, for the greater security and facility of navigation.

3. The ninth section of the said Act is hereby repealed; and all Light-houses, light-ships, floating and other lights, lanterns, and other signals, buoys, beacons, anchors, and land-marks in the said section, or elsewhere in the said Act mentioned, together with all buildings and other works belonging thereto, and in connection therewith, are hereby declared to be under the direct control and management of the said Minister, anything in any Act or law to the contrary notwithstanding.

4. Whoever shall wilfully take away, destroy, deface, or remove any light-house, light-ship, floating or other light, lantern or other signal, buoy or beacon, anchor or landmark, constructed, erected, laid down, placed or replaced under this Act, shall be guilty of a misdemeanor, for which he may be tried, either on an indictment in the usual way, before any Court having cognizance of cases of misdemeanor in the county or district in which the offence is committed, or summarily before any Stipendiary Magistrate, or Police Magistrate, or Judge of the Sessions of the Peace, or two Justices within the limits of whose jurisdiction the offence is committed.

5. The Minister shall make and submit to the Governor, an annual Report on all the works under his control, to be laid before

both Houses of Parliament within twenty-one days from the commencement of each Session, showing the state of each work and the amounts received and expended in respect thereof, with such further information as may be requisite.

6. It shall be the duty of the Minister to invite tenders by public advertisement for the execution of all works, except in cases of pressing emergency, where delay would be injurious to the public interest.

7. The Minister in all cases where any public work is being carried out by contract under his direction, shall take all reasonable care that good and sufficient security be given to and in the name of Her Majesty for the due performance of the work, within the amount and time specified for its completion ; and also in all cases where it seems to the Minister not to be expedient to let such work to the lowest bidder, it shall be his duty to report the same and obtain the authority of the Governor in Council, previous to passing by such lowest tender.

8. The Minister may at all times acquire and take possession, for and in the name of Her Majesty, of any land or real estate, the appropriation of which is in his judgment necessary for the use, construction and maintenance of any Public Work or building, under his control and management, or for the enlargement or improvement of any such Public Work or building, or for obtaining better access thereto ; and he may for such purpose contract and agree with all persons, bodies corporate, guardians, tutors, curators and trustees whatsoever, not only for themselves, their heirs, successors and assigns, but also for and on the behalf of those whom they represent, whether infants, (minor children) absentees, lunatics, married women, or other persons otherwise incapable of contracting, possessed of or interested in such land, or real estate ; and all such contracts and agreements, and all conveyances or other instruments made in pursuance of any such contract or agreement shall be valid to all intents and purposes whatsoever.

9. For all purposes preliminary to and consequent upon such acquiring and taking possession of land or real estate as aforesaid, as well as for the giving of contracts, and all other purposes of this Act, the said minister and the surveyors, engineers, contractors, agents, servants and workmen, employed by or under him shall have the same powers, and be subject to the same conditions, limitations and restrictions as are conferred and imposed upon the Minister of Public Works, and like persons employed by or under him by the Act "*respecting the Public Works of Canada*," passed in the thirty-first year of Her Majesty's Reign, chapter twelve.

61

An Act respecting Certificates to Masters and Mates of Ships.

WHEREAS it is expedient to provide for the examination of, and grant of certificates of competency and service to persons intending to act as Masters and Mates, on board Ships registered in Canada. Therefore, Her Majesty, by and with the advice and consent of the Senate, and House of Commons of Canada, enacts as follows:

EXAMINATIONS AND CERTIFICATES OF MASTERS AND MATES. OF SEA-GOING SHIPS.

1. Examinations shall be instituted in the several Provinces of Quebec, Nova Scotia and New Brunswick for persons, having been domiciled in Canada for at least three years, who intend to become masters or mates of sea-going ships, registered in Canada, or who wish to procure certificates of competency for sea-going ships, hereinafter mentioned; and persons serving in ships registered in Canada shall be deemed to be domiciled in Canada while so serving; and, subject as herein mentioned, the Minister of Marine and Fisheries shall provide for the examinations at such places as he may see fit; and the Governor in Council may appoint examiners to conduct the same, and may regulate the same, and may determine the amount of the remuneration of such examiners.

The examiners first appointed under this section may be such persons as may produce proof, to the satisfaction of the Governor in Council, of their fitness and competency to act as such; but after three persons have been so appointed examiners, no person shall be appointed an examiner unless nor until he has himself passed a satisfactory examination, before two or more examiners, as to his fitness and competency to act as an examiner, and has received from them a certificate to that effect.

2. The Governor in Council may from time to time lay down rules as to the conduct of such examinations, and as to the qualifications of the applicants; and such rules shall be adhered to by all examiners.

3. All applicants for examination shall pay, previous to examination, to such person as the Minister of Marine and Fisheries appoints for that purpose, the following mentioned fees, that is to say, for a certificate as master ten dollars; for a certificate as mate five dollars; and in the event of any applicant failing to procure his certificate of qualification, on his first examination, he will be entitled to a second examination without payment of any additional fee; but if he fail to procure his certificate of qualification, on such second examination, he shall pay the same fee previous to any subsequent examination, as is hereby required to be paid previous to a first examination for the certificate he seeks to procure.

4. Subject to the proviso hereinafter contained, the Minister of Marine and Fisheries,may grant to every applicant who is duly reported by any of the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, a certificate (hereinafter called a certificate of competency for sea-going ships) to the effect that he is competent to act as master, or as first mate, or only mate of a sea-going ship, registered in Canada, as the case may be; provided that in every case in which the Minister of Marine and Fisheries has any reason to believe such report to have been unduly made, he may remit the case either to the same or to any other examiners, and may require a re-examination of the applicant, or a further enquiry into his testimonials and character, before granting him a certificate.

5. Certificates of service for sea-going ships, differing in form from certificates of competency, may be granted as follows (that is to say).

(1.) Every person who before the first day of January one thousand eight hundred and seventy, served as master in a sea-going ship, in any Province in Canada or who has attained the rank of lieutenant, master, passed mate or second master in Her Majesty's Royal Navy, and who has produced satisfactory evidence at such examination of his sobriety, experience, ability and general good conduct on board ship, shall be entitled to a certificate of service as master for sea-going ships on payment of a fee of eight dollars.

(2.) Every person who before the first day of January one thousand eight hundred and seventy, served as mate in a sea-going ship in any Province in Canada, and who has produced satisfactory evidence, in manner aforesaid, of his sobriety, experience, ability and general good conduct on board ship, shall be entitled to a certificate of service as first or only mate for sea-going ships, on payment of a fee of four dollars.

And each of such certificates of service for sea-going ships, shall contain particulars of the name, place and time of birth, and of the length and nature of the previous service of the person to whom the same is issued; and thereupon the Minister of Marine and Fisheries, may issue such certificates of service to the various persons so respectively entitled thereto.

6. After the first day of July, which will be in the year of our Lord, one thousand eight hundred and seventy-two, no ship registered in Canada over one hundred and fifty tons register tonnage shall go to sea from any port or place in Canada on a voyage to any port or place out of Canada, not being a port or place in either of the Colonies of Newfoundland or Prince Edward Island, or in the United States of America, unless the master and first mate or only mate thereof have obtained and possess valid certificates either of competency or service for sea-going ships, appropriate to their several stations in such ship, or of a higher grade, from the Minister of Marine and Fisheries or valid certificates of competency, or service for

foreign-going ships, appropriate to their several stations in such ship, or of a higher grade, from the Board of Trade in the United Kingdom, or valid certificates of competency appropriate to their several stations in such ships, or of a higher grade, granted in any British Possession and declared by order of Her Majesty in Council published in the "London Gazette" under the provisions of the Merchant Shipping (Colonial) Act 1869, or of any Act of the Parliament of the United Kingdom containing such provisions, to be of the same force as certificates of competency for foreign-going ships granted under the Acts of the Parliament of the United Kingdom relating to merchant shipping; and every person who having been engaged to serve as master or first mate, or only mate of any sea-going ship, registered in Canada, over one hundred and fifty tons register tonnage, goes to sea as aforesaid, after that date, as such master or mate, without being at the time entitled to and possessed of such a certificate either of competency or of service for seagoing ships, as hereinbefore required, or who employs any person as master, first mate, or only mate of any such sea-going ship as aforesaid, without first ascertaining that he at the time is entitled to and possessed of such certificate, shall for each such offence incur a penalty not exceeding one hundred dollars.

7. After the first day of July, which will be in the year of our Lord, one thousand eight hundred and seventy-two. the master of every sea-going ship, registered in Canada, over one hundred and fifty tons register, shall produce to every Officer of the Customs in Canada, to whom he applies for a clearance of such ship, on any such voyage by sea as aforesaid, the certificates of competency, or service, for sea-going ships, which the said master and his first mate, or only mate, are hereby required to possess; and no Officer of the Customs at any port in Canada, shall clear any such ship, on any such voyage as aforesaid, after that date, without such certificates being first produced to him; and if any master, mate, or other officer of any such ship attempts to sail, or take such ship to sea, from any port in Canada, on any such voyage as aforesaid, after that date, until this requirement of this Act has been fully complied with, such master, mate, or other officer shall for every such offence incur a penalty of not exceeding one hundred dollars.

8. When any master or mate proves to the satisfaction of the Minister of Marine and Fisheries, that he has without fault on his part, lost or been deprived of any certificate already granted to him, the Minister of Marine and Fisheries, may, upon payment of one half the fee charged for the original certificate, cause a copy or duplicate of the original certificate to be made out and certified as aforesaid, and to be delivered to him.

9. Every person who makes, or procures to be made, or assists in making any false representation for the purpose of obtaining for himself or for any other person a certificate either of competency or service, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or

procures to be fraudulently altered, any such certificate or any official copy of any such certificate, or who fraudulently makes use of any such certificate which is forged, altered, cancelled or suspended, or to which he is not justly entitled, or who fraudulently lends his certificate to or allows the same to be used by any other person, shall for each offence be deemed guilty of a misdemeanor.

10. The Board of Trade in the United Kingdom, or the Minister of Marine and Fisheries may suspend or cancel the certificate (whether of competency or service) of any master or mate who has received a certificate from such Minister in the following case, (that is to say,) if upon any investigation duly authorized by the Governor in Council, under section five of the Act of the Parliament of Canada, 32 and 33 Victoria, chapter 38, "*respecting inquiries and investigations into Shipwrecks and other matters*," such master or mate is reported to be incompetent, or to have been guilty of any gross act of misconduct, drunkenness, or tyranny, or it is reported that the loss or abandonment of, or serious damage to any ship, or loss of life, has been caused by his wrongful act or default, or if it is shown, to the satisfaction of the said Board of Trade, or of the said Minister, that such certificate was granted on false or erroneous information.

11. And every master or mate whose certificate is cancelled or suspended shall deliver it to the Minister of Marine and Fisheries or as he directs, unless he has already delivered it to the court or tribunal before whom his conduct was called in question in the course of the investigation upon which it is cancelled or suspended, and in default shall for each offence incur a penalty not exceeding two hundred dollars; and the Minister of Marine and Fisheries may at any subsequent time grant to any person whose certificate has been cancelled, a new certificate of the same or of any lower grade.

12. All certificates, whether of competency or service, shall be made in duplicate, and one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded in the Department of Marine and Fisheries; and all documents purporting to be certificates granted by the Minister of Marine and Fisheries in pursuance of this Act, and to be signed by him, shall be received in evidence, and shall be deemed to be such certificates without further proof, unless the contrary be shown; and whenever notice of the cancelling, suspending, altering or otherwise affecting by competent authority any such certificate is received by the Department there shall thereupon be made a corresponding entry in the record of certificates; and a copy, or duplicate, of any such certificate, purporting to be certified by the Minister of Marine and Fisheries, or his Deputy, shall be *primâ facie* evidence, as aforesaid, of such certificate; and a copy purporting to be so certified as aforesaid of any entry made as aforesaid in respect of any such certificate shall be *primâ facie* evidence of the truth of the matter stated in such entry.

PREPARATION OF CANDIDATES FOR EXAMINATION.

13. The Governor may from time to time, by Order in Council make provision for affording facilities for imparting to sea-faring men, desirous of becoming applicants for examination for certificates of competency, under this Act, such information as to the theory of navigation, as may fit them for such examination; and may defray the expenses incurred under any such Order in Council, out of any money that may be voted by the Parliament of Canada for that purpose.

14. This Act shall come into operation upon, from and after the day, not being earlier than the first day of January, one thousand eight hundred and seventy-one, appointed for that purpose in any Proclamation by the Governor to the effect that the same has been confirmed and approved by Her Majesty in Council, which day is hereinafter referred to as the commencement of this Act.

15. And whereas, by section five hundred and forty seven of the Act of the Parliament of the United Kingdom, passed in the Session thereof held in the seventeenth and eighteenth years of Her Majesty's Reign, chapter one hundred and four, "to amend and consolidate the Acts relating to Merchant Shipping" known as "The Merchant Shipping Act, 1854," it is enacted, that the legislative authority of any British possession shall have power, by any Act or Ordinance, confirmed by Her Majesty in Council, to repeal, wholly or in part, any provisions of the said Act relating to ships registered in such possession; therefore, upon, from and after the commencement of this Act, so much of the provisions of the said Act, and of any Act of the said Parliament amending the same, and forming and to be construed as part thereof, relating to ships registered in Canada, as is inconsistent with this Act shall be repealed; and sections one, two, three, four, five, six, seven and eight of part the first "*Of Shipping and Seamen*," of chapter seventy-five of the Revised Statutes of Nova Scotia (third series) shall also be repealed upon, from and after the same date; but this repeal shall not affect the past operation of any of the said provisions or sections, or the validity of anything already done, or of any certificate already granted, or any right, title, obligation or liability already accrued thereunder.

An Act to provide for the organization of the Department of the Secretary of State for the Provinces.

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

1. There shall be a Department of the Civil Service of Canada to be called: "The Department of the Secretary of State for the Provinces," over which the Secretary of State for the Provinces for the time being, appointed by the Governor by Commission under the Great Seal, shall preside; and the said Secretary of State for the Provinces shall have the management and direction of the Department, and shall hold office during pleasure.

2. The Governor may also, subject to the provisions of the Canada Civil Service Act, 1868, appoint an Under Secretary of State for the Provinces, and a Deputy Superintendent General of Indian affairs, and such other Officers and Clerks as may be necessary for the proper conduct of the business of the said Department, all of whom shall hold office during pleasure.

3. It shall be the duty of the Secretary of State for the Provinces to have charge of the State Correspondence with the Governments of the several Provinces included, or which may be hereafter included, within the Dominion of Canada, and perform such other duties as may from time to time be assigned to him by the Governor in Council.

4. The Secretary of State for the Provinces shall be the Superintendent General of Indian Affairs, and shall have and shall be held to have had from the twenty-first day of December now last, when he became such Superintendent General of Indian Affairs in the place and stead of the Secretary of State of Canada, by virtue of an Order of the Governor in Council, bearing date on that day, and made under the provisions of the Fortieth Section of the Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's Reign, Chapter forty-two, the control and management of the lands and property of the Indians in Canada, and all the rights, powers, and duties theretofore vested by the Act aforesaid, and by the Act 32 and 33 Victoria, Chapter 6, or otherwise by law, in the Secretary of State of Canada, as such Superintendent General of Indian Affairs; and the custody of the records and papers relating to the said Indian affairs shall belong to the Secretary of State for the Provinces.

5. The Geological Survey of Canada shall be attached to the Department of the Secretary of State for the Provinces,

and shall be held to have been so from the date of the Order in Council above mentioned, by which it was attached to the said Department.

6. The Under Secretary of State for the Provinces shall continue to be the Deputy Head of the said Department; and as respects Indian affairs and the Geological Survey of Canada, he shall be held to have been so from the date of the Order in Council above mentioned.

7. The Governor in Council may at any time assign any of the duties and powers hereby vested in the Secretary of State for the Provinces, to any other Member of the Queen's Privy Council for Canada, and his Department; and from the period appointed for that purpose by any Order in Council such powers and duties shall be transferred to and vested in such other Member of the Queen's Privy Council for Canada and his Department.

8. The Secretary of State for the Provinces shall annually lay before Parliament, within ten days after the meeting thereof, a report of the proceedings, transactions, and affairs of the Department during the year then next preceding.

No. 64.] **BILL.** [1870.

An Act to amend the Law relating to the Inspection of Raw Hides and Leather.

WHEREAS it is expedient to amend the Act of the Legislature of the late Province of Canada, passed in the Session held in the 27th and 28th years of Her Majesty's Reign, chapter 21, intituled: "An Act to regulate the Inspection of Raw Hides and Leather," and also the Act of the said Legislature passed in the Session held in the 29th and 30th years of Her Majesty's Reign, chapter 6, intituled: "An Act to amend the Law respecting the Inspection of Leather and Raw Hides"; 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 Inspector of Raw Hides and Leather, now or hereafter to be appointed under the said Acts, shall keep a proper book or books which shall be open to public inspection, in which he shall, from time to time, enter a statement or account of all green, raw, and salted Hides and Leather inspected by him or his Assistant Inspector or Inspectors, shewing the respective weight, quality, and condition thereof, how the same have been classified by him, for whom they have been inspected, and the amount paid for such inspection. Inspectors to keep books.

2. Every such Inspector shall twice in each year, and not later than the tenth day of January, and the tenth day of July, make a return to the Board of Trade of the City or Town in respect to which he has been appointed, of the particulars mentioned in the next preceding section. Returns by Inspectors.

3. Every Inspector of Raw Hides and Leather, now or hereafter to be appointed, shall give security for the due performance of the duties of his office, and for the payment of any penalties which may be recovered against or imposed upon him under this Act or the said recited Acts; such security shall be taken in the name of the President of the Board of Trade of the City or Town in respect to which such Inspector has been appointed, who shall approve thereof, and the same shall be available for any person injured by the default or breach of duty of such Inspector, or who recovers any penalty or penalties against him as aforesaid. Securities to be given by Inspectors.

4. Every Inspector who neglects or refuses to keep such a book as mentioned in the first section of this Act, or to make the entries required to be made therein, or who neglects or refuses to make the returns required by section two of this Act, shall incur a penalty not exceeding eighty dollars for each offence, and be liable to be dismissed from his office, and be disqualified from ever after holding the same. Penalty for contravention.

5. Every penalty or fine imposed by this Act, or by the said recited Acts, when the same does not exceed forty dollars, shall be recoverable by any Inspector of Raw Hides and Leather, or by any other person suing for the same in a summary manner before the Recorder, or Police Magistrate of the City or Town within the inspection limits of the said Inspectors, or before any two Justices of the Peace, and shall, in default of payment, be levied by a warrant of distress to be issued by such Recorder or Police Magistrate or Justices against the goods and chattels of the offender. How recovered.

When penalty exceeds $40.

6. Where such penalty or fine exceeds forty dollars, it may be sued for and recovered with full costs of suit by such Inspector or other person by civil action in any Court having jurisdiction in civil cases to the amount, and may be levied by execution as in cases of debt.

Certain provisions to apply.

7. The provisions of the thirty-first and thirty-second sections of the first mentioned Act shall apply to all penalties and proceedings under this Act.

Certain sections of former Acts repealed.

8. The twenty-ninth and thirtieth sections of the said Act of 27th and 28th Victoria, chapter 21, and the first section of the said Act of 29th and 30th Victoria, chapter 26, are hereby repealed.

Extent of Act.

9. This Act shall apply to the Provinces of Ontario and Quebec only.

No. 64.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to amend the Law relating to the Inspection of Raw Hides and Leather.

Received and read, First time, Friday, 1st April, 1870.

Second reading, Monday, 4th April, 1870.

Mr. Lawson.

OTTAWA:

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

1870.

No. —] **BILL.** [1870.

