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No. 2.] **BILL.** [1877.

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

Preamble.

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

Acts 38 V. c. 16 and 39 V. c. 30 repealed.

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year of Her Majesty's reign, intituled "*An Act to amend the Insolvent Act of* 1875," shall be and are hereby repealed; and no Act repealed by the said Acts above cited, or either of them, shall be thereby revived: Provided always, that all proceedings commenced, and now pending, under "The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

Proviso as to pending cases.

No. 2.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

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

Received and read the first time, Monday, 12th February, 1877.

Second reading, Thursday, 15th February, 1877.

Mr. BARTHE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 3. **BILL.** [1877.

An Act respecting Procedure and Evidence in Criminal Cases.

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

Effect of ss. 28 and 29 of 32-33 V., c 29 restricted in certain cases.

1. The provisions of sections twenty-eight and twenty-nine, of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled "*An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law*," shall not extend or be applicable to prevent the presentment to or finding by a Grand Jury of any bill of indictment, containing a count or counts for any of the offences mentioned in the said twenty-eighth section, if such count or counts be such as may now be lawfully joined with the rest of such bill of indictment, and if the said count or counts be founded (in the opinion of the Court in or before which the said bill of indictment is preferred) upon the facts or evidence disclosed in any examination or deposition taken before a Justice of the Peace, in the presence of the person accused or proposed to be accused by such bill of indictment, and transmitted or delivered to such Court in due course of law; and nothing in the said sections shall extend or be applicable to prevent the presentment to or finding by a Grand Jury of any bill of indictment, if such bill be presented to the Grand Jury with the consent of the Court in or before which the same is preferred, if such Court be a Court of superior criminal jurisdiction, or presided over by a Judge of any such Superior Court.

Further restrictions.

The said sections and this Act to apply to nuisance.

2. All the provisions of the twenty-eighth and twenty-ninth sections of the above recited Act, and of this Act, shall extend and be applicable to the offence of nuisance, and the said sections shall henceforth be read as if the offence of nuisance had been included therein.

Evidence as to former conviction for receiving.

3. Where proceedings are taken against any person for having received goods, knowing them to be stolen, or for having in his possession stolen property, evidence may be given, at any stage of the proceedings, that there was found in the possession of such person, other property stolen within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that such person knew the property to be stolen which forms the subject of the proceedings taken against him.

Evidence as to previous conviction for fraud or dishonesty.

4. Where proceedings are taken against any person for having received goods, knowing them to be stolen, or for having in his possession stolen property, and evidence has been given that the stolen property has been found in his possession, then if such person has, within five years immediately preceding, been convicted of any offence involving fraud or dishonesty, evidence of such previous conviction may be given at any stage of the proceedings, and may be taken into consideration for the purpose of proving that the person accused knew the property which was proved to be in his possession to have been stolen; provided that not less than days' notice in writing shall have been given to the person accused that proof is intended to be given of such previous conviction; and it shall not be necessary for the purposes of this section to charge in the indictment the previous conviction of the person so accused.

Proviso: notice to accused.

Indictment need not charge previous conviction.

No. 3.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act respecting Procedure and Evidence in Criminal cases.

Received and read first time, Thursday, 15th February, 1877.

Second reading, Monday, 19th February, 1877.

Mr. IRVING.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 4.] **BILL.** [1877.]

An Act to repeal the Act 37th Victoria, chapter 49, intituled; "An Act to authorize corporations and institutions incorporated without the limits of Canada, to lend and invest moneys therein."

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

1. The Act passed in the thirty-seventh year of Her Majesty's reign, chaptered forty-nine, and intituled: *"An Act to authorize corporations and institutions incorporated without the limits of Canada to lend and invest moneys therein,"* is hereby repealed; but such repeal shall in no way affect any contract, agreement or transaction whatsoever, made, entered into or commenced under the Act hereby repealed, before the passing of this Act, and all rights and privileges, duties and obligations accruing to or incumbent upon any person or corporation, under any such contract, agreement or transaction so made, entered into or commenced, as aforesaid, shall continue in full force and effect notwithstanding such repeal, until the completion and termination of such contract, agreement or transaction. Act 37 V., c. 49, repealed. Saving rights acquired under it.

No. 4.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to repeal the Act 37th Victoria, chapter 49, intituled: "An Act to authorize corporations and institutions incorporated without the limits of Canada, to lend and invest moneys therein."

Received and read first time, Thursday, 15th February, 1877.

Second reading, Monday, 19th February, 1877.

Mr. BLAIN.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 5.] **BILL.** [1877.

An Act to amend the Law relating to Criminal Procedure by allowing persons charged with crime to give evidence as witnesses for the defence.

FOR the better attainment of justice in criminal cases: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

Party accused may offer to be examined: his liability in such case.

1. Any person accused of felony or misdemeanor, may, on his trial for the same, offer to be examined and give evidence on his own behalf in the case, and shall then be subject to examination and cross-examination as a witness for the defence, and his evidence shall be subject to the same incidents as that of any other witness, as respects credibility or otherwise howsoever; and any wilfully false statement therein shall be perjury and punishable as such; but no such person shall be compellable so to offer to be examined, or shall so be examined without his consent.

No. 5.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Law relating to Criminal Procedure by allowing persons charged with crime to give evidence as witnesses for the defence.

Received and read first time, Tuesday, 15th February, 1877.

Second reading, Monday, 19th Feby., 1877.

Mr. DYMOND.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 6.] **BILL.** [1877.

An Act to incorporate the Maitland Marine Insurance Company.

WHEREAS Charles Cox, Alfred Putnam, Nelson Murphy, Isaac Douglas and others, on behalf of themselves and others, Directors and shareholders in the Company hereinafter named, and the Maitland Marine Insurance Company, incorporated under the Act chaptered seventy-eight of the Statutes of the Province of Nova Scotia, passed in the thirty-eighth year of Her present Majesty's reign, have, by their petition, represented that they are desirous of becoming incorporated by an Act of the Parliament of Canada, under the name of the Maitland Marine Insurance Company, for the purpose of carrying on Ocean Marine Insurance exclusively and doing all things appertaining thereto, or connected therewith, as well in the Province of Nova Scotia, where they are now carrying on such insurance business, as in other Provinces of the Dominion and in foreign countries; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The shareholders of the Maitland Marine Insurance Company, incorporated by an Act of the Legislature of the Province of Nova Scotia, passed in the thirty-eighth year of Her present Majesty's reign, and chaptered seventy-eight, together with such other persons as may hereafter become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body politic and corporate in law, in fact and in name by the style and title of the Maitland Marine Insurance Company for the purpose of carrying on the business of Ocean Marine Insurance exclusively, and doing all things appertaining thereto, or connected therewith, with all the powers, privileges, and rights hereinafter mentioned; and shall and may have perpetual succession, and shall be capable in law of contracting and being contracted with, and suing and being sued, pleading and being impleaded in any court of law or equity in their corporate name aforesaid; and they and their successors shall and may have a common seal, and may change the same at their will and pleasure: Provided always, that nothing in this Act contained shall be construed in any manner to affect any contract, matter, or thing concerning the said Company heretofore incorporated, otherwise than is herein expressed, or to affect any action, suit or proceeding commenced on behalf of or against the said Company heretofore incorporated, at the time of the passing Company incorporated. Corporate name and powers. Proviso, as to existing contracts.

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

Proviso, as to shareholders, rights and claims.

Policies, contracts and claims to continue in force.

Chief place of business, agencies and agents.

2. The chief place of business of the Company shall be in Maitland, in the County of Hants and Province of Nova Scotia; and the said Company shall have full power and authority to comply with the laws of any province, state, or country wherein it proposes to carry on business, so far as such laws are not inconsistent with the provisions of this Act, or with the laws of Canada, and to appoint therein, under the seal of the Company, local managers, agents, or other officers.

Real estate.

3. The Company may purchase, take and hold real estate, not exceeding in value the sum of three thousand dollars.

Capital stock and shares.

4. The original stock of the Company shall be thirty thousand dollars, which may subsequently be increased by a two-thirds vote of the shareholders to sixty thousand dollars, to be divided into shares of one hundred dollars each, which shares shall be numbered in regular progression; but no member of the Company shall hold more than twenty-five shares at one time; and the Company shall not go into operation until twenty-five per cent. of the capital stock is actually paid in.

Liability of shareholders limited.

5. No member of the Company shall be liable in his person, or separate estate, on account of the debts of the Company to a greater amount in the whole than double the amount of the stock held by him, deducting therefrom the amount actually paid to the Company on account of such stock; unless he shall have rendered himself liable for a greater sum by becoming surety for the debts of the

Exception.

Company; but no shareholder who may have transferred his interest in the stock of the Company shall cease to be liable for any contracts of the Company entered into before the date of such transfer, so as any action in respect of such liability shall be brought within six months after such transfer.

Security to be given for calls.

6. Every shareholder shall at, or before, the time appointed for payment of the first call for payments on account of shares, execute and deliver to the Company either a bond with a mortgage on real estate to accompany the same, or otherwise a bond with two sufficient sureties, such bonds to be renewable as often as the President and Directors shall require, and to be conditioned for the payment of the residue of the calls to become due or payable on the shares held by him, which securities shall be subject to the approval of the first Directors hereinafter named.

Payment of calls.

7. All calls or instalments on account of the shares shall be paid by the several shareholders at such times, and in such equal proportions as the Directors may appoint, and notice of the times and places of paying such calls shall be given by them, by advertisement, in at least two of the Halifax newspapers, thirty days at least previous to the time of payment, and in writing to each shareholder at least fifteen days previous thereto.

Board of Directors.

8. The management of the affairs of the Company shall be conducted by a Board, to consist of a President and not less than four, nor more than six Directors; and the necessary officers of the Company shall, in addition thereto, consist of a Secretary and Treasurer, two Auditors, or examiners of the accounts of the Company, and such other officers, or servants, as the Company shall by their by-laws direct. The first Directors of the Company incorporated under this Act shall be Nelson Murphy (President), Charles Cox, Isaac Douglas, James K. Blair, Alfred Putnam, Alexander A. McDougall and Archibald McCollum, and they shall hold office until the next annual meeting of the Company.

Provisional Directors.

First meeting.

9. So soon as three hundred shares are subscribed the Company may hold their first meeting.

Record of proceedings to be kept.

10. The proceedings of every general or special meeting of the Company shall be entered by the Secretary, or such other person as shall attend in his place, in a book to be kept for that purpose, and the entry shall be signed by the chairman of the meeting, and being so entered and signed shall be deemed to be the original orders and proceedings of the Company, and when proved shall be legal evidence thereof; such book shall be kept at the office of the Secretary, and shall be open for the inspection of any person who may desire the same at all reasonable times, without fee.

Stock register.

11. The Secretary shall also keep in his office a book containing a record of the original subscriptions of stock, and of all additions thereto, and of all alterations in the ownership thereof, together with the amounts paid thereon; and no transfer of such stock shall be valid until it shall be entered in such book, which book being proved shall be legal evidence of the ownership of the shares, and shall be open for the inspection of any person who may desire the same, at all reasonable times, without fee.

Transfers to be entered.

When Company may commence business.

12. As soon as the whole original capital shall have been subscribed, and the sum of seven thousand five hundred dollars shall have been actually paid to the Company by the proprietors of shares and sufficient securities shall have been given by them for the balance thereof, the Directors may, at their office in Maitland, commence and conduct the business of ocean marine insurance exclusively, and may make insurance upon all subjects of marine insurance whatsoever navigating the oceans or seas from any port or ports in Canada to any foreign port or ports, or from one foreign port or ports to another foreign port or ports, or from any foreign port or ports to any port or ports in Canada, and may transact all matters relating to the business of a marine insurance broker, insurer or underwriter; Provided always that the Company is hereby declared ineligible to insure any subject of insurance navigating the inland waters of Canada, or to take any inland marine risks; but until the expiration of one year from the time when the Company shall commence the business of insurance under this Act, no greater sum than five thousand dollars, and after the expiration of one year, no greater sum than eight thousand dollars in the whole shall be insured by the Company, and be at risk at the same time, upon any one ship or vessel, her cargo, freight, or other interest therein depending on the same risk.

Proviso.

Amount of each risk limited.

Investment of moneys.

13. All the paid up capital of the Company which shall not be considered necessary to be kept on hand for the payment of losses or expenses shall be kept constantly invested at interest upon approved securities as mentioned in the *sixth* section, or in public funds, bank or other stocks, in the name of the Company, but no part thereof, beyond the sum absolutely necessary for procuring the necessary buildings for conducting the business of the Company shall be invested in the purchase of real estate, nor shall any part thereof be lent on bottomry or respondentia, or on mortgage of ships or vessels, but mortgages of ships or other personal property as well as mortgages of real estate, may be held by the Company to secure a debt; nor shall the funds of the Company be employed in merchandise, nor shall the Company carry on trade as a merchant, nor shall any dividend be made of any part of the capital stock, nor shall any loan of any part of the capital stock be made directly or indirectly to any Director of the Company; nor shall any such Director be a party to any such security for any such loan, and no stock-

Restrictions thereupon.

holder to whom any part of the capital stock shall have been lent shall be eligible as a Director during the continuance of such loan.

If claims equal available capital, no new insurances to be effected.

14. If it shall happen that in consequence of any losses or misfortunes, or other means whatsoever, the original or increased capital and joint stock of the Company shall at any time be wholly expended, or claims against the Company shall be outstanding unsettled to an amount equal to the existing and available capital and funds of the Company, then so soon as the same shall be known to the President or Board of Directors it shall not be lawful for the Company to make, or for the Board to accept orders for, or to issue any new insurance or policies whatsoever; and if any further insurance shall be made, or policies issued, after such knowledge of the affairs of the Company had by the President or Directors, or any of them, then for all losses under such insurance and policies, the President and each of the Directors who shall accept or make such insurance, or authorize or sign such policies, shall be personally and jointly, and severally liable to the full amount of such losses, and all charges incident thereto.

Penalty for contravention.

Under certain circumstances company may be dissolved.

15. Upon the happening of such losses or misfortunes as last mentioned, to the extent of the capital and funds, or upon the vote of three-fourths in number of the proprietors in the Company, holding at least three-fourths of the whole number of shares in the Company, the proprietors may dissolve the Company, and declare that the same shall cease on a day to be fixed, and thereupon the Company on that day shall cease and determine.

Liability of Directors for dividend impairing capital.

16. If the Directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent, or diminishes the capital stock thereof, the Directors declaring such dividend shall be jointly and severally liable as well to the Company as to the individual shareholders and creditors thereof, for the amount of the dividend or dividends so paid; but if any Director present when such dividend is declared, do forthwith, or if any Director then absent, do, within twenty-four hours after he shall have become aware thereof and able to do so, enter in the minutes of the Board of Directors his protest against the same, and do within eight days thereafter, publish such protest in at least one newspaper published at, or as near as may be possible to the head office of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

How such liability may be avoided.

No. 6.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to incorporate the Maitland Marine Insurance Company.

Received and read the first time, Friday, 16th February, 1877.

Second reading, Monday, 19th February, 1877.

(PRIVATE BILL.)

Mr. GOUDGE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 7.] **BILL.** [1877.

An Act to amend the Act respecting Weights and Measures.

WHEREAS by the "*Act respecting Weights and Measures*," 36th Victoria, chapter 47, it is in substance provided that the Imperial pound shall be the sole standard of weight to be used in transactions between buyers and sellers in Canada; and whereas, notwithstanding the said provision of the law, certain purchasers continue to exact the delivery of certain produce by the former French pound, or by the former hundredweight of one hundred and twelve pounds, without any express agreement having been entered into; and whereas it is expedient to provide a remedy for the evil by making provision for the infliction of a penalty upon parties who, without express agreement with the sellers, claim to have purchased articles of consumption by weight of the French pound, or by the hundredweight of one hundred and twelve pounds, instead of by the Imperial pound or by the cental: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 36 V. c. 47.

1. Whosoever purchases from the producer any article of Canadian produce, and claims to have the same delivered by the weight of the French pound or by the hundredweight of one hundred and twelve pounds, instead of by the weight of the Imperial pound or of one hundred pounds as provided by the said Act, shall be liable to a fine of dollars, which may be recovered by action of debt by any person interested in the transaction, or by any proper officer of the Department of Inland Revenue; and one-half of such fine shall belong to the party bringing the action, and the other half to the Crown. Penalty for purchasing by old weights without express agreement.

2. In case there shall be no express agreement to the contrary, every sale of articles of Canadian produce shall be deemed to have been made by the Imperial pound or by the cental; and proof of the agreement to the contrary effect shall lie upon the purchaser. Sales to be deemed made by the standard.

No. 7.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Act respecting Weights and Measures.

Received and read first time, Monday, 19th February, 1877.

Second reading, Wednesday, 21st Feby., 1877.

Mr. Bolduc.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 8.] **BILL.** [1877.

An Act to change the name of the Saint Francis and Megantic International Railway Company to the International Railway Company, and for other purposes respecting the same.

Preamble.

WHEREAS the Saint Francis and Megantic International Railway Company have petitioned for an amendment to their Act of incorporation, as amended by an Act passed in the thirty-third year of the reign of Her Majesty Queen Victoria, and further amended by an Act passed in the thirty-seventh year of the reign of Her Majesty, for the purpose of changing the name of the said Company, and of limiting the amount of bonds issued by the said Company under their Act of incorporation and its amendments, to a sum not exceeding thirteen thousand dollars per mile of their railway, including any branch or branches thereof; 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:—

Name changed.

1. The name of the said Company shall hereafter be "The International Railway Company."

Amount of bonds to be issued limited.

2. The amount of bonds issued and to be issued by the said Company, under their Act of incorporation and the amendments thereto, shall be and is hereby limited to a sum not exceeding thirteen thousand dollars per mile of the said Railway, including any branch or branches thereof; the said bonds to bear interest at a rate not exceeding seven per centum per annum.

No. 8.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to change the name of the St. Francis and Megantic International Railway Company to the International Railway Company, and for other purposes.

Received and read first time, Monday, 19th February, 1877.

Second reading, Wednesday, 21st February, 1877.

(PRIVATE BILL.)

Mr. BROOKS.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 9.] **BILL.** [1877.

An Act respecting the Canada Southern Bridge Company.

WHEREAS by an Act of the Parliament of Canada passed in the thirty-fifth year of Her Majesty's reign, chapter ninety-one, intituled "*An Act to incorporate the Detroit River Railway Bridge Company*," certain persons were incorporated under the name of "The Detroit River Railway Bridge Company" with the power and subject to the provisions contained in the said Act and (amongst others) with power to unite and consolidate its stock property and franchises with the stock property and franchises of "The Detroit River Railroad and Bridge Company," a company incorporated by the laws of the State of Michigan for a similar purpose; And whereas the said "The Detroit River Railway Bridge Company" was authorized by the said Act to construct and work a railway bridge across the Detroit River, for railway purposes, from some point at or near the town of Amherstburg, in the County of Essex and Province of Ontario, towards the Island of Grosse Isle, in the State of Michigan, in the United States of America; And whereas, by a certain other Act of the Parliament of Canada, passed in the thirty-sixth year of Her Majesty's reign, chapter eighty-nine, the name of the said Company was changed to "The Detroit River Railway Bridge and Tunnel Company," and the company was authorized at their option to construct and work a tunnel under the River Detroit for railway purposes instead of a railway bridge at the point mentioned in the first recited Act; And whereas by an agreement dated the twentieth day of August, one thousand eight hundred and seventy-three, between the said "The Detroit River Railway Bridge and Tunnel Company" and the said "The Detroit River Railroad and Bridge Company," and the proceedings prior to and consequent thereon, the said two companies became and are united and consolidated into one company and incorporated under the name of "The Canada Southern Bridge Company," with all the power and subject to the provisions of the said recited Act; And whereas the Canada Southern Bridge Company immediately thereupon commenced the construction of certain of the works authorized under its corporate powers and has completed and for a period of three years has had in operation all the works consisting of lines of railway, railway bridges and appliances necessary for crossing the River Detroit at the point hereinbefore mentioned, towards and upon Grosse Isle and across the same and over the western channel of the River Detroit to the main shore of the State of Michigan, excepting the railway bridge or tunnel for the crossing of the main channel of the River Detroit from near the said town of Amherst-

Preamble.

35 V. c. 91.

36 V. c. 89.

burg towards Stoney Island, an island between Grosse Isle and the said main channel; And whereas the said Canada Southern Bridge Company has expended the sum of one million four hundred and fifty thousand dollars and upwards in the construction of the said works, and has raised a large part thereof by the sale of first mortgage bonds secured upon the said works and property of the Company; And whereas the present means, by a Car Ferry Steamer, of transporting the traffic of the Canada Southern and other connecting Railways across the main channel of the River Detroit at the part aforesaid are inadequate to such traffic and liable to interruption by ice and otherwise; And whereas it has been found that a tunnel under the said channel can be advantageously constructed, and the plans and specifications for such work have been prepared; and the Company have petitioned for an extension of the time limited for the completion of the said work, and for the continuance of all its corporate powers under the said recited Acts and agreement of union, except in so far as the same may authorize or imply any authority to construct or work any Railway Bridge across the said main channel of the River Detroit, as to which bridge the Company is willing that any authority in that respect thereof should be withdrawn; Therefore Her Majesty, by and with the consent of the Senate and House of Commons of Canada, enacts as follows:—

Power to construct a tunnel.

1. The Canada Southern Bridge Company is hereby authorized to construct, maintain, work and manage a tunnel under the River Detroit from a point in the Township of Anderdon, in the County of Essex, at or near the town of Amherstburg, towards Grosse Isle in the State of Michigan, with all the rights and powers and subject to all the provisions and conditions contained in the said recited Acts or either of them.

Power to construct a bridge across main channel repealed.

2. Any power or authority to construct, maintain or work any railway bridge or other bridge across the main channel of the River Detroit, at the point aforesaid, under the said recited Acts, is hereby repealed, but such repeal is not to affect the said rights and powers for constructing the said tunnel.

Time limited.

3. The works of the said tunnel shall be commenced in two years and be completed in six years from the passing of this Act.

No. 9.

4th Session, 3rd Parliament, 40 Victoria,

BILL.

An Act respecting the Canada Sout
Bridge Company.

Received and read first time, Monday,
February, 1877.

Second reading, Wednesday, 21st Febr
1877.

(PRIVATE BILL.)

Mr. Cas

OTTAWA:

PRINTED BY MACLEAN, ROGER &
1877.

No. 10.] **BILL.** [1877.

An Act to further amend the Act to incorporate "The London and Canada Bank," and to amend the Acts amending the same.

WHEREAS "The London and Canada Bank" was duly incorporated by an Act passed in the thirty-seventh year of Her Majesty's reign, chaptered fifty-five; and whereas the said Act was amended by an Act passed in the thirty-eighth year of Her Majesty's reign, and chaptered sixty, and again amended by an Actpassed in the thirty-ninth year of Her Majesty's reign, chaptered forty-three; and whereas the Provisional Directors thereof have by their petition prayed that the said Act may be further amended by reducing the amounts to be severally subscribed for and paid before the said Bank may commence business and by making other amendments to the said Acts of incorporation; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 37 V. c. 55, 38 V. c. 60, 39 V. c. 43.

1. The section substituted by section two of the Act lastly cited for section three of the Act firstly cited is hereby repealed, and the following substituted in lieu thereof: Sect. 3 repealed. New section.

"3. For the purpose of organizing the said Bank and of raising the amount of the said capital stock, the following persons, that is to say, John M. Grover, John Ham Perry, Joseph Gould and Edward Douglas Armour, shall be Provisional Directors thereof, and they, or a majority of them, may cause stock books to be opened, after giving due notice thereof, upon which stock books shall and may be received the signatures and subscriptions of such parties or persons as desire to become shareholders in the said Bank; and such stock books shall be opened in the City of Toronto and elsewhere, at the discretion of the Provisional Directors, and shall be kept open as long as they shall deem necessary, and, so soon as five hundred thousand dollars of the capital stock shall have been subscribed upon the stock books, and one hundred thousand dollars thereof actually paid into some one of the present chartered banks in Canada and a certificate shall have been obtained from the Treasury Board that it has been proved to their satisfaction that such amounts of the capital stock have been *bonâ fide* subscribed for and paid up respectively, a public meeting shall be called of the subscribers thereof by notice published for at least two weeks in some newspaper in the said City of Toronto, such meeting to be held in Toronto aforesaid at such time and place as such notice shall indicate; and at Provisional directors and their powers. Stock books. First meeting of shareholders.

Election of directors.

such meeting the subscribers shall proceed to elect seven Directors, having the requisite stock qualifications, who shall, from thenceforward, manage the affairs of the said corporation and take charge of the stock books hereinbefore referred to, and shall continue in office until the first Wednesday in July, which shall be in the year next after the year in which they are so elected; and, immediately upon such election being had, the functions of the said Provisional Directors shall cease, and then, and not before, the Bank may commence business."

Time extended.

2. The time limited by the fourth section of the said last cited Act is hereby extended for the further period of two years.

No. 10.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to further amend the Act to incorporate "The London and Canada Bank," and to amend the Acts amending the same.

Received and read first time, Monday, 19th February, 1877.

Second reading, Wednesday, 21st February, 1877.

(PRIVATE BILL.)

Mr. BURK.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 11.] **BILL.** [1877.

An Act to amend the Insolvent Act of 1875, with reference to liabilities between traders and non-traders.

Preamble.

WHEREAS it is expedient to amend the Insolvent Act of 1875, by providing that certain persons not included by the interpretation thereof in the class designated as "traders," shall not be held liable for the payment of any sum of money whatsoever as securities or endorsers for any person included in the said class, to which payment they would have been held but for the passing of this Act, and further by providing that the said persons first aforesaid shall not be compelled to accept any composition or sign any discharge of any insolvent, but that the claims of such persons first aforesaid shall continue exigible, notwithstanding any composition or any discharge: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation.

1. In this Act the expression "non-trader" means any professional man, farmer, grazier, common laborer or workman for hire; and the expression "trader" means a trader as defined by section one of the Insolvent Act of 1875.

Non-traders exempt from liability in certain cases.

2. No non-trader shall be liable for the payment of any sum of money, to the payment of which, but for the passing of this Act, he would have been held as having endorsed the note of any trader, or as having entered into any bond or obligation as security for any trader; and in any suit for the recovery of any such sum, or for the enforcing of any such bond or obligation it shall suffice for the defendant to prove that the maker of the note which he has endorsed, or the person for whom he has become security, is a trader, and that he, the defendant, is a non-trader; and upon such proof the defendant shall be entitled to judgment, with full costs of suit.

Discrimination between traders and non-traders in statement.

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

After notification non-traders not bound to accept composition.

At any time after the making of the assignment, or the issue of the writ of attachment, and previous to the first meeting of creditors, any creditor who is a non-trader may notify the assignee, in writing, that such is the case, and that he purposes to avail himself of the provisions of this Act; and no non-trader who shall have so notified

the assignee shall be bound to accept the composition or sign the discharge of the insolvent; but the claim of such non-trader shall nevertheless be ranked by the assignee upon the dividend sheet, for a dividend or dividends, in like manner as the claims of other creditors; and the receipt signed by the non-trader for such dividend, shall be a receipt *pro tanto* in respect of such claim as aforesaid.

Votes of non-traders in matters of Insolvency.

4. A non-trader who has availed himself of the provisions of this Act may attend at meetings of the creditors of the insolvent, and may vote thereat in the same manner as other creditors, except that such non-trader shall not vote upon any question touching the acceptance of any offer of composition, or the granting of the discharge of the insolvent; and in calculating the number of creditors and the amount of the claims against the insolvent, upon which the acceptance of a deed of composition and discharge, or the consent to the discharge of the insolvent is based, non-traders who have availed themselves of the provisions of this Act, and the amount of their claims shall not be computed; and no deed of composition and discharge, nor any discharge from the Court or Judge shall in any way impair the right of a non-trader who has availed himself of the provisions of this Act, to recover from the insolvent any balance that may remain unpaid upon the claim of such non-trader, but the said balance may be recovered in like manner as if no proceedings in insolvency had been entered into, notwithstanding the acceptance by the non-trader of any dividend from the assignee as hereinbefore provided.

Rights of non-traders saved.

No. 11.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Insolvent Act of 1875 with reference to liabilities between traders and non-traders.

Received and read first time, Monday, 19th February, 1877.

Second reading, Wednesday, 21st Feby., 1877.

Mr. LANDERKIN.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 12] **BILL.** [1877.]

An Act to grant additional powers to the Springhill and Parrsborough Coal and Railway Company, (Limited).

Preamble.