An Act to enable Britton Bath Osler, to obtain Letters Patent for the invention or discovery known as "Carr's Disintegrator," for disintegrating, dispersing, reducing or mixing ores and other substances.

Preamble.

WHEREAS, Britton Bath Osler, of the Town of Dundas, in the County of Wentworth, Esquire, a British subject, has by his petition represented, that he has by agreement with Thomas Carr, of the City of Bristol, in England, engineer, a British subject, acquired the inventions and discoveries of him the said Thomas Carr, for disintegrating, dispersing, reducing, or mixing, by a new method, metallic ores and other substances, and obtaining metals and other products therefrom, which said invention consists of the application of the principle of percussion in disintegrating, dispersing, reducing or mixing, such ores and other substances; And has further represented by his said petition, that the introduction and use of the said discovery into Canada, will materially aid in developing the mineral wealth of the country, and that it is his intention to introduce the said discovery into Canada; and has prayed that an Act may be passed, authorizing the Governor to secure to him by letters patent, the exclusive right of making, using and vending the said discovery within this Dominion, and it is expedient to grant the prayer of the petition:

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

Patent may be granted, and on what condition.

1. Notwithstanding anything to the contrary in the Patent Act of 1869, it shall be lawful for the Governor if he sees fit, and upon satisfactory proof of the truth of the statements of the petitioner, and that the original inventor could, if a resident of this Dominion, legally apply for and obtain a patent for the said invention, to grant a patent to the said petitioner, as the assignee of the original inventor for the said discovery, improvements and processes: but no patent shall issue under the provisions of this Act until after one month's notice shall have been given in the official *Gazette*, stating the name of the original inventor, and such particulars as will identify the invention, nor until proof of the service of such notice upon the inventor personally, or by mail, to the satisfaction of the Commissioner of patents, shall have been made; and any such patent to be granted as aforesaid, shall nevertheless be granted on the following conditions:—

First, That the patentee shall, within three years from the date of the patent, establish, or cause to be established within the limits of the Dominion, works in which the said discovery, improvements and processes, shall be used, practised, and carried on:—

Secondly, That the privileges granted by such patent, shall cease upon the abandonment of such works and stoppage thereof, for a period of one year, at anytime during the term for which the patent is granted.

No. —.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to enable Britton Bath Osler, to obtain Letters Patent for the invention or discovery known as "Carr's Disintegrator" for disintegrating, dispersing, reducing or mixing ores and other substances.

PRIVATE BILL.

The Hon. Mr. WOOD.

OTTAWA:

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

1870.

No. 66.] **BILL.** [1870.

An Act respecting the weighing of grain.

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

1. The Board of Trade at any place, or the council thereof, may name any number of persons within the county or district in which such Board of Trade exists, or within any county adjacent thereto, in which there is no Board of Trade, to weigh all grain which shall be brought to any city, town, village, or place within such county or counties, by ordinary means of conveyance other than railway or water carriage, and shall require such persons respectively to furnish and place in some convenient and accessible place or places in the city, town, village, or place for which they are to act, proper scales and weights, for the weighing of all grain brought, as aforesaid, to such respective markets; and such weighers of grain shall hold office during the pleasure of the Board of Trade from whom they respectively hold their appointment. Boards of Trade to appoint weighers.

2. Such Board of Trade shall provide that the person or persons appointed as weighers of grain, shall be entirely disinterested, and shall not, whilst engaged in such capacity, be interested in any grain operations whatever. Weighers to be disinterested.

3. Each person so appointed shall, before he enters upon the duties of his office, take an oath or affirmation of office before some Justice of the Peace, who is hereby authorized to administer the same, in the following form :— Weigher to take an oath of office.

"I, A. B., having been appointed a weigher of grain for the under the "Act respecting the weighing of grain," do swear (or affirm) that I will faithfully perform the duties of the said Office, according to the provisions of the said Act; and that I will not, whilst so engaged, become or be interested in the purchase or sale of grain, or in any grain operations whatever, "So help me God."

Signature, A. B.

And such oath shall remain in the custody of the Justice of the Peace who administers it.

4. Such weighers of grain shall be entitled to a fee not exceeding upon each and every load of grain sold at the place at which they are respectively appointed to act, which fee shall be paid by the person bringing such grain to market, to the weigher thereof. Fees to be paid.

5. From and after the appointment of such weigher of grain, and the furnishing and placing of such scales and weights as aforesaid, at any place, each and every person selling or delivering any load of grain at such place without having had the same weighed as aforesaid, shall, on conviction thereof, before any Justice of the Peace, be liable to a penalty of not less than *one*, or more than *five* dollars for each and every offence, and each and every person convicted in like manner, of having disposed of any part of any load of grain, or of having otherwise diminished the quantity contained in such load, between the time the same shall have been weighed, as aforesaid, and the delivery of the same to the purchaser thereof, shall be liable to a penalty in the discretion of the convicting Justice, not exceeding the value of such load of grain. Penalty on neglect to have grain weighed before sale.

Tickets shewing weight to be evidence.

6. The certificates, or tickets, issued by such respective weighers of grain, and shewing the weight of any load, and the number of bags, or sacks, of which it consists, shall be received and accepted by the seller and buyer of the load of grain to which it refers as conclusive evidence of the weight and contents of such load, and the buyer shall be at liberty to deduct from the quantity mentioned in such certificate or ticket, the weight of the bags or sacks containing such grain.

Application.

7. This Act shall apply to the Province of Ontario only.

No. 66.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act respecting the weighing of grain.

Received and read first time, Monday, 4th April, 1870.

Second reading, Tuesday, 5th April, 1870.

Mr. WALSH.

OTTAWA:

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

1870.

An Act for the better protection of the Clothing and Property of Seamen in Her Majesty's Navy.

WHEREAS the clothing and property of Soldiers in Her Majesty's Army are protected by the restraint of the sale thereof, and it is expedient to make the like provision with respect to the clothing and property of Seamen in Her Majesty's Navy; therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as the Queen's Seaman's Clothing Act, 1870.

2. In this Act—

The term "Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral;

The term "Seaman" means every person not being a Commissioned, Warrant, or Subordinate Officer, who is in or belongs to Her Majesty's Navy, and is borne on the books of any one of Her Majesty's Ships in commission, and every person, not being an Officer as aforesaid, who, being borne on the books of any hired vessel in Her Majesty's service, is by virtue of any Act of the Parliament of the United Kingdom for the time being in force for the discipline of the Navy, subject to the provisions of such Act.

The term "Seaman's property," means any clothes, slops, medals, and necessaries, or articles usually deemed to be necessaries for Sailors on board ship, which belong to any Seaman.

3. If any person detains, buys, exchanges, takes on pawn, or receives from any Seaman, or any person acting for a Seaman, any Seaman's property, or solicits or entices any Seaman, or is employed by any Seaman, to sell, exchange, or pawn, any Seaman's property, he shall, unless he proves that he acted in ignorance of the same being Seaman's property, or of the person with whom he dealt being or acting for a Seaman, or that the same was sold by order of the Admiralty or Commander in Chief, be liable, on summary conviction, to a penalty not exceeding *one hundred dollars*, and if convicted of a second offence, to the same penalty, or, in the discretion of the Justice or Justices, to be imprisoned for a term not exceeding six months, with or without hard labor.

4. If any Seaman's property is found in the possession or keeping of any person, and he is taken or summoned before a Justice of the Peace, (which taking and summoning are hereby authorized) and the Justice sees reasonable grounds for believing the property so found to have been stolen, or to have been detained, bought, exchanged, pawned, or otherwise received contrary to the provisions of this Act, then if such person does not satisfy the Justice that he came by the Seaman's property so found, lawfully and without any contravention of this Act, he shall be liable, on summary conviction before a Justice or Justices, to a penalty not exceeding twenty-five dollars; and for the purposes of this section Seaman's property shall be deemed to be in the possession or keeping of any person if he knowingly has any such property in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or inclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit, or for the use or benefit of another.

Tickets shewing weight to be evidence.

6. The certificates, or tickets, issued by such respective weighers of grain, and shewing the weight of any load, and the number of bags, or sacks, of which it consists, shall be received and accepted by the seller and buyer of the load of grain to which it refers as conclusive evidence of the weight and contents of such load, and the buyer shall be at liberty 5

5. The following sections of the Act of the Parliament of Canada passed in the Session thereof held in the thirty-second and thirty-third years of Her Majesty's reign, chapter twenty-one "*respecting Larceny "and other similar offences*" are hereby incorporated with this Act, and shall for the purposes of this Act be read as if they were herein enacted, 5 and as if the term "this Act" in those sections, included the present Act; namely, section one hundred and eight (relating to the punishment of abettors) and sections one hundred and seventeen, one hundred and eighteen, one hundred and nineteen, and one hundred and twenty (relating to the apprehension of offenders, and other proceedings.) 10

6. Every offence hereby made punishable on summary conviction may be prosecuted in the manner directed by the Act of the Parliament of Canada passed in the Session thereof held in the thirty-second and thirty third years of Her Majesty's reign, chapter thirty one, "*respecting the "duties of Justices of the Peace out of Sessions, in relation to summary con-* 15 *"victions and orders*," so far as no other provision is hereby made for any matter or thing which may be required to be done in the course of such prosecution; and all provisions contained in the said Act shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act. 20

7. Nothing in this Act shall prevent any person from being indicted, under this Act, or otherwise, for any indictable offence made punishable on summary conviction by this Act, or prevent any person from being liable, under any other Act, or otherwise, to any other or higher penalty or punishment than is provided for any offence by this Act, so that no 25 person be punished twice for the same offence.

No. 68] **BILL.** [1870.

An Act respecting Ferries.

Preamble.

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

Application of this Act.

1. This Act shall apply to all ferries, over which exclusive legislative authority is assigned to the Parliament of Canada, by the British North America Act, 1867.

Licences to be under the Great Seal.

2. Every license of ferry under this Act, shall be under the Great Seal, and shall be issued by the Governor in Council, after public competition, as hereinafter provided.

Licenses to be granted only after competition.

3. Whenever any ferry is established or becomes vacant, it shall be the duty of the Minister of Inland Revenue to offer the license or renewal of license for such ferry to public competition and for that purpose to give notice, in the English and French languages, in the *Canada Gazette*, and in one or more newspapers published or circulated in the locality in which the ferry is situate, of the time and place at which tenders will be received for the license, or renewal of license, for such ferry, and the Minister of Inland Revenue shall report the same the result of such competition to the Governor in Council, and the license, or renewal thereof, shall be granted accordingly.

Duration of License.

4. Ferry licenses issued after such public competition, may be granted for any period not exceeding years.

Power to Governor in Council to make regulations.

5. The Governor in Council may make, and may from time to time, repeal or alter such regulations as he deems expedient, for any of the following purposes, that is to say:

Firstly—For establishing the extent and limit of all, or any such ferries as aforesaid;

Secondly—For defining the manner in which the conditions (including any duty or sum to be paid for the license), under which, and the period for which, licenses shall be granted in respect of such ferries, or any one or more of them;

Thirdly. For determining the size and description of the vessels to be used on any such ferries by the persons holding licenses in respect thereof, and the nature of the accommodation and conveniences to be provided for passengers carried in such vessels;

Fourthly. For fixing the tolls or rates at which persons and chattels shall be carried over such ferries, and the manner and places at which such tolls or rates shall be published or made known;

Fifthly. For enforcing the payment of such tolls or rates, by the persons carried, or for whom chattels are carried, over such ferries;

Sixthly. For regulating the conduct of persons holding licenses, in respect of such ferries, and for fixing the times and hours and parts of hours during and at which vessels employed on

such ferries shall cross and recross, or depart from either side of any such ferry for that purpose;

Seventhly. For annulling and declaring the forfeiture of any ferry license in consequence of the conditions thereof, or any of them, not having been fulfilled; or in consequence of such license having been obtained by fraud or misrepresentation, or through error.

Eighthly. For imposing penalties, not exceeding ten dollars in any case, for the violation of any such regulation;

And all such regulations shall, during the time which they are intended to be in force, have the same force and effect as if contained in and enacted by this Act.

Regulations to be published in English and French.

6. The Minister of Inland Revenue shall cause all regulations, made as aforesaid, to be published in the English and French languages, in the *Canada Gazette*, at least three times during three months following the date thereof, and any copy of the said Gazette containing a copy of such regulations, or any of them, shall be evidence of such regulation or regulations.

Recovery of Penalties.

7. All fines or penalties imposed by this Act, or by any regulations under the authority thereof, shall be recoverable in a summary manner before any one Justice of the Peace, on the oath of any credible witness other than the informer; and one-half of every such penalty shall be paid to the informer, and the other half shall belong to the Crown.

Their application.

8. All moneys arising out of such ferry licenses, and out of fines and penalties incurred in regard to the same, or otherwise, under this Act, shall form part of the Consolidated Revenue Fund.

Penalties on persons interfering with ferry rights.

9. Any person who interferes with the rights of any licensed ferryman, by conveying passengers, or goods for hire or profit, within the limits assigned to such ferryman by the Crown, shall, upon conviction thereof before a Justice of the Peace, be liable to a penalty not exceeding twenty dollars.

This Act not to apply to vessels duly cleared at Customs.

10. Nothing in this Act shall extend to the owner or master of any vessel plying between two ports in Canada, or regularly entered or cleared by the Officers of Her Majesty's Customs at any such port, or in any way affect any privilege heretofore granted by the Parliament of Canada, or by the Legislatures of any of the Provinces heretofore or now composing Canada, to the proprietor of any bridge, or to any railway or other company, in respect to ferries within the meaning of the first section of this Act.

Existing licenses to remain in force, but subject to this Act.

11. Chapter forty-six of the Consolidated Statutes for Upper Canada, and any Act or law now in force respecting ferries in any Province of Canada, shall no longer apply to or affect any ferry to which this Act applies, but licenses heretofore legally granted under any such Act or law in respect of such ferries, shall remain in force for the period, and upon the conditions set forth therein, subject, however, to be declared forfeited for non-observance of such conditions, or any of them, in the same manner as licences granted under this Act may be, and any regulation made in virtue of section five of this Act, providing for the annulling and forfeiture of ferry licences, shall apply to all licences heretofore granted for ferries to which this Act applies.

Interpretation.

12. The word "ferry" shall mean any ferry under the control of Parliament, and whether established before or after the passing of this Act, and the words "licence," or "renewal," shall be held to apply to all ferry licenses, or renewals thereof, whether issued before or after the passing of this Act.

Minister may make inquiries.

13. Whenever the Minister of Inland Revenue deems it convenient, he may, either himself or by any person specially appointed by him for that purpose, make enquiry under oath, as to any matter or matters connected with any ferry or ferry licence; and such person shall then have the same power as is vested in any court of law in civil cases, of summoning any party or witnesses, of enforcing their attendance, and of requiring, and compelling them to give evidence on oath, whether orally or in writing, and to produce such documents and things as he deems requisite to the full investigation of such matter or matters.

No. 68.

3rd Session, 1st Parliament, 33 Victoria 1870.

BILL.

An Act respecting Ferries.

Received and read, First time,

Second reading,

The Hon. Mr. Morris.

OTTAWA:

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

1870.

No. 69.] **BILL.** [1870.

An Act respecting Interest.

Preamble.

WHEREAS it is expedient to make the Law respecting the rate of Interest uniform throughout Canada; Therefore, Her Majesty, by and with the advice and consent of the Senate and Houses of Commons of Canada, enacts as follows:

Legal rate 6 per cent.

1. Six per centum per annum shall be, throughout Canada, the legal rate of interest.

Six may be stipulated.

2. Any rate of interest not exceeding six per centum per annum, may be paid in advance or otherwise, and being paid, may be retained, or may be stipulated in writing and recovered.

Penalty if more than six is stipulated.

3. If any higher rate of interest than six per centum per annum is stipulated, the party stipulating such higher rate of interest than six per cent. shall, *ipso facto*, forfeit the whole of the interest as a penalty.

To what contracts the two next preceding sections shall apply.

4. The two next preceding sections of this Act shall not apply to any loan, or contract for the loan or forbearance of money, or money's worth, made or to be made before the first day of January, in the year of our Lord one thousand eight hundred and seventy-one, and any such loan or contract, and all matters respecting it, shall continue to be governed by the laws by which they would have been governed if this Act had not been passed: But the said section shall apply to any loan, or contract for the loan or forbearance of money, or money's worth, made on or after the said day; and with respect to any such loan or contract as last mentioned, all Acts and parts of Acts and provisions of law prohibiting any thing permitted by the said two next preceeding sections, or permitting any thing thereby prohibited, or otherwise inconsistent with the provisions therein contained, shall be repealed: Provided that nothing in this Act shall extend to cases of Bottomry Bonds, or contracts for the loan or hire of grain or live stock upon halves or otherwise, where the lender takes the risk of casualties upon himself, as mentioned and provided for in Sections 2 and 3 of Chapter 82, of the Revised Statutes of Nova Scotia (second series), intituled "Of Interest," or in Section 6, of the Act of the Legislature of New Brunswick, passed in the twenty-second year of Her Majesty's reign, Chapter 21, intituled "An Act to Modify the Laws relating to Interest and Usury," or to like cases in the Provinces of Ontario and Quebec.

Proviso: As to cases where the lender takes a risk.

No. 69.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act respecting Interes

[*Reprinted as amended in Committee of the Whole.*]

Hon. Sir FRANCIS HINCKS.

OTTAWA:

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

1870.

No. 69.] **BILL.** [1870.

An Act respecting Interest.

Preamble. WHEREAS it is expedient to make the Law respecting the rate of Interest uniform throughout Canada; Therefore, Her Majesty, by and with the advice and consent of the Senate and Houses of Commons of Canada, enacts as follows:

Legal rate 6 per cent. 1. Six per centum per annum shall continue to be throughout Canada, the legal rate of interest in all cases where by agreement of the parties, or by law, interest is payable, and no rate has been fixed by the parties in writing or by the law.

Eight may be stipulated. 2. Any rate of interest not exceeding eight per centum per annum, may be paid in advance or otherwise, and being paid, may be retained, or may be stipulated in writing and recovered.

Penalty if more than eight is stipulated. 3. If any higher rate of interest than eight per centum per annum is stipulated, such rate shall, *ipso facto*, be reduced to six per centum per annum, as a penalty, and that rate only shall be recoverable; and if any higher rate than eight per centum per annum be paid, the excess of the rate paid over six per centum per annum shall be recoverable by the party paying it, provided the action for recovering it be brought within six months from the payment, but no other forfeiture or penalty shall be incurred by stipulating or taking such higher rate of interest than eight per centum per annum.

To what contracts the two next preceding sections shall apply. 4. The two next preceeding sections of this Act shall not apply to any loan, or contract for the loan or forbearance of money, or money's worth, made or to be made before the first day of January, in the year of our Lord one thousand eight hundred and seventy-one, and any such loan or contract, and all matters respecting it, shall continue to be governed by the laws by which they would have been governed if this Act had not been passed: But the said sections shall apply to any loan, or contract for the loan or forbearance of money, or money's worth, made on or after the said day; and with respect to any such loan or contract as last mentioned, all Acts and parts of Acts and provisions of law prohibiting any thing permitted by the said two next preceeding sections, or permitting any thing thereby prohibited, or otherwise inconsistent with the provisions therein contained, shall be repealed: Provided that nothing in this Act shall extend to cases of Bottomry Bonds, or contracts for the loan or hire of grain or live stock upon halves or otherwise, where the lender takes the risk of casualties upon himself, as mentioned and provided for in Sections 2 and 3 of Chapter 82, of the Revised Statutes of Nova Scotia (second series), intituled "Of Interest," or in Section 6, of the Act of the Legislature of New Brunswick, passed in the twenty-second year of Her Majesty's reign, Chapter 21, intituled "An Act to Modify the Laws relating to Interest and Usury," or to like cases in the Provinces of Ontario and Quebec.