WHEREAS the Springhill and Parrsborough Coal and Railway Company (Limited), incorporated under an Act of the Legislature of the Province of Nova Scotia, have, by their petition, prayed that further powers may be granted them; 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:—

Company may buy and sell ships, &c.

1. The said Springhill and Parrsborough Coal and Railway Company (Limited), shall have power to own, build, buy, sell and charter ships, steamboats and other vessels, and to employ them in any lawful business whatsoever and wheresoever.

May lease their railway.

2. The said Company may also enter into any agreement for leasing the railway of the said Springhill and Parrsborough Coal and Railway Company Limited), or any part thereof, or the works and undertakings of the said Company, or the use thereof, at any time to the Dominion Government, or any railway company, or for leasing or hiring from any other company or persons, any locomotives, cars, carriages, plant, stock, or other property, movable or immovable, either altogether or for any time or occasions, or for using any locomotives, cars, carriages, plant, stock, or other property, movable or immovable, in common with the Dominion Government, or any other railway company, or for crossing, intersecting, joining and uniting the railway of the said Company with any other railway at any point in its route with the necessary conveniences for the purpose of such connections, and the owners of both railways may unite in forming such intersection and grant facilities therefor.

Or hire plant.

Company may borrow money.

3. The said Company shall have power to borrow money from time to time, either in Canada or elsewhere, in such sums of money as may be expedient, not exceeding in the aggregate the sum of one million dollars or its equivalent in sterling, for completing, maintaining, or working the railway of the said Company, and at a rate of interest not exceeding eight per cent. per annum, and to make the bonds, debentures, and other securities granted for the sums so borrowed payable either in currency or in sterling, and at such place or places within Canada or without, as may be deemed advisable, and to sell the same at such price or discount as may be deemed expedient, or be

And issue debentures.

tions or liabilities of the said Company, and to any rights in any suit or action now pending in any of the courts of Nova Scotia.

Position of the company.

3. The Company hereby incorporated shall in all matters occupy the same position and shall stand in the same plight and condition in every respect as the Company incorporated under the said recited Acts of the Province of Nova Scotia, immediately before the time of the passing of this Act, with all such additional powers and authorities as are hereby given.

Company may buy and sell ships, &c.

4. The said Springhill and Parrsborough Coal and Railway Company (Limited), shall have power to own, build, buy, sell and charter ships, steamboats and other vessels, and to employ them in any lawful business in connection with the railway.

May lease or hire plant.

5. The said Company may also enter into any agreement for leasing or hiring from any other company or persons, any locomotives, cars, carriages, plant, stock, or other property either altogether or for any time or occasions, or for using any locomotives, cars, carriages, plant, stock, or other property, in common with any other railway.

Company may borrow money.

6. The said Company shall have power to borrow money from time to time, either in Canada or elsewhere, in such sums of money as may be expedient, not exceeding in the aggregate the sum of one million dollars or its equivalent in sterling, for completing, maintaining, or working the railway of the said Company, and at a rate of interest not exceeding eight per cent. per annum, and to make the bonds, debentures, and other securities granted for the sums so borrowed payable either in currency or in sterling, and at such place or places within Canada or without, as may be deemed advisable, and to sell the same at such price or discount as may be deemed expedient, or be necessary, and to hypothecate, mortgage, or pledge the lands, tolls, revenues and other properties of the Company for the due payment of the said sums and the interest thereon; but no such debenture shall be for a less sum than one hundred dollars.

And issue debentures.

Company may become parties to promissory notes.

7. 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, and any such bill of exchange drawn, accepted or endorsed by the President, or Vice-President, or presiding officer for the time being, and countersigned by the Treasurer or acting Treasurer of the Company, and under the authority of a majority of a quorum of the Directors shall be binding on the Company, and in no case shall it be necessary to have the seal of the Company affixed to any such promissory note, or bill of exchange, or to prove that the same was made by proper authority; nor shall the President, Vice-President or presiding officer, or the Treasurer or acting Treasurer be indi-

vidually responsible for the same in any manner whatsoever: Provided always, that no such promissory note, or bill of exchange, shall be payable to bearer, or be of a nature to be used as money, or as the bill or note of a bank.

5 **8** All acts done by the said Company, under the authority of any Act of the Legislature of the Province of Nova Scotia, are hereby confirmed and declared to be valid. Certain acts of the Company confirmed.

No. 12.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to grant additional powers to the Springhill and Parrsborough Coal and Railway Company (Limited.)

Re-printed as amended by the Standing Committee on Railways, Canals and Telegraph Lines.

(PRIVATE BILL.)

Mr. DOMVILLE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 13.] **BILL.** [1877.

An Act to incorporate the "Dominion of Canada Civil Service Mutual Benefit Association."

Preamble.

WHEREAS William Patton, William Henry Kittson, Henry Colbeck, William Gillesby, John Ferdinand Jagoe, Alfred Crisp, John Barker Eager, Henry Miller Woodward and others have by their petition to the Parliament of Canada represented that the Association of which they are members, known as the "Dominion of Canada Civil Service Mutual Benefit Association," was organized on the 12th of April, 1875, for benevolent purposes, and more particularly for the purpose of providing in some measure for the relief of families of members of the civil service corps of Canada, who are also members of the Association, and who may die while members as aforesaid, and have prayed that for the better attainment of the objects of the said Association it may be invested with corporate powers, and by reason of the good effected by the Association since its organization as well as by that which it endeavours to attain, 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:—

Certain persons incorporated.

1. The said William Patton, William Henry Kittson Henry Colbeck, William Gillesby, John Ferdinand Jagoe, Alfred Crisp, John Barker Eager, Henry Miller Woodward and such other persons as are now members of the said Association, or shall hereafter become members thereof under the provisions of this Act, and the by-laws made under the authority thereof, and their successors shall be and they are hereby constituted a body politic and corporate, under and by the name of the "Dominion of Canada Civil Service Mutual Benefit Association," and may by that name sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in all Courts of law and places whatsoever, and by that name they and their successors shall have perpetual succession, and may have a common seal, and may break, change, alter or renew the same at pleasure and shall have power to purchase, take, receive, hold, and enjoy and maintain to and for the use of the said Corporation, all lands, tenements and hereditaments which may hereafter be sold, ceded, exchanged, given, devised, bequeathed or granted to the said Corporation or to sell, alienate, convey, mortgage, let or lease the same if need be; Provided that the annual income to be derived from such real property shall not exceed five thousand dollars.

Corporate name and powers.

Real estate.

Proviso.

Board of directors.

2. The affairs and business of the said Corporation shall be managed by a Board of Directors composed of six members,

two chosen from each of the Departments of Customs, Post Office, and Inland Revenue, consisting of a President, a first and second Vice-President, and three other members; four members of the said Board shall be a quorum for the transaction of business; the Secretary and Treasurer shall be elected by the said Board of Directors in accordance with existing by-laws of the said Association; which by-laws shall be the by-laws of the Corporation hereby constituted until they shall be repealed or altered as hereinafter provided for.

Quorum.

Officers.

By-laws.

What shall be deeds of the corporation.

3. All deeds and members' certificates of membership sealed with the common seal of the Corporation, and signed by the President, or either of the Vice-Presidents, and the Secretary, and none other, shall be held to be deeds and certificates of the Corporation; Provided always, that the Treasurer for the time being may receive all moneys payable to the Corporation, and grant valid receipts therefor.

By-laws and their objects.

4. It shall be lawful for the said Corporation to make by-laws for the admission and expulsion of members, and for the proper administration of the property and affairs of the Corporation, and to repeal or amend the same from time to time, and such by-laws and amendments shall be proposed and seconded at a previous quarterly meeting.

General meetings.

5. The general meetings of the Corporation shall be held in such manner, after such notice, upon such requisition and at such times, in the city of Hamilton, or such other city in the Dominion of Canada as may hereafter be determined upon by a two-thirds majority of the members of the said Association, cast for that purpose, such decision to be final.

Provisional officers.

6. Until others shall be elected according to the by-laws of the Corporation, the present officers of the Association shall be those of the Corporation, that is to say, the said William Patton shall be President, the said William Henry Kittson shall be the first Vice-President, the said Henry Colbeck shall be second Vice-President, Henry Miller Woodward shall be Secretary, John Baker Eager shall be the Treasurer, and William Gillesby, John Ferdinand Jagoe and Alfred Crisp the other members of the Board of Directors

All dues to be paid to the Treasurer.

7. All subscriptions of members, due to the Corporation under any by-law, all penalties incurred under any by-law, by any person bound thereby, and all other sums of money due to the Corporation, shall be paid to the Treasurer thereof, in accordance with existing by-laws, and, in default of payment, may be recovered in any action brought by him in the name of the Corporation, in any court of competent civil jurisdiction; Provided always, that nothing herein contained shall be construed to prevent any member from withdrawing at any time from the said Corporation after the payment of all arrears due to the funds thereof, including the annual fee or subscription for the then current year.

8. The said Board of Directors shall yearly, in the month of March, insert in some newspaper published in the city in which the said head Board of Directors may be established, a statement of the amount of the funds and property, debts and liabilities of the said Corporation, certified by the Treasurer and the two Auditors elected at the annual meeting of the Corporation. Statement to be published.

9. Nothing in this Act shall affect any right of Her Majesty, Her Heirs or Successors, or any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected. Certain rights saved.

No. 13.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to incorporate the "Dominion of Canada Civil Service Mutual Benefit Association."

Received and read first time, Tuesday, 20th February, 1877.

Second reading, Thursday, 22nd Feby., 1877.

(PRIVATE BILL.)

Mr. WODD.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 14.] **BILL.** [1877.

An Act to amend the Act incorporating the Montreal, Portland and Boston Railway Company.

WHEREAS the Montreal, Portland and Boston Railway Company have by their petition represented that they were incorporated by Act of the Legislature of the Province of Quebec, thirty-fifth Victoria, chapter twenty-nine, under the name of "The Montreal, Chambly and Sorel Railway Company;" that by Act of the Parliament of Canada, thirty-sixth Victoria, chapter eighty-seven, the said railway was declared to be a work for the general advantage of Canada, and thereby the right to legislate on matters connected with the said railway became vested in the Parliament of Canada; that afterwards, by Act of the Parliament of Canada, to wit, thirty-eighth Victoria, chapter seventy, the name of the said Montreal, Chambly and Sorel Railway Company was changed to "The Montreal, Portland and Boston Railway Company," and have prayed that the delay for the construction and completion of the said railway be extended and their Acts of incorporation otherwise amended; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The time for the completion of the railway of the said Company is extended to three years from the passing of this Act, and the Company is hereby relieved from any penalty for the non-completion thereof at an earlier period, and from any penalty for the non-completion at any time of the portion of its line lying between Sorel and St. Johns. Time for completion of railway extended.

2. It shall not be necessary hereafter to publish in any newspaper in the Town of Sorel the notices of general meetings of the shareholders of the Company. Publication of notice.

No. 14.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Act incorporating the Montreal, Portland and Boston Railway Company.

Received and read first time, Tuesday, 20th February, 1877.

Second reading, Thursday, 22nd Feby., 1877.

(PRIVATE BILL.)

Mr. BABY.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 15.] **BILL.** [1877.

An Act to amend the Insolvent Act of 1875, and to make the said Act operative within the Temporary Judicial District of Nipissing.

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

Insolvent Act of 1875, to apply to the District of Nipissing as part of the County of Renfrew.

1. For all the purposes of the Insolvent Act of 1875, the Temporary Judicial District of Nipissing, in the Province of Ontario, shall be taken and considered as part of the County of Renfrew, in the said Province of Ontario, and all Official Assignees, Judges, and Courts having authority or jurisdiction in said County of Renfrew, under the said Act, shall have like authority and jurisdiction in the said District, and all debtors residing or having their principal place of business in said District shall, for the purposes of the said Act, be deemed and taken as residing within or having their principal place of business in said County of Renfrew.

No. 15.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Insolvent Act of 1875, and to make the said Act operative within the Temporary Judicial District of Nipissing.

Received and read first time, Tuesday, 20th February, 1877.

Second reading, Thursday, 22nd February, 1877.

Mr. WHITE, (Renfrew.)

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 16.] **BILL.** [1877.

An Act respecting the Beaver and Toronto Mutual Fire Insurance Company.

Preamble.

WHEREAS by an Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine Business*," it is provided that certain Insurance Companies therein mentioned or referred to, should not accept any risk, or issue any policy of Fire or Inland Marine Insurance, or receive any premium, or transact any business of Fire or Inland Marine Insurance in Canada, or prosecute or maintain any suit, action or proceeding, either at law or in equity, or file any claim in Insolvency, relating to such business, without obtaining a license, as provided for in the said Act, from the Minister of Finance, to carry on business in Canada; and whereas it was not intended that the said "The Beaver and Toronto Mutual Fire Insurance Company," being a Mutual Insurance Company, should be affected by the provisions of the said Act; but from the wording thereof it is included therein and affected thereby, and it is expedient that the said Company should be excluded from the operation of the said Act, and whereas, in ignorance of the fact that they were affected by the provisions of the said Act, the said "The Beaver and Toronto Mutual Fire Insurance Company have continued to carry on business in Canada without complying with the terms of the said Act, and it is expedient that the said "The Beaver and Toronto Mutual Fire Insurance Company" should be relieved from all penalties which they may have incurred by reason of their non-compliance with the terms of the said Act, and by reason of their having transacted business without compliance with the terms of said Act; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Act 38 V. c. 20 not to apply to the company.

1. The Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine Business*," and chaptered twenty, and each and every of the provisions thereof, shall be deemed and taken not to apply, and not to have applied to "The Beaver and Toronto Mutual Fire Insurance Company," but the said Company shall be exempted from the provisions of the same as entirely as if the said Company had been specially excepted in the said Act.

Directors, &c. not to be liable for contravention.

2. The said "The Beaver and Toronto Mutual Insurance Company," and the directors, stock-holders, and policy-holders thereof, shall not, nor shall any person be liable, in

any way, for any penalty, forfeiture or otherwise, which they may have incurred by reason of the Company having carried on business without compliance with the terms of the said Act, or by reason of anything done by them, or any of them, in contravention of the said Act, or any of the provisions thereof, anything in the said Act to the contrary notwithstanding.

Business of the company may be wound up.

3. It shall and may be lawful for the said Company to wind up its business without complying with any of the provisions of the said Act, and all premium notes which have been taken by the said Company shall be valid, and the same may be collected by the said Company, and all losses may be paid, and all policies adjusted, and everything necessary to a complete winding up of the affairs of the said Company be done and effected as if the said Act had never been passed.

No. 16.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act respecting the Beaver and Toronto Mutual Fire Insurance Company.

Received and read first time, Tuesday, 20th February, 1877.

Second reading, Thursday, 22nd Feby., 1877.

(PRIVATE BILL.)

MR. BOWELL.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 17.] **BILL.** [1877.

An Act to extend the provisions of section fifty-six, of the Act thirty-fourth Victoria, chapter five, intituled "An Act relating to Banks and Banking," to the Bank of British North America.

WHEREAS the Bank of British North America has petitioned that the provisions of section fifty-six of the Act passed in the thirty-fourth year of Her Majesty's reign, chaptered five, and intituled: "*An Act relating to Banks and Banking*," should extend and apply to the said bank, and it is desirable to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 34 V. c. 5.

S. 56 of 34 V c. 5 to apply to Bank of B. N. A.

1. From and after the passing of this Act the provisions of section fifty-six of the said "*Act relating to Banks and Banking*" shall extend and apply to the said Bank of British North America, and all bank notes and bills of the said bank whereon the name or names of any person or persons entrusted or authorized to sign such bills or notes on behalf of the said Bank of British North America, shall or may become impressed by machinery provided for that purpose by or with the authority of the said Bank of British North America, shall be and shall be taken to be good and valid to all intents and purposes as if such notes and bills had been subscribed in the proper handwriting of the person or persons entrusted or authorized by the said Bank of British North America to sign the same respectively, and shall be and be deemed and taken to be bank notes and bills within the meaning of all laws and statutes whatever, and shall and may be described as bank bills or notes in all indictments and civil or criminal proceedings whatsoever, any law statute or usage to the contrary notwithstanding.

No. 17.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to extend the provisions of section fifty-six, of the Act thirty-fourth Victoria, chapter five, intituled "An Act relating to Banks and Banking," to the Bank of British North America.

Received and read first time, Tuesday, 20th February, 1877.

Second reading, Thursday, 22nd Feby., 1877.

(PRIVATE BILL.)

Mr. FRASER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 18.] BILL. [1877.

An Act to make better provision respecting the Geological and Natural History Survey of Canada, and for the maintenance of the Museum in connection therewith.

(*Sections four and five are intended to be proposed 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. The Minister of the Interior shall continue to have the control and management of the Geological Survey of Canada, and there shall be a branch of the Department of the Interior known as the Geological Survey Branch, which shall, under the control of the Minister, take charge of and conduct the Geological Survey of the several Provinces and Territories of the Dominion. Survey to be under control of Minister of the Interior.

2. The objects and purposes of the survey and museum shall be, to elucidate the geology and mineralogy of the Dominion, and to make a full and scientific examination of the various strata, soils, ores, coals, oils and mineral waters, and of its recent *fauna* and *flora*, so as to afford to the mining, metallurgical and other interests of the country, correct and full information as to its character and resources. Objects of the survey.

3. It shall be the duty of the persons in charge of the said survey:— Duties of persons employed on it

1. To collect, classify and arrange such specimens as may be necessary to insure a complete and exact knowledge of the mineralogical resources of the several Provinces and Territories of Canada; to carry on palæontological investigations, to study and report upon the *fauna* and *flora* of the Dominion, and to make such other researches as will best tend to ensure an exact knowledge of the climate, natural resources, and agricultural and industrial capabilities of the different portions of the Dominion. Collections, and arrangement thereof.

2. To continue to collect the necessary materials for a Canadian museum of natural history, mineralogy and geology. Museum

Reports.

3. To report from time to time, in such manner and form as the Minister may direct, their proceedings under this Act, and to furnish proper maps, diagrams, drawings and collections of specimens to illustrate the same.

Appointments and remuneration.

[4. The Governor in Council may from time to time appoint a suitable person, to be, under the control and instructions of the Minister, the Director of the Geological Survey, with such assistants as may be necessary to carry out the provisions of this Act, and with such salaries or remuneration as the Governor in Council may determine; provided that such salaries shall be subject to the approval of Parliament.]

Proviso.

Superannuation Act to apply to permanent employees.

[5. The Director and persons appointed to permanent positions in the Geological Survey Branch of the Department of the Interior, shall be considered as being within the provisions of the Act 33 Victoria, chapter four, to provide for the superannuation of persons employed in the Civil Service, in certain cases.]

Removal of Museum to Ottawa.

6. The Governor in Council, may, whenever he may think fit, direct the removal of the Geological Museum, and the officers and others connected with the Geological Survey Branch of the Department of the Interior, to the City of Ottawa.

Museum to be open to the public, etc.

7. The museum shall be opened to the public from ten a.m. until four p.m., Sundays and statutory holidays excepted, and shall be furnished with such books, instruments and apparatus as may be necessary for scientific reference, and for the prosecution of the survey; and the Governor in Council may from time to time cause the enlargement of the museum, and the distribution of duplicate specimens to scientific, literary and educational institutions in Canada and other countries.

Measurements and marks for topographical purposes.

8. For the purpose of obtaining an accurate basis from which the geological and topographical features of the country may be ascertained, and for the purpose of connecting together local and partial surveys, the Director of the Geological Survey shall, subject to the instructions of the Minister, cause such topographical, geographical or other measurements or observations to be made, and monuments or marks to be placed, as may be deemed necessary for this purpose.

Railway and canal companies to furnish plans, etc., of their works.

9. All Railway and Canal Companies over which the Parliament of Canada has jurisdiction, shall, if incorporated after the passing of the Act 31 Victoria, chapter 67, furnish to the Geological Survey, without charge, certified copies of all plans and sections of their surveys; and all such Companies theretofore incorporated, shall furnish such plans and sections upon the demand of the Director of the Geological Survey, and at the cost of the department.

10. The Director of the Geological Survey shall, as soon as may be after the close of each calendar year, make a full report to the Minister, of the proceedings and work of the Survey for the year, and the results thereof, in such manner and form, and with such details, maps, diagrams and drawings as may be requisite to elucidate the same; and the Minister shall cause the same to be laid before Parliament, with such remarks, explanations and recommendations as he may think proper.

Yearly report of Director.

To be laid before Parliament.

11. Persons employed in one Branch of the Department may be directed by the Minister to perform any duty in or with respect to any other Branch.

Employees in one branch of the Department may be employed in another.

12. This Act shall come into force upon, from and after the First day of July, One thousand eight hundred and seventy-seven, and all former Acts respecting the Geological Survey of Canada shall then be repealed, except only as to rights acquired under or offencesagainst the same.

Commencement of Act and repeal of former Acts.

No. 18.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to make better provision respecting the Geological and Natural History Survey of Canada, and for the maintenance of the Museum in connection therewith.

Received and read first time, Tuesday 20th February, 1877.

Second reading, Thursday, 22nd Feb'y., 1877.

Mr. MILLS.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 19] **BILL.** [1877.

An Act to amend, and to consolidate as amended, the Acts respecting the Customs.

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

PRELIMINARY—INTERPRETATION.

1. This Act shall be construed as being passed in amendment of the *Act respecting the Customs*, hereinafter mentioned as superseded by it and repealed, and as a consolidation of the amendments so made with those portions of the said Act which are herein re-enacted, and which shall be construed as declaratory of the existing law, the amendments only having effect as new law. Manner of construing this Act.

2. In order to avoid the frequent use of numerous terms and expressions in this Act, and in other laws relating to the Customs, or to trade or navigation, and to prevent misconstruction of the terms and expressions used therein, it is declared that : Interpretation clause.

In this Act, or in any such law as aforesaid, the word "Port" means a place where vessels or vehicles may discharge or load cargo ; the word "Collector" means the Collector of the Customs at the port or place intended in the sentence, or any person lawfully deputed, appointed, or authorized to do the duty of Collector thereat ; the word "Officer" means an officer of the Customs ; the word "Vessel" means any ship, vessel, or boat of any kind whatever, whether propelled by steam or otherwise, and whether used as a sea-going vessel or on inland waters only, unless the context be manifestly such as to distinguish one kind or class of vessel from another ; the word "Master" means the person having or taking charge of any ship or vessel ; the word "Conductor" means the person in charge, or having the chief direction of any railway train ; the words "Owner," "Importer," or "Exporter" mean the owners, importers, or exporters, if there be more than one in any case, and include persons lawfully acting on their behalf ; the word "Goods" means goods, wares, and merchandize, or moveable effects of any kind, including carriages, horses, cattle and other animals, except where these latter are manifestly not intended to be included by the said word ; the word "Warehouse" means any place, whether house, shed, yard, dock, pond, or other place in which goods imported may be

Port. Collector. Officer. Vessel. Master. Conductor. Owner, &c. Goods. Warehouse.

Customs warehouse.

lodged, kept, and secured without payment of duty ; and the words " Customs Warehouse " mean any such place appointed or approved for the said purpose by competent authority ; and generally, all the terms and provisions of this Act or of any such law as aforesaid, shall receive such fair and liberal construction and interpretation as will best ensure the protection of the Revenue and the attainment of the purpose for which such law was made, according to its true intent, meaning and spirit.

DUTIES AND EXEMPTIONS FROM DUTY.

To what duties this Act applies.

3. The following provisions of this Act shall apply to all duties of Customs imposed by any Act of the Parliament of the Dominion of Canada, whether passed in the present Session, or in any future Session of the said Parliament.

As to unenumerated articles bearing a similitude to enumerated ones, &c.

4. On each and every non-enumerated article which bears a similitude, either in material, quality or the use to which it may be applied, to any enumerated article chargeable with duty, the same rate of duty shall be payable which is charged on the enumerated article which it most resembles in any of the particulars before mentioned ; if any non-enumerated article equally resembles two or more enumerated articles on which different rates of duty are chargeable, the duty on such non-enumerated article shall be the same as that on the enumerated article which it resembles, paying the highest duty : on all articles manufactured from two or more materials, the duty shall be that charged on the article (if there be a difference of duty) which is charged with the highest duty ; spirits and strong waters, from whatever substance distilled or prepared, having the flavor of any kind of spirits or strong waters subject to a higher duty than whiskey, shall be liable to the duty imposed on spirits or strong waters of which they have the flavor.

Articles made of more than one material.

Spirits flavoured.

Recital.

5. And inasmuch as doubts may arise as to whether any or what duty is payable on particular goods, more especially when such goods are of a new or unusual kind, or compounded of various kinds of materials, or imported in an unusual manner, or under unusual circumstances : Therefore, for removing such doubts and avoiding litigation, if in any case any doubt arises as to whether any or what duty is, under the laws then in force, payable on any kind of goods, and there is no decision in the matter by any competent tribunal, or there are decisions inconsistent with each other, the Governor in Council may declare the duty payable on the kind of goods in question, or goods imported in the manner or under the circumstances in question, or that such goods are exempt from duty ; and any Order in Council containing such declaration and fixing such duty (if any) and published in the *Canada Gazette*, shall, until otherwise ordered by the Legislature, have the same force and effect as if such duty had been fixed and declared by law ; and a copy of the said *Gazette* containing a copy of any such order shall be evidence thereof.

Governor in Council may declare the duty in doubtful cases, or that the goods are free from duty.

Currency.

6. All duties, penalties or forfeitures imposed by any Act relating to the Customs, shall be payable in money being a legal tender, at such rate as that four dollars and eighty-six cents and two-thirds of a cent of such money, shall be of equal value with the British sovereign or pound sterling; And all such duties shall be paid and received according to the Weights and Measures established by the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered forty-seven, and intituled: "*An Act respecting Weights and Measures*," assented to by His Excellency, the Governor General, and brought into force and operation by His Excellency's proclamation on and from the first day of July, 1875.

Weights and measures.

Greater or less quantities

And in all cases wherein the duties are imposed according to any specific quantity or to any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value.

Duties to be within the purview of 31 V., c. 5.

7. The duties imposed by any such Act shall be held to be duties within the meaning of the Act of the Parliament of Canada, intituled: "*An Act respecting the Collection and Management of the Revenue, the Auditing of Public Accounts and the liability of Public Accountants*," and of any Act of the said Parliament amending the same, and shall, with all matters and things thereunto relating, be subject to the provisions of the said Act or Acts, and to the regulations and orders of the Governor in Council, made or to be made under the authority thereof, in so far as the same are not inconsistent with this Act; and all moneys arising from such duties, or from any penalties hereby imposed, and belonging to Her Majesty, shall be paid over by the officer receiving the same to the Receiver-General, and shall form part of the Consolidated Revenue Fund of Canada.

To form part of Con. Rev. Fund.

ENTRY OF GOODS INWARDS—PLACE OF ENTRY.

Goods not to be unladen except after due entry.

8. No goods shall be unladen from any vessel arriving at any port or place in Canada, from any place out of Canada, nor from any vessel having dutiable goods on board brought coastwise; nor shall bulk be broken within three leagues of the coast, until due entry has been made of such goods, and warrant granted for the unlading of the same; and no goods shall be so unladen (unless for the purpose of lightening the ship or vessel in crossing over a shoal or bar, or sand-bank) except between sunrise and sunset and on some day not being a Sunday or statutory holiday, and at some hour and place at which an officer of the Customs is appointed to attend the unlading of goods, or at some place for which a sufferance has been granted by the Collector or other proper officer, for the unlading of such goods; and if, after the arrival of the vessel within three leagues of the coast, any alteration be made in the stowage of the cargo so as to facilitate the unlawful unlading of any part thereof; or if any part thereof be fraudulently staved, destroyed or thrown overboard, or any package be opened, it shall be deemed a

Exception.

And at the hours and places appointed for the purpose.

Stowage of cargo not to be altered.

Forfeiture for contravention.

breaking of bulk; and all goods unladen contrary to this Act shall be forfeited, and if bulk be broken contrary to this Act, the master shall forfeit two hundred dollars.

Governor in Council to appoint places of entry, and alter the same.

9. The Governor in Council may, by regulation from time to time, appoint the ports and places of entry for the purposes of this Act, and may in like manner increase or diminish the number, or alter the position or limits thereof.

At what places only goods may be imported.

10. No goods shall be exported from or imported into Canada, whether by sea, land, coastwise, or by inland navigation, and whether any duty is or is not payable on such goods, except at some port or place of entry at which a Custom House is then lawfully established;

Forfeiture of goods carried past the Custom House on importation by land or removed, &c.

2. And if any goods are imported into Canada at any other place, or being brought into such port or place of entry by land or inland navigation, are carried past such Custom House, or removed from the place appointed for the examination of such goods by the Collector or other officer of the Customs at such port or place, before the same have been examined by the proper officer, and all duties thereon paid and a permit given accordingly, or if any vessel with dutiable goods on board, enters any place other than a Port of Entry (unless from stress of weather or other unavoidable cause) such goods, (except those of an innocent owner) shall be forfeited, together with the vessel in which the same were imported,—if such vessel is of less value than eight hundred dollars,—and if the vessel is worth more than that sum, it may be seized, and the master or person in charge thereof shall incur a penalty of eight hundred dollars, and the vessel may be detained until such penalty be paid or security given for the payment thereof,—and unless payment be made or satisfactory security be given, within thirty days, such vessel may, at the expiration thereof, be sold to pay the said penalty;

Vessel forfeited in certain cases.

Vessels may be detained.

And carriages forfeited in cases of importation by land.

3. And if any goods are so imported by land, they shall be forfeited, together with the carriage and all the harness and tackle thereof, in or by which such goods are so imported or removed, and the horses or other cattle employed in drawing such carriage, or in importing or removing such goods.

And railway cars in case of importation by railway.

4. And if any goods are so imported on any railway they shall in like manner be forfeited, and the car in which such goods were so imported shall be seized and detached from the train and forfeited; and any conductor baggage-master or other officer or servant of the Company owning or operating such railway, proved to have been, knowing of, or aiding or abetting in such fraudulent importation, shall incur a penalty of *two hundred dollars*.

Penalty for contravention.

Express companies liable to like penalties for contravention of this section.

5 Any Express Company who, by their officers or servants, or by any member of or partner in such Company, violate any of the foregoing provisions of this section, or aid or abet any other person or persons in so doing, shall

be liable to such penalties as are provided by this or any other section of this Act in such cases.

ENTRY INWARDS—REPORT.

Report to be made by the master of a vessel arriving from sea, or coastwise.

11. The master of every vessel arriving from any port or place out of the "Dominion of Canada," or coastwise in any port in Canada, whether laden or in ballast, shall come directly, and before bulk is broken, to the Custom House for the port or place of entry where he arrives, and there make a report in writing to the Collector or other proper officer, of the arrival and voyage of such vessel, stating her name, country, and tonnage, the port of registry, the name of the master, the country of the owners,—the number and names of the passengers, if any—the number of the crew, and whether she is laden or in ballast, and if laden, the marks and numbers of every package and parcel of goods on board, and where the same was laden, and the particulars of any goods stowed loose, and where and to whom consigned, and where any and what goods, if any, have been laden or unladen, or bulk has been broken, during the voyage, what part of the cargo is intended to be landed at that port, and what at any other port in Canada, and what part (if any) is intended to be exported in the same vessel, and what surplus stores remain on board,—as far as any of such particulars can be known to him: And in the case of every vessel bound for any sea port in Canada, from any port out of Canada, the Collector or proper officer of such Canadian port may cause such vessel to be boarded by an officer of Customs detailed by him for such service, at any place within three marine miles of the anchorage ground, and such officer may demand from the master or purser of such vessel a correct copy of the report inwards intended by him to be presented at the Custom House on arrival. Such boarding officer may remain on board the vessel until she anchors, and (the copy of) the report so received by him shall be deposited by him at the Custom House as the vessel's report inwards, for comparison with that to be presented by the master in person.

Contents of such report.

Surplus stores

Vessels from ports out of Canada may be boarded within three miles of any anchorage ground, and report demanded.

Production of bills of lading, answering questions, &c.

2. And the master shall at the same time, if required by the officer of Customs, produce to him the bills of lading of the cargo, or true copies thereof, and shall, if so required, make and subscribe an *affidavit* referring to his report and declaring that all the statements made in the report are true, and shall further answer all such questions concerning the vessel and cargo, and the crew, and the voyage, as shall be demanded of him by such officer, and shall, if required, make the substance of any such answer part of his report; and if any goods are unladen from any vessel before such report be made, or if the master fails to make such report, or makes an untrue report, or does not truly answer the questions demanded of him, he shall forfeit the sum of *four hundred dollars*;

Penalty for contravention.

Goods not reported to be forfeited.

3. And any goods not reported found on board or landed shall be forfeited, unless it appears that there was no fraudulent intention, in which case the master shall be

As to the necessary lightening of vessels.

allowed to amend his report;—but the necessary discharging of any goods for the purpose of lightening the vessel in order to pass any shoal, or otherwise for the safety of such vessel, shall not be deemed an unlawful landing or breaking of bulk, under this section;

Goods intended for another port.

4. If the contents of any package intended for importation into another port, or for exportation, be unknown to the master, the officer may open and examine it, and cause it for that purpose to be landed if he sees fit,—and if any prohibited goods be found therein, all the goods in such package shall be forfeited;

To avoid injurious delay, Governor in Council may make regulations for the appointment of sufferance wharves and warehouses.

5. Provided, that in order to avoid injurious delay to steamers and other vessels under certain circumstances, the Governor in Council may make such regulations as may be considered advisable, for the appointment of Sufferance Wharves and Warehouses, at which, goods arriving by vessels in transit to other ports or confined to certain days of departure, may be landed and afterwards stored before entry, such vessels being duly reported to the Custom House, and having obtained the Collector's warrant for the purpose,—

Proviso

Proviso.

provided such landing be effected between sunrise and sunset, on a day not being Sunday or a statutory holiday, and provided the goods on being so landed, are immediately stored in some such approved Sufferance Warehouse;—and such goods shall be thereafter dealt with by the Customs as prescribed by law; but nothing in this section shall affect any contract express, or implied, between the master or owner of any such vessel and the owner, shipper or consignee of any such goods as aforesaid, or the rights or liability of any party under such contract; And provided, further, that the Governor in Council may make similar regulations for the appointment of Sufferance Warehouses, in which goods arriving by railway may be stored before entry, such goods having been duly reported to the Custom House;

Sufferance warehouses for goods by railway.

Report to be made on importation by railway conductor.

6. The conductor of every railway train arriving at any port in Canada from any foreign port, shall come directly, and before bulk is broken, to the Custom House at such port, and report all merchandize on board his train or in any particular car belonging to such train, stating the marks and numbers of every package and parcel of goods on board, and where the same was laden, and where and to whom consigned, and what part thereof, if any, is intended to pass *in transitu* through Canada to some port or place in the United States, or to be transhipped at some other port in Canada, to be exported to a port or place out of Canada; and any goods not reported shall be forfeited, unless it appears that there was no fraudulent intention, in which case the conductor shall be allowed to amend his report. And if any goods are unladen before such report is made, except by written permission of the Collector, or proper officer of Customs, or if the conductor fails to make such report, or makes an untrue report, or does not truly answer any questions put to him respecting the same, he shall forfeit the sum of *four hundred dollars;*

Penalty for contravention.

7. And if any goods are unladen from such vessels or carriage, or put out of the custody of such master or person, before such report is made, or if such master or person fails to make such report or to produce such goods, or makes an untrue report, or does not truly answer the questions demanded of him, he shall for each or any such offence forfeit the sum of four hundred dollars, and if any such goods are not so reported and produced, or if the marks and numbers of any package do not agree with the report made, such goods or package shall be forfeited.

Forfeiture of goods unladen, &c., without being reported—penalty for untrue report.

8. And fresh fish, coin or bullion may be landed without entry or warrant, as may also goods in any stranded or wrecked vessel, provided they be duly reported and entered as soon as possible after being safely deposited on shore, and that the landing be in presence of an officer of the Customs, if one can be procured;

As to fish, coin or bullion.

9. If a vessel having live stock or perishable articles on deck arrives after business hours, the Collector or any officer at the port may permit the master to unlade the same before report; but report shall in such case be made as soon as may be after the next opening of the Customs office.

Or live stock or perishable articles.

12. The Governor in Council may, by regulation, declare any trade or voyage on the seas, rivers, lakes or waters, within or adjacent to Canada, whether to or from any place within or without Canada, to be a coasting trade or a coasting voyage within the meaning of this Act, whether such seas, rivers, lakes or waters are or are not, geographically or for the purposes of other Acts or laws, inland waters; and all carrying by water which is not a carrying by sea or coastwise, shall be deemed to be a carrying by inland navigation; and the Governor in Council may, from time to time, with regard to any such coasting trade, dispense with such of the requirements of the *three* next preceding sections as he deems it inexpedient to enforce in any case or class of cases, or make such further regulations as he may think expedient; and any goods carried coastwise, or laden, water borne or unladen, contrary to such regulations or to any provision of this Act not dispensed with by such regulations shall be forfeited.

Governor in Council may declare what shall be a coasting voyage.

What shall be deemed inland navigation.

Governor in Council may relieve coasters.

Penalty for contravention.

13. The master or person in charge of any vessel, whether laden or in ballast, or carriage arriving by land or inland navigation in any port or place of entry in Canada, from any place beyond the limits of Canada, and having any goods therein (whether any duty be payable on such goods or not) or if the carriage or its tackle or the horses or cattle drawing the same or any of them is or are liable to duty, and any person whosoever so arriving and having with him or in his charge or custody any goods;—shall come directly, and before any such goods are unladen or put out of his custody, to the Custom House for such port or place of entry, and make a report in writing (in such form as may be appointed for that purpose by competent authority) to the Collector or other proper officer, of

Report to be made on importation by land or inland navigation.

Contents of such report.

the arrival of such vessel, carriage, or goods, stating in such report the marks and numbers of every package and parcel of goods in such vessel or carriage, or in the charge and custody of such person, from what place the same are respectively brought, and to what place and to whom consigned or belonging, as far as such particulars are known to him, and he shall then and there produce such goods to the Collector or other proper officer, and shall declare that no goods have been unladen from such vessel or carriage, or have been put out of his possession, between the time of his coming within the limits of Canada and of his making such report and affidavit, and shall further answer all such questions concerning such vessel, carriage or goods, as are demanded of him by such Collector or officer.

ENTRY—GENERAL FORM OF.

Within what time entries shall be made by sea, or from any place out of Canada.

By inland navigation, in decked vessels or by land.

In undecked vessels.

Goods unladen at risk of owner or consignee.

14. Every importer of any goods by sea or from any place out of Canada shall, within three days after the arrival of the importing vessel, make due entry inwards of such goods, and land the same;—And every importer of any goods imported by inland navigation in a decked vessel of one hundred tons burthen or more, shall, within twenty-four hours of the arrival of the importing vessel, make due entry inwards of such goods, and land the same;—And every importer of any goods imported by inland navigation in any undecked vessel or in any vessel less than one hundred tons burthen, or by land, shall, forthwith, after the importation of such goods, produce the same to the proper officer and make due entry thereof;—And so soon as such goods have been unladen from the vessel, railway car or other conveyance, they shall be at the risk and charge of the owner or consignee:

Bills of entry inwards or outwards.

Duplicates.

Particulars required.

2. The person entering any goods inwards, shall deliver to the Collector or other proper officer, a bill of the entry thereof, in such form as shall be appointed by competent authority, fairly written or printed, or partly written and partly printed, and in duplicate, containing the name of the importer, and if imported by water, the name of the vessel and of the master, and of the place to which bound, and of the place, within the port, where the goods are to be unladen, and the description of the goods, and the marks and numbers and contents of the packages, and the place from which the goods are imported, and of what country or place such goods are the growth, produce or manufacture; and

Duties to be paid down unless the goods are warehoused.

Warrant for unlading.

Permit, if required.

3. Unless the goods are to be warehoused in the manner by this Act provided, such persons shall at the same time pay down all duties due upon all goods entered inwards; and the Collector or other proper officer shall, immediately thereupon, grant his warrant for the unlading of such goods, and grant a permit for the conveyance of the same further into Canada, if so required by the importer;

For want of entry, goods may be taken

4. In default of such entry and landing, or production of the goods, or payment of duty, the officer of Customs may

convey the goods to the Customs Warehouse;—and if such goods be not duly entered for consumption or for warehousing within one month from the date of their being so conveyed to the Customs Warehouse, and all charges of removal and warehouse rent duly paid at the time of such entry, the goods shall be sold by public auction to the highest bidder, and the proceeds thereof shall be applied first to the payment of duties and charges, and the overplus, if any after discharging the vessel's lien, shall be paid to the owner of the goods or to his lawful agent; provided always, that in case the same cannot be sold for a sum sufficient to pay the duties and charges if offered for sale for home consumption, or the charges if offered for sale for exportation, such goods shall be destroyed; and any goods unladen or landed before due entry thereof and warrant for landing, shall be forfeited, and any person concerned in landing or receiving or concealing goods so landed shall for each offence forfeit *four hundred dollars;*

to the warehouse and sold, if duties be not paid within a certain time.

Proviso as to worthless goods.

Goods landed before due entry, &c.

5. But if any goods are brought in any decked vessel, from any place out of Canada to any port of entry therein, and not landed, but it is intended to convey such goods to some other port in Canada in the same vessel, there to be landed, then the duty shall not be paid nor the entry completed at the first port, but at the port where the goods are to be landed and to which they shall be conveyed accordingly, under such regulations and with such security or precautions for compliance with the requirements of this Act, as the Governor in Council may from time to time appoint;

Proviso: as to goods not intended to be landed at the first port the vessel makes.

Where the entry shall be completed.

6. Before a clearance is granted to any vessel bound to a port or place out of Canada, the owners, shippers or consignors of the cargo on board such vessel shall deliver to the Collector or proper officer of Customs, entries of such parts of the cargo as are shipped by them respectively, and shall verify the same by oath or affirmation; and such entries shall specify the kinds and quantities of the articles shipped by them respectively, and the value of the total quantity of each kind of articles, and whether the said goods are of Canadian or of foreign production or manufacture; and such oath or affirmation shall state that such entry contains a full, just and true account of all articles laden on board of such vessel by such owners, shippers or consignors respectively; and that the values of such articles are truly stated according to their actual cost, or the value which they truly bear at the port and time of exportation; and in case the goods so shipped or any part thereof be liable by law to any export duty, the amount of such duty shall be stated in such entry; and no such entry shall be valid, and no clearance shall be granted to such vessel until such duty is paid to the Collector or proper officer of Customs;

Verified entries of cargo required by collector before clearance is granted to vessel.

7. The owners, shippers, or consignors of any goods to a port or place out of Canada, to be transported by railway or other land conveyance, shall enter the same for exportation at the Custom House nearest to the place of lading, and such entry shall specify the kinds and quantities of the articles

Verified entry required for exportation by railway.

laden by them respectively, and the proper name and description of the railway over which such goods are to be transported, or of any other conveyance to be used for the same purpose; and shall verify the same by oath or affirmation, and such oath or affirmation shall be of the same form and tenor as that required from owners, shippers or consignors of goods to be transported by sea; and if any of such goods are liable by law to any export duty, such duty shall be clearly stated upon such entry, and no railway car or other vehicle upon which such goods are laden shall be permitted to proceed until such duty is paid to the Collector or proper officer of Customs;

Penalty for contravention of two preceding sub-sections.

8. The owner, shipper, or consignor of any goods who shall refuse or neglect to make entry of the articles shipped or laden by them respectively, as required by the two next preceding sub-sections, shall incur a penalty not exceeding *two hundred dollars* for each such offence.

Collector may require further proof that goods are properly entered, &c.

15. The Collector may require from the importer (or from his agent) of any goods charged with duty, or conditionally exempted from duty, or exempt therefrom, before admitting the said goods to entry, such further proof as he deems necessary, by oath or declaration, production of invoice or invoices, or bills of lading or otherwise, that such goods are properly described and rated for duty or come properly within the meaning of such exemptions.

Packages of which the contents are unknown may be opened.

16. Any package of which the importer or his agent declares the contents to be unknown to him, may be opened and examined by the Collector or other proper officer, in the presence of such importer or agent, and at the expense of the importer, who shall also bear the expense of re-packing.

No entry unless the goods correspond with the report.

17 No entry, nor any warrant for the landing of any goods, or for the taking of any goods out of any warehouse (as hereinafter provided) shall be deemed valid, unless the particulars of the goods and packages in such entry or warrant correspond with the particulars of the goods and packages purporting to be the same in the report of the vessel, or other report (where any is required) by which the importation or entry thereof is authorized, nor unless the goods have been properly described in such entry by the denominations, and with the characters and circumstances according to which such goods are charged with duty or may be imported; And any goods taken or delivered out of any vessel, or out of any warehouse, or conveyed into Canada beyond the port or place of entry, by virtue of any entry or warrant not corresponding with the facts in all such respects, or not properly describing the goods, shall be deemed to be goods landed or taken without due entry thereof, and shall be forfeited; And the Collector or proper officer, after the entry of any goods, may, on suspicion of fraud, open and examine any package of such goods, in presence of two or more credible witnesses, and if upon examination the same are found to agree with the entries,

Goods not corresponding with the entry to be forfeited.

Suspected packages may be opened.

they shall be re-packed by such Collector or proper officer, at the public cost, but otherwise they shall be forfeited. Conditions.

18. The quantity and value of any goods shall always be stated in the bill of entry thereof, although such goods are not subject to duty, and the invoice thereof shall be produced to the Collector. Quantity and value to be always given in entry.

19. The surplus stores of vessels arriving in Canada from parts beyond the seas, shall be subject to the same duties and regulations as if imported as merchandize; but if it shall appear to the Collector that such stores are not excessive or unsuitable, under the circumstances of the voyage, he may permit them to be entered for the private use of the master or owner, or of any passenger to whom the same may belong, on payment of the proper duties, or to be warehoused for re-shipment for the future use of the vessel. Surplus stores of sea-going vessels to be liable to duty.

20. Vessels entering the Gut of Annapolis may be reported and entered, and the duties on goods therein imported paid, either at the Port of Digby or Annapolis. Annapolis.

21. Vessels entering the Great Bras d'Or shall be reported and entered at such place as the Minister of Customs may from time to time direct. Great Bras d'Or.

ENTRY INWARDS—GOODS DAMAGED, ETC.—FREE GOODS—TARE.

22. If any goods imported by water, on which *ad valorem* duties are payable, receive any damage by water or otherwise during the course of the voyage, after such goods have been laden or shipped, and before the same are unshipped or discharged from the vessel in which they are imported into Canada, or from any vessel or craft into which the said goods have been transhipped for the purpose of being conveyed to the port of destination, so that the owner thereof is prejudiced in the sale of such goods,—then if the claim for abatement be made in due form at the first examination of the goods after landing, and while they are in the custody of the Crown, the Collector or proper officer of the Customs at the place where the same are landed, being satisfied of the necessary facts, may offer to make such abatement of the duties otherwise payable on such goods as he may think reasonable and just,—but if the owner or consignee of the goods be not satisfied with the abatement so offered, then the Collector may choose three disinterested merchants, experienced in the value of such goods, who, or any two of them, upon viewing the same, shall certify what damage such goods have received, or how much the same are lessened in their true value by such damage, in relation to the duties imposed on them, and thereupon such officer shall make or repay a proportionate allowance to the importer, by way of abatement of the duties due or payable, or which have been actually paid upon the same; And the said merchants shall be allowed in remuneration for such valuation, at the discretion of such officer, a sum of not less Abatement of *ad valorem* duties on goods imported by water and damaged. How ascertained. Remuneration to be allowed to the merchants as-

certaining such abatement.

than *two dollars* nor more than *ten dollars* for each merchant, and such remuneration shall be paid by the owner or owners of such goods.

Return of duties on goods lost before landing,— on what conditions to be obtained.

23. When any vessel is entered at the Custom House at any port in Canada, on board of which there are any goods on which any duty has been levied or collected, or on which any duty has been deposited, and thereafter the said goods are lost or destroyed before the same are landed from such vessel, or from any vessel or craft employed to lighten such vessel,—then, on proof being made on the oath of one or more credible witness or witnesses, before and to the satisfaction of the Collector or proper officer of the Customs at the place (who shall administer the oath), that such goods, or any part thereof (specifying the same) have been so lost or destroyed before the landing of the same,—the duties on the whole or the part thereof so proved to be lost or destroyed, shall, if the same have been paid or deposited, be returned to the owner or his agent.

Vessels unladen for the purpose of repairing damages.

24. If any vessel having received damage puts into a port in Canada to which she is not bound, having dutiable goods on board, which it may be necessary to land for the purpose of repairing the vessel in order to enable her to proceed on her voyage, the Collector, upon application of the master or agent, may permit such goods to be unladen and deposited in a warehouse in the custody of the Collector; and the Collector shall cause to be taken an exact account of the packages and contents, and entry of the goods shall then be made by the master or agent as hereinbefore directed, and they shall remain in the custody of the Collector until the vessel is ready for sea, when, upon payment of storage and the reasonable charges of unlading and storing, the Collector shall deliver up the same to the master or agent to be exported or carried coastwise as the case may be, under the same security and regulations as if such goods had been imported in the usual manner, and without payment of duty; no person shall be entitled to the benefit of this section who shall have sold any of such goods, except such as it may have been necessary to sell to defray the expense of repairs and charges of the vessel, or as may have been authorized by the Collector of Customs, and if goods are sold for payment of repairs and charges they shall be subject to duty, and shall be warehoused, or the duties thereon paid by the purchaser.

Goods wrecked or derelict, &c.

25. Goods derelict, flotsam, jetsam, or wreck, or landed or saved from any vessel wrecked, stranded, or lost, brought or coming into Canada, shall be subject to the same duties as goods of the like kind imported are subject to; and if of such sort as are entitled to allowance for damage, such allowance shall be made under the direction of the Minister of Customs; if any person has in his possession, in port or on land, any such goods, the same being dutiable, and does not give notice thereof to the nearest officer of Customs without unnecessary delay, or does not on demand pay the duties thereon or deliver the same to the proper officer, he shall

forfeit *two hundred dollars*, and the goods be forfeited; and if any person removes or alters in quantity or quality, any such goods, or unnecessarily opens or alters any package thereof, or abets any such act before the goods are deposited in a warehouse under the custody of the Customs officers, he shall forfeit *two hundred dollars;* and if the duties on such goods are not paid within eighteen months from the time when the same were so deposited, the same may be sold in like manner, and for the same purposes as goods imported may in such default be sold; if they are sold for more than enough to pay the duty the surplus shall be paid over to the person entitled to receive it.

Sale for duty.

26. All goods exempt from duty as being imported or taken out of warehouse for the use of Her Majesty's troops, or for any purpose for which such goods may be imported free of duty, shall, in case of the sale thereof after importation, become liable to and be charged with the duties payable on like goods on their importation for other purposes; And if such duties be not paid, such goods shall be forfeited and may be seized and dealt with accordingly.

Crown goods and others exempted from duty to be liable to duty if sold;

Forfeiture if duty be not paid.

27. In all cases where duties are charged according to the weight, tale, gauge or measure, such allowances shall be made for tare and draft upon the packages as may be appointed by regulation made by the Governor in Council:

Allowance for tare, &c., to be fixed by Governor in Council.

2. But when the original invoice of any goods is produced, and a declaration of the correctness thereof made as hereinafter provided, the tare according to such invoice shall be deducted from the gross weight of the goods instead of the allowances aforesaid; subject, however, to such further regulation as the Governor in Council may from time to time make.

Where real tare is known:

28. The collector or any appraiser under this Act, may take samples of any goods imported, for the purpose of ascertaining whether any and what duties are payable on such goods, and such samples shall be disposed of as the Minister of Customs may direct.

Collector, &c., may take samples.

ENTRY INWARDS—VALUATION FOR DUTY.

29. And inasmuch as it is expedient to make such provisions for the valuation of goods subject to *ad valorem* duties as may protect the revenue and the fair trader against fraud by the undervaluation of any such goods—Therefore, the Governor may from time to time, and when he deems it expedient, appoint fit and proper persons to be appraisers of goods, and to act as such respectively, at such ports of entry and places as may be designated for that purpose; And each such appraiser shall, before acting as such, take and subscribe the following oath of office before some Justice of the Peace having jurisdiction where the oath is taken, and shall deliver the same to the Collector at the port or place, or at one of the ports or places where he is appointed to act:

Recital.

Appraisers to be appointed.

They shall take an oath of office.

The oath

"I, A. B., having been appointed an appraiser of goods, "wares and merchandize, and to act as such at the port of " (*or, as the case may be*), do solemnly "swear (*or* affirm) that I will faithfully perform the duties "of the said office without partiality, fear, favor or affec- "tion, and that I will appraise the value of all goods sub- "mitted to my appraisement, according to the true intent "and meaning of the laws imposing duties of Customs in "this Dominion; and that I will use my best endeavors to "prevent all fraud, subterfuge or evasion of the said laws, "and more especially to detect, expose and frustrate all "attempts to undervalue any goods, wares or merchandize "on which any duty is chargeable. So help me God."

A B.,
Appraiser for
(*as the case may be*).

"Sworn before me, this day of
" 18 ."

E. F,
J. P. for (*as the case may be*).

Appraisers may be sent to any port to appraise goods.

If no appraiser is appointed at any port of entry, the Collector there shall act as appraiser, but without taking any special oath of office as such; and the Minister of Customs may at any time direct any appraiser to attend at any port or place for the purpose of valuing any goods, or of acting as appraiser there during any time, which such appraiser shall accordingly do without taking any new oath of office; and every appraiser shall be deemed an officer of the Customs.

As to mode of calculating value for *ad valorem* duties.

30. In all cases where any duty is imposed on any goods imported into Canada, *ad valorem*, or according to the value of such goods, such value shall be understood to be the fair market value thereof in the principal markets of the country whence the same were exported directly to Canada;

Duty of officers.

And every appraiser, and every Collector, when acting as such, shall, by all reasonable ways and means in his power, ascertain the fair market value, as aforesaid, of any goods to be appraised by him, and estimate and appraise the value for duty of such goods, at the fair market value, as aforesaid:

Provisions as to goods merely passing through a country.

2. Nevertheless, by any order of the Governor in Council, it may be provided that in the cases and on the conditions to be mentioned in such order, and while the same is in force, goods *bonâ fide* exported to Canada from any country, but passing *in transitu* through another country, shall be valued for duty as if they were imported directly from such first-mentioned country.

What shall be deemed the fair market value for duty *ad valorem*.

31. The fair market value for duty, of goods imported into Canada, shall be the fair market value of such goods in the usual and ordinary commercial acceptation of the term, at the usual and ordinary credit, and not the cash value of such goods, except in cases in which the article imported is, by universal usage, considered and known to be a cash article, and so *bonâ fide* paid for in all transactions in relation to such

article; and all invoices representing cash values, except in the special cases hereinabove referred to, shall be subject to such additions as to the Collector or appraiser of the port at which they are presented may appear just and reasonable, to bring up the amount to the true and fair market value, as required by this section. Proviso as to cash articles.

2. No deduction from the value of goods contained in any invoice shall be allowed on account of the assumed value of a package or packages, where no charge for such package or packages has been made in such invoice; and where such charge is made it shall be the duty of the Customs officer to see that the charge is fair and reasonable, and represents no more than the original cost thereof. Deduction for value of packages.

3. No deduction from the value of goods in any invoice shall be made on account of charges for packing, or for straw, twine, cord, paper, cording, wiring or cutting, or for any expense incurred or said to have been incurred in the preparation and packing of goods for shipment. Deduction for charges for packing, straw, cording, &c.

4. No discount for cash shall in any case be allowed, in deduction of the fair market value, as above defined, nor shall goods be allowed to entry at cash values, except where it is satisfactorily shown to the Collector that such goods can be purchased only for cash, and then it shall form a part of the affidavit of the importer that the value of such goods was paid at the time of purchase. Discount for cash.

32. The standards by which the colour and grades of sugars are to be regulated, and the class to which sugars shall be held to belong, with reference to duty chargeable thereon, shall be selected and furnished from time to time to the Collectors of such ports of entry as may be necessary, by the Minister of Customs, in such manner as he may deem expedient; and the decision of the appraiser, or of the Collector of a port where there is no appraiser, as to the class to which any imported sugar belongs, and the duties to which it is subject, shall be final and conclusive, and the duties shall be paid accordingly; and all cane juice, syrup of sugar or of sugar cane, melado, or concentrated melado or concentrated molasses, entered as molasses, or under any other name than cane juice, syrup of sugar or of sugar cane, melado, concentrated melado, or concentrated molasses, shall be forfeited. Standards for qualities of sugar. Forfeiture for entering certain syrups, &c., under wrong names.