Proviso: As to cases where the lender takes a risk.

No. 69.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act respecting Interest.

Received and read, First time, Wednesday, 6th April, 1870.

Second reading, Thursday, 7th April, 1870.

HON. SIR FRANCIS HINCKS.

OTTAWA.

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

1870.

No. 70.] **BILL.** [1870.

An Act to remove certain restrictions with respect to the issue of Bank Notes in Nova Scotia.

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

Banks in Nova Scotia may issue notes under $20, but not under $4.

1. So much of the thirteenth section of chapter eighty-three of the Revised Statutes of Nova Scotia, third series, intituled: —"Of Currency;" or of any other Act or Law or of the Charter of any Bank, in force in Nova Scotia, as prohibits the issue of any Bank Note by any chartered Bank for a less sum than twenty dollars, is hereby repealed; but no chartered Bank in Nova Scotia shall issue any Bank Note for a less sum than four dollars currency of that Province, under the penalty imposed by the said thirteenth section of the said chapter eighty-three, for issuing Notes for a less sum than twenty dollars.

No. 70.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act with respect to the issue of Bank Notes in Nova Scotia.

Received and read First time Thursday, 7th April, 1870.

Second reading, Friday, 5th April, 1870.

Hon. Sir F. HINCKS.

OTTAWA:

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

1870.

No. 71.] **BILL.** [1870.

An Act to amend the Law respecting the Department of Finance.

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

1. The office of Deputy Inspector General is hereby abolished, and so much of the Canada Civil Service Act, 1868, or of the Act respecting the Department of Finance, as provides for the appointment of any such officer, or assigns any power or duty to him, is hereby repealed. Office of Deputy Inspector General abolished.

No. 71.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to amend the Act respecting the Department of Finance.

Received and read, First time, Tuesday, 12th April, 1870.

Second reading, Wednesday, 15th April, 1870.

HON. SIR F. HINCKS.

OTTAWA:

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

1870.

43

An Act to continue and make perpetual certain Acts and parts of Acts of the Province of New Brunswick, relative to the Police Force in the Parish of Portland, in the City and County of Saint John.

WHEREAS an Act of the Legislature of the Province of New Brunswick, made and passed in the eleventh year of Her Majesty's Reign, and intituled: "An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John," and declared to be in force until the first day of May, which would be in the year of Our Lord one thousand eight hundred and fifty one, has been, by sundry subsequent Acts of the Legislature of the said Province, continued in force until the first day of May, now next, when, if not again continued, it would expire :

And whereas under and by virtue of "The British North America Act, 1867," certain of the provisions of the said recited Act of the Legislature of the Province of New Brunswick and of sundry subsequent Acts of the said Legislature in addition thereto, and in amendment thereof, have ceased to be the subject of legislation within the said Province, inasmuch as the same relate to matters not coming within the classes of subjects by the said "The British North America Act, 1867," assigned exclusively to the Legislatures of the Provinces ;

And whereas, it is highly desirable to continue and make perpetual, such provisions of the said recited Act, and of the other Acts in addition thereto, and in amendment thereof :

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

1. The following Act and parts of Acts of the Legislature of the said Province of New Brunswick. that is to say—

Of the said recited Act eleventh Victoria, chapter twelve, sections three, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen so far as relates to the construction of the parts of the said Act herein mentioned and referred to, seventeen, eighteen, nineteen, twenty, twenty-two, twenty-three so far as refers to criminal cases, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one and forty-three, and section fifty-two of the said Act as amended by section three of the Act fourteenth Victoria chapter seven ;—

Of the Act fourteenth Victoria chapter seven, so much of section two as provides for the payment of any sum out of the Portland Police Fund ;—

Of the Act twenty-third Victoria chapter seven, section two ;—

The whole of the Act twenty-fourth Victoria, chapter twenty-three ;—

Of the Act twenty-eighth Victoria chapter three, sections six, seven, eight, nine, ten, eleven and twelve ;—

Of the Act thirtieth Victoria, Second Session, chapter thirty-six, sections one, five and six ;—

and all other parts of any of the Acts aforesaid, and all Acts or parts of Acts of the Legislature of the said Province in addition to or in amendment of the said recited Act, together with all forms and tables of fees or costs authorized or required thereby, are hereby declared to be in force within the said Province, for the purposes, and in the

Parish of Portland, therein mentioned or intended, and are continued and made perpetual so far as the provisions thereof relate to matters not coming within the classes of subjects by the British North America Act 1867, assigned exclusively to the Legislatures of the Provinces, and are not inconsistent with those of any Act of the Parliament of Canada now in force.

2. All fines, penalties, forfeitures or costs ordered, imposed, and received by the Police Magistrate, or sitting Magistrate, alone, or with any other Justice of the Peace, at the Police Office in the said Parish of Portland, shall be paid over to the Treasurer of the Portland Police, for the purposes and to be applied according to the provisions of the said first-recited Act, anything in the Act authorizing the imposition or payment of any such fine, penalty, forfeiture or costs, to the contrary notwithstanding.

3. Nothing in this Act contained, shall be taken or construed to prevent the said Police Magistrate, or sitting Magistrate, in the said Parish of Portland, from proceeding, where applicable and he may deem it expedient, under any one of the following Acts passed in the 32nd and 33rd years of Her Majesty's Reign, namely: "*An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary Convictions and Orders,*" "*An Act respecting the prompt and summary administration of Criminal Justice in certain cases,*" and "*An Act respecting the trial and punishment of Juvenile Offenders.*"

4. The same appeal shall lie against all convictions under this Act, and the Acts therein mentioned and subject to the same terms and conditions, as are provided and required by the 32–33 Victoria, chapter Thirty-one.

5. The provisions of the 76th, 77th, and 78th sections of the said Act, 32–33 Victoria, Chapter 31, shall not be deemed or taken to apply to convictions for minor offences, made under the provisions of any Law relating to Police, of merely local operation, by any Police Magistrate, or Sitting Magistrate, of the said Province of New Brunswick.

No. 73.] **BILL.** [1870.

An Act to authorize the apprehension and detention of such persons as shall be suspected of committing acts of hostility or conspiring against Her Majesty's Person and Government.

Preamble.

WHEREAS certain evil disposed persons, being subjects or citizens of Foreign Countries at Peace with Her Majesty, threaten lawless invasions of and hostile incursions into Canada: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Persons in custody at or after the passing of the Act, charged with certain offences.

1. All and every person and persons who is, are or shall be within Prison in Canada at, upon, or after the day of the passing of this Act, by warrant of commitment signed by any two Justices of the Peace, or by a Commissioner of Police appointed under the Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's reign, and intituled, "An Act respecting Police of Canada," or under capture or arrest made with or without Warrant, by any of the officers, non-commissioned officers or men of Her Majesty Regular, Militia, or Volunteer Militia Forces, or by any of the officers, warrant officers or men of Her Majesty's Navy, and charged;

With being or continuing in arms against Her Majesty in Canada;

Or with any act of hostility therein;

Or with having entered Canada with design or intent to levy war against Her Majesty, or to commit any felony therein;

Or with levying war against Her Majesty in company with any of the subjects or citizens of any Foreign State or Country then at peace with Her Majesty;

Or with entering Canada in company with any such subjects or citizens with intent to levy war on Her Majesty, or to commit any act of Felony therein;

Or with joining himself or themselves to any person or persons whatsoever, with the design or intent to aid and assist him or them whether subjects or aliens, who have entered or may enter Canada with design or intent to levy war on Her Majesty, or to commit any felony within the same;

Or charged with High Treason or treasonable practices, or suspicion of High Treason, or treasonable practices;

May be detained without bail until the end of the Ses. next after the 1st Dec., 1871.

May be detained in safe custody without Bail or mainprize until the first day of December, one thousand eight hundred and seventy-one, and until the end of the Session of Parliament then next succeeding; and no Judge or Justice of the Peace shall bail or try any such person or persons so committed, captured or arrested without order from the Queen's Privy Council for Canada, until the day after the termination of the first session held after the first day of December, one thousand eight hundred and seventy-one, any Law or Statute, to the contrary notwithstanding; provided, that if within one month after the date of any warrant of commitment, the same or a copy thereof certified by the party in whose custody any such person or persons is or are detained under it, be not countersigned by a clerk of the Queen's Privy Council for Canada, then any person or persons detained in custody under such warrant of commitment for any of the causes aforesaid by virtue of this Act, may apply to be and may be admitted to Bail.

Proviso: the warrant to be countersigned, and by whom.

By whom and where may persons be detained.

2. In cases where any person or persons have been, before the passing of this Act or shall be during the time this Act shall continue in force arrested, committed or detained in custody by force of a warrant of commitment of any two Justices of the Peace, or of a Commissioner of Police, as aforesaid, for any of the causes in the preceding section mentioned, it shall and may be lawful for any person or persons to whom such warrant or warrants have been or shall be directed to detain such person or persons so arrested or committed, in his or their custody, in any place whatever within Canada, and such person or persons to whom such warrant or warrants have been or shall be directed, shall be deemed and taken to be to all intents and purposes lawfully authorized to detain in safe custody, and to be the lawful Gaolers and Keepers of such persons so arrested, committed or detained, and such place or places, where such person or persons so arrested, committed or detained, are or shall be detained in custody, shall be deemed and taken to all intents and purposes to be lawful prisons and gaols for the detention and safe custody of such person and persons respectively; and it shall and may be lawful to and for the Queen's Privy Council for Canada, by warrant signed by a Clerk of the said Privy Council, to change the person or persons by whom and the place in which any such person or persons so arrested, committed or detained, shall be detained in safe custody.

Place of custody may be changed and how.

Act may be suspended and again brought into force.

3. The Governor General may, by Proclamation, as and so often as he may see fit, suspend the operation of this Act, or within the period aforesaid, again declare the same to be in full force and effect, and, upon any such Proclamation, this Act shall be suspended or of full force and effect, as the case may be.

May be amended this session.

4. This Act may be altered, amended or repealed during the present Session of Parliament.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to authorize the apprehension and detention of such persons as shall be suspected of committing acts of hostility or conspiring against Her Majesty's Person and Government.

Received and read First time
1870.
Second reading,
1870.

Hon. Sir John A. Macdonald.

OTTAWA:
Printed by I. B. Taylor, 29, 31, and 33, Rideau Street.
1870.

1/4

An Act to empower the Police Court in the City of Halifax to sentence juvenile offenders to be detained in the Halifax Industrial School

WHEREAS, in and by an Act passed in the twenty-eighth year of Her Majesty's Reign, Chapter fifty-one of the Acts of the Legislature of the Province of Nova Scotia, intituled "*An Act to Incorporate "the Halifax Industrial School,*" after therein reciting that a number of persons had associated themselves together for the purpose of assisting and educating poor and friendless boys, and had purchased a house and premises as a home for such boys, such persons were, for the purpose of holding such real estate, and managing their affairs generally with greater ease, thereby constituted a body politic and corporate;

And whereas, for the further promotion of the benevolent design of such Society, it is desirable to authorize and empower the Police Court in the City of Halifax to sentence certain juvenile offenders to be detained in the said Industrial School;

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

1. Whenever any boy, being a Protestant and a minor, apparently under the age of sixteen years, shall be convicted before the Police Court in the City of Halifax, or before the Stipendiary Magistrate for the City of Halifax, of any offence for which. by law, he would be liable to imprisonment, the Police Court or Stipendiary Magistrate may sentence such boy to be detained in the said Industrial School for any period not exceeding five years, nor less than two years, as to the said Police Court or Stipendiary Magistrate shall appear proper.

2. But no such sentence shall be pronounced unless, nor until, provision has been made by the City of Halifax, out of its funds, for the support of boys so sentenced, at the rate of not less than *forty dollars* per annum for each boy.

3. The Home and premises of the said Industrial School shall, at all times, be open to inspection by the Mayor and Aldermen of the City of Halifax, and the Stipendiary Magistrate for the City of Halifax, or any of them.

4. The Committee of the said Industrial School shall be bound to teach and instruct each boy so sentenced and detained as aforesaid in reading and writing, and in Arithmetic as far as the rule of three, and also to teach each such boy such one of the trades or occupations which may, from time to time, be taught in the said School, as the Committee judge most adapted to his capabilities.

5. In case any boy so sentenced and detained as aforesaid escapes from the said Industrial School, he may, at any time before the expiration of his period of detention, be apprehended without warrant, and brought before the said Police Court or Stipendiary Magistrate, and on proof of his identity, the said Police Court or Stipendiary Magistrate shall, if it is the first time he has so escaped, remand him to the said School, there to serve the remainder of his original sentence, with such additional term, not exceeding one year, as to the said Police Court or Stipendiary Magistrate may appear proper, and if it is the second time he has so escaped, commit him to the City Prison, there to remain until the expiration of the period for which he was remanded to the said Industrial School after his first escape.

No. 75.] **BILL.** [1870.

An Act to amend the "Consolidated Seigniorial Act," chapter 41 of the Consolidated Statutes for Lower Canada.

Preamble.

WHEREAS by sections 51, 52, and 53 of the Act intituled: "An Act "respecting the general abolition of Feudal Rights and Duties," being chapter 41 of the Consolidated Statutes for Lower Canada, it was enacted that every *rente constituée* established by virtue of the said Act, in an entailed *(substituée)* seigniory, or in one held by a tutor, curator, or usufructuary proprietor, and in the case of which an opposition shall have been filed and be then in force, shall always be redeemable by payment to the Receiver-General of the capital thereof, with interest, computed up to the date of such redemption, and provision is likewise made by the said sections as to the manner in which such moneys shall be disposed of by the Receiver-General; and whereas, since the passing of the "British North America Act, 1867," it has become impossible for the *Censitaires* in such seigniories to exercise such right of redemption, in consequence of the change effected in the constitution of Canada by the Act last mentioned, and serious inconvenience has resulted therefrom: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Treasurer of Quebec substituted for Receiver-General under SS. 51, 52, 53 of the said Act.

1. All the powers and duties which devolved upon the Receiver-General of the former Province of Canada, by virtue of sections 51, 52, and 53 of the said Act, intituled: "An Act respecting the general abolition of Feudal "Rights and Duties," being chapter 41 of the Consolidated Statutes for Lower Canada, are conferred upon and shall appertain to the Treasurer of the Province of Quebec, and the said sections 51, 52, and 53 of the said Act shall be read as if the words "Treasurer of the Province of Quebec" were substituted for the words "Receiver-General," wherever these last mentioned words occur in the said sections.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to amend the Consolidated Seignorial Act, being chapter 41 of the Consolidated Statutes for Lower Canada.

Received and read, first time, Wednesday, 13th April, 1870.
Second reading, Thursday, 14th April, 1870.

Mr. GODIN.

OTTAWA.

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

1870.

76

An Act to amend the Act respecting Perjury.

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

1. The Third Section of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's Reign, chapter twenty-three, intituled An Act respecting Perjury is hereby so amended as to read as follows:—

"**3**. Any person who wilfully and corruptly makes any false affidavit, affirmation, or declaration, out of the Province in which it is to be used, but within the Dominion of Canada, before any functionary authorized to take the same for the purpose of being used in any Province of Canada, shall be deemed guilty of Perjury, in like manner as if such false affidavit, affirmation, or declaration had been made in the province in which it is used, or intended to be used, before a competent authority; and such person may be dealt with, indicted, and tried, and if convicted, may be sentenced, and the offence may be laid and charged to have been committed in that district county or place in which he has been apprehended, or is in custody."

and the said Act shall be construed and have effect as if the said section had, at the time of the passing of the Act, been worded as hereby amended.

77

44

An Act to amend "An Act respecting the security to be given by Officers of Canada."

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

1. The first part of the third section of an Act made and passed by the Parliament of Canada in the thirty-first year of Her Majesty's reign, chaptered thirty-seven, and intituled : "An Act respecting the security to be given by Officers of Canada," is hereby repealed, and the following section is enacted in lieu thereof, and shall be taken and read as the first part of the third section of the said Act:—

"3. Every surety in any such Bond shall make the affidavit in the form A hereunto annexed, or to the effect thereof, before a Justice of the Peace, and every such Bond or security shall be proved as to the due execution and delivery of the same by an affidavit of the attesting witness, made before a Justice of the Peace, and every such Bond or security, with the several affidavits thereunto annexed, shall be recorded at full length in the Department of the Secretary of State of Canada in the manner hereinafter mentioned, and the original Bond or security, and the affidavits thereunto annexed, shall forthwith, after such registration, be deposited in the Department of the Minister of Finance."

T

No. 78.] **BILL.** [1870.

An Act respecting certain Works on the Ottawa River.

Preamble.

WHEREAS, by the ninety-first section of the British North America Act, 1867, it is in effect enacted, that the exclusive legislative authority of the Parliament of Canada extends (among other subjects) to all matters relating to navigation and shipping,—and to such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by the said Act assigned exclusively to the legislatures of the Provinces,—and by the ninety-second section of the said Act, such works as, although wholly situate within any Province, are before or after their execution, declared by the Parliament of Canada to be for the general advantage of Canada, or for the advantage of two or more of the Provinces, are expressly excepted in the enumeration of the classes of subjects, by the said Act assigned exclusively to the legislatures of the Provinces;—And, whereas, the Ottawa River is a navigable river, and is in fact navigated throughout its whole course, and such works thereon, as may be important to the navigation of the said river are for the general advantage of Canada, and ought to be subject to the control and direction of the Government of the Dominion; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Navigation of the River Ottawa to be subject to the exclusive authority of Parliament, with all works connected with the same, or in or on the waters of the River.

1. The navigation of the River Ottawa as well by vessels and boats as by rafts and cribs of timber or logs, is hereby declared to be subject to the exclusive legislative authority of the Parliament of Canada, and all canals or other cuttings for facilitating such navigation, and all dams, slides, piers, booms, embankments, and other works of what kind or nature soever in the channel or waters of the said River, or in which the waters of the said River are used, and in whatever Province situate, and whether constructed or to be constructed, and whether constructed by the Government of Canada or by the Government of the late Province of Canada, or by the Government of Upper or of Lower Canada, or by any private party by the consent and authority of any of the said Governments, which shall, from time to time, be recognized by the Governor in Council, on the report of the Minister of Public Works, as being, or as having been, constructed for any purpose of public utility, shall be held to be works for the general advantage of Canada, and, with all works of like character, no matter by whom constructed and whether recognized as being for the general advantage or not, situate in or on the waters of the said River, shall be subject to the exclusive legislative authority of the Parliament of Canada, and shall be under the control and management of the Department of Public Works, and subject to the provisions of the Act, intituled, "An Act respecting the Public Works of Canada."

No. 78.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act respecting certain Works on the Ottawa River.

Received and read First time, Thursday, 14th April, 1870.

Second reading, Saturday, 16th April, 1870.

Honorable Mr. LANGEVIN.

OTTAWA:

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

1870.

Correct

No. 79.] **BILL.** [1870.

An Act to explain and amend the Act respecting the Collection and Management of the Revenue, the Auditing of Public Accounts, and the liability of Public Accountants.

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

Section 49 repealed, and new section substituted.

1. The 49th Section of the Act passed by the Parliament of Canada, in the 31st year of Her Majesty's Reign, Chaptered 5, and intituled, "An Act respecting the collection and management "of the Revenue, the Auditing of Public Accounts, and the "liability of Public Accountants," is hereby repealed, and the following Section is enacted in lieu thereof, and shall be taken and read as the 49th Section of the said Act, and as explanatory of the intention of the said Act:

Recital.

"49. 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,

Governor in Council may remit duties, penalties, &c., in certain cases.

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 of the Legislature of the late Provinces of Canada, Nova Scotia or New Brunswick, 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 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, which shall

How such remission may be made.

Proviso.

have been 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."