33. The value for duty on which any *ad valorem* duties on sugar, molasses, melado, syrup of sugar, or sugar cane, syrup of molasses or of sorghum, concentrated melado or concentrated molasses, and sugar candy, shall be calculated and taken, shall include the value of the packages containing the same, and the shipping and other charges on such articles, and the value for duty shall be the value of the goods "free on board," at the place or port whence last exported direct to Canada; and the Governor in Council shall have power to declare what charges shall be included in such value so defined; and the Governor in Council shall have power to interpret, Value of sugar for duty—how ascertained. Powers of Governor in Council.

limit or extend the meaning of the conditions upon which it is provided in any Act imposing duties of Customs, that any article may be imported free of duty for special purposes, or for particular objects or interests; and to make regulations either for declaring or defining what cases shall come within the conditions of such Act, and to what objects or interests of an analogous nature, the same shall apply and extend, and to direct the payment or non-payment of duty in any such case, or the remission thereof by way of drawback if such duty has been paid.

Entries inwards by Bill of Sight—how and in what cases made.

34. If the importer of any goods whereon a duty *ad valorem* is imposed, or the person authorised to make the declaration required with regard to such goods, makes and subscribes a declaration before the Collector or other proper officer, that he cannot, for want of full information, make perfect entry thereof, and takes the oath or affirmation in such cases provided in the Schedule to this Act,—then the Collector or officer may cause such goods to be landed on a Bill of Sight for the packages and parcels thereof, by the best description that can be given, and to be seen and examined by such person and at his expense, in the presence of the Collector or principal officer, or of such other officer of the Customs as shall be appointed by the said Collector or other proper officer, and to be delivered to such person, on his depositing in the hands of the Collector or officer a sum of money fully sufficient in the judgment of the Collector or officer to pay the duties thereon; And if the importer does not complete a perfect entry within the time appointed by the Collector the money so deposited shall be taken and held to be the duty accruing on such goods, and shall be dealt with and accounted for accordingly.

Deposit of money for duty.

Provision if perfect entry be not made as stipulated.

If the importer swears that no invoice has been or can be received.

2. Such sight entry may be made as aforesaid and the goods may be delivered if such importer or person as aforesaid makes oath or affirms that such invoice has not been, and cannot be produced, and pays to the Collector or proper officer aforesaid a sum of money sufficient in the judgment of such Collector or officer to pay the duties on such goods, and such sum shall then be held to be the amount of the said duties.

In other cases entry not perfect without invoice.

3. But, except only in cases where it is otherwise provided herein or by regulation of the Governor in Council, no entry shall be deemed perfect unless a sufficient invoice of the goods to be entered, attested as hereinafter required, has been produced to the Collector.

Invoice to be attested on oath by the owner of the goods.

35. With the Bill of Entry of any goods, there shall be produced and delivered to and left with the Collector an invoice of the goods, attested by the oath of the owner, and if the owner be not the person entering such goods, then verified also by the oath of the importer or consignee, or (subject to the provision hereinafter made) other person, who may lawfully make such entry and verify such invoice, in the form or to the effect of the oath or oaths provided for the case in the Schedule hereunto annexed, which oath or oaths shall be

Form of oath.

written or printed, or partly written or partly printed on such invoice, or on the Bill of Entry, (as the case may be,) or shall be annexed thereto, and shall in either case distinctly refer to such invoice so that there can be no doubt as to its being the invoice to which such oath is intended to apply, and shall be subscribed by the party making it and certified by the signature of the person before whom it is made; and the Bill of Entry shall also contain a statement of the quantity and value for duty of the goods therein mentioned, and shall be signed by the person making the entry, and shall be verified in the form or to the effect of the oath provided for the case in the said schedule.

Bill of Entry to mention the value for duty, and to be attested.

36. If there be more than one owner, importer, or consignee of any goods, any one of them cognizant of the facts may take the oath required by this Act, and such oath shall be sufficient unless the goods have not been obtained by purchase in the ordinary way, and some owner resident out of Canada is the manufacturer or producer of the goods, or concerned in the manufacture or production thereof, in which case the oath of such non-resident owner (or one of them, if there be more than one,) cognizant of the facts, shall be requisite to the due attestation of the invoice.

As to any case where there may be more than one owner of goods.

37. The invoice of any goods produced and delivered to the Collector with the Bill of Entry thereof, under the next preceding section but one, must, if required by the Collector, be attested by the oath of the owner or one of the owners of such goods, and must be verified also by the oath of the Importer or consignee or other person who may under this Act lawfully make entry of such goods and verify such invoice, if the owner or one of the owners is not the person entering such goods—and must also, if required by the Collector, be attested by the oath of the non-resident owner being the manufacturer or producer of such goods, in the case mentioned in the next preceding section, although one of the owners be the person entering the goods and verifying the invoice on oath.

Invoice to be attested by one of the owners of such goods—and also by the importer or consignee.

And also by the oath of the non-resident owner &c.

38. If the owner, importer or consignee of any goods be dead, or a bankrupt or insolvent, or if for any cause his personal estate be administered by another person, then his executor, curator, administrator or assignee, or person administering as aforesaid, may, if cognizant of the facts, take any oath and make any entry which such owner, importer or consignee might otherwise have taken or made.

Provision for the death, &c., of the owner, importer or consignee.

39. In any such Bill of Entry as aforesaid, the person making the same, may add such sum to the value stated in the Invoice, as will be sufficient to make the value for duty such as it ought to be, and such value shall then, for the purposes of this Act, stand instead of the value as it would appear by the Invoice;—And no evidence of the value of any goods imported into Canada, or taken out of warehouse for consumption therein, at the place whence and the time when they are to be deemed to have been exported to Canada, contradictory to or at variance with

Party entering may add to the value by the invoice, so as to give the true value for the duty.

Evidence of the value of goods, &c.

the value stated in the Invoice produced to the Collector, with the additions (if any) made to such value by the Bill of Entry, shall be received in any Court in Canada, on the part of any party except the Crown.

Before whom the attestation of invoice or bills of entry may be made.

40. The oath required under the foregoing sections may be made in Canada before the Collector at the port where the goods are entered, or if the person making such oath is not resident there, then before the Collector of some other port;—And when such oath is required to be made out of the limits of Canada, it may be made at any place within the United Kingdom or at any place in Her Majesty's possessions abroad, before the Collector or before the Mayor, or other Chief Municipal Officer of the place where the goods are shipped, and at any other place before the British Consul at such place; or if there is no such Consul, then before some one of the principal merchants at such place, not interested in the goods in question;

Governor in Council may appoint other persons before whom attestation may be made.

2. And the Governor in Council may, from time to time, by Regulation, appoint or designate such other and additional persons, officers or functionaries as he sees fit, by name, or by their name of office, and in Canada or out of it, as those before whom such oath may be validly taken, and may by any Order in Council relax or dispense with the provisions of this Act touching such oath, in or with regard to goods imported by land or inland navigation, or to any other class of cases to be designated in such Regulation;

No person but the owner, &c., to take oath, except in certain cases.

3. No person other than the owner, consignee or importer of the goods of which entry is to be made, shall be allowed to take any oath under the said foregoing sections, unless there be attached to the Bill of Entry therein referred to, a declaration by the owner, consignee or importer of the said goods, (or his legal representative under section *one hundred and thirty-six* of this Act), to the same effect as the oath or affirmation, (adapting the form and words to the case,) distinctly referring to the Invoice presented with such Bill of Entry, and signed by such owner, importer or consignee, (or his legal representative,) either in presence of the agent making the entry, who shall attest the signature, or of some Justice of the Peace or Notary Public, who shall attest the same; And such declaration shall be kept by the Collector; And for any wilfully false statement in such declaration, the person making the same shall incur the same penalty as if it were made in the oath or affirmation;—But such written declaration may be dispensed with under the order of the Governor in Council, where it may be deemed advisable in the interests of commerce, to dispense therewith;

Proviso.

Governor in Council may alter oaths in schedule.

4. The Governor in Council may, by Regulation, authorize the alteration of any of the forms of oaths or affirmations in the Schedule to this Act, by abbreviating the same or omitting any of the allegations therein contained which may appear to him unnecessary;—And any amended

form prescribed by any such Regulation, shall be of the same effect as the form in the said Schedule for which it is substituted, and shall thereafter be held to be the form referred to in this Act; And any such Regulation may from time to time be repealed or amended as other Regulations in matters relating to the Customs.

No person making or authorizing a false invoice of any goods shall recover any part of the price thereof.

41. If any person makes, or sends, or brings into Canada, or causes, or authorizes the making, sending or bringing into Canada, of any Invoice or paper, used or intended to be used as an Invoice for Customs purposes, wherein any goods are entered or charged at a less price or value than that actually charged or intended to be charged for them, no price or sum of money shall be recoverable by such person, his assigns or representatives, for the price or on account of the purchase of such goods or any part of them, or on any bill of exchange, note or other security, unless in the hands of an innocent holder for value without notice, made, given or executed for the price of or on account of the purchase of such goods or any part of such price; and the production or proof of the existence of any other Invoice, account, document, or paper made or sent by the same person, or by his authority, wherein the same goods or any of them are charged or entered at, or mentioned as bearing a greater price than that set upon them in any such Invoice as first above mentioned, shall be *primâ facie* evidence that such first mentioned Invoice was intended to be fraudulently used for Customs' purposes, but such intention, or the actual fraudulent use of such Invoice, may be proved by any other legal evidence.

Evidence of fraud.

Collector to retain and file invoices.

42 The Collectors of Customs, at all the ports in Canada, shall retain and put on file, after duly stamping the same, all Invoices of goods imported at such ports respectively, of which Invoices they shall give certified copies or extracts, whenever called upon so to do by the importers, and such copies or extracts so duly certified by the Collector or other proper officer and bearing the stamp of the Custom House at which they are filed, shall be considered and received as authentic; and the Collector shall be entitled to demand for each certificate a fee of *fifty cents*, before delivering the same.

Certified copies to be evidence.

Fee.

Power of appraiser or collector to examine the parties on oath, &c.

43. Any Appraiser, or any Collector acting as such (or the merchants to be selected as hereinafter mentioned, to examine and appraise any goods, if the importer, owner, consignee or agent is dissatisfied with the first appraisement), may call before him or them and examine upon oath any owner, importer, consignee or other person, touching any matter or thing which such Appraiser or Collector deems material in ascertaining the true value of any goods imported, and may require the production on oath of any letters, accounts, invoices or other papers or account books in his possession relating to the same:

Penalty for refusing to attend, &c.

2. And if any person so called neglects or refuses to attend, or declines to answer, or refuses to answer in writing (if required) to any interrogatories, or to subscribe his name to

his deposition or answer, or to produce any such papers or account books as aforesaid when required so to do, he shall thereby incur a penalty of *fifty dollars*, and if such person is the owner, importer or consignee of the goods in question, the appraisement which the Appraiser or Collector acting as such shall make thereof shall be final and conclusive ;

Penalty for wilfully false evidence.

Depositions to be filed in the office of the Collector.

3. And if any person wilfully swears falsely in any such examination, and he is the owner, importer or consignee of the goods in question, they shall be forfeited ; and all depositions or testimony in writing taken under this section, shall be filed in the office of the Collector at the place where the same are made or taken, there to remain for future use or reference.

Importer dissatisfied with appraisement may appeal in certain cases.

44. If the importer, owner, consignee or agent, having complied with the requirements of this Act, is dissatisfied with the appraisement made, as aforesaid, of any such goods, he may forthwith give notice in writing, to the Collector, of such dissatisfaction, on the receipt of which notice the Collector shall select two discreet and experienced merchants, familiar with the character and value of the goods in question, to examine and appraise the same, agreeably to the foregoing provisions, and if they disagree the Collector shall decide between them ; and the appraisement thus made shall be final and conclusive, and the duty shall be levied accordingly ;

Two merchants to be appointed to appraise the goods.

Their apraisement to be final.

Remuneration of such merchants, and by whom paid.

2. The said merchants shall each be entitled to the sum of five dollars, to be paid by the party dissatisfied with the former appraisement, if the value ascertained by the second appraisement is equal to or greater than that ascertained by such former appraisement, or if the value ascertained by such second appraisement exceeds by ten per cent., or more, the value of the goods for duty, as it would appear by the invoice and bill of entry thereof, otherwise the same shall be paid by the Collector out of any public moneys in his hands, and charged in his accounts.

Penalty for refusing to act.

3. Any merchant chosen to make an appraisement required under this Act, who, after due notice of such choice has been given to him in writing, declines or neglects to make such appraisement, shall, for so refusing or neglecting, incur a penalty of *forty dollars* and costs.

Additional duty in cases of under-valuation.

45. If in any case the actual value for duty of any goods, as finally determined by the appraiser or Collector acting as such, or under the next preceding section, in the case therein mentioned, exceeds by twenty per centum, or more, the value for duty as it would appear by the invoice and bill of entry thereof, then in addition to the duty otherwise payable on such goods, when properly valued, there shall be levied and collected upon the same a further duty equal to one-half of the duty so otherwise payable ; And the value of any goods for duty shall never be appraised at less than the value for duty, as it would appear by the invoice and bill of entry.

Appraised value never to be less than invoice value.

46. On the entry of any goods, the decision of the Collector of Customs at the port of entry, as to the rate and amount of duties to be paid on such goods, shall be final and conclusive against all persons interested therein, unless the owner, importer, consignee or agent of the goods, do, within ten days after the ascertainment and liquidation of the duties by the proper officers of Customs, and whether the goods are entered in bond or for consumption, give notice in writing to the Collector on each entry, if dissatisfied with his decision, setting forth therein, distinctly and specifically, the grounds of his objection thereto, and do, within thirty days after the date of such ascertainment and liquidation, appeal therefrom to the Minister of Customs, whose decision on such appeal, or in his absence the decision of any other member of the Executive Council who may be appointed by the Governor in Council for that purpose, shall be final and conclusive, and such goods shall be liable to duty accordingly, unless suit be brought within sixty days after the decision on such appeal, for any duties which shall have been paid before date of such decision, on such goods, or within sixty days after the payment of duties paid after such decision; And no suit shall be maintained in any Court for the recovery of any duties alleged to have been erroneously or illegally exacted, until such decision as last mentioned shall have been first had on such appeal; Provided that such decision shall be given within thirty days after such appeal has been lodged with the Minister of Customs.

Duties fixed by Collector to be final, unless appealed from within a certain time to Minister of Customs.

No suits for recovery until after decision on appeal.

Proviso.

47. The value of goods chargeable with *ad valorem* duties, brought into Canada under the denomination of prize goods or which shall be sold by order of the Court of Vice-Admiralty, or which shall become forfeited and be sold as such, shall, if the value thereof cannot be ascertained by the means hereinbefore prescribed, be determined by the gross price which the same shall bring at public auction; and the purchasers shall be considered the importers and pay the duties thereon.

Value of prize goods—how ascertained for duty.

ENTRY INWARDS—POWERS OF COLLECTOR FOR ENSURING FAIR VALUATION.

48. The collector may always, when he deems it expedient for the protection of the revenue and the fair trader, and subject always to any regulations to be made by the Governor in Council in that behalf,—detain and cause to be properly secured, and may at any time within fifteen days declare his option to take, and may take for the Crown, any whole package or packages, or separate and distinct parcel or parcels, or the whole of the goods mentioned in any bill of entry, and may pay, when thereunto requested, to the owner or person entering the same, and out of any public moneys in the hands of such collector, the sum at which such goods, packages or parcels are respectively valued for duty in the bill of entry, and ten per cent. thereon, and also the fair freight and charges thereon to the port of entry, and may take a receipt for such sum and addition when paid; And the goods so taken shall (whether such payment be

Collector may take goods on paying the value assigned in the bill of entry, adding ten per cent. and charges.

Goods taken how dealt with.

requested or not) belong to the Crown from the time they are so taken as aforesaid, and shall be sold or otherwise dealt with in such manner as shall be provided by any regulation in that behalf, or as the Minister of Customs shall direct, and the net proceeds of the sale of any such goods shall be applied first to the repayment to the Consolidated Revenue Fund of the sum so paid to the owner or person entering such goods, and the remainder to or towards the payment of the lawful duty on the same.

Bonus to Collector, appraiser, &c., for diligence.

2. And if the net proceeds of any such sale exceeds the amount paid as aforesaid for the goods, and the amount of duty legally accruing thereon, then any part of the surplus, not exceeding fifty per centum of such surplus, may under any regulation or order of the Governor in Council be paid to the collector, appraiser or other officer concerned in the taking thereof, as a reward for his diligence.

Collector may cause a certain number of packages in every entry to be opened, &c.

49. The Collector shall cause at least one package in every invoice, and at least one package in ten if there be more than ten in any invoice, and so many more as he or any appraiser deems it expedient to examine for the protection of the revenue, to be sent to the warehouse, and there to be opened, examined and appraised, the packages to be so opened being designated by the Collector; And if any package is found to contain any goods not mentioned in the invoice, such goods shall be absolutely forfeited, and if any goods are found which do not correspond with the description thereof in the invoice, and such omission or non-correspondence appears to have been made for the purpose of avoiding payment of the duty or of any part of the duty on such goods—or if in any invoice or entry any goods have been undervalued with such intent as aforesaid—or if the oath or affirmation made with regard to any such invoice or entry is wilfully false in any particular, then in any of the cases aforesaid all the packages and goods included or pretended to be included, or which ought to have been included in such invoice or entry, shall be forfeited.

Forfeiture of goods not mentioned in invoice, or fraudulently undervalued, &c.

Or for false statement in any oath, &c.

Provision as to packages delivered to importer before examination.

50. All the packages mentioned in any on eentry; although most of such packages may have been delivered to the importer, shall be subject to the control of the Customs' authorities of the port at which they are entered, until such of the packages as have been sent for examination to the Examining Warehouse shall have been duly examined and approved, provided such examination takes place within three days after the delivery of the package or packages into the Examining Warehouse, and after twenty-four hours' notice by the importer to the Collector; and a bond shall be given by the importer conditioned that the packages so delivered shall not be opened or unpacked before the package or packages sent to the Examining Warehouse shall have been examined and passed as aforesaid, provided they are examined within the delay aforesaid; and the packages so delivered, or the goods, if lawfully unpacked, shall, if required by the Collector of Customs, be returned to the Custom House within such delay as may be mentioned in the

Bond to be given.

bond, under the forfeiture of the penalty of such bond; provided that the Collector shall use due diligence in causing such examination to be made, and may, if he sees no objection, permit the remaining packages to be opened and unpacked as soon as those sent to the warehouse have been examined and approved.

Proviso: for avoiding delay.

2. The bond above mentioned may be a general bond covering the entries to be made by the importer for a period of twelve months from its date, and the penal sum shall be equal to the value of the largest importation made by the importer in question at any one time during the twelve months next immediately preceding; or if such importer has made no importations by which, in the opinion of the Collector such penal sum can be properly fixed, the Collector shall fix the amount thereof at such sum as he deems equitable.

Nature and amount of bond.

ENTRY INWARDS---GENERAL PROVISIONS.

51. The burden of proof that all the requirements of this Act with regard to the entry of any goods, have been complied with and fulfilled, shall in all cases lie upon the parties whose duty it was to comply with and fulfil the same.

Onus of proof on due entry, on whom to lie.

52. And whereas it is expedient that certain goods when imported into Canada should be marked or branded with such mark or brand as may be deemed necessary, in order to denote the payment of the duty to which such goods are liable: Therefore the Governor in Council may by regulation, direct that after any goods have been entered, at the Custom House, and before the same are discharged by the officers and delivered into the custody of the importer or his agent, such goods shall be marked or stamped in such manner or form as may be directed by such regulation for the security of the revenue, and by such officer as may be directed or appointed for that purpose.

Duty paid goods may be branded or marked under regulations to be made by the Governor in Council.

53. When any person has occasion to remove from any port of entry to any other port or place, any goods duly entered, and on which the duties imposed by law have been paid,---the Collector or principal officer of the Customs at such port, on the requisition in writing of such person, within thirty days after the entry of such goods, specifying the particular goods to be removed, and the packages in which such goods are contained with their marks and numbers---shall give a permit or certificate in writing, signed by him, bearing date of the day it is made, and containing the like particulars and certifying that such goods have been duly entered at such port and the duties paid thereon, and stating the port or place at which the same were paid and the port or place to which it is intended to convey them, and the mode of conveyance, and the period within which they are intended to be so conveyed.

Permit certifying that duties have been paid on any goods to be granted at the request of the owner.

Particulars in such permit.

WAREHOUSING GOODS.

What shall be warehousing ports.

54. The following Ports shall be Warehousing Ports for the purposes of this Act: viz., Amherst, Amherstburg, Annapolis, Antigonish, Arichat, Bathurst, Baddeck, Barrington, Belleville, Brantford, Brockville, Bridgetowu, Caraquette, Chatham (Ont.,) Chippawa, Chatham (N.B.,) Charlottetown, Clifton, Cobourg, Coaticooke, Colborne, Collingwood, Cornwall, Cornwallis, Cramahe, Darlington, Dalhousie, Digby, Dover, Dorchester, Dundas, Dunnville, Elgin, Fort Erie, Fredericton, Gaspé, Galt, Gananoque, Grand Falls, Guelph, Guysborough, Hamilton, Halifax, Hillsborough, Hope, Kincardine, Kingston, Lindsay, Liverpool, London, Locke Port, Londonderry, Lunenburg, Magdalen Islands, Margaretsville, Montreal, Morrisburg, Moncton, Napanee, New Carlisle, New Castle, (Ont.,) New Castle, (N.B.,) Niagara, North Sydney, Oakville, Oshawa, Ottawa, Owen Sound, Paris, Parrsborough, Percé, Peterboro', Picton, Pictou, Port Hawkesbury, Port Hood, Port Medway, Prescott, Prince Arthur's Landing, Quebec, Rimouski, Richibucto, Sarnia, Sackville, Sault Ste. Marie, St. Andrews, St. Catharines, St. George, St. Hyacinthe, St. John, St, Johns, St. Stephens, Sherbrooke. Shediac, Shelburne, Sorel, Stanley, Stratford, Sydney, Three Rivers, Toronto, Trenton, Truro, Victoria, Wallaceburg, West Isles, Weymouth, Whitby, Windsor (Ont.,) Windsor (N.S.,) Winnipeg, Woodstock, (Ont.,) Woodstock, N.B.,) Yarmouth, as shall also such other Ports of Entry as the Governor in Council may from time to time appoint to be Warehousing Ports.

Goods may be entered for exportation or warehoused without payment of duties subject to regulations of Governor in Council.

55. The importer of any goods into Canada may enter the same for exportation, on giving security by his own bond with one sufficient surety, for the exportation of the same goods—or may warehouse the same on giving such security by his own bond for the payment of the amount of all duties on such goods, and the performance of all the requirements of this Act with regard to the same, the penalty of such bond being double the amount of the duty to which such goods are subject (without payment of any duties in either case on the first entry thereof),—at such ports or places as aforesaid, and in such warehouses, and subject to such rules and regulations, as may be from time to time appointed by the Governor in Council in that behalf, not being repugnant to this Act:

Importer may sort or repack goods, for their preservation and disposal, and may take samples;

2. During the regular warehouse hours, and subject to such regulations as the Collector or proper officer of Customs at the warehousing ports sees fit to adopt (as well for the carrying and taking of such goods to the warehouse as for other purposes), such importer may sort, pack, re-pack, or make such lawful arrangements respecting the same, in order to the preservation or legal disposal thereof, and may take therefrom moderate samples, without present payment of duty or entry, and may remove the same under the authority of the said officer, from such warehousing port to any other warehousing port in Canada, or from one warehouse to another in the same port, under good and sufficient bonds to

And may remove the same under bonds.

the satisfaction of such officer,---or, upon entry at any frontier port or Custom House, under the authority and with the sanction of the Collector or chief officer of Customs at such port or Custom House, and under bonds to his satisfaction, and subject to such regulations as may be made in that behalf by the Governor in Council, the importer may pass the goods on to any warehousing port in any other part of Canada ;

And may remove the same under bonds ;

And may pass the same on to any other warehousing port, under bonds, &c.

3. All such goods shall be finally cleared, either for exportation or home consumption, within two years from the date of the first entry and warehousing thereof ; and, in default thereof, the Collector or proper officer may sell such goods for the payment, first of the duties, and secondly of the warehouse rent and other charges, and the surplus, if any, shall be paid to the owner or his lawful agent----and the Collector or proper officer may charge or authorize the occupier of the warehouse to charge a fair warehouse rent, subject to any regulation made by the Governor in Council in that behalf;

Goods to be finally cleared within two years.

In default, collector may sell.

4. But the Collector may, if he sees no reason to refuse such permission, permit the importer to abandon any whole package or packages, for duties, without being liable to pay any duty on the same ; and the same shall then be sold. and the proceeds shall be dealt with as the duties would have been if paid

Importer may be allowed to abandon packages, and not to be liable for duty.

5. The Governor in Council may, by regulations to be from time to time made in that behalf, dispense with or provide for the cancelling of bonds for the payment of duties on goods actually deposited in warehouse under the Crown's lock, on such terms and conditions and in such cases as he thinks proper ;

Bonds for duties in warehouse may be dispensed with in certain cases.

6. Goods warehoused shall continue to be liable for freight as if on ship board.

Liability for freight.

56 If any goods entered to be warehoused are not duly carried into and deposited in the warehouse, or, having been so, are afterwards taken out of the warehouse without due entry and clearance, or, having been entered and cleared for exportation from the warehouse, are not duly carried and shipped, or otherwise conveyed out of Canada, or are afterwards re-landed, sold, used or brought into Canada, without the permission of the proper officer of the Customs, such goods shall be forfeited.

Goods taken out for exportation and re-landed, &c., to be forfeited.

57. All goods taken out of warehouse shall be subject to the duties to which they would be liable if then imported into Canada, and not to any other.

Goods taken out of warehouse subject to duties.

58. The importer of any cattle or swine may slaughter and cure and pack the same (or if such cattle or swine are imported in the carcass, may cure and pack the same) in bond ; and the importer of any wheat, maize or other grain, may grind and pack the same in bond, providing such slaughtering, curing, grinding and packing be done and con

Cattle and swine may be slaughtered, &c., and grain ground, in bond, under regulations to be made by

the Governor in Council.

ducted under such regulations and restrictions as the Governor in Council may from time to time make for this purpose; and the said regulations may extend to the substitution of beef and pork, flour and meal in quantities equivalent to the produce of such cattle and swine, wheat, maize or other grain.

To extend to the substitution of beef and pork, &c.

Sugar may be refined in bond.

59. The importer or owner of any sugar, molasses or other material from which refined sugar can be produced, may refine the same in bond, provided such refining be done and conducted under such regulations and restrictions as the Governor in Council may from time to time make and impose for that purpose; and the same regulations may extend to the substitution of refined sugar in quantities equivalent to the produce of the sugar or other material so refined in bond

Property in bond, how to be transferable.

60. The property of any whole package or packages of any goods so warehoused, shall be transferable from party to party on a *bonâ fide* bill of sale by the parties, or executed and delivered by a broker or other person legally authorized for or in behalf of the parties respectively :

Transfers to be entered by the Collector in a book to be open to the public.

2. And any such sale shall be valid for the purposes of this Act, although the goods remain in the warehouse, provided that a transfer of such goods, according to the sale, is entered and signed by the parties in a book to be kept for that purpose by the Collector or other proper officer of the Customs, who shall keep such book and enter such transfers, with the dates thereof, upon application of the owners of the goods, and shall produce such book upon demand made;

New proprietor may give bond, &c.

3. And upon such sale, the proper officer may admit fresh security to be given by the bond of the new proprietor of the goods, or person having the control over the same (with his sufficient surety, in cases where the former bond was given with surety), and may cancel the bond given by the original bonder of such goods, or may exonerate him and his surety, (if any he had,) to the extent of the fresh security so given;

Bond of original bonder may be cancelled.

Proprietor to be deemed the importer.

and the party being the proprietor of any such goods for the time being, shall then be deemed to be the importer thereof for the purposes of this Act, and may, under permit from the Collector, remove the goods to another warehouse in the same port, provided that not more than three transfers of the same goods shall be allowed before entry thereof for duty or for exportation.

Duty to be paid on quantity of goods first entered.

61. Duties shall be payable in all cases on the quantity and value of goods in the warehouse, as ascertained and stated on first entry, or as originally warehoused.

All charges and expenses of unshipping, landing, &c., to be borne by the importer.

62. The unshipping, carrying and landing of all goods, and the taking of the same from the examining warehouse or the proper place after landing, warehouse rent and expenses of safe keeping in warehouse, shall be performed and paid by or at the expense of the importer of such goods, and in such manner and at such place as shall be appointed by the

Collector or proper officer of Customs; and if any such goods be removed from the place so appointed without leave of such Collector or proper officer, they shall be forfeited.

Not less than a certain quantity of goods to be taken out of warehouse at one time.

63. No parcel of goods shall be taken out of warehouse whether for consumption or exportation, or removal to some other port unless the duty thereon amount to the sum of *twenty dollars* or upwards, or such parcel be all the goods remaining in warehouse, and comprised in the same entry for warehousing.

Goods entered for warehousing to be deemed warehoused in certain cases.

64. If after any goods have been duly entered, or landed to be warehoused, or entered and examined to be re-warehoused, and before the same have been actually deposited in the warehouse, the importer further enters the same or any part for home use or for exportation as from the warehouse, the goods so entered shall be considered as virtually and constructively warehoused or re-warehoused, as the case may be, although not actually deposited in the warehouse, and may be delivered and taken for home use or for exportation.

Bond to be given on entry for exportation of goods from warehouse—conditions.

65. Upon the entry outwards of any goods to be exported from the Customs' warehouse, either by sea or by land, or inland navigation, as the case may be, the person entering the same shall give security by bond in double the duties of importation on such goods, and with a sufficient surety, to be approved by the Collector or proper officer, that the same shall, when the entry aforesaid is by sea, be actually exported, and when the entry aforesaid is by land or inland navigation, shall be landed or delivered at the place for which they are entered outwards, or shall in either case be otherwise accounted for to the satisfaction of the Collector or proper officer, and that such proof or certificate that such goods have been so exported, landed or delivered, or otherwise legally disposed of, as the case may be, as shall be required by any regulation of the Governor in Council, shall be produced to the Collector or proper officer within a period to be appointed in such bond, and if any such goods are not so exported or are fraudulently re-landed in or brought into Canada, in contravention of this Act and of the said bond, they shall be forfeited, together with any vessel, boat or vehicle in which they are so re-landed or imported.

Forfeitures for contravention of conditions.

Who only may enter for exportation.

66. Any person making any entry outwards of goods from warehouse for exportation not being the owner or duly authorized by the owner thereof or the master of the vessel by which they are to be shipped, shall, for each offence, forfeit *two hundred dollars.*

Upon what evidence the bond may be cancelled.

67. If, within the period appointed as aforesaid from entry outwards, there be produced a certificate annexed to the shipping warrant, and signed by some principal officer of the Customs or Colonial Revenue at the place to which the goods were exported, or if such place be a foreign country,

of any British Consul or Vice-Consul resident there, or an affidavit annexed to the warrant of any person resident at the place and certified by a notary public or magistrate, and in such certificate or affidavit it be stated that the goods were actually landed at some place out of Canada, as provided by the bond, or that they were lost, or that the vessel had never arrived at her destination and is supposed to be lost, the bond mentioned in the next preceding section shall be cancelled; all bonds not so cancelled within the period so appointed as aforesaid shall be enforced.

Warehoused goods taken as ships' stores.

68. Warehoused goods may be delivered as ships' stores for any vessel of the burden of fifty tons or upwards, bound on a voyage beyond seas, the probable duration of which out and home will not be less than thirty days, proof being first made by affidavit of the master or owner, to the satisfaction of the proper officer, that the stores are necessary and intended for the voyage; provided that the Minister of Customs may define and limit the kind, quantity and class of goods which may be so delivered as ships' stores.

ENTRY OUTWARDS.

Entry of vessel outwards.

69. The master of every vessel bound outwards from any port in Canada to any port or place beyond the seas, or on any voyage to any place within or without the limits of Canada, coastwise or by inland navigation, shall deliver to the Collector or other proper officer an entry outwards under his hand, of the destination of such vessel, stating her name, country and tonnage, the port of registry, the name of the master, the country of the owners, and the number of the crew; and before any goods or ballast are taken on board such vessel the master shall show that all goods imported in her, except such as were reported for exportation in the same vessel, have been duly entered,----except that the proper officer may issue a stiffening order that such goods or ballast as may be specified therein may be laden before the former cargo is discharged:

Particulars of such entry.

Content to be delivered.

Particulars required in it.

Declaration to be made.

2. And before such vessel departs, the master shall bring and deliver to the Collector or other proper officer, a content in writing under his hand, of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content as far as any of such particulars can be known to him;

Questions to be answered.

3. And the master of every such vessel, whether in ballast or laden, shall, before departure, come before the Collector or other proper officer, and answer all such questions concerning the vessel, and the cargo, if any, and the crew, and the voyage, as may be demanded of him by such officer, and, if required, shall make his answers or any of them part of the declaration made under his hand, as aforesaid;----

Clearance to be granted.

and thereupon the Collector or other proper officer, if such vessel is laden, shall make out and give to the master a

certificate of the clearance of such vessel for her intended voyage with merchandize, or a certificate of her clearance in ballast, as the case may be; and if there be merchandize on board, and the vessel is bound to any port in Canada, such clearance shall state whether any and which of the goods are the produce of Canada, and if the goods are such as are liable to duties, whether the duties thereon have been paid; and in such case the master shall hand the clearance to the Collector at the next port in Canada at which he arrives, immediately on his arrival;

Contents.

Penalty for leaving without a clearance or not answering questions truly.

4. And if the vessel departs without such clearance, or if the master delivers a false content, or does not truly answer the questions demanded of him, he shall forfeit the sum of *four hundred dollars;* and the vessel shall be liable to detention in any port in Canada until the said penalty be paid.

Dispensation as to coasting trade.

5. The Governor in Council may, by regulation, dispense with any of the preceding requirements of this section, which he deems it inexpedient to enforce, with regard to vessels generally or to vessels engaged in the coasting trade or inland navigation.

Governor in Council may require statistical information as to exports.

70. The Governor in Council may, by regulations to be from time to time made in that behalf, require such information with regard to the description, quantity, quality and value of goods exported from Canada, or removed from one port to another in Canada, to be given to the proper officer of the Customs, in the entry of such goods outwards or otherwise, as he deems requisite for statistical purposes, whether such goods be exported or removed by sea, land, or inland navigation.

Entry outwards of goods from warehouse must correspond with entry inwards.

71. No entry outwards nor any shipping warrant or warrant for taking goods from warehouse for exportation shall be deemed valid, unless the particulars of the goods and packages shall correspond with the particulars in the entry inwards, nor unless they shall have been properly described in the entry outwards, by the character, denomination and circumstances under which they were originally charged with duty; and any goods laden or taken out of the warehouse by an entry outwards or shipping warrant not so corresponding or not properly describing them, shall be forfeited.

Entry outwards by agent in certain cases.

72. If the owner of any goods be resident more than ten miles from the office of the Collector at the port of shipment, he may appoint an agent to make his entry outwards and clear and ship his goods, but the name of the agent and the residence of the owner shall be subjoined to the name in the entry and shipping warrant, and the agent shall make the declaration on the entry which is required of the owner, and shall answer the questions that shall be put to him; any trading corporation or company may appoint an agent for the like purposes.

STEAMERS—ENTRY INWARDS AND OUTWARDS.

Reports inwards and outwards may be made by pursers of steamers.

73. The report for entry, inwards and outwards, required by this Act, may, in the case of any steam vessel carrying a purser, be made by such purser with the like effect in all respects, and subject to the like penalty on the purser and the like forfeiture of the goods in case of any untrue report, as if the report were made by the master ;—and the word "master," for the purposes of this section, shall be construed as including the purser of any steam vessel ; but nothing herein contained shall preclude the Collector or proper officer of Customs from calling upon the master of any steam vessel, to answer all such questions concerning the vessel, passengers, cargo and crew, as might be lawfully demanded of him, if the report had been made by him, or to exempt the master from the penalties imposed by this Act for failure to answer any such question, or for answering untruly, or to prevent the master from making such report if he shall see fit so to do.

Proviso.

BILLS OF HEALTH.

Collector may grant bills of health.

74. Whenever the Collector of Customs at any port is satisfied that in such port as well as in the adjacent city or town and its vicinity, there does not exist an extraordinary, infectious, contagious or epidemic disease, which could be transferred by the vessel, her crew, or cargo, he may grant to any vessel requiring a bill of health, a certificate, under his hand and seal, attesting the fact aforesaid, for which he shall be entitled to ask and receive a fee of *one dollar*.

SMUGGLING—AND OFFENCES CONNECTED THEREWITH.

Penalty on persons smuggling goods, using false invoices, &c.

75. If any person, knowingly and wilfully, with intent to defraud the revenue of Canada, smuggles or clandestinely introduces into Canada any goods subject to duty, without paying or accounting for the duty thereon, or makes out or passes or attempts to pass through the Custom House any false, forged or fraudulent invoice, or in any way attempts to defraud the revenue by evading the payment of the duty or of any part of the duty on any goods, every such person, his, her or their aiders or abettors shall, in addition to any other penalty or forfeiture to which they may be subject for such offence, be deemed guilty of a misdemeanor, and on conviction shall be liable to a penalty not exceeding *two hundred dollars*, or to imprisonment for a term not exceeding one year, or both, in the discretion of the court before whom the conviction is had.

Misdemeanor.

Imprisonment.

Forfeiture and penalty for offering for sale goods pretended to be smuggled.

76. If any person offers for sale any goods under pretence that the same are prohibited, or have been unshipped and run on shore, or brought in, by land or otherwise, without payment of duties, then and in such case all such goods (although not liable to any duties nor prohibited) shall be forfeited, and every person offering the same for sale shall forfeit the treble value of such goods, or the penalty of *two hundred dollars*, at the election of the prosecutor, which

penalty shall be recoverable in a summary way, before any one or more Justices of the Peace ; and in default of payment on conviction, the party so offending shall be committed to any of Her Majesty's gaols for a period not exceeding sixty days.

Penalty for harboring smuggled goods.

77. If any person knowingly harbors, keeps, conceals, purchases, sells or exchanges any goods illegally imported into Canada (whether such goods are dutiable or not), or whereon the duties lawfully payable have not been paid, such person shall for such offence forfeit treble the value of the said goods, as well as the goods themselves.

Company of persons found with smuggled goods.

Misdemeanour.

78. If any five or more persons in company are found together, and they or any of them have any goods liable to forfeiture under this Act, every such person shall be guilty of misdemeanor, and punishable accordingly.

Penalty for hiring persons to assist in smuggling, &c.

79. Any person who by any means procures or hires any person or persons, or who deputes, authorizes, or directs any person or persons to assemble for the purpose of being concerned in the landing or unshipping, or carrying or conveying any goods which are prohibited to be imported, or the duties for which have not been paid or secured, shall, for every person so procured or hired, forfeit the sum of *one hundred dollars.*

Penalty on persons committing certain offences with regard to warehoused goods.

80. If any warehoused goods are concealed in or removed from any public or private warehouse in Canada, such goods shall be forfeited ; and any person concealing or removing any such goods, or aiding or abetting such removal, shall incur the penalties imposed on persons illegally importing or smuggling goods into Canada ; and all goods belonging to such importer or owner, then remaining in the same or any other warehouse, shall be placed under detention until the duty due on the goods so concealed or removed, and all penalties incurred by him shall have been paid ; and if such duties and penalties are not paid within one month after the discovery of the concealment or removal of such goods, the goods so detained shall be dealt with in the same manner as goods unlawfully imported or smuggled into Canada :

Penalty for fraudulently opening warehouse.

2. And if the importer or owner of any warehoused goods, or any person in his employ, by any contrivance, opens the warehouse in which the goods are, or gains access to the goods except in the presence of or with the express permission of the proper officer of the Customs acting in the execution of his duty, such importer or owner shall, for every such offence, forfeit the sum of *one hundred dollars ;*

Penalty for altering and defacing marks.

3. And any person wilfully altering, defacing or obliterating any mark, placed by any officer of the Customs, on any package of warehoused goods, or goods in transit, shall for every such offence forfeit the sum of *five hundred dollars ;*

Spirits not to be imported except in certain vessels and packages.

81. Except in cases which by any regulation to be made by the Governor in Council may be excepted from the operation of this section,—all spirits (unless in bottle and imported from the United Kingdom, or in bond from a bonded warehouse in some British Possession) brought into Canada in casks or packages of less size than to contain one hundred gallons, or in other than decked vessels of not less than thirty tons register, or that may be found on board of any vessel under such tonnage in any port in Canada, shall be forfeited, and the proof that any spirits landed in packages of less size than to contain one hundred gallons, have been lawfully imported and entered, shall always be upon the person offering the same for sale.

Onus of proof of legal importation.

Vessels, &c., used in conveying forfeited goods to be forfeited.

Penalty for assisting in landing, &c., such goods.

82. All vessels with the guns, tackle, apparel and furniture thereof, carriages, harness, tackle, horses, and cattle made use of in the removal of any goods liable to forfeiture under this Act, shall be forfeited; and every person assisting or otherwise concerned in the unshipping, landing or removal, or in the harbouring of such goods, or into whose hands or possession the same knowingly come, shall, besides the goods themselves, forfeit treble the value thereof, or the penalty of *two hundred dollars* at the election of the officer of Customs or party suing for the same:

Election of officer as to penalty how proved.

2. And the averment in any information or libel exhibited for the recovery of such penalty, that such officer or party has elected to sue for the sum mentioned in the information or libel, shall be sufficient proof of such election, without any other evidence of the fact.

Vessels found hovering may be boarded and examined.

83. If any vessel is found hovering (in British waters) within one league of the coasts or shores of Canada, any officer of Customs may go on board and enter into such vessel, and freely stay on board such vessel, while she remains within the limits of Canada or within one league thereof;—And if any such vessel is bound elsewhere, and so continues hovering for the space of twenty-four hours after the master has been required to depart by such officer of Customs, such officer may bring the vessel into port, and examine her cargo, and if any goods prohibited to be imported into Canada are on board, then such vessel with her apparel, rigging, tackle, furniture, stores and cargo, shall be forfeited;—And if the master or person in charge refuses to comply with the lawful directions of such officer, or does not truly answer such questions as are put to him, respecting such ship and vessel or her cargo, he shall forfeit and pay the sum of *four hundred dollars.*

Vessels continuing to hover may be brought into port.

Penalty for not obeying the officer boarding.

Penalty on persons on board smuggling vessels.

84. Every person proved to have been on board any vessel or boat liable to forfeiture for having been found within one league of the coasts or shores of Canada, having on board or attached thereto, or conveying or having conveyed any thing subjecting such vessel or boat to forfeiture, or who shall be proved to have been on board any vessel or boat from which any part of the cargo shall have been thrown overboard or destroyed, or in which any goods shall

have been unlawfully brought into Canada shall forfeit *one hundred dollars*, provided such person shall have been knowingly concerned in such acts.

Officers may board vessels and have free access to every part.

85. Officers of Customs may board any vessel at any time or place and stay on board until all the goods intended to be unladen shall have been delivered; they shall have free access to every part of the vessel, with power to fasten down hatchways, the forecastle excepted, and to mark and secure any goods on board; and if any place, box or chest be locked, and the keys withheld, the officer may open the same. If any goods be found concealed on board they shall be forfeited, and if any mark, lock, or seal upon any goods on board, be wilfully altered, opened or broken, before the delivery of the goods, or if any goods be secretly conveyed away, or if hatchways fastened down by the officer be opened by the master, or with his assent, the master shall forfeit *four hundred dollars*.

May be stationed on board.

86. The Collector or other proper officer of the Customs may station officers on board any ship while within the limits of a port, and the master shall provide every such officer with suitable accommodation and food, under a penalty of *two hundred dollars*.

Penalty for forging marks, &c., or selling goods with counterfeit marks.

87. If any person at any time forges or counterfeits any mark or brand to resemble any mark or brand provided or used for the purposes of this Act, or forges or counterfeits the impression of any such mark or brand, or sells or exposes to sale, or has in his custody or possession, any goods with a counterfeit mark or brand, knowing the same to be counterfeit or uses or affixes any such mark or brand to any other goods required to be stamped as aforesaid, other than those to which the same was originally affixed, such goods so falsely marked or branded shall be forfeited, and every such offender, and his aiders, abettors or assistants, shall, for every such offence, forfeit and pay the sum of *two hundred dollars*, which penalty shall be recoverable in a summary way, before any two Justices of the Peace in Canada, and in default of payment the party so offending shall be committed to any of Her Majesty's gaols in Canada, for a period not exceeding twelve months.

Imprisonment in default of payment.

False swearing to be perjury.

2. And if any wilfully false oath be made in any case where by this Act an oath is required or authorized, the party making the same shall be guilty of wilful and corrupt perjury, and liable to the punishment provided for that offence.

Penalty for counterfeiting or using counterfeit papers, &c;

Or forging certificates, &c.

88. If any person counterfeits or falsifies, or uses when so counterfeited or falsified, any paper or document required under this Act, or for any purpose therein mentioned, whether written, printed, or otherwise, or by any false statement, procures such document,—or forges or counterfeits any certificate relating to any oath, affirmation or declaration, hereby required or authorized, knowing the same to be so forged or counterfeited, such person shall be guilty of

a misdemeanor, and being thereof convicted, shall be liable to be punished accordingly.

Penalty for a false declaration or answer in cases not otherwise provided for.

89. Except in the cases otherwise provided for, if any declaration required to be made by this Act or by any law relating to the Customs, or to trade or navigation, is untrue in any particular,—or, except as aforesaid, if any person required by this Act or by any other law as aforesaid to answer questions put to him by any officer of the Customs touching certain matters, does not truly answer such questions, — the person making such untrue declaration, or not truly answering such questions, shall, over and above any other penalty to which he becomes subject, forfeit the sum of *four hundred dollars*.

Officers employed in the Customs to be deemed employed for the prevention of smuggling.

90. Every officer and person employed under the authority of the "*Act respecting the collection and management of the Revenue, the Auditing of Public Accounts, and the liability of Public Accountants*, passed in the thirty-first year of Her Majesty's reign, or in the collection of the revenue within the meaning of that Act, or under the direction of any officer or officers in the Customs Department, or being an officer of the said department ; shall be deemed and taken to be duly employed for the prevention of smuggling ; — And in any suit or information, the averment that such party was so duly employed shall be sufficient proof thereof, unless the defendant in such suit or information shall prove to the contrary:

What averment of such employment shall suffer.

Their powers

2. Any such officer or person as aforesaid, and any Sheriff or Justice of the Peace or person residing more than ten miles from the residence of any officer of Customs, and thereunto authorized by any Collector of Customs or Justice of the Peace, may, upon information, or upon reasonable grounds of suspicion, detain, open and examine any package suspected to contain prohibited property or smuggled goods, and

To search.

may go on board of and enter into any vessel, boat, canoe, carriage, waggon, cart, sleigh, or other vehicle or means of conveyance of any description whatsoever, and may stop and

To detain vessels, carriages, &c.

detain the same, whether arriving from places beyond or within the limits of Canada, and may rummage and search all parts thereof, for prohibited, forfeited or smuggled goods ;

To seize in certain cases.

—And if any such prohibited, forfeited, or smuggled goods are found in any such vessel or vehicle, the officer or person so employed may seize and secure such vessel or vehicle, together with all the sails, rigging, tackle, apparel, horses, harness, and all other appurtenances which at the time of such seizure belong to or are attached to such vessel or vehicle, with all goods and other things laden therein or thereon, and the same shall be forfeited ;

To call on persons to assist.

3. The officer or person in the discharge of the said duty may call in such lawful aid and assistance in the Queen's name, as may be necessary for securing and protecting such seized vessels, vehicles or property ; — and if no such prohibited, forfeited or smuggled goods are found, such officer or person, having had reasonable cause to suspect that prohibited, forfeited or smuggled goods would be found therein,

Reasonable cause of suspicion to be their justification.

shall not be liable to any prosecution or action at law for any such search, detention or stoppage ;

Penalty for refusing to stop ;

4. Every master or person in charge of any such vessel, and every driver or person conducting or having charge of any such vehicle or conveyance, refusing to stop when required to do so by such officer or person as aforesaid in the Queen's name, and any person being present at any such seizure or stoppage, and being called upon in the Queen's name by such officer or person to aid and assist him in a lawful way, and refusing so to do, shall forfeit and pay the sum of *two hundred dollars*, which penalty shall be summarily recovered before any two Justices of the Peace in Canada, and in default of payment the offender shall be committed to any of Her Majesty's gaols in Canada, for a period not exceeding six months.

Or to assist.

Mode of recovery.

Power to enter building, &c., in the daytime.

91. Any officer of Customs having first made oath before a Justice of the Peace that he has reasonable cause to suspect that goods liable to forfeiture are in any particular building, may, in company with a peace officer who is hereby required to accompany him, enter such building at any time between sunrise and sunset, but if the doors are fastened, then admission shall be first demanded, and the purpose for which entry is required declared, when, if admission shall not be given, the two officers may forcibly enter, and when in either case entry shall be made, the Customs' officer shall search the building, and seize all forfeited goods : these acts may be done by an officer of Customs without oath or the assistance of a Justice of the Peace, in places where no Justice resides, or where no Justice can be found within five miles at the time of search.

Writs of assistance, how attainable, and the powers of those acting under them.

92. Under authority of a Writ of Assistance, granted either before or after the coming into force of this Act (and all such Writs theretofore granted, shall remain in full force for the purposes of this Act), by any Judge in the Court of Queen's Bench or of the Common Pleas, in the Province of Ontario, of the Superior Court or of the Court of Vice-Admiralty in the Province of Quebec, or of the Supreme Court in Nova Scotia, or of the Court of Queen's Bench in New Brunswick, or of the Supreme Court in British Columbia, Manitoba or Prince Edward Island, having jurisdiction in the place (who shall grant such Writ of Assistance upon application made to him for that purpose by the Collector or principal officer of the Customs at the port or place, or by Her Majesty's Attorney General for Canada,)—any officer of the Customs, or any person employed for that purpose with the concurrence of the Governor in Council, expressed either by special order or appointment or by general regulation taking with him a peace officer, may enter at any time in the day or night into any building or other place within the jurisdiction of the Court granting such Writ, and may search for and seize and secure any goods liable to forfeiture under this Act, and in case of necessity, may break open any doors and any chests or other packages for that purpose ;—And such Writ of

How search shall be made.

Duration of writ.

Assistance, when issued, shall be in force during the whole of the Reign in which the same shall have been granted, and for twelve months from the conclusion of such Reign.

Power to search the person for smuggled goods.

93. Any officer of Customs, or person by him authorized thereunto, may search any person on board any vessel or boat within any port in Canada, or in any vessel, boat or vehicle entering Canada by land or inland navigation, or any person who may have landed or got out of such vessel, boat, or vehicle, provided the officer or person so searching has reasonable cause to suppose that the person searched, may have uncustomed or prohibited goods secreted about his person ; and whoever obstructs or offers resistance to such search, or assists in so doing, shall thereby incur a forfeiture of *one hundred dollars ;* and any person who may be on board of or may have landed from or go out of such vessel, boat or vehicle, may be questioned by such officer whether he has any dutiable goods about his person, and if he denies having any such goods, or does not produce such as he may have, and any such goods are found upon him on being searched, the goods shall be forfeited, and he shall forfeit treble the value thereof :

Penalty for resisting search.

Proviso.

2. Provided that before any person can be searched as aforesaid, such person may require the officer to take him or her before some Justice of the Peace, or before the Collector or chief officer of the Customs at the place, who shall, if he see no reasonable cause for search, discharge such person, but if otherwise, he shall direct such person to be searched, and if a female, she shall not be searched by any but a female ; and any such Justice of the Peace or Collector of Customs may, if there be no female officer appointed for such purpose, employ and authorize a suitable female person to act in any particular case or cases ;

Females.

Proviso: searching without reasonable cause.

3. Any officer required to take any person before a Justice of the Peace or chief officer of Customs as aforesaid, shall do so with all reasonable dispatch ; and if any officer requires any person to be searched without reasonable cause for supposing that he has uncustomed or prohibited goods about his person, such officer shall forfeit and pay any sum not exceeding *forty dollars.*

To what place goods, &c., are to be taken.

94. If any goods, vessel or carriage, subject or liable to forfeiture under this Act, or any other law relating to the Customs, is stopped or taken by any police officer or any person duly authorized ; such goods shall be carried to the Custom House next to the place where the goods were stopped or taken, or to the place which has been appointed for that purpose by the Governor in Council, and there delivered to the proper officer appointed to receive the same, within forty-eight hours after the said goods were stopped and taken.

How smuggled goods stopped on suspicion of

95. If any such goods are stopped or taken by such police officer, on suspicion that the same have been feloniously stolen, such officer shall carry the same to the police office

to which the offender is taken, there to remain until, and in order to be produced at the trial of the said offender; and in such case the officer shall give notice in writing to the Collector or principal officer of Her Majesty's Customs, at the port nearest to the place where such goods have been detained, of his having so detained the said goods, with the particulars of the same; and immediately after the trial, all such goods shall be conveyed to and deposited in the Custom House or other place appointed as aforesaid, and proceedings relative to the same shall be had according to law:

being stolen, and taken to the police office shall be dealt with.

2. And in case any police officer, having detained such goods, neglects to convey the same to such warehouse, or to give such notice of having stopped the same as before prescribed, such officer shall forfeit the sum of *one hundred dollars;* and such penalty shall be recoverable in a summary way before any one or more Justices of the Peace, and in default of payment the party so offending shall be committed to any of Her Majesty's gaols for a period not exceeding thirty days.

Penalty on any police officer neglecting to obey this section.

96. If any person whatever, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away any goods, vessel, carriage or other thing which has been seized or detained on suspicion, as forfeited under this Act, before the same has been declared by competent authority to have been seized without due cause, and without the permission of the officer or person having seized the same, or of some competent authority, such person shall be deemed to have stolen such goods, being the property of Her Majesty, and to be guilty of felony, and shall be liable to punishment accordingly.

Punishment of persons taking away goods, &c., seized—such offence to be felony.

97. If any person, under any pretence, either by actual assault, force or violence, or by threats of such assault, force or violence, in any way resists, opposes, molests or obstructs any officer of Customs, or any person acting in his aid or assistance, in the discharge of his or their duty, under the authority of this Act, or any other law in force in Canada, relating to Customs, trade or navigation, or wilfully or maliciously shoots at or attempts to destroy or damage any vessel belonging to Her Majesty, or in the service of the Dominion of Canada, or maims or wounds any officer of the Army, Navy, Marine or Customs, or any person acting in his aid or assistance, while duly employed for the prevention of smuggling, and in execution of his or their duty, or if any person is found with any goods liable to seizure or forfeiture, under this Act or any other law relating to Customs, trade or navigation, and carrying offensive arms or weapons, or in any way disguised, or staves, breaks or in any way destroys any such goods, before or after the actual seizure thereof, or scuttles, sinks or cuts adrift any vessel, or destroys or injures any vehicle, before or after the seizure, or wilfully and maliciously destroys or injures, by fire or otherwise, any Custom House, or any building whatsoever

Punishment of persons obstructing, assaulting or resisting officers, &c.

Firing at H. M's. vessels.

Wounding persons in H. M's. service;

Or having goods liable to seizure, and being armed or disguised;

Or destroying vessels or goods, or any Custom house, &c.

Such offences to be felony.

in which seized, forfeited or bonded goods are deposited or kept, such person being convicted thereof, shall be adjudged guilty of felony, and shall be punishable accordingly.

Penalty on officers of the Customs, &c., conniving at any evasion of the revenue laws;

98. If any officer of the Customs, or any person who, with the concurrence of the Governor in Council, expressed either by special order or appointment or by general regulation, is employed for the prevention of smuggling, makes any collusive seizure, or delivers up, or makes any agreement to deliver up or not to seize any vessel, boat, carriage, goods or thing liable to forfeiture under this Act, or takes or accepts a promise of any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty, such officer or other person shall forfeit for every such offence the sum of *two thousand dollars*, and be rendered incapable of serving Her Majesty in any office whatever; And every person who gives or offers, or promises to give, or procure to be given, any bribe, recompense or reward to, or makes any collusive agreement with any such officer or person as aforesaid, to induce him in any way to neglect his duty, or to conceal or connive at any act whereby the provisions of this Act, or any law relating to the Customs, trade or navigation, might be evaded, shall forfeit the sum of *two thousand dollars*.

And on persons bribing them to connive.

PROCEDURE FOR ENFORCING PENALTIES.

In what Courts penalties and forfeitures shall be recoverable.