Effect of 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:"

Must be recommended by 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."

No. 79.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to explain and amend the Act respecting the Collection and Management of the Revenue, the Auditing of Public Accounts, and the liability of Public Accountants.

Received and read, First time, Thursday 14th April, 1870.

Second reading, Saturday, 16th April, 1870.

(*Correct Copy.*)

Hon. Mr. MORRIS.

OTTAWA:

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

1870.

No. 79.] **BILL.** [1870.

An Act to explain and amend the Act respecting the Collection and Management of the Revenue, the Auditing of Public Accounts, and the liability of Public Accountants.

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

1. The following sub-section shall be added to Section 49 of the Act respecting the Collection and Management of the Revenue, the Auditing of Public Accounts, and the liability of Public Accountants, and shall be read as Sub-section 3 of the said section, and construed as explanatory of the preceding provisions of that section: Additional sub-section to Section 49 of 31 Vict., c. 5.

"3. Such remission may be made conditionally or unconditionally, as well before as after any suit is brought for the recovery of any duty, toll, penalty, or forfeiture, or pending any such suit; and the Governor in Council may direct that no proceedings be brought to recover the same, or that they be delayed, or, if commenced, be discontinued or stayed; and 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 had as if there had been no remission. How such remission may be granted, and its effect.

"4. Any duty, toll, penalty or forfeiture, or part thereof, paid and afterwards remitted, may be refunded. Duties, &c., may be refunded.

"5. But no such remission shall be made in any case unless such case has been considered, and the remission, whether partial or total, conditional or unconditional, has been recommended by the Treasury Board and sanctioned by Order in Council." When only remission may be granted.

2. The following section shall be added to the said Act, and shall be read as forming part thereof: Duties not to be returned in certain cases.

"No duty which shall have been paid to Her Majesty on any goods, shall be returned on account of such goods having been lost or destroyed by fire, or other unavoidable accident, after the payment of such duty."

No. 79.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to amend the Act respecting the Collection and Management of the Revenue, the Auditing of Public Accounts, and the liability of Public Accountants.

Received and read, First time, Thursday 14th April, 1870.

Second reading, Saturday, 16th April, 1870.

Hon. Mr. MORRIS.

OTTAWA:

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

1870.

No. 80] **BILL.** [1870.

An Act to amend the Act respecting Contagious Diseases affecting Animals.

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

1. The following shall be added to and form part of section 6 of said Act: —"And any person who shall sell or dispose of, or attempt to sell or dispose of to any other person, any animal labouring under any contagious or infectious disorder, knowing the same to be so labouring under any contagious or infectious disorder, shall be guilty of a misdemeanor, and shall also be liable for any damages which any party may sustain into whose possession such animal may afterwards innocently come (whether such party purchase directly from the original seller thereof, or from any subsequent vendor or assignee thereof) in an ordinary action on the case for deceit." Provision added to Sect. 6 of the said Act.

No. 80.

3rd Session, 1st Parliament, 33 Vict., 1870.

BILL.

An Act to amend and extend provisions of chap. 37, 32 and 33 Vict., respecting Contagious Diseases affecting Animals.

Received and read First time, Thursday, 14th April, 1870.
Second reading, Monday, 18th April, 1870.

Mr. PERRY.

OTTAWA:

Printed by I. B. TAYLOR, 29, 32, and 33, Rideau Street.

1870.

81

An Act to amend an Act for the better preservation of the peace in the vicinity of Public Works.

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

1. For and notwithstanding anything to the contrary contained in an Act of the Parliament of Canada, made and passed in the Session thereof, held in the thirty-second and thirty-third years of Her Majesty's reign, intituled: "*An Act for the better preservation of the Peace in the vicinity of Public Works,*" the Governor in Council may, as often as occasion requires, declare by Proclamation that upon and after a day, therein named, the said Act or any section or sections thereof shall be in force in any place or places in Canada, therein designated, within the limits or in the vicinity whereof, any Railway, Canal, or other Public Work is in progress of construction, or such places as are in the vicinity of any Railway, Canal, or other Public Work, as aforesaid, within which he deems it necessary that the said Act, or any section or sections thereof, should be in force.

And the said Act or any such section or sections thereof shall upon and after a day to be named in any such Proclamation take effect within the places designated in such Proclamation; and the Governor in Council may in like manner from time to time declare the said Act or any section or sections thereof to be no longer in force in any of such place or places, and may again from time to time declare the said Act or any section or sections thereof to be in force therein; but no such Proclamation shall have effect within the limits of any City.

2. Wherever the expression "this Act" occurs in the Act hereinbefore mentioned it shall be understood to mean such section or sections thereof as shall be in force by virtue of any such Proclamation as aforesaid, in the place or places with reference to which the said Act is to be construed and applied, except only in the last section of the said Act, in which it shall be understood to mean the whole Act.

82

An Act to amend "The Penitentiary Act of 1868."

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

1. The words "and to employ an Architect for the Penitentiary," in the eighth line of the 34th Section of "*The Penitentiary Act of* 1868," are hereby repealed, and the following words shall be taken and read in lieu thereof in the said 34th Section, that is to say:—"And to employ an "Architect for the Penitentiaries."

2. The 35th Section of the said Act is hereby repealed, and the following Section substituted therefore, and to be taken and read as the 35th Section of the said Act.

"It shall be lawful for the Directors to appoint for any Penitentiary a Schoolmaster, a Schoolmistress, a Storekeeper, a Steward, a Chief-keeper (who in the absence or incapacity of the Deputy Warden, shall exercise all the functions of the said Deputy Warden), a Matron, a Deputy Matron, and such or so many Trade Inspectors as may from time to time be required, to hold their offices during pleasure; but the Warden shall have power to suspend summarily, for misconduct, any of the officers named in this section until the next meeting of the Directors, when he shall submit to them a report of the circumstances of the case, to be dealt with as to them may seem meet."

3. The 36th Section of the said Act is hereby repealed, and the following Section substituted therefor, and to be taken and read as the 36th Section of the said Act:

"It shall be lawful for the Warden to appoint for any Penitentiary an Assistant Deputy Matron, and a Clerk, and such and so many Keepers and Guards or other servants as, by order of the Directors, may be authorised, for the proper protection and care of the institution, and to suspend any of them for neglect of duty for such time as he shall see fit, or dismiss them without further charge than that of inefficiency in his opinion, but such suspension or dismissal shall be reported to the Directors at their next meeting."

4. The 48th Section of the said Act is hereby repealed, and the following Section substituted therefor, and to be taken and read as the 48th Section of the said Act:

"Every Warden, every Accountant, every Store-keeper, and every Steward, and every other person or persons employed in the Penitentiaries, as may thereunto be required by the Governor in Council, shall severally execute Bonds to Her Majesty, with sufficient sureties, in such sum or sums of money respectively as may be from time to time determined by the Governor in Council, which Bonds shall be conditioned for the faithful performance of the duties of their respective offices, according to law, and shall be filed in the Office of the Secretary of State of Canada."

5. For and notwithstanding anything to the contrary contained in an Act made and passed by the Parliament of Canada, in the Session held in the 32nd and 33rd years of Her Majesty's reign, chaptered 29, and intituled "*An Act respecting Procedure in Criminal Cases and other cases relating to Criminal Law*," or in any other Act of the Parliament of Canada, no person sentenced in New Brunswick or Nova Scotia to imprisonment with hard labor for less than one year, shall be received or imprisoned in the Penitentiary from and after the first day of May, which will be in the year one thousand eight hundred and seventy-three; nor, after the first day of May which will be in the year one thousand eight hundred and seventy-four, shall any one sentenced in either of the said Provinces to imprisonment with hard labor for less than two years, be received or imprisoned in the Penitentiary.

No. 83.] **BILL.** [1870

An Act to amend Section 142 of the "Insolvent Act of 1869."

WHEREAS it is expedient to amend Section 142 of the "Insolvent Act of 1869"; Preamble.

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

1. The words "the Judge," when they occur in the said Act, shall, in the Province of Nova Scotia, signify a Judge of Probate as well in cases proceeding in the City of Halifax as in other parts of the said Province of Nova Scotia; and the words in the said section, "Except in cases proceeding in the City of Halifax, "in which case they shall mean a Judge of Supreme Court of "Nova Scotia," are hereby repealed. The words "the Judge" to signify a Judge of Probate throughout Nova Scotia.

2. This Act shall not apply to any case in which proceedings are actually pending, under the said Act, before a Judge of the Supreme Court of Nova Scotia at the time when this Act comes into force. Act not to apply to pending cases.

No. 83.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to amend the Insolvent Act of 1869.

Received and read, First time, Tuesday, 19th April, 1870.

Second reading, Wednesday, 20th April, 1870.

Mr. SAVARY.

OTTAWA:

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

1870.

BILL.

No. 84.] [1870.

An Act for better ensuring the efficiency of the Civil Service of Canada, by providing for the Superannuation of persons employed therein, in certain cases.

Preamble.

WHEREAS for better ensuring efficiency and economy in the Civil Service of Canada, it is expedient to provide for the retirement therefrom, on equitable terms, of persons, who, from age or infirmity cannot properly perform the duties assigned to them; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Conditions and rates of superannuation allowances.

1. The Governor in Council may grant to any person having served in an established capacity in the Civil Service for ten years or upwards, and having attained the age of *sixty* years, or being incapacitated by bodily infirmity from properly performing his duties, a superannuation allowance calculated on his average yearly salary during the then last three years, and not exceeding the following rates, that is to say:—If he has served for ten years, but less than eleven years, an annual allowance of ten-fiftieths of such average salary, and if for eleven years and under twelve years, an annual allowance of eleven fiftieths thereof, and in like manner a further addition of one fiftieth of such average salary for each additional year of service up to thirty-five years, when an annual allowance of thirty-five fiftieths may be granted, but no addition shall be made for any service beyond thirty-five years; If the service has not been continuous, the period or periods during which such service has been interrupted, shall not be counted, and the Order in Council made in such case shall be laid before Parliament at its then or then next Session.

If the service has not been continuous.

Persons entering the service after the usual time as having peculiar or professional qualifications.

2. The Governor in Council may, in the case of any person who entered the Civil Service after the age of *forty* years, as being possessed of some peculiar professional or other qualifications or attainments required for the office to which he was appointed, and not ordinarily to be acquired in the public service, add to the actual number of years service of such person, such further number not exceeding ten, as may be considered equitable for reasons stated in the Order in Council made in the case; and such additional number of years shall be taken as part of the term of service on which the superannuation allowance of such person shall be computed, the Order in Council in any such case being laid before Parliament, at its then or then next Session.

Abatement on salaries towards making good such allowances.

3. Towards making good the superannuation allowances hereinbefore mentioned, an abatement shall be made from the salary of each person in the Civil Service to whom this Act will apply, at the rate of *four* per cent. per annum on such salary, if it be six hundred dollars or upwards, and of *two and a half* per cent. per annum thereon, if it be less than six hundred dollars, and the sum so deducted shall form part of the Consolidated Revenue Fund; but such abatement shall be made only during the first thirty five years of service.

Diminution of allowance to persons who have not paid the abatement during less than ten years. Exception.

4. The full superannuation allowance aforesaid shall only be granted to persons who have been subject to the said abatement during ten years or upwards, the superannuation allowance of any person who has not paid paid it or has paid it for a less period, being subject to a diminution of *one-twentieth* for every year less than ten during which he has not paid it, except that in the case of any person retiring within *three* years after the passing of this Act, such diminution shall not exceed *twenty* per cent. of the allowance which might otherwise be granted to him, with power to the Governor in Council to reduce it to any amount not less than *ten* per cent.

Effect of offer of allowance. Conditions on which granted, &c. Right of removal reserved.

5. Retirement shall be compulsory on any person to whom the superannuation allowance hereinbefore mentioned shall be offered, and such offer shall not be considered as implying any censure upon the person to whom it is made; nor shall any person be considered as having any absolute right to such allowance, but it shall be granted only in consideration of good and faithful service during the time upon which it is calculated, and nothing herein contained shall be understood as impairing or affecting the right of the Governor to dismiss or remove any person from the Civil Service.

Gratuity to persons leaving the service before they can have a retiring allowance.

6. If any person to whom the foregoing enactments apply, is constrained from any infirmity of mind or body to quit the Civil Service before the period at which a superannuation might be granted him, the Governor in Council may allow him a gratuity not exceeding *one month's* pay for each year of his service; and if any such person is so constrained to quit the service before such period, by reason of severe bodily injury received without his own fault in the discharge of his public duty, the Governor in Council may allow him a gratuity not exceeding *three* months pay for every two years service, or a superannuation allowance not exceeding one fifth of his average salary during the then last three years.

Provision for persons removed by reason of abolition of office, &c.

7. If any person to whom the foregoing enactments apply, is removed from office in consequence of the abolition thereof in order to the improvement of the organization of the department to which he belongs, or otherwise to provide efficiency or economy in the Civil Service, the Governor in Council may grant him such gratuity or superannuation allowance, as will fairly compensate him for his loss of office, not exceeding such as he would have been entitled to if he had retired in consequence of permanent infirmity of body or mind, after adding *ten* years to his actual term of service.

Persons under 60, and receiving allowance, may be called upon to serve again.

8. Any person receiving a superannuation allowance, and being under the age of *sixty* years, and not disabled by bodily or mental infirmity, shall be liable to be called upon to fill, in any part of Canada, any public office or situation for which his previous services render him eligible, and not lower in rank or emolument than that from which he retired; and, if he refuse or neglect so to do, he shall forfeit his said allowance.

To whom this Act shall apply.

9. The foregoing enactments shall apply to officers, clerks and other persons employed in any of the departments mentioned in the Canada Civil Service Act, 1868, and as well to persons employed at the seat of Government as in the outside service of the said departments, and to the permanent officers and servants of the Senate and House of Commons; who for the purposes of this Act shall be held to be in the Civil Service of Canada, saving always all legal rights and privileges of either House, as respects the appointment or removal of its officers and servants, or any of them; and service in an established capacity in any of the public departments of the Government or offices of the Legislature of any of the Provinces now

included in the Dominion of Canada, before the coming in force of the British North America Act, 1867, by any person who thereafter entered the Civil Service of Canada, shall be reckoned in computing his period of service for the purposes of this Act: and, in any case of doubt, the Governor in Council may, by general or special regulation, determine to what persons the provisions of this Act, do or do not apply, and the conditions on which, and the manner in which, they shall apply in any case or class of cases.

Power of Governor in Council in that behalf.

10. The allowances and gratuities granted under this Act, shall be payable out of the Consolidated Revenue Fund of Canada.

Allowances, &c., how payable.

11. A statement of all allowances and gratuities granted under this Acts, and of all monies paid for the same shall be laid before Parliament within the first fifteen days of the Session thereof next after such grant or payment.

Yearly return to Parliament.

No. 84.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act for better ensuring the efficiency of the Civil Service of Canada, by providing for the Superannuation of persons employed therein, in certain cases.

Received and read first time, Wednesday, 20th April, 1870.

Second reading, Friday, 22nd April, 1870.

Hon. Sir F. Hincks.

OTTAWA:

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

1870.

No. 85.] **BILL.** [1870.

An Act to vest in Her Majesty for the purposes therein mentioned, the property and powers now vested in the Trustees ofthe Bank of Upper Canada.

Preamble.

31 V., c. 17.

WHEREAS the property and assets of the Bank of Upper Canada, vested by the Act passed in the thirty-first year of Her Majesty's Reign intituled "An Act for the settlement of the affairs of the Bank of Upper Canada," are wholly insufficient to meet the liabilities of the said Bank; and whereas but little progress has been made under the said Act in the settlement of the affairs of the Bank, and it is expedient in the interest as well of the Dominion of Canada, (which is by far the largest creditor of the Bank, and on account of whose claim no dividend has been as yet received,) as of all other parties concerned, that provision should be made for the more speedy disposal of the property and assets of the Bank and for making a fair and equitable adjustment and settlement of the claims of all the creditors of the Bank: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Property and assets of the Bank transferred to the Crown on and after 1st August, 1870.

1. All the assets, properties, estates and effects, real and personal, and all the claims, rights and credits of the Bank of Upper Canada, held and possessed by the Trustees of the Bank of Upper Canada at the time of the passing of this Act, under the Act cited in the Preamble to this Act, and the Schedule thereunto annexed, or belonging to or acquired by the said Trustees or having come into their possession since the passing of the said Act, and in their hands, power, or control, shall be and are hereby transferred to and vested in Her Majesty for the Dominion of Canada and the purposes of this Act, upon and after the first day of August, in the present year (1770,) subject nevertheless to the charges, incumbrances and equities (if any) to which they are then subject; and no registry of such transfer in any Registry office, nor any assignment, indorsement, or transfer from the Trustees shall be necessary to give effect thereto or for any purpose relating thereto.

Powers, &c., of the Trustees transferred to the Governor in Council.

2. All the powers, authorities, rights and immunities vested in or conferred on "the Trustees of the Bank of Upper Canada" by the Act hereinbefore cited and the Schedule thereto, shall be and are hereby transferred to, conferred upon and vested in the Governor in Council, and may be exercised by or through such officer or officers person or persons as the Governor in Council may from time to time appoint, and in such manner as shall from time to time be directed by orders in Council; and any suit or proceeding to which on the first day of August aforesaid, the said Trustees shall be a party, may be continued by substituting the name of Her Majesty in the place of that of the said Trustees, upon a suggestion of the passing of this Act.

Parts of the former Act repealed.

3. Section four of the Act hereinbefore cited, and all the sub-sections of Section five thereof, except those numbered respectively 1, 2, 3, 15, and 16, shall be repealed, on and after the first day of August aforesaid with so much of any other part of the said Act or Schedule as may be inconsistent with the provisions of this Act.

Powers of Governor in Council.

4. The Governor in Council shall have full power to sell and dispose of the properties, estates, and effects hereby vested in Her Majesty, in such manner and upon such terms and conditions, and to such parties (whether creditors of the Bank, or otherwise,) or to assign any part thereof to any

creditors in satisfaction of their claims, as to him may seem expedient, and to settle, adjust, compound for, compromise, and arrange any claim on the said Bank or debt due to it, and to pay any claim on the Bank when so adjusted, either out of the proceeds of the properties, estates, and effects of the Bank aforesaid, or by such assignment as aforesaid: Provided that except in the case of any such compromise with any creditor of the Bank for an abatement on his claim, or of any abatement which the Governor in Council may deem it expedient to make on the claim of the Dominion, the Dominion and the several other creditors of the Bank shall be entitled to share equally, *pro ratâ*, and in proportion to their respective claims, in the properties, estates and effects of the Bank hereby transferred to Her Majesty, and the proceeds thereof: and nothing in this section shall be construed to derogate from or impair any authority or power vested in the "Trustees of the Bank of Upper Canada," in the Act hereinbefore cited, and the Schedule thereto, hereby transferred to and vested in the Governor in Council.

Proviso.

Part of the said Act repealed.

5. So much of the Schedule to the Act hereinbefore cited, or of the said Act, as would require that any dividend should be declared, or that the moneys received by the said Trustees should be deposited or withdrawn in any specified manner, or that any balance-sheet of the affairs of the trust shall or should be published, on and after the said first day of August aforesaid, shall be repealed, and the Governor in Council may direct in what manner such moneys shall be deposited or withdrawn, and any portion thereof belonging to the Dominion shall form part of the Consolidated Revenue Fund of Canada; and the Governor in Council may from time to time order the publication of any statement relative to the matters mentioned in this Act, which he may think proper.

Provision if there should be any surplus of assets.

6. If after payment of the claims of the Dominion, and of the other creditors of the Bank, there should remain undistributed any portion of the proceeds of the properties, estates, and effects hereby vested in Her Majesty, the same shall be divided among the shareholders of the Bank, *pro ratâ*, in proportion to the number of shares they respectively held in the stock of the Bank.