99. All penalties and forfeitures incurred under this Act, or any other law relating to the Customs or to trade or navigation, may be prosecuted, sued for and recovered in the Superior Courts of Law, or Court of Vice-Admiralty having jurisdiction in that Province in Canada where the cause of prosecution arises, or wherein the defendant is served with process; And if the amount or value of any such penalty or forfeiture does not exceed *two hundred dollars*, the same may, in the Province of Ontario, Quebec, New Brunswick and Nova Scotia, British Columbia, Manitoba or Prince Edward Island, respectively, also be prosecuted, sued for and recovered in any County Court or Circuit Court having jurisdiction in the place where the cause of prosecution arises, or where the defendant is served with process.

If the amount be under $200.

In whose name prosecutions may be brought.

100. All penalties and forfeitures imposed by this Act or by any other Act relating to the Customs or to trade or navigation, shall, unless other provision be made for the recovery thereof, be sued for, prosecuted and recovered with costs by Her Majesty's Attorney General for Canada, or in the name or names of some officer or officers of the Customs, or other person or persons thereunto authorized by the Governor in Council, either expressly or by general regulation or order, and by no other party; and if the prosecution be brought before any County Court or Circuit Court, or before any Justice or Justices of the Peace, it shall be heard and determined in a summary manner upon information filed in such Court.

How penalties and forfeitures shall be recoverable in the Province of Quebec.

101. All penalties and forfeitures imposed by this Act or by any other law relating to the Customs or to trade or navigation, may, in the Province of Quebec, be sued for, prosecuted and recovered with costs by the same form of proceeding as any other moneys due to the Crown, and all suits or prosecutions for the recovery thereof, shall, in that Province, be heard and determined in like manner as other suits or prosecutions in the same Court for moneys due to the Crown, except that in the Circuit Court the same shall be heard and determined in a summary manner as provided in this Act :

Proviso.

2. But nothing in this section shall affect any provision of this Act, except such only as relate to the form of proceeding and of trial in such suits or prosecutions as aforesaid.

How penalties and forfeitures shall be recoverable in Ontario, N.B., N.S., &c.

102. If the prosecution to recover any penalty or forfeiture imposed by this Act, or by any other law relating to the Customs or to trade or navigation, is brought in any Superior Court of law in either of the Provinces of Ontario, Nova Scotia or New Brunswick, British Columbia, Manitoba or Prince Edward Island, it shall be heard and determined as prosecutions for penalties and forfeitures are heard and determined in Her Majesty's Court of Exchequer in England, in so far as may be consistent with the established course and practice of the Court in which the proceeding is instituted, and with any law relating to the procedure in such Province in suits instituted on behalf of the Crown in matters relating to the Revenue ; and any such practice and law shall apply to prosecutions for the recovery of forfeitures and penalties under this Act, in whatever Court they are instituted, so far as they can be applied thereto consistently with this Act, and the *venue* in any such case may be laid in any County in the Province in which the proceeding is had, without alleging that the offence was there committed.

Proceedings before a Justice of the Peace in certain cases.

103. Provided that if notice of intent to claim has been given and the value of the goods or thing seized do not exceed *one hundred dollars*, and the prosecutor chooses to proceed under this section, he shall forthwith cause the goods to be valued by a competent appraiser, who shall certify them to be under the said value, and an information in writing may be exhibited in the name of the Collector at or nearest to the place of seizure before two Justices of the Peace, charging the articles seized as forfeited under some particular Act and section thereof to be therein referred to, and praying condemnation thereof ; and the Justices shall thereupon issue a general notice for all persons claiming interest in the seizure to appear at a certain time and place there to claim the articles seized, and answer the information, otherwise such articles will be condemned ; and a copy of the notice shall, at least eight days before the time of appearance, be served upon the person from whose possession the things were taken, or shall be left at or affixed to the building or vessel in which they were seized, if there remaining, or at two public places nearest the place of seizure : If any person appears to answer the information, the Justices shall hear and determine the matter and acquit

Notice to parties.

Hearing if the case is defended, &c.

or condemn the articles, but if no person appears, judgment of condemnation shall be given ; and the Justices on condemnation shall issue a warrant to the Collector to sell the goods :

Court.

2. Such two Justices shall be deemed a Court, and each of them to be a Judge thereof for the purposes of this Act.

Defendant appearing may be required to give security for the penalty and costs, or be imprisoned until he does so.

104. Upon the exhibiting or filing of any information or other proceeding for the recovery of any penalty or forfeiture under the provisions of this Act, any Judge of the Court in which the prosecution is brought, may, upon affidavit filed by the officer or person bringing such prosecution, shewing that there is reason to believe that the defendant will leave the Province without satisfying such penalty or forfeiture, issue a warrant under his hand and seal for the arrest and detention of the defendant in the Common gaol of the county, district or place, until he has given security (before and to the satisfaction of such Judge or some other Judge of the same Court) for the payment of such penalty with costs, in case he be convicted or judgment be given against him ;

Sufficient averment in information, &c.

2. In any such information or proceeding it shall be sufficient to state the penalty or forfeiture incurred, and the Act or section under which it is alleged to have been incurred, without further particulars ;

That the person seizing was an officer of Customs.

3. In every such information or proceeding, the averment that the person seizing was and is an officer of the Customs shall be sufficient evidence of the fact alleged unless it be contradicted by some superior officer of the Customs ;

Those who sue for any penalty or forfeiture to recover full costs or suit.

How penalties and costs may be levied.

4. And in every information, suit or proceeding brought under this Act for any penalty or forfeiture, or upon any bond given under it, or in any matter relating to the Customs, Her Majesty, or those who sue for such penalty or forfeiture, or upon such bond, shall, if they recover the same, be entitled also to recover full costs of suit ;—And all such penalties and costs, if not paid, may be levied on the goods and chattels, lands and tenements of the defendant, in the same manner as sums recovered by judgment of the Court in which the prosecution is brought may be levied by execution, or payment thereof may be enforced by *capias ad satisfaciendum* against the person of the defendant under the same conditions and in like manner ; if in any case the Attorney General, or whoever acts in his name, is satisfied that the penalty or forfeiture was incurred without intended fraud, he may enter a *nolle prosequi* on such terms as he may see fit, and which shall be binding on all parties, reporting the same to the Minister of Customs with his reasons.

Nolle prosequi by Attorney-General.

Averment as to the doing of any thing within the

105. In any prosecution or other proceeding, for an offence against this Act or any other law relating to the Customs, or to trade and navigation, the averment that

such offence was committed within the limits of any district, county, port or place shall be sufficient without proof of such limits, unless the contrary is proved. limits of any port.

106. If any goods are seized for non-payment of duties or any other cause of forfeiture, or any prosecution is brought for any penalty or forfeiture under this Act or any other law relating to the Customs, and any question arises whether the duties have been paid on such goods, or the same have been lawfully imported, or lawfully laden or exported, or whether any other thing hath been done by which such forfeiture would be prevented or such penalty avoided,---the burden of proof shall lie on the owner or claimant of the goods, and not on the officer who has seized and stopped the same, or the party bringing such prosecution. Proof that goods have paid duty to lie on the owner.

107. So soon as an information has been exhibited in any Court, for the condemnation of any vessel, goods or thing so seized, notice thereof shall be put up in the office of the Clerk or Prothonotary of the Court, and also in the office of the Collector at the port at which the vessel, goods, or thing has been seized as aforesaid; and if it be a vessel shall also be nailed on a mast thereof, or posted on some other conspicuous place on board; Notice to be posted in the Custom House and in the office of the Clerk of the Court.

2. If the owner or person having charge of the vessel, goods or thing exhibits a claim to the same or to any part thereof, and gives security, and complies with all the requirements of this Act in that behalf, then the said Court at its sitting next after the said notice has been so posted during one month, may proceed to hear and determine any claim which has been validly made and filed in the meantime, and to the release or condemnation of such vessel, goods or thing as the case requires, otherwise the same shall, after the expiration of such month, be deemed to be condemned as aforesaid, and may be sold without any formal condemnation thereof: When the case shall be heard, if the claim be made, and security given.

3. No claim on behalf of any party who has given notice of his intention to claim before the posting of such notice as aforesaid shall be admitted, unless validly made within one week after the posting thereof;---nor shall any claim be admitted, unless notice thereof has been given to the Collector within one month from the seizure as aforesaid. Claims not to be admitted unless made within a certain time; Nor without notice.

108 No claim to any thing seized under this Act, and returned into any of Her Majesty's Courts for adjudication, shall be admitted as valid, unless such claim is entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing is made by the owner, or by his agent knowing the fact, by whom such claim is entered, to the best of his knowledge and belief, nor unless the claimant do, at the time of entering such claim, appear and plead. How claims must be entered in order to be valid.

Claim not to be valid unless security be given to pay the costs and any penalty incurred.

109 No person so admitted to claim as aforesaid shall enter a claim to, or shall be deemed to have validly claimed any vessel, goods or thing seized in persuance of this Act, or of any law relating to the Customs or to trade or navigation, until sufficient security has been given to the satisfaction of the Court where such seizure is prosecuted, in a penalty not exeeeding *two hundred dollars*, to answer and pay the costs occasioned by such claim, and any penalty incurred by the claimant in respect of such vessel, goods or thing; and in default of giving such security such vessel goods or thing shall be dealt with as if no claim had been made, and, after the lapse of the period in that behalf provided, shall be deemed to be condemned.

Things seized to be deemed condemned, if not claimed within a certain time.

110. All vessels, vehicles, goods, andother things seized as forfeited under this Act or any other law relating to Customs, or to trade or navigation, shall be placed in the custody of the nearest Collector, and secured by him, or if seized by any officer in charge of a revenue vessel, shall be retained on board thereof until her arrival into port, and shall be deemed and taken to be condemned, without suit, information or proceedings of any kind, and may be sold, and the proceeds of the sale may be dealt with accordingly, unless the person from whom they were seized, or the owner thereof do, or some person on his behalt, within one month from the day of seizure, give notice in writing to the seizing officer or other chief officer of the Customs at the nearest port, that he claims or intends to claim the same; and the burden of proof that such notice was duly given in any case shall always lie upon such owner:

Notice of claim required.

They may be delivered to the owner upon due security being given.

2. But any Collector of Customs may, as may also any Judge having competent jurisdiction to try and determine the seizure, with the consent of the collector at the place where the seized articles are secured, order the delivery thereof to the owner, on the deposit with him in money of a sum at least equal to the full value (to be determined by the Collector) of the goods seized and the estimated costs of the prosecutor in the case, or on receiving security by bond with two sufficient sureties, to be first approved by such Collector to pay double the value and costs in case of condemnation, which bond shall be taken to Her Majesty's use in the Collector's name, and shall be delivered to and kept by such Collector; And in case such seized articles are condemned, the value thereof and costs shall be forthwith paid to the Collector and the bond cancelled, otherwise the money deposited shall be forfeited or the penalty of such bond shall be enforced and recovered, as the case may be.

Conditions of the bond.

Enforcing bond.

Cattle and perishable articles seized may be sold as if condemned.

111. In case of the seizure of any horse or other cattle or animal, or of any perishable article, the Collector of the port at which the same has been secured as aforesaid, may sell the same within such delay as to prevent its becoming deteriorated in value, or a part of the value consumed, by reason of the expense of keeping or the decay of the same, as if it had been condemned,—and may keep in his hands the proceeds of such sale until the

Proceeds restored if the

same has been condemned, or deemed to be condemned, or ordered to be restored to any claimant, in which last mentioned case, the Court before which the claim is heard shall order the Collector to pay over to the claimant the proceeds of such sale in lieu of awarding restitution. seizure be declared null.

2. Nevertheless, the Collector or principal officer of Customs shall deliver up to any claimant any horse, or other cattle or animal, or perishable article seized as aforesaid, upon such claimant depositing in the hands of the Collector or principal officer such sum of money as will represent the full value thereof, or giving security to the satisfaction of such Collector or principal officer, that the value of such seizure and all costs shall be paid to the use of Her Majesty, if such article be condemned. Such cattle or article may be delivered to the owner on security being given.

112. All sales of goods forfeited or otherwise liable to be sold by any officer of the Customs under this Act shall be by public auction, and after a reasonable public notice, and subject to such further regulations as may be made by the Governor in Council; but in any case, the Minister of Customs may order vessels, goods or things forfeited to be disposed of as he may see fit instead of being sold by public auction. Sales to be by public auction.

113. The forfeiture and penalty, after deducting the expenses of prosecution, shall, unless it be otherwise provided, belong to Her Majesty for the public uses of the Dominion: Appropriation of penalty and forfeitures.

2. But the net proceeds of such penalty or forfeiture, or any portion thereof, may be divided between and paid to the Collector or chief officer of the Customs at the port or place where the seizure was made or the information given on which the prosecution was founded, and any person having given information or otherwise aiding in effecting the condemnation of the goods, vessel or thing seized, or the recovery of the penalty, in such proportions as the Governor in Council may in any case or class of cases direct and appoint; But nothing herein contained shall be construed to limit or affect any power vested in the Governor in Council, or the Minister of Customs, with regard to the remission of penalties or forfeitures by this Act or any other law. Distribution of the proceeds and penalties and forfeitures. Power to remit penalty.

114 All actions or suits for the recovery of any of the penalties or forfeitures imposed by this Act, or any other law relating to the Customs, may be commenced or prosecuted at any time within three years after the offence committed by reason whereof such penalty or forfeiture was incurred, but not afterwards, and the goods or thing forfeited shall be liable to seizure during the same period. Limitation of time for bringing suits for penalties, &c.

115. An appeal shall lie from the conviction by any Justice or Justices of the Peace under this Act, in the manner provided by law from convictions in cases of summary conviction, in that Province in which the conviction was Appeals from convictions before Justices of the Peace.

had, on the appellant furnishing security by bond or recognizance with two sureties to the satisfaction of such convicting Justices, to abide the event of such appeal :

And from County and Circuit Courts.

2. And an appeal shall also lie from the County Courts and Circuit Court, and from decisions or judgments of the Superior Courts of Law respectively, in cases where the amount of the penalty or forfeiture is such that if a judgment for a like amount were given in any civil case, an appeal would lie, and such appeal shall be allowed and prosecuted on like conditions, and subject to like provisions as other appeals from the same Court, in matters of like amount ;

The Attorney-General or Collector, &c., appealing need not give security.

3. But if the appeal be brought by Her Majesty's Attorney General, or a Collector or officer of the Customs, it shall not be necessary for him to give any security on such appeal.

Restoration of goods, &c., not to be prevented by appeal, provided security be given.

116. In any case in which proceedings have been instituted in any Court against any vessel, goods or thing, for the recovery of any penalty or forfeiture under this Act or any law relating to the Customs, trade or navigation, the execution of any decision or judgment for restoring the vessel, goods or thing to the claimant thereof, pronounced by the Court in which the proceedings have been had, shall not be suspended by reason of any appeal prayed and allowed from such decision or judgment,—provided the party appellant gives sufficient security, to be approved of by the Court, to render and deliver the vessel, goods or thing concerning which such decision or judgment is pronounced or the full value thereof, (to be ascertained, either by agreement between the parties, or in case the said parties cannot agree, then by appraisement under the authority of the said Court) to the appellant, in case the decision or judgment so appealed from be reversed, and such vessel, goods or thing be ultimately condemned.

On the trial of the validity of any seizure no costs shall be recovered by plaintiff, if probable cause of seizure be certified.

117. If any information or suit is brought to trial, or determined on account of any seizure made under this Act or any law relating to the Customs, and a verdict is found or decision or judgment given for the claimant thereof, and the Judge or Court before whom the cause has been tried or brought, certifies on the record that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment, or other suit or prosecution on account of such seizure ;—And if any action, indictment, or other suit or prosecution is brought to trial against any person on account of his making or being concerned in the making of such seizure, wherein a verdict or judgment is given against the defendant, the plaintiff, if probable cause is certified as aforesaid on the record, shall not, besides the thing seized or the value thereof, be entitled to more than *twenty cents* damages nor to any costs of suit, nor shall the defendant in such prosecution in such case be fined more than *ten cents*.

Damages limited in actions arising out of seizure if probable cause for such seizure existed.

Minister of Customs may

118. If any goods, ship, or boat, be seized as forfeited, or detained as undervalued, the Minister of Customs may order

the same to be restored on such terms as he may direct; and if the owner accept the terms, he shall have no action on account of the seizure or detention, nor shall any proceedings be had for condemnation, and the terms may be enforced by or on behalf of the Crown. order restitution on terms which may be enforced.

119. Goods claimed to be exempt from duty under any Act relating to duties of Customs, shall, in the entry thereof, be described and set forth in the words by which they are described to be free in the Act or Schedule, and goods not answering such description shall be seized and forfeited; or if the Collector, under the circumstances, deems it expedient, he may detain the goods and report the case for the action of the Minister of Customs who may direct their seizure or release as he may deem expedient; and where goods in any case whatever are seized or detained as forfeited for any breach of the Customs Laws, it shall be lawful for the Minister of Customs to order the release of the same, on the payment of such penalty as he may impose, provided the owner of the goods give in writing his assent thereto. How goods claimed to be exempt from duty must be described for entry. Forfeiture for misdescription, &c.

PROTECTION OF OFFICERS.

120. No writ shall be sued out against, nor a copy of any process served upon any officer of the Customs or person employed for the prevention of smuggling as aforesaid, for any thing done in the exercise of his office, until one month after notice in writing has been delivered to him, or left at his usual place of abode, by the attorney or agent of the party who intends to sue out such writ or process, in which notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent;—And no evidence of any cause of such action shall be produced except of such as is contained in such notice,—and no verdict or judgment shall be given for the plaintiff, unless he proves on the trial, that such notice was given;—and in default of such proof, the defendant shall receive a verdict or judgment and costs. What notice of action for things done under this Act shall be given. what evidence only may be adduced on the trial. Costs.

121. Any such officer or person against whom an action is brought on account of any such seizure, or of anything done in the exercise of his office, may, within one month after such notice, tender amends to the party complaining or his agent, and plead such tender in bar to the action, together with other pleas; and if the Court or jury (as the case may be) find the amends sufficient, they shall give a judgment or verdict for the defendant; and in such case, or in case the plaintiff become non-suited, or discontinues his action, or judgment is given for the defendant upon demurrer or otherwise, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only; But the defendant, by leave of the Court in which the action is brought, may, at any time before issue joined, pay money into Court as in other actions. Officer may tender amends and plead such tender in bar. Costs to defendant if successful. Money may be paid into Court.

Action to be brought within a certain time, and at a certain place.

Costs.

122. Every such action must be brought within three months after the cause thereof, and laid and tried in the place or district where the facts were committed;—and the defendant may plead the general issue, and give the special matter in evidence; And if the plaintiff becomes non-suited or discontinues the action, or if upon a demurrer or otherwise, judgment is given against the plaintiff, the defendant shall recover costs, and have such remedy for the same as any defendant has in other cases where costs are given by law.

If probable cause be certified upon the record, the plaintiff's costs and damages limited.

123. If in any such action, the Court or Judge before whom the action is tried certifies upon the record that the defendant in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than *twenty cents* damages nor to any costs of suit, nor shall the person who made the seizure be liable to any civil or criminal suit or proceeding on account thereof.

ORDERS OF THE GOVERNOR IN COUNCIL.

Governor in Council may make regulations:

124. In addition to the purposes and matters hereinbefore or hereinafter mentioned,—the Governor in Council may from time to time, and in the manner hereinafter provided, make regulations for or relating to the following purposes and matters:

Slaughtering cattle or grinding grain in bond;

1. For the warehousing and bonding of such cattle and swine as may be slaughtered and cured, and of such wheat, maize and other grain as may be ground and packed, in bond, and of such sugar as may be refined in bond;

Branding and marking goods, tare;

2. For the branding and marking of all duty-paid, goods, and goods entered for exportation, and for regulating and declaring what allowances shall be made for tare on the gross weight of goods;

Coasting trade, and inland navigation.

3. For declaring what shall be coasting trade, or inland navigation, respectively, and how the same shall be regulated in any case or classes of cases, and for relaxing or dispensing with any of the requirements of this Act, as to vessels engaged in such trade, on any conditions which he may see fit to impose;

Ports of entry, &c.

Passing canals, &c.

4 For appointing places and ports of entry, and warehousing and bonding ports, and respecting goods and vessels passing the canals, and respecting the horses, vehicles and personal baggage of travellers coming into Canada or returning thereto, or passing through any portion thereof;

Exempting produce of grain or logs, grown in Canada, &c., from duty in certain cases;

5. For exempting from duty any flour or meal or other produce of any wheat or grain grown in and taken out of Canada into the United States to be ground, and brought back into Canada within two days after such wheat or grain has been so taken out to be ground,—or any boards, planks or scantling the produce of any logs or timber grown in and taken out of Canada into United States to be sawn, and

brought back into Canada within seven days after such logs or timber were so taken out to be sawn ;

6. For regulating the quantity to be so taken out or brought in at any one time by any party, and the mode in which the claim to exemption shall be established and proved ; Quantity so exempted ;

7. For authorizing the appointment of warehouses, and regulating the security which shall be taken from warehouse keepers, the forms and conditions subject to which goods are to be warehoused, the mode of keeping goods in warehouse, the allowance for natural waste or accidental deficiency, and the amount of warehouse rent or license fees ; Warehousing;

8. For extending upon application, and if he sees fit, and either by general regulation or by special order, the time for clearing warehoused goods, and for the transport of goods in bond from one port or place to another ; Extending time for clearing warehouse goods ;

9. For regulating the form in which transfers of goods in warehouse or bond from one party to another shall be entered ; rTansfers of goods in bond ;

10. For exempting goods from duty as being the growth, produce or manufacture of Newfoundland, if such exemption be provided for by any Act relating to Customs, and for regulating the mode of proving such exemption. Exemption from duty of goods from Newfoundland.

11. For transferring to the list of goods which may be imported into Canada free of duty, any or all articles (whether natural products or products of manufactures) used as materials in Canadian manufactures ; and any such materials mentioned in such Order in Council, shall be free of duties of Customs from the time therein appointed for that purpose ; Materials used in Canadian manufactures may be transferred to free list.

12. For appointing the manner in which the proceeds of penalties and forfeitures shall be distributed ; Distribution of penalties ;

13. For authorizing the taking of such bonds and security as he deems advisable for the performance of any condition on which any remission or part remission of duty, indulgence or permission is granted to any party, or of any other condition made with such party, in any matter relating to the Customs or to trade or navigation ;—And such bonds, and all bonds taken with the sanction of the Minister of Customs expressed either by General Regulation or by Special Order, shall be valid in law, and upon breach of any of the conditions thereof, may be sued and proceeded upon in like manner as any other bond entered into under this Act or any other law relating to the Customs ; Taking of bonds ; Bonds taken with sanction of Minister of Customs to be void.

14. And whereas it frequently happens that goods are conveyed directly through the Canadian Canals, or otherwise by land or inland navigation, from one part of the frontier line between the Dominion of Canada and the Recital of case.

United States to another, without any intention of unlading such goods in Canada, and that travellers in like manner, pass through a portion of Canada, or come into it with their carriages, horses or other cattle drawing the same, and personal baggage, with the intention of forthwith returning to the United States, or having gone to the United States from Canada, return to it with such articles,—and, though the bringing of such goods and other articles into Canada is strictly an importation thereof, it may nevertheless be inexpedient that duties should be levied thereon ;

Governor in Council may make regulations as to the passing of goods through the Canadian canals, &c.

With regard to all such cases as aforesaid, the Governor in Council may, from time to time and as occasion may require, make such regulations as to him seem meet, and may direct under what circumstances such duty shall be or shall not be paid, and on what conditions it shall be remitted or returned, and may cause such bonds or other security to be given, or such precautions to be taken at the expense of the importer (whether by placing Officers of the Customs on board any such vessel or carriage or otherwise) as to him seem meet ; and on the refusal of the importer to comply with the regulations to be so made, the duty on the goods so imported shall forthwith become payable ;—And all and every horse and carriage, vehicle or goods of any kind, brought into Canada by any traveller, exempted from duty under such regulation or otherwise, shall, if sold or offered for sale in Canada, provided the duties thereon have not been previously paid, be held to have been illegally imported, and shall be forfeited, together with the harness or tackle employed therewith or in the conveyance thereof

Forfeiture for contravention.

Other purposes.

15. For any other purpose for which by this Act or any other law relating to the Customs or to trade and navigation, the Governor in Council is empowered to make orders or regulations ;—it being hereby declared competent for him (if he deems it expedient) to make general regulations in any matter in which he may make a special order, and any such general regulation shall apply to each particular case within the extent and meaning thereof, as fully and effectually as if the same referred directly to each particular case within the intent and meaning thereof, and the officers, functionaries and parties had been specially named therein.

General regulations to have the effect of special orders in cases to which they apply.

Governor in Council may prohibit the exportation, &c., of certain goods.

125. The Governor in Council may, by proclamation or Order in Council, at any time, and from time to time, prohibit the exportation or the carrying coastwise or by inland navigation, of the following goods ;—Arms, ammunition and gunpowder, military and naval stores, and any articles which the Governor in Council shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions or any sort of victual which may be used as food by man ; and if any goods so prohibited be exported, carried coastwise, or by inland navigation, or waterborne or laden in any railway carriage or other vehicle, for the purpose of being so exported or carried, they shall be forfeited.

Fees on vessels navigating without coasting license, on entering certain Ports.

125. 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.

Proviso: Readjustment of fees

Proviso: Vessels not breaking bulk

Regulations by Governor in Council may require oaths, &c., or substitute declarations.

127. In any regulation made by the Governor in Council, under this Act, any oath, affirmation or declaration may be prescribed and required which the Governor in Council deems necessary to protect the Revenue against fraud, and any person or officer may be authorized to administer the same; and by any such regulation, a declaration may be substituted for an oath or affirmation in any case where an oath or affimation is required by this Act.

Penalties and forfeitures for contravention o such regulations.

128. All goods shipped or unshipped, imported or exported, carried or conveyed, contrary to any regulation so made by the Governor in Council, and all goods or vehicles and all vessels under the value of four hundred dollars, with regard to which the requirements of any such regulation have not been complied with, shall be forfeited, and if such vessel be of or over the value of four hundred dollars, the master thereof shall by such non-compliance incur a penalty of *four hundred dollars*; And any such forfeitures and penalties shall be recoverable and may be enforced in the same manner, before the same Court and tribunal, as if incurred by the contravention of any direct provision of this Act.

How recoverable.

Mode of publication of regulations.

129. All general regulations made by the Governor in Council under this Act, shall have effect from and after the day on which the same have been published in the *Canada Gazette*, or from and after such later day as may be appointed for the purpose in such regulations, and during such time as shall be therein expressed, or if no time be expressed for that purpose, then until the same are revoked or altered;—And all such regulations may be revoked, varied or altered by any subsequent regulation:—And a copy of the *Canada Gazette* containing any such regulation shall be evidence of such regulation to all intents and purposes whatsoever.

Revocation.

How regulations may be proved.

Certain copies of Orders in Council to be evidence.

130. Any copy of an Order of the Governor in Council made in any special matter, and not being a general regulation, certified as a true copy of such order by the Clerk of the Queen's Privy Council for Canada or his Deputy, shall

be evidence of such Order to all intents and purposes whatsoever.

MISCELLANEOUS PROVISIONS.

Affirmation to be made instead of an oath in certain cases, &c.

131. In every case where the person required to take any oath under any Act or regulation relating to the Customs, is one of the persons entitled by law to take a solemn affirmation instead of an oath in civil cases, such person may instead of the oath hereby required make a solemn affirmation to the same effect ; and every person before whom any oath is by any such Act or regulation, required or allowed to be taken, or solemn affirmation to be made, shall have full power to administer the same ; and the wilfully making any false statement in any such oath, shall be perjury, and the wilfully making any false statement in any such solemn affirmation, shall be a misdemeanor punishable as perjury.

Punishment for false statements.

Time of importation, &c., defined ;

132. Whenever on the levying of any duty, or for any other purpose, it becomes necessary to determine the precise time of the importation or exportation of any goods, or of the arrival or departure of any vessel,—such importation, if made by sea, coastwise, or by inland navigation in any decked vessel, shall be deemed to have been completed from the time the vessel in which such goods were imported, came within the limits of the port at which they ought to be reported, and if made by land, or by inland navigation in any undecked vessel, then from the time such goods were brought within the limits of Canada ;—And the exportation of any goods shall be deemed to have been commenced from the time of the legal shipment of such goods for exportation, after due entry outwards, in any decked vessel, or from the time the goods were carried beyond the limits of Canada, if the exportation be by land or in any undecked vessel ;—And the time of the arrival of any vessel shall be deemed to be the time at which the report of such vessel was, is or ought to have been made, and the time of the departure of any vessel to be the time of the last clearance of such vessel on the voyage for which she departed.