Trustees to cease to be so on 1st August next.

7. The Trustees of the Bank of Upper Canada appointed or elected under the Act hereinbefore cited, shall cease to be such on the first day of August, aforesaid, except only for the purpose of delivering over to such officers or persons as the Governor in Council may appoint to receive the same, all personal property and effects, books, and papers relating to the said Trust.

As to execution of any deeds, &c., under this Act.

8. All deeds and writings which may be necessary to carry out the provisions of this Act, may be executed on behalf of Her Majesty by such person or persons as may be from time to time appointed by Order in Council, and shall be sufficient by the signature of such person or persons to effectuate the intention of such deeds or writings without affixing the Great Seal of the Dominion or any other seal thereto.

Return to Parliament.

9. A statement of what shall have been done under this Act shall be laid before Parliament within the first fifteen days of each session, after the passing thereof, until the affairs of the said Bank are fully wound up and settled.

No. 85.

3rd Session, 1st Parliament, 33 Vict

BILL.

An Act to vest in Her Majesty, for poses therein mentioned, the and powers now vested in the T the Bank of Upper Canada.

Received and read, First time, 23rd April, 1870.

Second reading, Tuesday, 26th April,

Hon. Sir Francis

OTTAWA.

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

1870.

No. 86.] **BILL.** [1870.

An Act to incorporate the Quebec and New Brunswick Railway Company.

Preamble.

WHEREAS the persons hereinafter named, and others have petitioned for incorporation as a Company to construct a Railway from a point between Kamouraska and Riviere du Loup, in the Province of Quebec to connect with a line of railway to be constructed under powers granted by the Legislature of New Brunswick, at Edmundton or Little Falls, in the County of Victoria, 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:—

Persons incorporated.

Corporate name.

1. The Honorable Robert Duncan Wilmot, Senator, the Honorable Charles Connell, M.P., John Pickard, M.P., and Henry G. C. Ketchum, with all such other persons and corporations as shall become shareholders in the Company, hereby incorporated, shall be, and are hereby constituted a body corporate and politic by the name of "The Quebec and New Brunswick Railway Company," and shall have all the powers incident to railway corporations in general, and the powers and privileges conferred on such corporations by *The Railway Act, 1868*, subject, however, to the provisions hereinafter contained.

Powers to construct a line of Railway.

2. The said Company and their agents and servants may lay out, construct and finish a double or single iron Railway, of such width or gauge as the Company see fit from the village of Edmundton, or Little Falls, in the County of Victoria, in the Province of New Brunswick, to some point on the River St. Lawrence, between Kamouraska and Rivière du Loup, so as to form a continuous Railway from the Grand Trunk Railway to the City of St. John in New Brunswick.

Capital Stock and Shares; and how to be applied.

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

Company may take grants.

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

Provisional Directors.

5. The Honorable Robert Duncan Wilmot, Senator, the Honorable Charles Connell, M.P., John Pickard, M.P., and Henry G. C. Ketchum, shall be, and are hereby constituted, a Board of Directors of the said Company, and shall hold office as such until other Directors shall be appointed under the provisions of this Act by the shareholders, and shall have power and authority to fill vacancies occurring therein, to associate with themselves

therein not more than three other persons, who shall thereupon become, and be Directors of the Company equally with themselves, to open Stock Books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of Shareholders for the election of other Directors as hereinafter provided, and generally to do all such other acts as such Board under the Railway Act may lawfully do.

Their powers.

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

Subscriptions for stock.

6. When and so soon as one-tenth part of the said capital stock shall have been subscribed, as aforesaid, the said Directors, or a majority of them, may call a meeting of Shareholders at such time and place as they shall think proper, giving at least two weeks' notice in one or more newspapers published in the Cities of Quebec, Fredericton, and St. John, at which said general meeting, and at the annual general meetings in the following sections mentioned, the Shareholders present, either in person or by proxy, shall elect not less than five nor more than seven Directors in the manner, and qualified, as hereinafter provided, which said Directors shall constitute a Board of Directors, and shall hold office until the first Tuesday in May in the year following their election.

General Meetings.

7. On the said first Tuesday in May in each year, thereafter, at the principal office of the said Company, at the said City of Fredericton or Quebec, there shall be held a general meeting of the Shareholders of the Company, at which meeting the said Shareholders shall elect a like number of not less than five nor more than seven Directors for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual meeting and election shall be published one month before the day of election, in one or more Newspapers in the Cities of Quebec, Fredericton, and St. John, and the election for Directors shall be by ballot, and the persons so elected, together with any *ex-officio* Directors, shall form the Board of Directors.

Quorum of Directors.

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

Calls on shares.

9. The Directors may at any time call upon the Shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said Company, in such proportion as they may see fit, no such instalment exceeding ten per cent., and the Directors shall give one month's notice of such call, in such manner as they may appoint.

Company may become parties to notes, &c.

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

Proviso.

11. The Directors of the said Company are hereby authorized and empowered to issue bonds or debentures which shall be and form a first charge on the undertaking, lands, buildings, tolls, and income of the Company, or any, either, or all of them, as may be expressed by the said bonds or debentures; and such bonds or debentures shall be in such form, and for such amount, and payable at such times and places as the Directors from time to time may appoint and direct. The said bonds or debentures shall be signed by the President or Vice-President, and shall have the corporate seal of the Company affixed thereto, provided that the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway under contract or to be constructed under and by virtue of this Charter. Power to issue Bonds or Debentures

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

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

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

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

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

17. This Act shall be known and cited as the "Quebec and New Brunswick Railway Act."

SCHEDULE A.

Form of Deed of Sale.

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

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

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

C. D.
E. F.

No. 86.

3rd Session, 1st Parliament, 31 Victoria, 1870.

BILL.

An Act to incorporate the Quebec and New Brunswick Railway Company.

PRIVATE BILL.

Hon. Mr. CHAUVEAU.

OTTAWA:

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

1870.

87.

No. 87.] **BILL.** [1870.

An Act to amend and extend the Act to provide means for improving the Harbors and Channels at certain Ports in the Provinces of the Dominion.

Preamble. 32 and 33 Vict., c. 40.

WHEREAS it is expedient to amend the Act to provide means for improving the Harbors and Channels at certain Ports in the Provinces of the Dominion, passed in the Session held in 32nd and 33rd years of Her Majesty's Reign; Therefore Her Majesty by and with the consent of the Senate and House of Commons of Canada, enacts as follows:

Section 2 amended.

1. Section two of the said Act shall be and is hereby so amended as to read as follows:

How the duty shall be payable.

"Any duty so imposed as aforesaid shall be collected by the Collector "of Customs or other officer or person authorized by the Minister of "Customs to collect the same, at the Port at which it is payable, at the "time of the entry of the vessel (if she be entered at the Custom House) "and her entry shall then contain on the face of it the registered tonnage "of the vessel; and no vessel shall be entered, or if entered shall be "allowed to clear or to leave such Port, without payment of such duty, and "any such vessel may be detained by the Collector or other officer or "person authorized as aforesaid, until it is paid, whether such vessel be or "be not entered at the Custom House; but such duty shall be payable only "once in twelve calendar months, to be reckoned from the day upon which "such payment shall be made on any vessel not exceeding one hundred tons "register,—and not more than twice in any twelve calendar months (to be "similarly computed), on any vessel exceeding one hundred tons, registered "measurement, that is to say:—on any vessel not exceeding one hundred "tons register the duty shall be payable on her first entry into such Port, "during any twelve months, but not on any subsequent entry into the same "within the twelve months immediately following; and on any vessel "exceeding one hundred tons register, the duty shall be payable on her first "entry during any twelve months, and on her second entry into such Port "within twelve months from the date of such first entry, but not on any "subsequent entry during the said twelve months."

And the said Section as so amended shall be construed as if it had formed Section two of the said Act, at the time of the passing thereof.

How enforced if not paid.

2. The said duty shall be payable on any vessel entering into any such Port, and such vessel may be detained until it is paid, whether she do or do not require entry or clearance at the Custom House; and the master or person in charge of any vessel on which such duty is payable, who does not pay the same within days after entering such Port, shall thereby incur a penalty of dollars, recoverable before any Justice of the Peace having jurisdiction at such Port, and levyable, if not forthwith paid, on the tackle and apparel of the vessel.

Act extended to certain ports in Nova Scotia.

3. The said Act, as hereby amended, is hereby extended and shall apply to Aspy Bay or Cape North Harbor, and Southern Bay, Inganiche, both in Victeria County in the Province of Nova Scotia, as fully in all respects as to the ports and harbors mentioned in the said Act.

No. 87.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to amend and extend the Act to provide means for improving the Harbors and Channels at certain Ports in the Provinces of the Dominion.

Received and read, First time, Tuesday, 26th April, 1870.

Second reading, Wednesday, 27th April, 1870.

Hon. Mr. TILLEY.

OTTAWA:

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

1870.

No. 88.] **BILL.** [1870.

An Act to amend "The Insolvent Act of 1869."

Preamble. WHEREAS it is expedient to amend "The Insolvent Act of 1869";

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

Part of Section 142 repealed. **1.** So much of Section 142 of the Act hereby amended as refers to the construction of the words, "the Judge" and "the Court," in the Province of Nova Scotia, is hereby repealed.

Signification of certain words as regards Nova Scotia. **2.** The words "the Judge," when they occur in the said Act, shall, in the said Province, signify the Judge of Probate; and the words "the Court" shall, in the said Province, signify the Court of Probate for the county in which the case is pending, unless it is otherwise expressed, or unless the context plainly requires a different construction.

Appeal to Supreme Court, Nova Scotia. **3.** A revision or appeal may be had from the order or judgment of a Court of Probate in Nova Scotia to a Judge of the Supreme Court of Nova Scotia, in the same manner and under the same conditions as are provided in reference to appeals from an order or decision of a Judge, in the eighty-third Section of the said Act.

No. 88.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to amend "The Insolvent Act of 1869."

Received and read, First time, Wednesday 27th April, 1870.

Second reading, Thursday, 28th April, 1870.

(Correct Copy.)

Mr. Savary.

OTTAWA:

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

1870.

No. 88.] **BILL.** [1870.

An Act to amend "The Insolvent Act of 1869."

Preamble. WHEREAS it is expedient to amend "The Insolvent Act of 1869";

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

Part of Section 142 repealed. **1.** So much of Section 142 of the Act hereby amended as refers to the construction of the words, "the Judge" and "the Court," in the Province of Nova Scotia, is hereby repealed.

Signification of certain words as regards Nova Scotia. **2.** The words "the Judge," when they occur in the said Act, shall, in the said Province, signify the Judge of Probate; and the words "the Court" shall, in the said Province, signify the Court of Probate for the county in which the case is pending, unless it is otherwise expressed, or unless the context plainly requires a different construction.

Appeal to Supreme Court, Nova Scotia. **3.** A revision or appeal may be had from the order or judgment of a Court of Probate in Nova Scotia to a Judge of the Supreme Court of Nova Scotia, in the same manner and under the same conditions as are provided in reference to appeals from an order or decision of a Judge, in the eighty-third Section of the said Act.

Examination of debtor where it may take place in New Brunswick. **4.** In the Province of New Brunswick, when any application is made to the Judge to bring up a debtor for examination, under the 145th Section of the Act hereby amended, the Judge may order him to be brought up either, as prescribed by the said Section, in the county in which the debtor is domiciled, or in which the gaol may be in which he is confined, or at the option of the Judge in any other county to which the jurisdiction of the Judge extends, and all subsequent proceedings shall be as valid and effectual as if had under the provisions of the 145th Section.

No. 88.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to amend "The Insolvent Act of 1869."

Received and read, First time, Wednesday, 27th April, 1870.

Second reading, Thursday, 28th April, 1870.

Mr. Savary.

OTTAWA:

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

1870.

9

89

An Act to make provision for discipline on board of Canadian Government Vessels.

WHEREAS it is expedient to make provision for the establishment and maintenance of discipline on board of vessels belonging to the Government of Canada;

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

1. This Act may be cited as "The Canadian Government Vessels Discipline Act."

2. The Master of every vessel belonging to the Government of Canada shall cause every person engaged for service in such vessel, after having had this Act read to him, and before he enters upon the discharge of any duty on board of such vessel to sign his name in the proper column of a book to be kept by the master for that purpose.

3. The said book shall contain a statement of the name of the vesssel, the name of the master, and the year for which it is the ship's book of such vessel and also statements to the following effects, that is to say, that this Act has been read to each of the persons who have signed their names in the proper column before he signed his name thereto; and that he has thereby consented to submit himself to the provisions of this Act, and to conduct himself in an orderly, faithful, honest and sober manner, and to be at all times diligent in the discharge of his duty, and to be obedient to the lawful commands of the master of the said vessel for the time being and of others his superior officers, whether on board, in boats or on shore, in everything relating to the said vessel and the stores thereof and to this Act, and that any embezzlement, or wilful or negligent destruction or loss of or injury to any part of the stores of the said vessel shall be made good out of the wages of the person guilty of the same, and that if such person has entered himself as qualified for a duty which he proves incompetent to perform he may be discharged or his wages may be reduced at the discretion of the master; and the book shall also contain columns, properly headed, as follows viz:

1. A column for the names of the persons engaged, including officers.

2. A column for the dates when engaged.

3. A column for the capacity in which each person is to serve, with the relative rank of the officers, to be indicated by numbers.

4. A column for the period during which each person is to serve.

5. A column for the rate of wages at which each person is to be paid.

6. A column for the names of the witnesses to each signature.

7. A column for the dates of signatures.

4. The contents of the said book shall be read by the Master, or other officer of such vessel, to each man about to ship on board

thereof, and every person so signing any such book shall thenceforth be subject to this Act for and during the period of his engagement as therein mentioned.

DISCIPLINE.

5. Whenever any person subject to this Act commits any of the following offences he shall be liable to be punished summarily on conviction before any Commissioner of Police appointed under the Act passed in the thirty-first year of Her Majesty's reign chapter seventy-three, "*respecting Police of Canada*," or before any Justice of the Peace, as follows; (that is to say,)

1. For desertion he shall be liable to imprisonment for any period not exceeding weeks, with or without hard labor, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned.

2. For neglecting or refusing, without reasonable cause, to join his vessel, or to proceed on any voyage or cruise in his vessel, or for absence without leave at any time within twenty-four hours of the vessel's sailing from any port, or for absence at any time without leave and without sufficient reason from his vessel or from his duty not amounting to desertion, he shall be liable to imprisonment for any period not exceeding weeks with or without hard labour, and also at the discretion of the Commissioner, or Justice, to forfeit out of his wages, a sum not exceeding the amount of days' pay;

3. For quitting the vessel without leave after her arrival in port at the close of the season of navigation, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding pay.

4. For wilful disobedience to any lawful command, he shall be liable to imprisonment for any period not exceeding weeks, with or without hard labour, and also, at the discretion of the Commissioner, or Justice, to forfeit out of his wages a sum not exceeding two days pay;

5. For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not exceeding weeks, with or without hard labor, and also, at the discretion of the Commissioner, or Justice, to forfeit for every twenty-four hours continuance of such disobedience or neglect, a sum not exceeding days' pay.

6. For assaulting any master or officer of any Canadian Government vessel he shall be liable to imprisonment for any period not exceeding weeks, with or without hard labor.

7. For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the vessel, or the progress of the voyage, or the continuance of the cruise, he shall be liable to imprisonment for any period not exceeding weeks, with or without hard labor;

on any voyage or cruise, in any vessel belonging to the Government of Canada, in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, such Commissioner, or Justice, may, if the master, or any officer thereof so requires, instead of committing the offender to prison, cause him to be conveyed on board for the purpose of proceeding on the voyage or cruise, or deliver him to the master or any officer of the vessel, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master, by reason of the offence to be paid by the offender, and, if necessary to be deducted from any wages which he has then earned, or which by virtue of his then existing engagement he may afterwards earn.

9. If any person subject to this Act is imprisoned on the ground of his having neglected or refused to join or to proceed on any voyage or cruise, in any vessel belonging to the Government of Canada in which he is engaged to serve, or of his having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline, and if during such imprisonment, and before his engagement is at an end, his services are required on board his vessel, any Justice may at the request of the master or of any officer thereof, cause such person to be conveyed on board his said vessel for the purpose of proceeding on the voyage or cruise, or to be delivered to the master or any officer of the same, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

10. Whenever a question arises, whether the wages of any person subject to this Act, are forfeited for desertion, it shall be sufficient for the party insisting on the forfeiture to show that such person was duly engaged in, or that he belonged to the vessel from which he is alleged to have deserted, and that he quitted such vessel before the completion of the period of his engagement, and that an entry of the desertion has been duly made in the log book; and thereupon the desertion shall, as far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained, be deemed to be proved, unless the person can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the Commissioner of Police, or Justice of the Peace, hearing the case, that he had sufficient reasons for leaving his vessel.

11. In all the preceding sections of this Act, except the second section, the word "master" shall include any person for the time being lawfully in command or in charge of any such vessel as aforesaid as the officer thereof highest in rank then on board ; and the ship's book of every such vessel shall be conclusive evidence of the relative rank of every officer therein named ; and the fact that any such officer was at any particular time in command or in

8. For wilfully damaging the vessel, or embezzling or wilfully damaging any of her stores, he shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the Commissioner, or Justice, to imprisonment for any period not exceeding weeks, with or without hard labor.

6. Upon the commission of any of the offences enumerated in the last preceding section an entry thereof shall be made in the log book, and shall be signed by the master and also by one of the officers or one of the crew, and the offender, if still in the vessel, shall before the next subsequent arrival of the vessel at any port, or if she is at the time in port, before her departure therefrom, be furnished with a copy of such entry, and have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and a statement that a copy of the said entry has been so furnished, and that the same has been so read over as aforesaid, and the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid, and in any subsequent legal proceeding the entries hereinbefore required shall, if practicable, be produced, and proved, and in default of such production and proof the Commissioner, or Justice, hearing the case may, at his discretion, refuse to receive evidence of the offence.

7. Whenever, either at the commencement, or during the progress of any voyage or cruise, any person subject to this Act neglects or refuses to join, or deserts from, or refuses to proceed on any voyage or cruise, in any vessel belonging to the Government of Canada in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any officer of such vessel may, in any place in Canada, with or without the assistance of the Police Constables, appointed under the Act, 31 Vict., chapter 73, who are hereby directed to give the same, if required, apprehend him without first procuring a warrant; and may thereupon in any case, and shall in case he so requires and it is practicable, convey him before some Commissioner of Police appointed under the said Act, or before some Justice of the Peace, to be dealt with according to law; and may, for the purpose of conveying him before such Commissioner, or Justice, detain him in custody for a period not exceeding twenty-four hours or such shorter time as may be necessary, or may, if he does not so require, or if there is no such Commissioner, or Justice, at or near the place, at once convey him on board; and if any such apprehension appears to the Commissioner, or Justice, before whom the case is brought to have been made on improper or on insufficient grounds, the master, or officer, who makes the same or causes the same to be made, shall incur a penalty not exceeding *dollars*; but such penalty, if inflicted, shall be a bar to any action for false imprisonment in respect of such apprehension.

8. Whenever a person subject to this Act, is brought before any Commissioner of Police, or Justice of the Peace, on the ground of his having neglected or refused to join or proceed

charge of the vessel shall not, nor shall the signature of any such officer, as being so in command or in charge, be called in question except by the Crown.

12. Every vessel employed by the Government of Canada either temporarily or permanently shall be deemed while so employed to belong to the Government for the purposes and within the true intent and meaning ot this Act.

13. Any Justice of the Peace for the County or District in which is situated the port where the vessel, on board of which the offence has been committed, shall touch next after the time of its commission, shall have jurisdiction over an offence committed against the provisions of this Act, and any sentence of imprisonment under this Act may be carried out in the Common Gaol of such County or District.

No. 90.] **BILL.** [1870.

An Act to amend the Acts respecting Customs and Inland Revenue; and to make certain provisions respecting Vessels navigating the Inland Waters of Canada above Montreal.

Preamble.

WHEREAS it is expedient to amend the several Acts hereinafter mentioned respecting Customs and Inland Revenue, and to make certain provisions respecting vessels navigating the inland waters of Canada above Montreal: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Duty on animals altered.

1. So much of Schedule A, annexed to the Act passed in the thirty-first year of Her Majesty's Reign and intituled, "An Act to amend the Act of the present Session, intituled: "*An Act imposing duties of Customs, with the Tariff of duties payable under it*," as imposes any specific duty of Customs on Animals, viz: Horses, Horned Cattle, Swine and Sheep, is hereby repealed, and such animals, when imported into Canada, shall, as hereinafter provided, be charged with a Customs' duty of ten per centum *ad valorem*, subject to the exception hereinafter made.

Duties on Cigars and Spirits altered.

2. So much of the said Schedule A, as imposes any specific duty of Customs on Cigars, or on Spirits and Strong Waters, is hereby repealed, and the specific duties imposed on the said articles by the next following Section, shall be substituted for those imposed on them by the said Schedule A.

And on certain articles.

3. There shall be raised, levied, collected, and paid on the following articles when imported into Canada, or taken out of warehouse for consumption therein, the several duties of Customs set opposite to them respectively, that is to say:—

	$ cts.
Cigars.....per lb.	0 45
Coal and Coke.....per ton	0 50
Salt; (except Salt imported from the United Kingdom or any British Possession, or imported for the use of the Sea and Gulf Fisheries, which shall be free of duty).....per bushel of 56 lbs.	0 5
Hops.....per lb.	0 5
Vinegar and Acetic Acid.....per gallon	0 10
Rice.....per lb.	0 1
Wheat.....per bushel	0 4
Peas and Beans, and Barley, Rye, Oats, Indian Corn, Buck Wheat, and all other Grain, except Wheat, ditto	0 3
Flour of Wheat and Flour of Rye.....per barrel	25
Indian Meal and Oatmeal, and flour or meal of any other grain except Wheat and Rye.....per barrel	15

Spirits and Strong Waters, viz:—

Spirits and Strong Waters, not having been sweetened or mixed with any article so that the degree of strength thereof cannot be ascertained by Sykes' Hydrometer, for every gallon of the strength of proof by such Hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for every greater or less quantity than a gallon, namely:—

	$ cts.
Brandy, Geneva, Alcohol, Rum, Gin, including Old Tom, Tafia, Whiskey, and unenumerated articles of like kind .....per gallon.	80

Other Spirits, being sweetened or mixed, so that the degree of strength cannot be ascertained as aforesaid, namely :—

	$ cts.
Rum Shrub, Cordials, Scheidam Schnapps, Bitters, and unenumerated articles of like kind.....per gallon	1 20
Cologne Water and Perfumed Spirits, not in flasks, do.	1 20
Cologne Water and Perfumed Spirits, when in flasks or bottles, thirty of such flasks or bottles not containing more than one gallon, for each flask or bottle	0 4
Unenumerated Spirits and Strong Waters.....per gallon	1 20

Spirits and Strong Waters imported into Canada, mixed with any ingredient or ingredients, and although thereby coming under the denomination of Proprietary Medicines, Tinctures, Essences, Extracts, or any other denomination, shall be nevertheless deemed "Spirits or Strong Waters" and subject to duty as such.

Fruits preserved in Brandy or other Spirits, per gallon $1 20

Articles added to ten per cent. list.

4. Schedule B, annexed to the said Act, is hereby amended by adding the following articles to the list of "GOODS PAYING TEN PER CENTUM AD VALOREM," viz. :—

Animals of all kinds, except such as shall be imported for the improvement of Stock, which shall be admitted free of duty, under regulations to be made by the Treasury Board, and approved by the Governor in Council,

Green Fruits of all kinds, Hay, Straw, Bran, Seeds not classed as cereals, Vegetables including potatoes and other roots, Plants, Trees, and Shrubs ;

All which articles shall be charged with a duty of Customs of ten per centum, *ad valorem,* when imported into Canada or taken out of warehouse for consumption therein.

Five per cent. list amended.

5. The said Schedule B is hereby further amended by striking out of the List of "GOODS PAYING FIVE PER CENTUM AD VALOREM," the article "Iron Wire," which shall be free of duty of Customs.

Schedule B amended. Tobaccos and wines.

6. So much of the said Schedule B, as imposes any Duty of Customs on Tobacco, or on Wines, is hereby repealed ; and the following articles when imported into Canada, or taken out of warehouse for consumption therein, shall be respectively charged with the several duties of Customs hereinafter mentioned, that is to say :—

Tobacco (manufactured) and Snuff, twelve-and-a-half per centum *ad valorem,* and twenty cents per pound :

Wines of all kinds, including Ginger, Orange, Lemon, Gooseberry, Strawberry, Raspberry, Elder, and Currant Wines, twenty-five per centum *ad valorem,* and a specific duty of ten cents per gallon (5 quart or 10 pint bottles to be held to contain a gallon.)

Schedule C (free goods) amended.

7. Schedule C, annexed to the said Act (being the list of Free Goods), is hereby amended by substituting for the word "Salt," under the head "NATURAL PRODUCTS," the words "Salt, when imported from the United Kingdom or any British Possession, or imported for the use of the sea and gulf fisheries ;"—and—

By adding under the heading "MANUFACTURES AND PRODUCTS OF MANUFACTURES,"—Bookbinders' Mill-Boards and Binder's Cloth,—Iron Wire, and Brass in Stripes,—and Iron in Blooms, and Billets (not puddled);—and—

By striking out of the said Schedule under heading—"DRUGS, DYE "STUFFS, OILS AND COLORS NOT ELSEWHERE SPECIFIED,"—the words, "Colors and other articles, when imported by room-paper makers and "stainers, to be used in their trade only ; viz."

Schedule C further amended.

8. The said Schedule C, is hereby further amended by striking out of

the said Schedule under the heading "MANUFACTURES AND PRODUCTS OF "MANUFACTURES," the following articles, viz.:—"Fire Engines,— "Steam—when imported by Municipal Corporations of Cities, Towns "and Villages, for the use of such Municipalities,"—and "Machinery "when used in the original construction of Mills or Factories,—not "to include Steam Engines, Boilers, Water Wheels or Turbines,"—"Gold "and Silver Leaf,"—"Emery Paper and Emery Cloth,"—"Sand Paper "and Sand Cloth,"—"Platers' Leaf,"—all which articles shall be included among unenumerated goods under the said Act, and when imported into Canada, or taken out of warehouse for consumption therein, shall be charged with a Duty of Customs of fifteen per centum *ad valorem* under the said Schedule B.

Schedule C further amended.

9. The said Schedule C, is hereby further amended by striking out of the said Schedule, under the heading "NATURAL PRODUCTS," the following articles, viz.:—Coal and Coke,—Flour, Wheat and Rye,—Grain of all kinds,—Hay,—Hops,—Indian Corn,—Indian Meal,—Plants—Roots,—Seeds for Agricultural, Horticultural or manufacturing purposes—Shrubs,—Trees—and Vegetables, culinary,—all of which articles will become subject to the duties specially imposed on them by the preceding sections of this Act.

Section 8 repealed.

10. Section eight of the said Act (respecting packages), is hereby repealed, and the following Section is substituted for it as Section eight of the said Act:—

New Section. Value for duty.

"8. The value for duty, of goods on which an *ad valorem* Duty of "Customs is imposed, imported into Canada by sea, shall be the actual "value of such goods at the place at which they are purchased; and "the value of such goods for duty if imported from the United States "by land or inland navigation, shall be the actual value of such goods "at the place at which they are purchased for importation into Canada, "and whence they are directly conveyed, without change of package, to "Canada; and whatever be the country from which the goods are "imported, or in which they are purchased, such value shall be ascer- "tained by adding to the value of such goods at the place of growth, "production, or manufacture, the cost of transportation, whether by "land or water, and of shipment and transhipment, with all expenses "included, from the place of growth, production or manufacture, to "the place where the goods are purchased, and if they are purchased in "the United States, then to the place whence they are directly conveyed "to Canada as aforesaid,—and such value shall include also the value of "any box, case, sack, package, or covering of any kind in which "such goods are contained, and all export duties on such goods, "and all costs and charges prior to their purchase:" And so much (if any) of the fourth section of the said Act, or of the thirtieth or thirty-first sections of the Act passed in the thirty-first year of Her Majesty's Reign, and intituled, "An Act respecting the "Customs," or of either of the said Acts, or of any other Act or Law, as may be inconsistent with this section, is hereby repealed; but all provisions of the said sections and Acts, and of the Act passed in the year last aforesaid, intituled, "An Act imposing Duties of Customs, with the "Tariff of duties payable under it," which are now in force, and not inconsistent with those of this section, shall remain in force and apply to all *ad valorem* Duties of Customs on goods imported into Canada, or on the packages in which they are contained, and to the calculation of the value thereof for duty.

Five per cent. added to all duties of customs.

11. All the Duties of Customs imposed by this Act, or by the Act herein first above cited, as amended by the preceding sections of this Act, shall be and are hereby increased by the addition of five per cent. thereto, that is to say, by adding to the amount of the duty which would be payable on any article or goods under the said Act and the foregoing sections of this Act, five per cent of such amount, such increase

and addition being made as well to any *ad valorem* duty, as to any specific duty payable on sucharticle or goods.

When the foregoing Sections shall be held to come into force.

12. The foregoing sections of this Act, and the alterations thereby made in the Duties of Customs on any article or goods, shall be held to have come into force, and to have taken effect, on the eighth day of April, in the present year of our Lord, one thousand eight hundred and seventy, and to apply to and determine the duty payable on any article or goods imported into Canada, or taken out of warehouse for consumption therein on or after the said day.

Drawback on iron in composite ships.

13. A drawback of the Duties of Customs paid on Iron and Manufactures of Iron used in the building of Composite Ships and Vessels in Canada, and on Sheet Tin or Tin Plates used in packages for articles exported from Canada, shall be allowed, subject to Regulations to be made by the Treasury Board, and approved by the Governor in Council.

Duty on certain articles from United States may be taken off or diminished in a certain case.

14. Section six of the Act herein first above cited, shall be, and is, hereby repealed; and any or all of the following articles, that is to say:—Animals of all kinds, Green Fruit, Hay, Straw, Bran, Seeds of all kinds, Vegetables, (including Potatoes and other Roots), Plants, Trees and Shrubs, Coal and Coke, Salt, Hops, Wheat, Peas and Beans, Barley, Rye, Oats, Indian Corn, Buckwheat, and all other Grain, Flour of Wheat and Flour of Rye, Indian Meal and Oat Meal, and Flour or Meal of any other Grain, Butter, Cheese, Fish (salted or smoked), Lard, Tallow, Meats (fresh, salted or smoked),—may be imported into Canada free of Duty or at a less rate of Duty than is provided by the said Act as amended by this Act, upon proclamation of the Governor in Council, which may be issued whenever it appears to his satisfaction, that similar articles from Canada may be imported into the United States of America free of Duty, or at a rate of Duty not exceeding that payable on the same under such Proclamation when imported into Canada.

As to articles from B. N. A. Provinces.

15. The articles hereinafter mentioned shall be added to those mentioned in Schedule D to the said Act, which shall be construed as including them, that is to say:—Hay, Straw, Bran, Seeds of all kinds, Vegatables (including Potatoes and other Roots), Plants, Trees, and Shrubs, Coal and Coke, Salt, Hops, Wheat, Peas and Beans, Barley, Rye, Oats, Indian Corn, Buckwheat and all other Grain, Flour of Wheat and Flour of Rye, Indian Meal and Oatmeal, and Flour or Meal of any other Grain,—so that any of the said articles, when the growth and produce of any of the British North American Provinces, may be imported therefrom free of duty: Provided that the Governor in Council may, by proclamation, at any time declare, that on and after a day to be therein named, all the articles in Schedule D (including those previously mentioned) shall be charged with the same duties when imported from any of British North American Provinces, as when imported from any other country.

How this Act shall be construed.

16. The foregoing Sections of this Act shall be construed as forming one Act, with the Acts hereinbefore cited and amended; and all words and expressions used in this Act, shall have the meaning assigned to them in the said Acts, and all provisions of the said Acts, and of the Regulations made or to be made under them or either of them, or continued in force by them or either of them, shall apply to the duties imposed by, or payable under this Act, except in so far as they may be inconsistent with it.

Excise Act amended.

17. The Act passed in the thirty-first year of Her Majesty's reign, and intituled: "An Act respecting the Inland Revenue," is hereby amended by repealing sub-sections, six, seven, and eight of Section thirty-one of the said Act (imposing Duties of Excise on Manufactured Tobacco), and substituting the following in their place as sub-sections, six, seven, and eight of the said Section thirty-one:—

"6. On Cavendish Tobacco and Snuff, and on Manufactured Tobacco "of all kinds, except Cigars and common Canada Twist, on every pound "or less quantity than a pound, fifteen cents:" Dutfes of Excise on Tobacco.

"7. On common Canada Twist, otherwise called *Tabac blanc en* "*torquette*, being the unpressed leaf rolled and twisted, and made wholly "from raw Tobacco, the growth of Canada, for every pound or less "quantity than a pound, seven cents:

"8. On Cigars, for every pound or less quantities than a pound "thirty cents;—subject to an abatement or allowance for moisture "in calculating the weight for duty, to be fixed from time to "time by Regulations to be made by the Governor in Council;"— and this Section and the Sub-sections hereby substituted for those repealed as aforesaid, shall be held to have come into force, and to have taken effect, on the eighth day of April, in the present year of Our Lord one thousand eight hundred and seventy, and to apply to and determine the duty payable on any articles therein mentioned, manufactured or made, or on which the duty of excise shall become payable on or after the said day, under the provisions of the said Act. When to be held to have come into force.

18. The following proviso is hereby added to the ninth sub-section of the thirty-first section of the said Act respecting the Inland Revenue, and shall be read and construed as part of the said section:— Proviso added as to certain articles.

"Provided always, that the undermentioned articles when manufactured "in Bond, shall, when entered for consumption in Canada, be subject to "the following duties of Excise and to no other, that is to say:—

"Vinegar, per gallon, three cents.

"Methylated Spirits, being composed of Alcohol mixed with Wood "Naptha in such proportions, and subject to such Regulations as may "from time to time be made by the Treasury Board,—for every gallon of "the strength of proof, and so in proportion for every greater or less "strength and for every less quantity than a gallon, twelve cents."

19. Any molasses imported into Canada may be removed in bond without payment of the duty of customs thereon, into a licensed distillery, and there used in the manufacture of spirits of any kind, subject to Regulations to be made by the Governor in Council under the said Act respecting the Inland Revenue; and when so used the Bonds given in that behalf shall be cancelled; and, if the spirits manufactured from such molasses, are exported under the provisions of the said Act, no duty shall be payable thereon; but if such spirits are entered for consumption in Canada, then the duty of excise on the spirits manufactured from such molasses shall be sixty-five cents. per gallon; and the Governor in Council may, by Regulations, fix the quantity or the mode of determining the quantity of spirits, which shall be held to be equivalent to any assigned weight of molasses. Molasses may be manufactured into spirits in bond.

20. Subject to Regulations to be made by the Governor in Council, under the said Act, respecting the Inland Revenue, any Licensed Distiller who imports and receives into his distillery, and uses in the manufacture of spirits therein, any foreign grain on which Duty of Customs has been paid, and exports spirits thereafter made in such distillery, shall, on due proof of such use and export, be entitled to a drawback not exceeding one cent and a half of a cent per gallon of the strength of proof on a quantity of the spirits so exported not exceeding three gallons for each bushel of duty-paid grain so consumed as aforesaid. Drawback on duty-paid grain used in distilleries.

21. The four next preceding sections of this Act shall be construed as forming part of the said Act respecting the Inland Revenue, all the provisions whereof shall apply to all things to be done, and the duties imposed by or payable under the said sections, as fully to all intents and purposes as if they were done, or had been imposed by or payable under the said Act. How the four next preceding Sections shall be construed.

Fees on vessels navigating without coasting license, on entering certain Ports.

22. The Governor may grant yearly Coasting Licenses to British vessels navigating the Inland Waters of Canada above Montreal, and may direct that a fee of fifty cents shall be payable for each such license, and that the master, or person in charge of any vessel navigating the said waters, and not having a Coasting License, shall, on entering any Port in the Dominion with such vessel, pay a fee of fifty cents if such vessel is not over fifty tons burthen, and of one dollar if she is of more than fifty tons burthen, to the collector on each entry, and a like fee of fifty cents, or one dollar, (according to the burthen of the vessel) on each clearance of such vessel at any such port, and such fees shall be payable accordingly before such vessel shall be entered or cleared: Provided that the Governor in Council may reduce or re-adjust such fees, but may not increase them; and provided also, that vessels merely passing through any of the Canadian Canals without breaking bulk, shall not be liable to such fees.

No. 90.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to amend the Acts respecting Customs and Inland Revenue; and to make certain provisions respecting Vessels navigating the Inland Waters of Canada above Montreal.

Received and read, First time, Friday, 30th April, 1870.

Second reading, Tuesday, 3rd May, 1870.

Hon. Sir FRANCIS HINCKS.

OTTAWA:

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

1870.

No. 91.] **BILL.** [1870.

An Act to amend and continue the Act 32 and 33 Victoria chapter 3, and to establish and provide for the Government of the Province of Manitoba.

WHEREAS it is probable that Her Majesty The Queen may, pursuant to the "British North America Act of 1867," be pleased to admit Rupert's Land and the North-Western Territory into the Union or Dominion of Canada, before the next Session of the Parliament of Canada:

And Whereas it is expedient to prepare for the transfer of the said Territories to the Government of Canada at the time appointed by the Queen for such admission:

And Whereas it is expedient also to provide for the organization of part of the said Territories into a Province, and for the establishment of a Government therefor, and to make provision for the Civil Government of the remaining part of the said Territories, not included within the limits of Province:

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

1. On, from and after the day upon which the Queen, by and with the advice and consent of Her Majesty's Most Honorable Privy Council, under the authority of the 146th Section of the British North America Act, 1867, shall, by Order in Council in that behalf, admit Rupert's Land and the North Western Territory into the Union or Dominion of Canada, there shall be formed out of the same, a Province which shall be one of the Provinces of the Dominion of Canada, and which shall be called the Province of Manitoba and be bounded as follows: that is to say, commencing at the the point where the meridian of ninety-six degrees west longitude from Greenwich intersects the parallel of forty-nine degrees north latitude,—thence due west along said parallel of forty-nine degrees north latitude (which forms a portion of the boundary line between the United States of America and the said North-Western territory) to the meridian of ninety-nine degrees of west longitude, then due north along said meridian of ninety-nine degrees west longitude, to the intersection of the same with the parallel of fifty degrees and thirty minutes north latitude,—thence due east along said parallel of fifty degrees and thirty minutes north latitude to its intersection with the before-mentioned meridian of ninety-six degrees west longitude, —thence due south along said meridian of ninety-six degrees west longitude to the place of beginning.

2. On, from and after the said day on which the Order of the Queen in Council shall issue as aforesaid, the provisions of the British North America Act, 1867, shall, except those parts thereof which are in terms made, or, by reasonable intendment, may be held to be specially applicable to, or only to affect one or more, but not the whole of the Provinces now composing the Dominion, and except so far as the same may be varied by this Act, be applicable to the Province of Manitoba, in the same way, and to the like extent as they apply to the several Provinces of Canada and as if the Province of Manitoba, had been one of the Provinces originally united by the said Act.