And of exportation ;

And of arrival and departure of vessels.

Duties overpaid not returnable after three years, though wrongly paid.

133. Although any duty of Customs has been overpaid, or although after any duty of Customs has been charged and paid, it appears or is judicially established that the same was charged under an erroneous construction of the law, no such overcharge shall be returned after the expiration of three years from the date of such payment.

No refund of duties except in certain cases.

134. No refund of duty shall be allowed after the lapse of fourteen days from the time of entry, for any alleged misdescription of goods by the importer ; and should any error of the kind be discovered by the importer while unpacking his goods, he shall immediately and without further interference with the goods, report the facts to the collector in order that the same may be verified.

Drawback on duty—paid goods exported.

135. The Governor in Council may, under regulations to be made for that purpose, allow, on the exportation of goods which have been imported into Canada, and on which a

duty of customs has been paid, a drawback equal to the duty so paid ;—and in cases to be mentioned in such regulations, and subject to such provisions as may be therein made, such drawback may be allowed on duty paid goods manufactured or wrought in Canada, into goods exported therefrom as aforesaid ; and the period within which such drawback may be allowed, after the time the duty was paid shall be limited in such regulations.

Regulations to be made.

136. All bonds and securities, of what kind and nature soever, authorized to be taken by any law relating to Customs, trade or navigation, shall be taken by the Collector or principal officer of the Customs at the place where the same are to be taken, and to and for the use and benefit of Her Majesty ; And such bonds shall be taken before the delivery of any goods, vessel, carriage or vehicle, horses or other cattle, of any kind or description whatsoever, and before the performance of any act or matter with regard to which the taking of any such bond or bonds is required.

By whom bonds shall be taken to Her Majesty's use.

To be given prior to the delivery, &c., of the goods.

137. All bonds, documents and papers necessary for the transaction of any business at the respective Custom Houses or places or ports of entry in Canada, shall be in such form as the Minister of Customs shall from time to time direct.

Forms of papers to be directed by M. of Customs and kept at Custom Houses.

138. Certificates and copies of official papers, certified under the hand and seal of any of the principal officers of the Customs in the United Kingdom, or of any Collector of Colonial Revenue in any of the British Possessions in America or the West Indies, or other British Possessions, or of any British Consul or Vice Consul in a foreign country, and certificates and copies of official papers made pursuant to this Act or any Act in force in Canada relating to the Customs or Revenue, shall be received as presumptive evidence in reference to any matter contained in this Act or any Act relating to the Customs, or on the trial of any suit in reference to any such matter.

Certain documents to be presumptive evidence.

139. Whenever any person makes any application to an officer of the Customs to transact any business on behalf of any other person, such officer may require the person so applying to produce a written authority from the person on whose behalf the application is made, and in default of the production of such authority, may refuse to transact such business ;—And any act or thing done or performed by such agent, shall be binding upon the person by or on behalf of whom the same is done or performed, to all intents and purposes, as fully as if the act or thing had been done or performed by the principal.

Person applying to transact business on behalf of another, to produce written authority.

Any thing done by such agent to be binding.

140. Any attorney and agent duly thereunto authorized by a written instrument, which he shall deliver to and leave with the Collector, may in his said quality validly make any entry, or execute any bond or other instrument required by this Act, and shall thereby bind his principal as effectually as if such principal had himself made such entry or executed such bond or other instrument, and may take the oath

Such agent may execute any bond or agreement, thereby binding his principal.

Instrument appointing such agent shall be valid if in form of schedule

hereby required of a consignee or agent, if he be cognizant of the facts therein averred;--And any instrument appointing such attorney and agent shall be valid if in the form in the Schedule hereunto annexed, or in any form of words to the like effect.

Any partner may execute bond, &c., without mentioning the names of the other members, &c.

141 Any partner in any unincorporated company, association or co-partnership of persons, or their attorney and agent authorized as aforesaid, may, under the name and style usually taken by such company, association or co-partnership, make any entry or execute any bond or other instrument required by this Act, without mentioning the name or names of any of the members or of the other members of the company or association or partnership, and such entry, bond or instrument shall nevertheless bind them as fully and effectually, and shall have the same effect in all respects as if the name of every such member or partner had been therein mentioned and he had signed the same, and (if it be a bond or other instrument under seal) as if he had thereunto affixed his seal and had delivered the same as his act and deed; and the seal thereunto affixed shall be held to be the seal of each and every such member or partner as aforesaid; And the provisions of this section shall apply to any instrument by which any company, association or partnership of persons appoint an attorney or agent to act for them under the next preceding section; Provided always, that the person who under this section makes any entry or executes any bond or instrument on behalf of any company, association or partnership, shall, under the name and style usually taken by them, write his own name with the word "by" or the words "by their Attorney," (*as the case may be*) thereunto prefixed.

Seals.

Proviso: form of signature.

Acts repealed: 31 V. c. 6, and any other enactment inconsistent with this Act, &c.

142. Subject to the provisions hereinafter made, the Act passed in the thirty-first year of Her Majesty's reign, chaptered six, intituled "*An Act respecting the Customs*"; and every enactment or provision in any other Act or law in force before the coming into force of this Act, inconsistent with this Act, or making any provision for any matter provided for by this Act, are hereby repealed, except in so far as the said Acts or enactments or any of them repeal any former Act or enactment (which shall remain repealed), and except in so far as relates to any duty accrued, and bond given, any right acquired, or any penalty, forfeiture or liability incurred under the said Acts or enactments or any of them, or any offence committed against them or any of them, before the coming into force of this Act,--nor shall this repeal extend to any duty of Customs imposed, or any exemption or prohibition contained in any such Act, which shall, after the coming into force of this Act, be levied, allowed and enforced under the provisions thereof, unless and until it be otherwise provided by Act of the Parliament of Canada.

Effect of repeal limited.

SCHEDULE.—FORMS.

DECLARATION OF THE OWNER, CONSIGNEE, OR IMPORTER WITH THE BILL OF ENTRY.

I, the undersigned, , hereby solemnly declare that the within Bill of Entry contains a true account of the goods imported in the , whereof is Master, (*or* by the railway), (*or, as the case may be*) from , and whereof I (*or, as the case may be*)—am (*or* is or are) the owner (importer *or* consignee) that the invoice herewith produced is the true and only invoice I (*or, as the case may be*) have (*or* has) received or expect or expects to receive of the said goods, and that the prices of the goods, as mentioned in the Invoice, exhibit the actual cost (*or* the fair market value) of the said goods at the time and place of exportation, and that no discounts for cash are made in the said invoice prices.

Signed at , on the day of 18 , in presence of *

* To be signed in the presence of the Collector, or of the Attorney or Agent making the entry, or of a Justice of the Peace or a Consul.

OATH OR AFFIRMATION OF AN OWNER, CONSIGNEE OR IMPORTER OR HIS AGENT.

Dominion of Canada,
Port of

I, , do solemnly and truly swear (*or* affirm) that I (*or as the case may be*) am (*or* that the firm of of which I am a partner) is the owner (consignee or importer) of the goods mentioned in the Invoice now produced by me, and hereunto annexed and signed by me, and that such Invoice is the true and only Invoice received by me (*or* us) or which I (*or* we) expect to receive, of all the goods imported in the , whereof is Master, from , for account of me (*or as the case may be*) ; that nothing has been on my part, nor to my knowledge on the part of any other person, done, concealed or suppressed, whereby *Her* Majesty the *Queen* may be defrauded of any part of the duty lawfully due on the said goods ; and I do further solemnly and truly swear (*or* affirm) that the Invoice now produced by me exhibits to my personal knowledge the actual cost (*or* fair market value) of the said goods, at the time when the same were thence exported to Canada, in the markets in , without any deduction or discount for cash or otherwise howsoever : So help me God.

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

Collector.
(*or as the case may be*).

OATH OR AFFIRMATION OF AN AGENT OF THE OWNER, CONSIGNEE OR IMPORTER.

Dominion of Canada,
Port of

I, , do solemnly and truly swear (*or* affirm) that I am the authorized agent of (*as the case may be*), and that I have the means of knowing, and do know, that the Invoice now presented by me to the Collector of Customs for the Port of , is the true and only Invoice by him (*or* them) received of all the goods imported in the , whereof is Master, from , for his (*or* their) account ; that nothing has been on my part, nor, to my knowledge, on the part of any other person, done, concealed or suppressed, whereby *Her* Majesty the *Queen* may be defrauded of any part of the duty lawfully due on the said goods ; and I do further solemnly and truly swear (*or* affirm) that, to the best of my knowledge and belief, the said is (*or* are) the owner (*or* owners) of the goods, mentioned in the said Bill of Entry hereunto annexed, as therein respectively stated, and that the Invoice now produced by me exhibits the actual cost (*or* fair market value) of the said goods at the time when the same were thence exported to Canada, in the markets in of the said goods, without any deduction or discount for cash or otherwise howsoever : So help me God

Sworn (*or* affirmed) before me this day of 18 .

Collector.
(*as the case may be.*)

OATH OR AFFIRMATION OF AN OWNER, CONSIGNEE OR IMPORTER OR AGENT, ON ENTERING MERCHANDIZE WITHOUT INVOICE.

Dominion of Canada,
Port of

I, do solemnly and truly swear (*or* affirm) that the Bill of Entry now delivered by me to the Collector of Customs for the Port of , contains a just and true account of all the goods imported for me or on my account, or on account of , for whom I am authorized to enter the same in the , whereof is Master, from ; that the Bill of Lading now produced by me is the true, genuine and only Bill of Lading by me received of the said goods; and that I have not received and do not know of any invoice or other account whatever having been received of the said goods; I do

further swear (*or* affirm) that if I hereafter discover any other or greater quantity of goods than is contained in the entry aforesaid, or receive or obtain a knowledge of any Invoice of the whole or any part thereof, I will immediately report the same to the Collector of this Port; I also swear (*or* affirm) that nothing has been concealed or suppressed in the entry aforesaid whereby to avoid the just payment of the duties imposed by the laws of the Dominion of Canada: and that all matters are justly and truly expressed therein to the best of my knowledge and belief: So help me God.

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

Collector
(*or as the case may be*).

The wording of any of these oaths or affirmations may be changed to suit the circumstances of the case, and the provisions of the law; and the oath or affirmation will be sufficient, provided the requisite facts are distinctly stated and sworn to or affirmed.

All the foregoing forms in this Schedule may be altered, or new forms substituted under Section —.

APPOINTMENT OF AN ATTORNEY OR AGENT.

Dominion of Canada.

Know all men by these presents, that I, *or* we (*A. B. & Co.*), have appointed and do hereby appoint *C. D.*, of (*residence, profession, etc.*), to be my (*or* our) true and lawful Attorney and Agent, for me (*or* us) and in my (*or* our) name to transact all business which I (*or* we) may have with the Collector at the Port of , or relating to the Department of the Customs at the said Port, and to execute, sign, seal and deliver for me (*or* us) and in my (*or* our) name, all bonds, entries and other instruments in writing relating to any such business as aforesaid, hereby ratifying and confirming all that my (*or* our) said Attorney and Agent shall do in the behalf aforesaid.

In witness whereof, I (*or* we) have signed these presents, and sealed and delivered the same as my (*or* our) act and deed, at , in the said Dominion, this day of , one thousand eight hundred and

A. B. & Co. [LS]

By
one of the partners in the said firm.
(*or as the case may be.*)

In presence of E. F.
and G. H.

OATH OF THE MASTER OF A VESSEL REPORTED INWARDS.

I, , master of the ship or vessel called the , of tons measurement or thereabouts, last cleared from the port of , do solemnly swear that since the said vessel was so cleared, I have not broken bulk, nor has any part of her cargo been discharged or landed, or moved from the said vessel; and I do further swear that the manifest now exhibited by me and hereto annexed, doth, to the best of my knowledge and belief, contain a full, true and correct account of all the goods, wares and merchandize laden on board such vessel at the said port of or at any other port or place during her present voyage: So help me God.

Sworn to at , this day of 18 , before me,

Collector. *Master*

No. 19.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend, and to consolidate, as amended, the Acts respecting the Customs.

Received and read first time, Tuesday, 13th March, 1877.

Second reading, Thursday, 15th March, 1877.

Mr. BURPEE.
(St. Johns, N.B.)

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 20] **BILL.** [1877.

An Act to amend the Act intituled "An Act to incorporate the London and Ontario Investment Company, (Limited)."

Preamble.

WHEREAS the London and Ontario Investment Company (Limited) have petitioned for an Act to amend the Act passed in the thirty-ninth year of Her Majesty's reign, chapter sixty-two, intituled "An Act to incorporate the London and Ontario InvestmentCompany, (Limited)," and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

39 V. c. 62.

S. 4 amended. Rate of interest.

1. So much of the fourth section of the said Act as is contained in the words "not exceeding eight per centum per annum as shall be lawful or may be lawfully taken, received, reserved or exacted, either by individuals or by corporate bodies in the place where the contract for the same shall be made and be executory," is hereby repealed.

S. 5 amended. Borrowing powers.

2. So much of the fifth section of the said Act as is contained in the words following, namely, "provided that the total amount of sums to be borrowed as aforesaid shall never exceed the amount of the subscribed capital paid up, and thirty-three and one third per cent. added thereto," is hereby repealed; and in lieu thereof, it is enacted that the total amount of sums to be borrowed, as mentioned in the said fifth section of the said Act, shall never exceed the amount of the capital subscribed, and upon which twenty per cent. has been paid up.

Debentures, how payable and recoverable.

3. Debentures and bonds of the said Company may be made payable to bearer, and transferable by delivery; and any holder or assignee of any mortgage, debenture or bond of the said Company may sue thereon in his own name, and any such mortgage, bond or debenture and interest coupons thereof may be payable in sterling or otherwise, and at any such place as the Company shall think proper.

Loans on stocks and securities.

4. In addition to the powers conferred upon the said Company by the said Act, the said Company are hereby authorized and empowered to make loans upon the security of stocks and other securities of banks, stocks, bonds, and other securities of incorporated companies, and bonds and debentures of municipal corporations.

Local Boards of Directors in the United Kingdom.

5. The said Company may appoint a local board of Directors in any city or town in England, Scotland or Ireland where they have an office; the number of Directors constituting any such Local Board, their mode of appointment, and powers to be fixed by the by-laws of the Company; and any by-law passed for such purpose shall not be altered or repealed excepting by a vote of two-thirds of the votes of the members present or represented by proxy at any special meeting to be called for such purpose, nor unless the notice calling such meeting be published once a week for four weeks in a daily newspaper published in each city or town in England, Scotland and Ireland where the Company shall have an office.

No. 20.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Act passed in the thirty-ninth year of Her Majesty's reign, chapter sixty-two, intituled, "An Act to incorporate the London and Ontario Investment Company, (Limited)."

Received and read first time, Wednesday, 21st February, 1877.

Second reading, Friday, 23rd February, 1877.

(PRIVATE BILL.)

MR. MACDONALD,
(Toronto.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 20.] **BILL.** [1877.

An Act to amend the Act intituled "An Act to incorporate the London and Ontario Investment Company, (Limited)"

(*Reprinted as proposed to be amended.*)

Preamble.

WHEREAS the London and Ontario Investment Company (Limited) have petitioned for an Act to amend the Act passed in the thirty-ninth year of Her Majesty's reign, chapter sixty-two, intituled "An Act to incorporate the London and Ontario InvestmentCompany, (Limited)," and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

30 V. c. 62.

S. 4 amended. Rate of interest.

1. So much of the *fourth section* of the said Act as is contained in the words "not exceeding eight per centum per annum as shall be lawful or may be lawfully taken, received, reserved or exacted, either by individuals or by corporate bodies in the place where the contract for the same shall be made and be executory," is hereby repealed.

S. 5 amended. Borrowing powers.

2. So much of the *fifth section* of the said Act as is contained in the words following, namely, "provided that the total amount of sums to be borrowed as aforesaid shall never exceed the amount of the subscribed capital paid up, and thirty-three and one third per cent. added thereto," is hereby repealed; and in lieu thereof, it is enacted that the total amount of sums to be borrowed, as mentioned in the said fifth section of the said Act, shall never exceed the amount of the capital subscribed, and upon which twenty per cent. has been paid up.

Debentures, how payable and recoverable.

3. Debentures and bonds of the said Company may be made payable to bearer, and transferable by delivery; and any holder or assignee of any mortgage, debenture or bond of the said Company may sue thereon in his own name, and any such mortgage, bond or debenture and interest coupons thereof may be payable in sterling or otherwise, and at any such place as the Company shall think proper.

Loans on stocks and securities.

4. In addition to the powers conferred upon the said Company by the said Act, the said Company are hereby authorized and empowered to make loans upon the security of bonds and debentures of any municipal or other corporations.

Local Boards of Directors in the United Kingdom.

5. The said Company may appoint a local board of Directors in any city or town in England, Scotland or Ireland where they have an office; the number of Directors constituting any such Local Board, their mode of appointment, and powers to be fixed by the by-laws of the Company; and any by-law passed for such purpose shall not be altered or repealed excepting by a vote of two-thirds of the votes of the members present or represented by proxy at any special meeting to be called for such purpose, nor unless the notice calling such meeting be published once a week for four weeks in a daily newspaper published in each city or town in England, Scotland and Ireland where the Company shall have an office.

6. The said Company may purchase mortgages and other securities of the kinds in or upon which they are hereby or by the said Act empowered to invest, from any other Investment, Loan or Building Company or Society, and any and every such Investment, Loan or Building Company or Society is hereby empowered to sell and transfer such mortgages and other securities to the said Company; Provided that no such Investment, Loan or Building Company or Society shall sell and transfer such mortgages and other securities unless and until a general meeting of the shareholders of such Company or Society shall have been held and a resolution to that effect has been passed by a majority of two-thirds of the shareholders present or represented by proxy thereat.

7. The fourth section of the said Act is hereby amended by striking out the word "or" between the words "real estate" and the words "freehold or leasehold" in the said section.

8. The twenty-first section of the said Act is hereby amended by adding thereto "and the Company shall also keep in a book or books a register of all debentures issued by the Company, and therein shall be fairly and distinctly entered the amount of each such debenture, the time when and the place where the same is payable and the rate of interest payable thereon, with such other particulars as the Directors may from time to time deem necessary."

No. 20.

4th Session, 3rd Parliament, 40 Vic

B I L L.

An Act to amend the Act pas
thirty-ninth year of Her
reign, chapter thirty-two,
"An Act to incorporate th
and Ontario Investment
(Limited.)"

(Reprinted as proposed to be

(PRIVATE BILL.)

Mr. MACDONA

O T T A W A:
Printed by MacLean, Roger & Co., Wel
1877.

No. 21.] **BILL.** [1877.

An Act to amend the Act thirty-seventh Victoria, chapter fifty, respecting Permanent Building Societies in Ontario.

Preamble. 37 V., c 50.

IN amendment of the Act passed in the thirty-seventh year of Her Majesty's reign, intituled "*An Act to make further provision for the management of Permanent Building Societies carrying on business in the Province of Ontario*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Governor in Council may authorize change of name.

1. Where any such Society as mentioned in the said Act, thirty-seventh Victoria, chapter fifty, is desirous of changing its name, the Governor General, upon being satisfied that the change desired is not for any improper purpose and is not otherwise objectionable, may by order in Council, change the name of the Society to some other name set forth in the said order.

Notice to be given.

Power of Governor.

2. The Society shall give at least four weeks' previous notice in the *Canada Gazette* of the intention to apply for the change of name and shall state the name proposed to be adopted; in case the proposed name be considered objectionable the Governor in Council may, if he think fit, change the name of the Society to some other unobjectionable name without requiring any further notice to be given.

How such change of name shall be proved.

Clerk to indorse certificate on declaration.

Fees for so doing.

3. Such change shall be conclusively established by the insertion in the *Canada Gazette* of a notice thereof by the Secretary of State, and his certificate of such change having been made shall be obtained by the Society, and filed in the office of the Clerk of the Peace of the County with whom is filed the Declaration constituting such Society; the Clerk shall, upon payment by the Society of a fee of *one dollar* therefor, endorse a copy of such certificate upon the said Declaration: the Society shall (under a penalty of *two hundred dollars* in case of default) within one month after the insertion of the said notice cause the said certificate to be filed, and require the said endorsement to be made as aforesaid.

Fees for change of name.

4. The Governor in Council may establish the fees to be paid on application for change of name under this Act.

No. 21.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL

An Act to amend the Act 37 Victoria, Cap. 50, respecting Permanent Building Societies in Ontario.

Received and read first time, Wednesday, 21st February, 1877.

Second reading, Friday, 23rd Feb., 1877.

Mr. HALL.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 22.] **BILL.** [1877.

An Act to incorporate the "Dominion Grange of the Patrons of Husbandry" of Canada.

WHEREAS certain persons have associated themselves together for some time past, under the name of "The Dominion Grange of the Patrons of Husbandry," having for their object the social, intellectual and financial improvement, advancement and welfare of the members thereof, and have represented that their Association would be more efficient in its operation, should an Act of incorporation, conferring certain powers on them and their successors, be granted, and have accordingly prayed for an Act of incorporation, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. Squire W. Hill, William Pemberton Page, James Daly, Alfred Gifford, Amos J. Hughes, William Cole, Charles Drury, Stephen White, Eli Hambleton Hilborn, Levi R. Whitman, Charles McGibbon, James Manning, John Perkins Bull, and John A. Dickson, and the other present members of the said Grange, and all other persons who may become members of the Corporation hereby created shall be, and the same are hereby constituted a body politic and corporate under the name of "The Dominion Grange of the Patrons of Husbandry," for the purposes hereinafter mentioned; and by that name may sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in all courts of law or equity, and they or their successors, by their corporate name, shall have power to take, receive, hold and enjoy any estate or property whatsoever, real or personal, or alienate, sell, convey, lease, or otherwise dispose of the same, or any part thereof, from time to time as they or their successors may see fit, and other estate and property, real or personal, to acquire instead thereof; and the said Corporation for the time being, shall have full power and authority to make and establish rules regulations and by-laws, in no respect inconsistent with this Act, nor with the laws then in force in the Dominion of Canada, as they may deem expedient and necessary for the interests of the said Corporation, and for the admission of members thereof, and the same, as also such by-laws and regulations of the said Grange as may be in force at the passing of this Act, to amend and repeal from time to time, in whole or in part; and the rules, regulations and by-laws now established for the management of the said Dominion Grange shall be, and continue to be the rules, regulations and by-laws of the said Corporation, until altered or repealed in the manner prescribed by this Act. Certain persons incorporated. Corporate name and powers. By-laws.

2. All the funds and revenues of the said Corporation from whatever source they may be derived, shall be devoted Application of funds.

to the maintenance and carrying out of the objects for which the said Corporation is constituted, according to the true intent and meaning of this Act, as the Corporation may decide.

Subordinate Granges.

3. The said Corporation shall have full power and authority under its corporate seal, to grant charters or warrants of incorporation to subordinate and Division Granges, by name, number and place of location, by which they are or may be designated in the said Corporation, and to revoke the said Charters according to the established rules of the Corporation; and each such subordinate or Division Grange on becoming so incorporated shall have all the powers and privileges conferred upon the Dominion Grange by this Act, as to the holding and management of real and personal estate, making by-laws, and other matters.

Board of directors.

4. The affairs and business of the said Dominion Grange shall be managed by a Board of Directors composed of the officers of the Corporation, consisting of a Master, Secretary and an Executive Committee of five members of the Corporation.

Provisional directors.

5. Until others are elected, according to the by-laws of the Corporation, the present officers of the said Dominion Grange shall be the officers of the Corporation, that is to say, the said Squire W. Hill, shall be Worthy Master; the said William Pemberton Page shall be Secretary; the said James Daly, Alfred Gifford, Amos J. Hughes, William Cole and Charles Drury shall be the Executive Committee.

Annual general meetings.

6. The general meetings shall be held once in every year at such time and place as the said Dominion Grange may, from year to year, determine at their annual meetings; but, should the Dominion Grange fail or neglect at any of the annual meetings to appoint the time and place for their next ensuing annual meeting, the said Board of Directors or Executive Committee shall appoint such time and place, and the Secretary of such Dominion Grange shall, at least thirty days before such annual meeting, notify the Secretary of each Division Grange of such annual meeting.

Recovery of dues and withdrawal of members.

7. All subscriptions and penalties due to the Corporation under any by-law may be recovered in any court of competent jurisdiction, but any member may withdraw from the said Association at any time, on payment of all amounts due by him to the Corporation, inclusive of his subscription for the year then current, after which he shall have no claim or demand of any kind against the Corporation.

Returns to be made when required.

8. The Corporation shall at all times, when required so to do by the Governor or the Parliament of Canada, make a full return of all their property, real and personal, and of their receipts and expenditures for such period, and with such details and other information as the Governor or as Parliament may require.

No. 22.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to incorporate the "Dominion Grange of the Patrons of Husbandry" of Canada.

Received and read first time, Wednesday, 21st February, 1877.

Second reading, Friday, 23rd February, 1877.

(PRIVATE BILL.)

Mr. RYMAL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 23] **BILL.** [1877.]

An Act to extend to the Province of Prince Edward Island, certain of the Criminal Laws now in force in other Provinces of Canada.

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

1. The Acts of the Parliament of Canada passed in former Sessions of the said Parliament, and mentioned in the Schedule to this Act, are and each of them is hereby extended to and shall have force and effect of law within the Province of Prince Edward Island, save and except so far only as any provision of any such Act may be therein declared to be applicable to one or more only of the Provinces composing the Dominion at the time of the passing of such Act and mentioned therein. Acts in the Schedule extended to Prince Edward Island.

2. In case any of the said Acts, or any enactment or provision therein, has force and effect in relation to one of the Provinces comprising the Dominion at the time of its passing, in a sense peculiar to that Province and different from the sense in which it has force and effect in relation to all the said Provinces as a whole, such Act, enactment or provision shall have force and effect within and relation to the said Province of Prince Edward Island, in the last mentioned sense only. Such Acts to have effect in Prince Edward Island as in all the Provinces of Canada as a whole.

3. Nothing in this Act shall be construed as a declaration that any of the said Acts or any part thereof, had not, or has not or would not have without the passing of this Act, force or effect in or in relation to the Province of Prince Edward Island. As to effect of the passing of this Act.

4. Nothing in this Act shall be construed to give a retro active effect to any of the Acts hereby extended to the said Province, or to any enactment or provision therein, so as to make any act done before it comes into force a crime or offence if it would not be so without this Act, or to alter the punishment for any crime or offence committed before it comes into force, but the trial for such crime or offence, and the procedure respecting it after the said time, shall be had or continued under the provisions of the Acts hereby extended in and by the Court, magistrate or tribunal, in or before which the case may be pending:—and the Supreme Court of the said Province, and other Courts, or magistrates and tribunals now existing or hereafter to be constituted by the Legislature of the said Province for the trial of treasons, Acts extended not to have a retroactive effect. Power of existing Courts to try offenders under the Acts extended.

felonies, or indictable or other offences respectively, shall have power to hear, try and determine treasons, felonies or indictable or other offences of the like classes respectively, under the Acts hereby extended to the said Province. Any Judge of the Supreme Court or County Court shall have power to order the admission of an accused party to bail under sections fifty-three and sixty-one of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's Reign, and intituled: "*An Act respecting the duties of Justices of the Peace, out of sessions, in relation to persons charged with indictable offences;*" and generally any power vested by any of the Acts hereby extended in any Court, magistrate or tribunal, may be exercised respectively by any Court, magistrate or tribunal of like name or kind in the said Province.

Who may bail offenders under 32-33 V., c. 30.

General powers of courts, &c.

5. In the absence of any Penitentiary building in the said Province, any common gaol or other place of confinement therein, shall be held to be a penitentiary for the confinement and reformation of persons, male or female, lawfully convicted of crime before any Court in the said Province, and sentenced to imprisonment for life or for a term of not less than two years, and such offender shall be imprisoned therein accordingly; Provided always, that whenever the building to be constructed for a joint Penitentiary of the Provinces of Nova Scotia, New Brunswick and Prince Edward Island shall be completed, and the Governor in Council shall have declared by proclamation to be published in the *Canada Gazette*, that such building and any tract of land (*within either of the said Provinces*) thereunto attached, shall upon, from and after a day named in such proclamation, be a penitentiary, the same shall from and after the said day be the Penitentiary for the said Province of Prince Edward Island (as well as for the other said Provinces) and offenders thereafter sentenced in the said Province to imprisonment for life or for a term of two years or more, shall be imprisoned and undergo their sentence therein, and the provisions of the Acts hereby extended or any of them respecting the conveyance of convicts from the place of conviction to the Penitentiary and their delivery to and reception by the Warden thereof, shall extend and apply to persons convicted in the said Province and liable to imprisonment in the said Penitentiary; and convicts imprisoned before the said day in any common gaol or place of confinement in the said Province, under sentence of imprisonment, whether under any Act hereby extended to the said Province or under any Act theretofore in force therein, for life or for a term of more than two years, and of which not less than two years shall then be unexpired, may under such provisions as aforesaid respecting their conveyance and such further orders as the Governor may make, be removed to the said Penitentiary and undergo the remainder of their respective sentences therein, or of the term to which they may have been commuted.