3. The said Province shall be represented in the Senate by two Members, until it shall have, according to decennial census, a population of fifty thousand souls, and from thenceforth it shall be represented therein by three Members until it shall have, according to decennial census a population of seventy-five thousand souls, and from thenceforth it shall be represented therein by four Members.

4. The said Province shall be represented in the first instance in the House of Commons by four Members, and for that purpose shall be divided by proclamation of the Governor General, into four Electoral Districts, each of which shall be represented by one Member: Provided that on the completion of the Census in the year 1881 and of each decennial Census afterwards, the representation of the said Province shall be re-adjusted according to the provisions of the fifty-first section of the British North America Act, 1867.

5. Until the Parliament of Canada otherwise provides, the qualification of voters at Elections of Members of the House of Commons shall be the same as for the Legislative Assembly hereinafter mentioned: And no person shall be qualified to be elected or to sit and vote as a Member for any Electoral District unless he is a duly qualified voter within the said Province.

6. For the said Province there shall be an officer styled the Lieutenant-Governor, appointed by the Governor General in Council, by instrument under the Great Seal of Canada.

7. The Executive Council of the Province shall be composed of such persons, and under such designations, as the Lieutenant-Governor shall, from time to time, think fit, and, in the first instance, of not more than five persons.

8. Unless and until the Executive Government of the Province otherwise direct, the seat of Government of the same shall be at Fort Garry, or within one mile thereof.

9. There shall be a Legislature for the Province, consisting of the Lieutenant-Governor, and of two Houses styled respectively the Legislative Council of Manitoba, and the Legislative Assembly of Manitoba.

10. The Legislative Council shall in the first instance be composed of seven Members, and after the expiration of four years from the time of the first appointment of such seven Members, may be increased to not more than twelve Members. Every Member of the Legislative Council shall be appointed by the Lieutenant Governor in the Queen's name by Instrument under the Great Seal of Manitoba, and shall hold office for the term of his life, unless and until the Legislature of Manitoba otherwise provides under the British North America Act, 1867.

11. The Lieutenant-Governor may, from time to time, by instrument under the Great Seal, appoint a Member of the Legislative Council to be Speaker thereof, and may remove him and appoint another in his stead.

12. Until the Legislature of the Province otherwise provides, the presence of a majority of the whole number of the Legislative Council, including the Speaker, shall be necessary to constitute a meeting for the exercise of its powers.

13. Questions arising in the Legislative Council shall be decided by a majority of voices, and the Speaker shall, in all cases, have a vote, and when the voices are equal, the decision shall be deemed to be in the negative.

14. The Legislative Assembly shall be composed of twenty-four

Members, to be elected to represent the Electoral Divisions into which the said Province may be divided by the Lieutenant-Governor as hereinafter mentioned.

15. The Lieutenant Governor shall, (within six months of the date of the Order of Her Majesty in Council, admitting Rupert's Land and the North Western Territory into the Union,) by Proclamation under the Great Seal, divide the said Province into twenty four Electoral Divisions, due regard being had to existing Local Divisons and population.

16. Every male person shall be entitled to vote for a Member to serve in the Legislative Assembly for any Electoral Division, who is qualified as follows; that is to say, if he is:—

1. Of the full age of twenty-one years, and not subject to any legal incapacity.

2. A Subject of Her Majesty by birth or naturalization.

3. And a *bonâ fide* householder within the Electoral Division at the date of the Writ of Election for the same, and has been a *bonâ fide* householder for one year next before the said date.

17. Every Legislative Assembly shall continue for four years from the date of the return of the writs for returning the same, (subject nevertheless to being sooner dissolved by the Lieutenant Governor,) and no longer.

18. There shall be a Session of the Legislature once at least in every year, so that twelve months shall not intervene between the last sitting of the Legislature in one Session, and its first sitting in the next Session.

19. The following provisions of the British North America Act 1867, respecting the House of Commons of Canada, shall extend and apply to the Legislative Assembly that is to say:—Provisions relating to the Election of a Speaker, originally, and on vacancies—the duties of the Speaker,—the absence of the speaker and the mode of voting, as if those Provisions were here reenacted, and made applicable in terms to the Legislative Assembly.

20. In and for the Province, the said Legislature may exclusively make Laws in relation to education, subject and according to the following provisions.

(1.) Nothing in any such Law shall prejudicially affect any right or privilege with respect to Denominational Schools which any class of persons have by Law or practice in the Province at the Union:—

(2) An appeal shall lie to Governor General in Council from any Act or decision of the Legislature of the Province, or of any Provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's Subjects in relation to education.

(3.) In case any such Provincial Law as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this Section is not made, or in case any decision of the Governor General in Council on any appeal under this Section is not duly executed by the proper Provincial authority in that behalf, then, and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial Laws for the due execution of the provisions of this Section, and of any decision of the Governor General in Council under this Section.

21. Either the English or the French language may be used by any person, in the Debates of the Houses of the Legislature, and both those Languages shall be used in the respective Records and Journals of those Houses, and either of those Languages may be used by any person, or in any Pleading or Process in, or issuing from any Court of Canada

established under the British North America Act, 1867, or in or from all or any of the Courts of the Province. The Acts of the Legislature shall be printed and published in both those Languages.

[*N.B.—The Clauses from 22 to 30, inclusive, are to be introduced by Resolution, and do not form part of this Bill.*]

22. Inasmuch as the Province is not in debt, the said Province shall be entitled to be paid, and to receive from the Government of Canada, by half-yearly payments in advance, interest at the rate of five per centum per annum on the sum of four hundred and seventy-two thousand and ninety dollars.

23. The sum of Thirty Thousand dollars shall be paid yearly by Canada to the Province for the support of its Government and Legislature, and an annual grant, in aid of the said Province, shall be made, equal to Eighty cents per head of the Population, estimated at seventeen thousand souls; and such grant of Eighty cents per head shall be augmented in proportion to the increase of population, as may be shewn by the census that shall be taken thereof, in the year one thousand eight hundred and eighty-one, and by each subsequent decennial census, until its population amounts to four hundred thousand souls, at which amount such grant shall remain thereafter, and such sum shall be in full settlement of all future demands on Canada, and shall be paid half-yearly, in advance, to the said Province.

24. Canada will assume and defray the charges for the following services:—

1. Salary of the Lieutenant-Governor.
2. Salaries and allowances of the Judges of the Superior and District or County Courts.
3. Charges in respect of the Department of the Customs.
4. Postal Department.
5. Protection of Fisheries.
6. Militia.
7. Geological Survey.
8. The Penitentiary.
9. And such further charges as may be incident to, and connected with the services which by the British North America Act, 1867, appertain to the Government, and as are, or may be allowed to the other Provinces.

25. The Customs' duties now by law chargeable in Rupert's Land, shall be continued without increase for the period of three years from and after the passing of this Act.

26. All ungranted or waste lands in the Province shall be, from and after the date of the said transfer, vested in the Crown, and administered by the Government of Canada for the purposes of the Dominion, subject to and except and so far as the same may be affected by the conditions and stipulations contained in the agreement for the surrender of Rupert's Land by the Hudson's Bay Company to Her Majesty.

27. And whereas it is expedient towards the extinguishment of the Indian Title to the lands in the Province, to appropriate a portion of such ungranted lands to the extent of one million four hundred thousand acres thereof, for the benefit of the families of the half-breed residents, it is hereby enacted, that under regulations to be from time to time made by the Governor General in Council, the Lieutenant Governor shall select such lots or tracts in such parts of the Province as he may deem expedient, to the extent aforesaid, and divide the same among the children of the half-breed heads of families, residing in the Province at the time of the said transfer to Canada, and the same shall be granted to the said children respectively, in such mode and on such conditions as

to settlement and otherwise, as the Governor General in Council may from time to time determine,

28. For the quieting of titles, and assuring to the settlers in the Province the peaceable possession of the lands now held by them, it is enacted as follows:—

1. All grants of land in freehold made by the Hudson's Bay Company prior to the transfer to Canada, shall, if required by the owner, be confirmed by grant from the Crown.

2. All grants of estates less than freehold in land made by the Hudson's Bay Company prior to the transfer to Canada, shall, if required by the owner be converted into an estate in freehold by grant from the Crown.

3. All titles by occupancy with the sanction and under the license and authority of the Hudson's Bay Company prior to the transfer to Canada, of land in that part of the Province in which the Indian title has been extinguished, shall, if required by the owner, be converted into an estate in freehold by grant from the Crown.

4. All persons in peaceable possession of tracts of land at the time of the said transfer, in those parts of the Province in which the Indian Title has not been extinguished, shall have the right of pre-emption of the same, on such terms and conditions as may be determined by the Governor in Council.

5. The Lieutenant Governor is hereby authorized, under regulations to be made from time to time by the Governor General in Council, to make all such provisions for ascertaining and adjusting, on fair and equitable terms, the rights of Common, and rights of cutting Hay held and enjoyed by the settlers in the Province, and for the commutation of the same by grants of land from the Crown.

29. The Governor General in Council shall from time to time settle and appoint the mode and form of Grants of Land from the Crown, and any Order in Council for that purpose when published in the "Canada Gazette,' shall have the same force and effect as if it were a portion of this Act.

30. Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company, as contained in the conditions under which that Company surrendered Rupert's Land to Her Majesty.

31. And with respect to such portion of Rupert's Land and the North-Western Territory, as is not included in the Province of Manitoba, it is hereby enacted, That the Lieutenant Governor of the said Province shall be appointed, by Commission under the Great Seal of Canada, to be the Lieutenant Governor of the same, under the name of the North-West Territories, and subject to the provisions of the Act in the next Section mentioned.

32. Except as hereinbefore is enacted and provided, the Act of the Parliament of Canada, passed in the now last Session thereof, and entitled "A Act for the temporary government of Rupert's Land, and the North Western Territory when united with Canada," is hereby re-enacted, extended and continued in force until the first day of January, 1871, and until the end of the Session of Parliament then next succeeding.

No. 91.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to amend and continue the Act 32 and 33 Victoria, Chapter 3; and to establish and provide for the Government of the Province of Manitoba.

Received and read First time, 2nd May, 1870.

Second reading, Tuesday, 3rd May, 1870.

SIR JOHN MACDONALD.

OTTAWA:

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

1870.

No. 93.] **BILL.** [1870.

An Act to continue for a limited time the Act therein mentioned.

Preamble.

WHEREAS, it is expedient further to continue the Act hereinafter mentioned, which would otherwise expire at the end of the present Session; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Act of the late Province of Canada, 4 and 5 V., c. 32, continued for one year.

1. The Act of the Parliament of the late Province of Canada, passed in the Session thereof held in the fourth and fifth years of Her Majesty's Reign, intituled: "An Act to encourage the establishment of and regulate Savings Banks in this Province," shall be and is hereby continued and shall remain in force as regards the Savings Banks now established and in operation under its provisions, until the first day of January, one thousand eight hundred and seventy-one, and from thence until the end of the next ensuing Session of the Parliament of Canada, and no longer.

Not to affect any Act of the present Session, &c.

2. Nothing herein contained shall prevent the effect of any Act passed during the present Session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, the Act hereinbefore mentioned and continued, nor shall continue any provision or part of the Act in this Act mentioned, which may have been repealed by any Act passed during the present Session or in any previous Session.

No. 93.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act to continue for a limited time the Act therein mentioned.

Received and read, First time, Friday, 6th May, 1870.

Second reading, Saturday, 7th May, 1870.

Hon. Mr. GRAY.

OTTAWA:

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

1870.

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An Act to remedy the inconvenience which would arise from the expiration of the Acts and parts of Acts herein mentioned before the passing of the Act of this Session to continue the same

WHEREAS the Bill introduced into this present Session of Parliament intituled: "An Act to continue and make permanent certain "Acts and parts of Acts of the Province of New Brunswick, relative to "the Police Force in the Parish of Portland, in the City and County of "Saint John," had not passed before the expiration of the Acts and parts of Acts intended to be thereby continued; and whereas great inconvenience would arise therefrom; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. For and notwithstanding anything to the contrary in any Act or Law contained, the Act of this present Session of Parliament, intituled: "An Act to continue and make permanent certain Acts and parts of "Acts of the Province of New Brunswick, relative to the Police Force "in the Parish of Portland, in the City and County of Saint John," shall be deemed and taken to have effect from the date of the expiration, in the said Session, of the Acts and parts of Acts intended to be thereby continued, as fully and effectually, to all intents and purposes, as if the said continuing Act had actually passed before the expiration of the said Acts and parts of Acts.

2. Notwithstanding anything to the contrary contained in the Interpretation Act, the words "the first day of May now next," in the eighth line of the preamble of the said Act of this Session, shall be construed to mean the first day of May in this year of Our Lord one thousand eight hundred and seventy.

3. Nothing contained in this Act shall extend, or be construed to extend, to affect any person with any punishment, penalty or forfeiture whatsoever by reason of anything done or omitted to be done by such person contrary to the provisions of the Acts and parts of Acts so continued, between the expiration of the same and the date at which the said Act continuing the same received the Royal assent.

No. 95.] **BILL.** [1870.

An Act for granting to Her Majesty certain Sums of Money required to defray certain expenses of the Public Service for the financial years ending, respectively, the 30th June, 1870, and the 30th June, 1871.

MOST GRACIOUS:

WHEREAS it appears, by Messages from his Excellency Sir John Young, 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, and the thirtieth day of June, one thousand eight hundred and seventy-one, and for other purposes connected with the public service: May it therefore please Your Majesty, that it be enacted, and be it enacted, by he Queen's Most Excellent Majesty, by and with the advice and tonsent of the Senate and House of Commons of Canada, that—
c

1. From and out of the Consolidated Revenue Fund of Canada, there shall and may be applied a sum not exceeding in the whole one million nine hundred and five thousand seven hundred and sixty-nine dollars and seventy-two cents, towards defraying the several charges and expences of the public service of the Dominion from the first day of July, in the year of Our Lord one thousand eight hundred and sixty-nine, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy, not otherwise provided for, and set forth in the Schedule A to this Act, and also for the other purposes in the said Schedule mentioned, and relating as well to the public service of the financial year aforesaid as to that ending on the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-one.

2. From and out of the Consolidated Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole thirteen million two hundred and twenty-three thousand one hundred and forty-five dollars and twenty 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 and eight hundred and seventy, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy-one, not otherwise provided for and set forth in the Schedule B to this Act, and for other purposes in the said schedule

mentioned, the said sum being the amount of those mentioned in the said Schedule, after deducting the sum of forty-five thousand dollars, which is also included in Schedule A, and thereby made applicable to the service of both the said financial years.

3. And whereas, the appropriation of one million four hundred and sixty thousand dollars, made by the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's Reign, chapter one, "for opening communication with the North-West Territories, establishing Government and providing for the settlement thereof," is cancelled, and a like sum appropriated for similar purposes by the said Schedule A. to this Act; therefore, for the avoidance of doubt, it is hereby declared and enacted that section four of the Act hereinbefore cited, and the loan therein mentioned, shall apply to the appropriation made by this Act in lieu of that made by the said Act and hereby cancelled as aforesaid.

4. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada, during the first fifteen days of the then next Session of Parliament.

SCHEDULE A.

SUMS granted to Her Majesty, by this Act, for the Financial Year ending 30th June, 1870, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
CIVIL GOVERNMENT.		
To pay various members of the Civil Service the increase which would have accrued under the old Civil Service Act for the year 1867-8	.....	2,480 00
POLICE.		
Dominion Police.		
To meet current expenditure for the remainder of the year.....	.....	7,500 00
LEGISLATION.		
To meet amount required to cover expenditure for Printing, Binding, and Distributing the Laws for the remainder of the year	2,146 41	
Printing, Ruling, Paper, &c.	10,000 00	
Total	.....	12,146 41
GEOLOGICAL SURVEY AND OBSERVATORIES.		
To pay expenses of photographs and report on the Eclipse of the Sun	.....	200 00
IMMIGRATION AND QUARANTINE.		
Salaries of agents	3,668 00	
Further in aid of Immigration, (balance unexpended June 30th to be available for 1870-71)	9,000 00	
Total	.....	12,668 00
OCEAN AND RIVER STEAM SERVICE.		
To re-imburse the Government of New Brunswick, for payment made by them to the Prince Edward Island Steam Navigation Company, for services, from 1st July, 1867, to end of season, 1867 (lapsed vote).....	.....	500 00
MILITIA.		
To cover an over expenditure for Drill Instruction for 1868-9, paid out of the vote for 1869-70, that amount having been under estimated in the vote of the previous year, the said over expenditure being in consequence of the great increase to the Volunteer Force during that period	20,000 00	
To meet expenditure incurred in repelling the threatened invasion by the Fenians	200,000 00	
Total	.....	220,000 00
Carried forwaad	.....	$255,494 41

SCHEDULE A—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	.....	255,494 41
LIGHT HOUSES AND COAST SERVICE.		
Quebec.		
To meet expenditure on account of construction of Light Houses, River St. Lawrence (in advance of $104,000 in the Estimates for 1870-1); expenditure under this head not to exceed such sum of $104,000, between the time of the passing of this Act, and the 30th June, 1871.....	25,000 00	
New Brunswick.		
To meet balance of expenditure on Point Lepreau Fog Alarm ... 800 00		
To re-imburse expenditure in repairing damage to Light Houses, caused by the tidal wave and gale of 4th October last, at Quaco, Partridge Island, Beacon Light, St. John Harbor, Swallow Tail Head Harbor, St. Andrews, and Point Lepreau 2,666 00		
Revote Beacon Lights, St. John River 600 00		
Lantern and Apparatus, Paspebiac Light 400 00		
Repairing damaged French Dioptric Light, freight to Seal Island and erecting same..... 450 00		
	4,916 00	
Total	.....	29,916 00
FISHERIES.		
Additional for the protection of the Fisheries (Marine Police) in advance of the vote for 1870-1; expenditure under this head, between the time of the passing of this Act and the 30th June, 1871, not to exceed the sum voted for such purpose, for the financial year ending 30th June, 1871 ...	20,000 00	
To cover expenditure required for Fishery service, Ontario 1,891 00		
To cover expenditure required for Fishery service, Nova Scotia .. 3,540 00		
To cover expenditure required for Fishery service, New Brunswick. 1,532 00		
	6,963 00	
Total	.....	26,963 00
CULLERS.		
To provide for amount required for the current year.....	.....	10,000 00
COLLECTION OF REVENUES.		
Customs.		
Amount required to complete the services	.....	20,000 00
Post Office.		
Amount required during the current year to cover expenditure on account of Money Order and Savings Bank Branches not specially included in Estimate.....	.....	6,000 00
Carried forward	.....	$348,373 41

SCHEDULE A—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	.....	348,373 41
COLLECTION OF REVENUES.—*Continued.*		
Public Works		
Welland Canal Loan Company, amount paid by them for rent on their lease of water power, the Government having resumed possession	6,480 00	
Award and costs in the case of Peter Stewart against Nova Scotia Railway 2,486 78		
Award and costs in the case of Mrs. E. A. Jones against Nova Scotia Railway 3,597 00		
Gratuity to Ellen and Catherine McCarron, relatives of an Engine-Driver killed on Nova Scotia Railway 600 00		
	6,683 78	
Eastern Extension Railway, maintenance and repairs from date of purchase of line to the close of the fiscal year	8,000 00	
		21,163 78
NORTH WEST TERRITORIES.		
For opening communication with, establishing Government in, and providing for settlement of such territories, including expedition to Red River. (This vote to be in lieu of that for same amount granted on credit of unguaranteed loan, by Act 32, 33 Vict., c. 1, and hereby cancelled, and to cover the amounts already expended; and the unexpended balance on 30th June to be applicable to service of 1870-71)	.....	1,460,000 00
UNPROVIDED ITEMS.		
Vide part II, page 60 in Public Accounts for the year ending 30th June, 1869 :—		
Legislation.		
Parliament Library: excess of expenditure over appropriation	259 39	
Immigration and Quarantine.		
Excess of expenditure over appropriation	3,642 55	
Customs Expenditure.		
Excess of expenditure over appropriation	7,788 93	
Post Office Service.		
Six months subsidy to the Inman Steam Packet Line, not estimated for	39,541 66	
		51,232 53
Public Works.		
(Chargeable to Income.)		
To repair damages to the works connected with the descent of timber on the Madawaska and other Rivers in the Ottawa District	.....	25,000 00
Total	.....	1,905,769 72

SCHEDULE B.

SUMS granted to Her Majesty by this Act for the Financial Year, ending 30th June, 1871, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
CIVIL GOVERNMENT.		
Governor General's Secretary's Office	6,655 00	
The Department of the Privy Council	12,933 33	
The Department of Justice	8,192 50	
The Department of Militia and Defence	25,980 00	
The Department of the Secretary of State	21,587 50	
The Department of the Secretary of State for the Provinces	15,670 00	
The Department of the Receiver General	15,700 00	
The Finance Department	36,455 83	
The Customs Department	20,540 00	
The Inland Revenue Department	18,200 00	
The Department of Public Works	37,740 00	
The Post Office Department	49,940 00	
The Department of Agriculture	19,705 00	
The Department of Marine and Fisheries	14,210 00	
The Treasury Board Office	3,000 00	
The Finance Offices, Nova Scotia and New Brunswick	2,000 00	
The Dominion Offices, Nova Scotia	6,500 00	
The Dominion Offices, New Brunswick	6,500 00	
Departmental Contingencies	150,000 00	
Stationery Office for Stationery	15,000 00	
To meet the possible amount for increases under the Civil Service Act, or for possible new appointments required by any extension of the Staff, or other charge	25,000 00	
Total Civil Government		511,509 16
ADMINISTRATION OF JUSTICE		
Miscellaneous in connection with the Administration of Justice		10,000 00
POLICE.		
Police of the Dominion	25,000 00	
Water Police, Montreal	8,030 00	
River Police, Quebec	9,456 00	
Total		42,486 00
LEGISLATION.		
Senate.		
Salaries and Contingent Expenses of the Senate	45,270 00	
House of Commons.		
Salaries and Contingencies per Clerk's Estimate	80,065 00	
Salaries and Contingencies, per Sergeant-at-Arms' Estimate	40,468 75	
Carried forward	165,803 75	563,995 16

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	165,803 75	563,995 16
LEGISLATION.—*Continued.*		
Miscellaneous.		
Grant to Parliamentary Library	6,000 00	
Printing, Binding, and Distributing the Laws	10,000 00	
Printing, Printing Paper, and Bookbinding	35,000 00	
St. Lawrence and Ottawa Railway, for two special trains daily, during Session of Parliament	2,400 00	
Commission for making provision for the Uniformity of the Laws of the Provinces	7,000 00	
Contingencies of the Clerk of the Crown in Chancery	1,000 00	
Miscellaneous Printing	2,000 00	
To pay for Preparation of Maps for Railway Committee	2,000 00	
Additional Stationery, House of Commons	800 00	
Total		232,003 75
GEOLOGICAL SURVEY AND OBSERVATORIES.		
Observatories.		
Observatory, Quebec	2,400 00	
do Toronto	4,800 00	
do Kingston	500 00	
do Montreal	500 00	
do Halifax	750 00	
do New Brunswick	800 00	
Total		9,750 00
ARTS, AGRICULTURE, AND STATISTICS.		
Salaries and contingent expenses of Statistical Office, Halifax	3,890 00	
Salaries of 316 Deputy Registrars, Province of Nova Scotia	1,580 00	
To meet the possible amount required in the fiscal year ending 30th June, 1871, for the taking of the Census	150,000 00	
Total		155,470 00
IMMIGRATION AND QUARANTINE.		
Salaries of Immigration Agents and Employés	18,212 00	
Medical Inspection, Port of Quebec	2,600 00	
Quarantine, Grosse Isle	12,000 00	
do St. John, N.B	3,900 00	
do Halifax	4,060 00	
Travelling expenses and contingencies, Europe and Canada	14,000 00	
To meet possible expenses of Immigration	45,000 00	
Total		99,772 00
Carried forward		1,060,990 91

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	.....	1,060,990 91
MARINE HOSPITALS.		
Marine and Emigrant Hospital, Quebec	21,500 00	
Marine Hospitals, New Brunswick and Nova Scotia, Hospital at St. Catharines, and Maintenance, &c. of Shipwrecked and Sick and Distressed Seamen at the several Ports of the Dominion	18,526 00	
Total	.....	40,026 00
PENSIONS.		
Samuel Waller, late Clerk, House of Assembly	400 00	
L. Gagné, Messenger do	72 00	
John Bright, do do	80 00	
Mrs. Antrobus	800 00	
New Militia Pensions.		
Mrs. Caroline McEachern and 4 children	292 00	
Jane Lakey	146 00	
Rhoda Smith	110 00	
Janet Alderson	110 00	
Margaret McKenzie	80 00	
Mary Ann Richey, and 2 children	336 00	
Mary Morrison	80 00	
Louise Prud'homme, and 2 children	130 00	
Virginie Charron, and 4 children	150 00	
Paul M. Robins	146 00	
Chas. T. Bell	73 00	
Alex Oliphant	109 50	
Chas. Lugsden	91 25	
John White	109 50	
Thos. Charters	91 25	
Samuel McCrag	109 50	
Charles T. Robertson	110 00	
Percy G. Routh	400 00	
Richard S. King	400 00	
George A. McKenzie	73 00	
Edward Hilder	146 00	
Fergus Schofield	73 00	
John Bradley	109 50	
Richard Penticost	91 25	
James Bryan	109 50	
Jacob Stubbs	73 00	
Mary Connor	110 00	
Mary Hodgins, and 3 children	191 00	
John Martin	110 00	
A. E. Marchand	110 00	
A. W. Stevenson	110 00	
Mrs. J. Thorburn	150 00	
Mrs. P. T. Worthington, and children	378 00	
Mrs. J. H. Elliot, and children	130 00	
Mrs. Geo. Prentice, and children	400 00	
Ellen Kirkpatrick, and 3 children	266 00	
COMPENSATION TO PENSIONERS.		
In lieu of land	9,000 00	
Total	.....	16,056 25
Carried forward	.....	1,117,073 16

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			1,117,073 16
PUBLIC WORKS AND BUILDINGS.			
(Chargeable to Capital.)			
DOMINION RAILWAYS.			
Intercolonial Railway		6,000,000 00	
Nova Scotia Railway (Revote $20,000 00)		59,200 00	
European and North American Railway, N. B.		5,000 00	
CANALS.			
Lachine Canal—			
Supply Weir at Head (Revote)	34,000 00		
Culvert, River St. Pierre	16,000 00		
Welland Canal—			
Deepening to Lake Erie Level (Revote $25,000 00)	86,000 00		
Waste Weir at Dunnville	27,000 00		
Chambly Canal—			
Houses for Lock Keepers (Revote)	3,850 00		
Rideau Canal—			
Increase of Water Supply (Revote $10,000 00)	12,000 00		
Carillon and Grenville Canal and St. Ann's Lock (Probable Cost $250,000 00.)	150,000 00		
Miscellaneous Works, chargeable to Construction (Revote $11,000 00)	15,150 00		
		344,000 00	
HARBORS AND PIERS.			
Lakes Erie and Huron	100,000 00		
Mabou Harbor	5,000 00		
Coteau du Lac Pier	4,000 00		
Piers below Quebec (Revote $25,000 00.)	2,500 00		
		111,500 00	
LIGHT HOUSES.			
Protection to Little Hope Light House, N. S.		15,000 00	
PUBLIC BUILDINGS.			
Ottawa Parliament and Departmental Buildings (Revote)	63,000 00		
do do Buildings, Library (Estimate $145,000 00)	100,000 00		
Montreal Custom House	200,000 00		
St. John's, N.B. do	75,000 00		
London do (Estimate $50,000 00)	25,000 00		
Toronto Examining Warehouse	10,000 00		
do Immigrant Sheds	10,000 00		
Halifax Quarantine Station (Revote $10,000 00)	14,000 00		
Post Offices: Toronto, Quebec, and London	155,000 00		
		652,000 00	
Total chargeable to capital			7,186,700 00
Carried forward			8,303,773 16

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			8,303,773 16
PUBLIC WORKS AND BUILDINGS.			
(*Chargeable to income.*)			
Slides and Booms.			
Slides and Booms, and Works necessary to facilitate the descent of Timber		15,000 00	
Improvement of Rivers.			
River Thames	2,400 00		
Miscellaneous	2,600 00		
		5,000 00	
Roads and Bridges.			
Road between Ste. Anne des Monts and Fox River, as a final vote	10,000 00		
Miscellaneous	5,000 00		
		15,000 00	
Surveys and Inspection		20,000 00	
Arbitrations and Awards		10,000 00	
Miscellaneous Works not otherwise provided for		10,000 00	
Rents, Repairs, Furniture	45,000 00		
Heating Public Buildings, Ottawa	32,000 00		
		77,000 00	
Public Buildings generally (Revote)		20,000 00	
Richibucto Harbour (2 years)		4,000 00	
Amherst Harbour and House Harbour, Magdalen Islands		4,000 00	
Bathurst Harbour		2,000 00	
For 2 Steam Dredges		40,000 00	
Total chargeable to income			222,000 00
RAILWAY SUBSIDIES, CHARGEABLE TO PROVINCES.			
Windsor and Annapolis Railway, Nova Scotia		31,600 00	
Western Extension, New Brunswick		70,000 00	
Eastern Extension, do		12,500 00	
Fredericton Branch, do		7,500 00	
Total			121,600 00
OCEAN AND RIVER STEAM AND PACKET SERVICE.			
DOMINION STEAMERS.			
Maintenance of Steamers, Quebec		53,700 00	
SUBSIDIES.			
Moiety payable to Inman Line between Halifax and Cork		39,541 00	
Steam Communication between Quebec and Maritime Provinces		15,000 00	
Steam Communication between Prince Edward Island and the Ports of the Dominion		1,600 00	
Packet Communication between Pictou and the Magdalen Islands		400 00	
Steam Communication between New Brunswick and Prince Edward Island		1,000 00	
Carried forward		111,241 00	8,647.373 16

SCHEDULE B.—*Continued*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	111,241 00	8,647,373 16
OCEAN AND RIVER STEAM PACKET SERVICE.—*Continued.*		
Tug Service, Upper St. Lawrence.		
Between Montreal and Kingston	12,000 00	
Total		123,241 00
PENITENTIARIES.		
Penitentiary, Kingston, Ontario	112,831 00	
Rockwood Asylum, Kingston, Ontario	68,784 12	
Penitentiary, Halifax, N. S.	13,251 00	
do St. John, N. B.	50,116 00	
Directors of Penitentiaries	9,000 00	
Kingston Buildings, &c.		
Timber for Cribwork on water front and to raise new Wharf 913 92		
Penal Prison and Wardens' House 1,500 00		
Steam Boiler for heating water and Steam Cooking Range 2,110 00		
	4,523 92	
Total		258,506 04
MILITIA.		
Ordinary Services.		
Salaries of Military Branch and District Staff	29,140 00	
do Brigade Majors	25,000 00	
Allowances for Drill Instruction, to extend to the 1st November, 1871; it being impossible to get in all the claims under this head, before the expiration of the financial year	45,000 00	
Military Schools, including the pay of the Superintendent and his Clerk	80,000 00	
Ammunition	54,000 00	
Clothing	100,000 00	
Military Stores and Storage	50,000 00	
Public Armories and care of Arms, including the pay of storekeepers and caretakers, storemen, and the rent, fuel and light of Public Armories, to extend to the 1st November, 1871; it being impossible to get in all the claims under this head before the expiration of the financial year	53,000 00	
Drill pay and camp purposes, and all other incidental expenses connected with the Drill and Training of the Militia to extend to the 1st November, 1871; it being impossible to get in all the claims under this head before the expiration of the financial year	426,000 00	
Contingencies and general service not otherwise provided for including assistance to Rifle Associations and Bands of efficient Corps	60,000 00	
Targets	5,000 00	
Drill Sheds and Rifle Ranges	25,000 00	
Carried forward	952,140 00	9,029,120 20

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		952,140 00	9,029,120 20
MILITIA.—*Continued.*			
Extraordinary.			
Enrolment		45,000 00	
Barrack accommodation		25,000 00	
Military Survey		2,607 00	
To meet the expense of any damage to arms		5,000 00	
Gunboats		15,000 00	
Care of properties transferred from the Ordnance		2,500 00	
For improved fire arms (Henry-Martini and Snider Rifles)		40,000 00	
To meet the expense of Artillery, Guns, &c		2,000 00	
Total			1,089,247 00
LIGHT HOUSES AND COAST SERVICE.			
QUEBEC.			
Salaries of Light House Keepers, &c	12,097 00		
Maintenance of Light Houses, &c	17,147 00		
Construction of Light Houses, Fog Trumpets, &c	104,000 00		
Maintenance of New Light Houses for part of season	3,200 00		
		136,444 00	
BETWEEN QUEBEC AND MONTREAL.			
Salaries of Light House Keepers	3,825 00		
Maintenance, &c., of Light Houses	6,825 00		
Steamer "Richelieu"	4,200 00		
		14,850 00	
TRINITY HOUSE, QUEBEC.			
Salaries and Contingencies	7,488 00		
To provide for rent of Trinity House, Quebec, and expenses connected with re-organization of the Department, and construction of Light at Saguenay	5,000 00		
		12,488 00	
TRINITY HOUSE, MONTREAL.			
Salaries and contingencies		7,614 00	
REMOVAL OF WRECKS.			
Wreck of the "Glanmore"		2,000 00	
LIGHT HOUSES, ETC., ABOVE MONTREAL.			
Salaries and allowances	22,884 00		
Maintenance	21,720 00		
Construction	9,900 00		
		54,504 00	
Carried forward		227,900 00	10,118,367 20

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		227,900 00	10,118,367 20
LIGHT HOUSES AND COAST SERVICE.—*Continued.*			
NOVA SCOTIA.			
Salaries and allowances	27,446 00		
Maintenance, &c	36,918 00		
Construction	11,000 00		
Protection of Bird Island Light House	300 00		
		75,664 00	
NEW BRUNSWICK.			
Salaries and allowances	11,427 00		
Maintenance, &c.	11,325 00		
Construction	3,200 00		
Buoys and Beacons	4,610 00		
		30,562 00	
Sable and Seal Islands Humane Establishments		8,000 00	
Cape Race Light		1,000 00	
Total			343,126 00
FISHERIES.			
Maintenance and repairs of Schooner "La Canadienne"		9,000 00	
Salaries and disbursements of Fishery Overseers and Wardens:—			
Ontario	5,500 00		
Quebec	7,000 00		
New Brunswick	6,000 00		
Nova Scotia	6,000 00		
		24,500 00	
Fishways and Oyster Beds and for Fish Breeding		9,000 00	
Additional for the protection of the Fisheries (Marine Police)		57,708 00	
Total			100,208 00
CULLING TIMBER.			
Salaries and Contingent Expenses of the Cullers' Offices			69,990 00
STEAMBOAT INSPECTION.			
Salaries and expenses			8,321 00
INDIANS.			
Annual Grant to Indians, Quebec		400 00	
do Nova Scotia		2,300 00	
do New Brunswick		2,200 00	
To purchase Blankets for aged and infirm Indians, Ontario and Quebec		1,100 00	
Total			6,000 00
Carried forward			10,646,012 20

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		10,646,012 20
MISCELLANEOUS.		
Printing "Canada Gazette"	4,500 00	
Postages of do	1,200 00	
Unforeseen expenses (expenditure thereof to be under Order in Council, and confined to payments connected with the service of the year, and a detailed account thereof to be laid before Parliament, during the first 15 days of the then next Session)	75,000 00	
Shipping Master's Office, Quebec	1,200 00	
Expenses connected with ascertaining correct time at Ottawa and firing of noon gun	400 00	
Code of signals and flags for the Dominion Government	600 00	
Expenses of investigations relating to wrecks	2,000 00	
Commutation in lieu of remission of duties on articles imported for the use of the army and navy, to be apportioned by Order in Council	50,000 00	
To provide for examination and classification of Masters and Mates (Mercantile Marine)	6,000 00	
To provide for Secret Service	75,000 00	
Departmental Printing	5,000 00	
Total		220,900 00
COLLECTION OF REVENUES.		
CUSTOMS.		
Salaries and contingent expenses of the several ports, viz.:—		
In the Province of Quebec	169,544 00	
do Ontario	164,722 00	
do Nova Scotia	88,507 00	
do New Brunswick	61,058 00	
Salaries and contingent expenses of Inspectors of Ports	10,000 00	
Contingencies of Head Office, covering printing, stationery, advertising, &c., at the several ports of entry	15,000 00	
Total		508,831 00
INLAND REVENUE.		
Salaries of Outside Officers and Inspectors of Excise	104,100 00	
Travelling expenses, rent, fuel, stationery, postage, furniture, &c.	28,100 00	
Preventive Service	3,000 00	
To provide for additions to the Outside Service of the Excise Department	5,600 00	
Total		140,800 00
POST OFFICE.		
Ontario and Quebec Mail Services.		
Grand Trunk Railway	167,000 00	
Great Western Railway	45,000 00	
Other Railways	40,000 00	
Steamboat Service	40,000 00	
Ocean Mail Service	10,000 00	
Carried forward	302,000 00	11,516,543 20

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	$302,000 00	.....	11,516,543 20
POST OFFICE.—*Continued.*			
Ontario and Quebec Mail Services.—*Continued.*			
Military and Naval Postage refunds	6,000 00		
Salaries of Outside Services : Inspectors, Railway Clerks, &c	100,000 00		
Payments for ordinary Mail Contract Service	215,000 00		
Miscellaneous	30,000 00		
		653,000 00	
Nova Scotia Mail Services		85,000 00	
New Brunswick Mail Services		80,000 00	
Increase in ordinary Mail Service		6,000 00	
To meet expenditure on account of Money Order Branch		4,000 00	
Total		.....	828,000 00
PUBLIC WORKS.			
Public Works, Ontario and Quebec.			
Ordinary Repairs	185,000 00		
Maintenance, Salaries of Staff, &c	155,000 00		
Welland Canal.			
Repairs to Port Maitland Terminus	15,000 00		
Excavations at Port Dalhousie	10,000 00		
Cornwall Canal.			
Renewing Superstructure of Piers	6,900 00		
Rebuilding Superintendent's House	4,000 00		
Rideau Canal.			
Renewing and enlarging Bulk-Heads	10,500 00		
		386,400 00	
Nova Scotia Railways.			
Working Expenses	284,000 00		
Relaying of Track, &c	28,750 00		
Renewal of Cars	7,250 00		
		320,000 00	
European and North American Railway and Eastern Extension Working Expenses		167,500 00	
Salaries and Contingencies of Canal Officers		27,530 00	
Collection of Slide and Boom Dues		12,172 00	
Total		.....	913,602 00
MINOR REVENUES		.....	10,000 00
Total		.....	13,268,145 20

No. 95.

3rd Session, 1st Parliament, 33 Victoria, 1870.

BILL.

An Act for granting to Her Majesty certain Sums of Money required to defray certain expenses of the Public Service for the financial year ending, respectively, the 30th June, 1870, and 30th June, 1871.

Received and read first time, Wednesday, 11th May, 1870.

Second reading, same day, 1870.

Hon. Sir F. Hincks.

OTTAWA:

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1870.