Provision in the absence of a Penitentiary in the Province.

As to convicts imprisoned before this Act comes into force.

6. Any appeal to the General or Quarter Sessions of the Peace, from any conviction by or order of a Justice of the

As to appeals under Acts extended.

the Peace, given by the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's Reign, and intituled: "*An Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders*, or by the Act amending it, passed in the thirty-third year of Her Majesty's reign, and intituled: "*An Act to amend the Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders*," shall in the said Province lie to the Supreme Court at the sitting thereof held next after the expiration of *twelve* days from the time when such conviction was had or such order made; the proceedings prior to the appeal being governed by the Act hereby extended to the said Province and first mentioned in this Section.

32-33 V., c. 31.

33 V., c. 27.

Returns of convictions, to whom to be made.

7. Any return of the convictions before any Justice or Justices of the Peace, required by the seventy-sixth section of the Act first-mentioned in the next preceeding section, to be made to the Clerk of the Peace or other proper officer, shall be made to the Clerk of the Court of Assize for the County, at and up to the *twelfth* day next before the sitting of the said Court next after such convictions respectively, and shall be dealt with by the said Clerk of Assize in the manner provided by the eightieth and eighty-first sections of the said Act.

Repeal of enactments in Provincial Acts inconsistent with those of Acts hereby extended.

8. So much of every law in force in the Province of Prince Edward Island at the time of the coming into force of this Act, as is inconsistent with or repugnant to any of the enactments or provisions of this Act, or of any Act hereby extended to the said Province, or makes any provision in any matter provided for by the said enactments or provisions is hereby repealed from and after the said time; but such repeal shall not affect the past operation of any such law, or the validity of anything already done, or of any judgment or order pronounced or made, or any right, title, obligation or liability then accrued, or any penalty, forfeiture or punishment incurred under such law before such repeal.

Proviso.

Commencement of Act.

9. This Act shall commence and take effect upon, from and after the first day of *April*, in the year of Our Lord, 1878.

SCHEDULE A.

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

Chapter.	TITLE.
	Acts passed in the First Session, 31st Victoria, 1867, 1868.
14	An Act to protect the inhabitants of Canada against lawless aggressions from subjects of foreign countries at peace with Her Majesty.
15	An Act to prevent the unlawful training of persons to the use of arms, and the practice of military evolutions, and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.
69	An Act for the better security of the Crown and of the Government. *As amended by* 32 33 *Vic*, *cap.* 17.
70	An Act respecting riots and riotous assemblies.
71	An Act respecting forgery, perjury and intimidation in connection with the Provincial Legislatures and their Acts.
72	An Act respecting Accessories to and Abettors in indictable offences.
73	An Act respecting the Police of Canada.
74	An Act respecting persons in custody charged with high treason or felony.
94	An Act respecting the Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain offenders. *As amended by* 33 *Vict.*, *cap.* 25.
	Acts passed in the Second Session, 32-33 Victoria, 1869.
17	An Act to remove doubts as to Legislation in Canada regarding offences not wholly committed within its limits.
18	An Act respecting offences relating to the Coin.
19	An Act respecting Forgery.
20	An Act respecting offences against the Person. *As amended by* 36 *Vic.*, *cap.* 50.
21	An Act respecting Larceny and other similar offences. *As amended by* 35 *Vic.*, *caps.* 33 *and* 35, *and* 38 *V.*, *c.* 40.
22	An Act respecting Malicious Injuries to Property. *As amended by* 35 *Vic.*, *cap.* 34.
23	An Act respecting Perjury. *As amended by* 33 *Vic.*, *cap.* 26.
24	An Act for the better preservation of the Peace in the vicinity Public Works. *As amended by* 33 *Vic.*, *cap.* 28, *and* 38 *Vic.*, *cap.* 38.
25	An Act respecting certain offences relative to Her Majesty's Army and Navy.
26	An Act for the better protection of Her Majesty's Military and Naval Stores.
27	An Act respecting Cruelty to Animals. *As amsnded by* 33 *Vic.*, *cap.* 29.
28	An Act respecting Vagrants. *As amended by* 37 *Vic.*, *cap.* 43.
29	An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law. *As amended by* 36 *Vict.*, *caps.* 3 *and* 51, *and* 39 *V.*, *c.* 36.
30	An Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences.
31	An Act respecting the duties of the Justices of the Peace out of Sessions in relation to summary convictions and orders. *As amended by* 33 *V.*, *c.* 27, *and* 36 *V.*, *c.* 58.
32	An Act respecting the prompt and summary administration of criminal justice in certain cases. *In applying this Act to Prince Edward Island, the expression "competent magistrate" shall be construed as meaning any two Justices of the Peace sitting together, as well as any functionary or tribunal having the powers of two Justices of the Peace, and the jurisdiction shall be absolute without the consent of the parties charged.*

Chapter.	TITLE.
33	An Act respecting the trial and punishment of juvenile offenders. *In applying this Act to Prince Edward Island, the expression "any two or more Justices," shall be construed as including any magistrate having the powers of two Justices of the Peace. This Act shall not apply to any offence punishable by imprisonment for two years and upwards, and it shall not be necessary that the recognizance be transmitted to any Clerk of the Peace.*
	Acts passed in the Third Session, 33rd Victoria, 1870.
25	An Act to amend the Act respecting the extradition of certain offenders to the United States of America.
26	An Act to amend the Act respecting Perjury.
27	An Act to amend the Act respecting the duties of Justices of the Peace out of Sessions in relation to Summary Convictions and Orders.
28	An Act to amend an Act for the better preservation of the Peace in the vicinity of public works.
29	An Act to amend an Act respecting Cruelty to Animals.
31	An Act for the better protection of the Clothing and Property of Seamen in Her Majesty's Navy.
	Acts passed in the Fifth Session, 35 Victoria, 1872.
	An Act to amend the Criminal Law relating to Violence, Threats and Molestation. *As amended by 38 Vic., c. 39, and 39 Vic., c. 37.*
32	An Act to amend the law relating to the Fraudulent Marking of Merchandize.
33	An Act for the avoidance of doubts respecting Larceny of Stamps.
34	An Act to correct a clerical error in the Act respecting Malicious Injuries to Property.
35	An Act to amend the law relating to Advertisements respecting Stolen Goods.
	Acts passed in the Sixth Session, 36 Victoria, 1873.
3	An Act to amend the Act respecting procedure in Criminal Cases.
50	An Act to amend the Act respecting Offences against the Person.
51	An Act further to amend the law respecting certain matters of procedure in Criminal Cases
58	An Act to amend the Acts for more effectually preventing the desertion of Seamen; and for other purposes. *The Second Section only.*
	Acts passed in the Seventh Session, 37 Victoria, 1874.
37	An Act for the suppression of Voluntary and Extra-judicial Oaths.
38	An Act respecting the crime of Libel.
43	An Act to amend an Act respecting Vagrants.
	Acts passed in the Eighth Session, 38 Victoria, 1875.
38	An Act to amend the Act for the better preservation of the Peace in the vicinity of Public Works.
39	An Act to amend the provisions of "An Act to amend the Criminal Law relating to Violence, Threats and Molestation."
40	An Act to amend the Act, intituled: "An Act respecting Larceny and other similar offences."
	Acts passed in the Ninth Session, 39 Victoria, 1876.
36	An Act respecting the attendance of Witnesses on Criminal Trials.
37	An Act to amend the Criminal Law relating to Violence, Threats and Molestation.
	Acts passed in the present Session, 40 Victoria, 1877.
	Any Act amending any of the Acts mentioned in this Schedule.

No. 23.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to extend to the Province of Prince Edward Island certain of the Criminal Laws now in force in other Provinces of Canada.

Received and read first time, Wednesday, 21st February, 1877.

Second reading, Thursday, 22nd Feb., 1877.

Mr. BLAKE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 24.] **BILL.** [1877.

An Act to amend the Act respecting Larceny and other similar offences.

FOR remedying an omission in the Act passed in the thirty-second and thirty-third years of Her Majesty's reign, intituled "*An Act respecting Larceny and other similar offences*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 32-33 V., c. 21.

1. The first section of the said Act is hereby amended by inserting in the clause defining the term "cattle," the word "sheep" after the word "swine." Word cattle how construed.

2. The word "cattle," wherever used in the Act passed in the said year, intituled "*An Act respecting Malicious Injuries to Property*," shall have the meaning assigned to it in the said "*Act respecting Larceny and other similar offences*," as amended by this Act. And in 32-33 V., c. 22.

No. 24.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Act respecting Larceny and other similar offences.

Received and read first time, Wednesday, 21st February, 1877.

Second reading, Thursday, 22nd Feby., 1877.

Mr. BLAKE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 25] **BILL.** [1877.

An Act to amend the Act incorporating the Canada Atlantic Cable Company.

WHEREAS the Canada Atlantic Cable Company have, by their petition, represented that, though they have been as yet unable to proceed with the undertaking authorized by their Act of incorporation, they have made arrangements enabling them to do so, provided the time allowed them be extended, and certain other amendments made, and have prayed for an Act extending the said period and amending the said Act, and it is expedient to grant the prayer of their petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Provisional Board of Directors created by the said Act is hereby reduced to seven, by omitting therefrom Sir Francis Hincks, Henry Labouchere, J Staniforth and Frederick Alers Hankey; but the said Provisional Board of Directors shall, however, have power to again increase the Board to a number not exceeding fifteen; and of the Provisional Directors of the said Company five shall form a quorum. Provisional Board reduced in number.

2. The said Company shall have power to connect the Atlantic cable and cables which are contemplated by the said Act, with the internal telegraphic system of the Dominion; and for that purpose may construct a line of telegraph connecting such cables with such system, either by means of submarine cables through the Gulf of St. Lawrence, or by means of land telegraph lines, or both; and for that purpose may acquire and hold property, and right of way throughout any portion of the Dominion of Canada which may be traversed by such connecting lines. Connection with land telegraph system.

3. For the purpose of acquiring such property and right of way, the said Company is hereby invested with all the powers and privileges conferred upon telegraph companies, by the Act of the late Province of Canada, being chapter sixty-seven of the Consolidated Statutes thereof, intituled "*An Act respecting Telegraph Companies.*" And the Company may make such arrangements with any Telegraph Company in the Dominion or in the United States of America, for working the internal line of telegraph, or for acquiring internal connections, as to the Directors thereof may seem expedient. Company may exercise certain powers for the purpose.

Capital stock and increase.

Borrowing powers.

4 The capital of the Company shall be one million pounds sterling, in shares of twenty pounds each, and such capital may be increased, in manner provided by the said Act, to the extent of, in all, one million five hundred thousand pounds sterling. And the borrowing powers of the said Company are hereby increased to such sum as shall not exceed the actual *bonâ fide* subscribed capital of the Company.

First meeting of the Company.

5. The first meeting of the said Company shall be held, either at the city of Montreal, in Canada, or at the city of London, in England, and the chief place of business of the Company shall be at the city of Montreal, subject, however, to be changed by the shareholders at any general meeting called for the purpose.

Number of Directors.

6. The Directors of the Company shall be fifteen in number, but the Company shall have power to reduce the same by by-law to any number not less than seven.

Time extended.

7. The time for commencing the works of the Company is hereby extended to three years, and for completing the same, to six years from the passing of this Act.

No. 25.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Act incorporating the Canada Atlantic Cable Company.

Received and read first time, Thursday, 22nd February, 1877.

Second reading, Monday, 26th Feb., 1877.

PRIVATE BILL.

Mr. THOMSON, (Welland.)

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 26] **BILL.** 1877.]

An Act to vest the property and powers of the Pickering Harbour and Road Joint Stock Company in Joseph Harris McClellan.

WHEREAS the Pickering Harbour and Road Joint Stock Company was incorporated by an Act of the late Province of Canada, passed in the sixteenth year of Her Majesty's reign, chaptered one hundred and forty-one, and intituled: "*An Act to incorporate the Pickering Harbour and Road Joint Stock Company;*" and whereas by an Act of the Legislature of the Province of Ontario passed in the thirty-fifth year of Her Majesty's reign, chaptered one hundred and after reciting as is therein recited, it was enacted that the four, said Pickering harbour and road and all the properties, rights, privileges and franchises belonging, appertaining, or attached thereto, and all tolls, rights, dues and claims belonging to, or that might be exercised by the said Pickering Harbour and Road Joint Stock Company, or by the President or Directors thereof, or by the shareholders, should be, and the same were thereby in terms vested in the Honorable John Hillyard Cameron, late of the city of Toronto, his heirs and assigns, as therein mentioned; and it was also thereby further enacted that the said Honorable John Hillyard Cameron should have full power and authority in the name of the said Pickering Harbour and Road Joint Stock Company, to sell the said harbour, road and tolls and the properties belonging thereto; and whereas doubts have arisen as to the validity of the said last mentioned Act in so far as the same affects or deals with the said harbour and the tolls thereof; and whereas it appears by the petition of Joseph Harris McClellan of the Township of Pickering, in the County of Ontario, that the said Pickering Harbour and Road Joint Stock Company did under the authority of the seventeenth section of the Act first above referred to borrow the sum of four thousand pounds from the said Honorable John Hillyard Cameron by mortgage of the said harbour, road and tolls, and that default having been made in the payment of the said sum of four thousand pounds and the interest thereon, the said Honorable John Hillyard Cameron foreclosed the said mortgage and entered into possession of the said Pickering harbour, road and tolls, and by himself and his tenants remained in possession thereof for upwards of nineteen years, and expended large sums in the maintenance and improvement of said harbour, and that by an agreement in writing, and under his hand and seal, the said Honorable John Hillyard Cameron did on the day of in the year of our Lord one thousand eight hundred and seventy- agree to sell to the said Joseph Harris McClellan the said harbour, road and tolls, at and

Preamble.

for the sum of five thousand dollars, and that by deed bearing date the twelfth day of July in the year of our Lord one thousand eight hundred and seventy-six, and forming the schedule to this Act, the said Honorable John Hillyard Cameron did in the name of the said Pickering Harbour and Road Joint Stock Company, and for and in consideration of the sum of five thousand dollars, grant and convey the said harbour, road and tolls to the said Joseph Harris McClellan his heirs and assigns forever; and whereas it further appears that the said sum of five thousand dollars was duly paid by the said Joseph Harris McClellan to the said Honorable John Hillyard Cameron in full of the said consideration money, and that the said deed was duly registered according to the laws of the Province of Ontario; and whereas the said Joseph Harris McClellan has prayed that an Act may be passed to confirm his title to the said harbour and tolls thereof, and to the rights and franchises of the said Pickering Harbour and Road Joint Stock Company; and whereas it is just to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Act of Ontario 35 V. c. 104 confirmed.

1. The Act passed by Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario in the thirty-fifth year of Her Majesty's reign, chaptered one hundred and four, and intituled "*An Act to amend the Act incorporating the Pickering Harbour and Road Joint Stock Company, and to vest the same in the Honourable John Hillyard Cameron*," is hereby confirmed, and the deed purporting to be executed thereunder and forming the schedule to this Act is hereby legalized, confirmed and declared valid and operative to convey the said harbour and tolls.

Harbour and tolls vested in J. H. McClellan.

2. The said Pickering harbour and road and all the properties, rights, privileges and franchises belonging, appertaining or attached thereto, and all tolls, rights, dues and claims belonging to or which might be exercised by the said Pickering Harbour and Road Joint Stock Company, or by the President and Directors thereof, or by the shareholders, are hereby vested in the said Joseph Harris McClellan, his heirs and assigns, and any persons whom he may associate with him by written memorandum for that purpose, and may be by him and them exercised and enjoyed in the name of the Pickering Harbour and Road Joint Stock Company, as fully and effectually to all intents and purposes as they could be by the said Pickering Harbour and Road Joint Stock Company, or the President and Directors, or the shareholders thereof, under the said first cited Act incorporating the said Company, subject always to all the responsibilities and liabilities of the said Company with respect to the said harbour trusts.

Power to sell and convey harbour and property.

3. The said Joseph Harris McClellan, his heirs and assigns, and any such persons associated with him as aforesaid, shall have full power and authority in the name of the said Pickering Harbour and Road Joint Stock Company, to sell the said harbour, road and tolls, and the properties thereto belonging,

or any share or interest therein, or to mortgage or lease the same; and the grantees, mortgagees and lessees of the said Joseph Harris McClellan, his heirs and assigns, and any such person as aforesaid, shall and may, by the corporate name aforesaid, exercise and enjoy all the rights and privileges granted and conferred by the said Act of incorporation as fully and effectually, to all intents and purposes, as they may be exercised and enjoyed by the said Joseph Harris McLellan, his heirs and assigns under this Act.

SCHEDULE.

This Indenture, made the twelfth day of July, in the year of our Lord one thousand eight hundred and seventy-six, between the Pickering Harbour and Road Joint Stock Company of the first part, and Joseph Harris McClellan, of Oshawa, in the County of Ontario, Esquire, of the second part: Whereas, by an Act passed by the Legislature of Ontario, in the thirty-fifth year of Her Majesty's reign, chaptered one hundred and four, intituled: "*An Act to amend the Act incorporating the Pickering Harbour and Road Joint Stock Company, and to vest the same in the Honourable John Hillyard Cameron,*" after reciting as therein recited, it was enacted as follows:—

1. The said Pickering harbour and road, and all the properties, rights, privileges and franchises belonging, appertaining or attached thereto, and all tolls, rights, dues, and claims belonging to, or that might be exercised by the said Pickering Harbour and Road Joint Stock Company, or by the President and Directors thereof, or by the shareholders, are hereby vested in the said John Hillyard Cameron, his heirs and assigns, and any persons whom he may associate with him, and may be by him and them exercised and enjoyed in the name of the Pickering Harbour and Road Joint Stock Company as fully and effectually to all intents and purposes as they could be by the said Pickering Harbour and Road Joint Stock Company, or the President and Directors or the shareholders thereof, under the said Act, subject always to all the responsibilities and liabilities of the said Company, with respect to the said harbour trusts.

2. That the said John Hillyard Cameron, his heirs and assigns, and any such persons as aforesaid, shall have full power and authority, in the name of the said Pickering Harbour and Road Joint Stock Company, to sell the said harbour, road and tolls, and the properties thereto belonging, or any share or interest therein, or to mortgage or lease the same, and the grantees, mortgagees or lessees of the said John Hillyard Cameron, his heirs and assigns, and any such persons as aforesaid, shall and may, by the corporate name aforesaid, exercise and enjoy all the rights and privileges granted or conferred by the said Act of incorporation, as fully and effectually, to all intents and purposes, as they may be exercised and enjoyed by the said John Hillyard Cameron, his heirs and assigns under this Act, subject to all the common law liabilities incident to the said corporation.

And whereas the said John Hillyard Cameron has agreed to sell to the party of the second part the said harbour, road and tolls, and the properties thereto belonging: Now this indenture witnesseth, that in consideration of the sum of five thousand dollars, paid at the time of the sealing and delivery of these presents, the said parties of the first part do grant and convey to the party of the second part, his heirs and assigns the said Pickering harbour and road and all the properties, rights, privileges and franchises belonging, appertaining or attached thereto, and all tolls, rights, dues and claims belonging to or that might be exercised by the said Pickering Harbour and Road Joint Stock Company, or by the President and Directors thereof, or by the shareholders, to have and to hold, to the said party of the second part, his heirs and assigns forever. The said parties of the first part covenant with the said party of the second part, that they will execute such further assurances of the said lands, franchises and properties as may be requisite; and that the said party of the second part shall have quiet possession of the said properties, franchises and lands, free from all incumbrances; and that the said parties of the first part have done no act to encumber the said lands, franchises and properties, and that the said parties of the first part release to the said party of the second part all their claims upon the said lands and properties.

In witness whereof the said parties hereto have hereunto set their hands and seals, the day and year first above written.

Signed, sealed and delivered, in the presence of
(Signed,) F. D. BARWICK.

(Signed.) The Pickering Harbour and Road Joint Stock Company, by JOHN HILLYARD CAMERON, President. [L.S.]

(Signed,) JOHN HILLYARD CAMERON. [L.S.]

No. 26.

4th Session, 3rd Parliament, 40 Victoria, 1

BILL.

An Act to vest the property and po
of the Pickering Harbour and F
Joint Stock Company in Joseph Hi
McClellan.

Received and read first time, Thursday,
February, 1877.

Second reading, Monday, 26th February,

(PRIVATE BILL.)

MR. GIBBS,
(South Ontario.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & C

1877.

No. 26.] **BILL.** [1877.

An Act to vest the property and powers of the Pickering Harbour and Road Joint Stock Company in Joseph Harris McClellan.

(*Reprinted as proposed to be amended.*)

WHEREAS the Pickering Harbour and Road Joint Stock Company was incorporated by an Act of the late Province of Canada, passed in the sixteenth year of Her Majesty's reign, chaptered one hundred and forty-one, and intituled: "*An Act to incorporate the Pickering Harbour and Road Joint Stock Company;*" and whereas by an Act of the Legislature of the Province of Ontario passed in the thirty-fifth year of Her Majesty's reign, chaptered one hundred and four, after reciting as is therein recited, it was enacted that the said Pickering harbour and road and all the properties, rights, privileges and franchises belonging, appertaining, or attached thereto, and all tolls, rights, dues and claims belonging to, or that might be exercised by the said Pickering Harbour and Road Joint Stock Company, or by the President and Directors thereof, or by the shareholders, should be, and the same were thereby in terms vested in the Honorable John Hillyard Cameron, late of the city of Toronto his heirs and assigns, as therein mentioned; and it was also thereby further enacted that the said Honorable John Hillyard Cameron should have full power and authority in the name of the said Pickering Harbour and Road Joint Stock Company, to sell the said harbour, road and tolls and the properties belonging thereto; and whereas doubts have arisen as to the validity of the said last mentioned Act in so far as the same affects or deals with the said harbour and the tolls thereof; and whereas it appears by the petition of Joseph Harris McClellan of the Township of Pickering, in the County of Ontario, that the said Pickering Harbour and Road Joint Stock Company did under the authority of the seventeenth section of the Act first above referred to borrow the sum of four thousand pounds from the said Honorable John Hillyard Cameron by mortgage of the said harbour, road and tolls, and that default having been made in the payment of the said sum of four thousand pounds and the interest thereon, the said Honorable John Hillyard Cameron foreclosed the said mortgage and entered into possession of the said Pickering harbour, road and tolls, and by himself and his tenants remained in possession thereof for upwards of nineteen years, and expended large sums in the maintenance and improvement of said harbour, and that by an agreement in writing, and under his hand and seal, the said Honorable John Hillyard Cameron did, on the eleventh day

Preamble.

of January, in the year of our Lord one thousand eight hundred and seventy-six, agree to sell to the said Joseph Harris McClellan the said harbour, road and tolls, at and for the sum of five thousand dollars, and that by deed bearing date the twelfth day of July in the year of our Lord one thousand eight hundred and seventy-six, and forming the schedule to this Act, the said Honorable John Hillyard Cameron did in the name of the said Pickering Harbour and Road Joint Stock Company, and for and in consideration of the sum of five thousand dollars, grant and convey the said harbour, road and tolls to the said Joseph Harris McClellan his heirs and assigns forever; and whereas it further appears that the said sum of five thousand dollars was duly paid by the said Joseph Harris McClellan to the said Honorable John Hillyard Cameron in full of the said consideration money, and that the said deed was duly registered according to the laws of the Province of Ontario; and whereas the said Joseph Harris McClellan has prayed that an Act may be passed to confirm his title to the said harbour and tolls thereof, and to the rights and franchises of the said Pickering Harbour and Road Joint Stock Company; and whereas it is just to grant the prayer of the said petition; and to authorize the said Joseph Harris McClellan to sell and convey the said harbor and tolls to a Company to be called "The Pickering Harbor Company, Limited:" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Act of Ontario 35 V. c. 104 confirmed.

1. The Act passed by Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario in the thirty-fifth year of Her Majesty's reign, chaptered one hundred and four, and intituled "*An Act to amend the Act incorporating the Pickering Harbour and Road Joint Stock Company, and to vest the same in the Honourable John Hillyard Cameron*," is hereby confirmed, and the deed purporting to be executed thereunder and forming the schedule to this Act is hereby legalized, confirmed and declared valid and operative to convey the said harbour and tolls.

Certain persons incorporated.

2. The said Joseph Harris McClellan, William McGill, James Holden, together with such other persons as shall become shareholders in the Company hereby incorporated, are hereby constituted a body corporate and politic by and under the name of the Pickering Harbour Company, (Limited), whereof the capital stock shall be forty thousand dollars, in shares of one hundred dollars each, and the said Joseph Harris, McClellan, William McGill, James Holden, shall be the first Directors of the said Company, and shall have power to open stock-books, and so soon as one half of the said stock shall have been subscribed, to call a meeting of the subscribers thereto for the election of five shareholders to be the Directors of the said Company; and the number of Directors shall continue to be five; and all the provisions of the "*Canada Joint Stock Companies' Clauses Act*, 1869," shall apply to the Company hereby incorporated, except so far as they may be inconsistent herewith, and except sections eighteen, forty and forty-three of the said Act.

Sale and conveyance harbour and property.

3. The said Pickering Harbour Company (Limited), shall have full power to purchase from the said Joseph Harris McClellan, and the said Joseph Harris McClellan shall have full power to sell and convey the said Pickering Harbour Company (Limited), the said Pickering Harbour and Road, and all the properties, rights, privileges and franchises belonging, appertaining or attached thereto; and all tolls, rights, dues and claims belonging to or which might be exercised by the said The Pickering Harbour and Road Joint Stock Company, or by the President and Directors and shareholders thereof; and upon such sale and conveyance being effected, the said Pickering Harbour and Road and all the properties, rights, privileges and franchises belonging, appertaining or attached thereto, and all tolls, rights, dues and claims belonging to, or which may be exercised by the said Pickering Harbour and Road Joint Stock Company, or by the President and Directors, or by the shareholders thereof, shall be vested in the said The Pickering Harbour Company (Limited); and the President, Directors and shareholders thereof respectively, and the said The Pickering Harbour Company (Limited), shall and may, by its corporate name, exercise and enjoy all the rights and privileges granted and conferred by the said recited Act incorporating the said Pickering Harbour and Road Joint Stock Company so far as the same are not inconsistent with this Act; and the said The Pickering Harbour Company (Limited) shall have full power to operate the said Harbour, and to charge the same tolls, and to enforce the collection thereof by the same means as the said Pickering Harbour and Road Joint Stock Company was authorized and empowered to do by its said Act of incorporation.

Rights and privileges of the company.

Company may issue bonds and debentures.

4. Upon and after such purchase by the said Pickering Harbour Company (Limited), of the said Harbour and franchises as aforesaid, it shall and may be lawful for the Directors of the said Pickering Harbour Company (Limited) to issue bonds or debentures in the name and on behalf of the said Company, not exceeding in the aggregate twenty-five thousand dollars, which debentures shall be a first charge on the property, tolls and revenues of the said Company, and may be further secured by mortgage thereon; and the debentures so issued may be in sums of not less than one hundred dollars each, and bearing interest at a rate not exceeding eight per centum per annum, and payable at such times and places as the Company may determine.

SCHEDULE.

This Indenture, made the twelfth day of July, in the year of our Lord one thousand eight hundred and seventy-six, between the Pickering Harbour and Road Joint Stock Company of the first part, and Joseph Harris McClellan, of Oshawa, in the County of Ontario, Esquire, of the second part: Whereas, by an Act passed by the Legislature of Ontario, in the thirty-fifth year of Her Majesty's reign, chaptered one hundred and four, intituled: "*An Act to amend the Act incorporating the Pickering Harbour*

and Road Joint Stock Company, and to vest the same in the Honourable John Hillyard Cameron," after reciting as therein recited, it was enacted as follows:—

1. The said Pickering harbour and road, and all the properties, rights, privileges and franchises belonging, appertaining or attached thereto, and all tolls, rights, dues, and claims belonging to, or that might be exercised by the said Pickering Harbour and Road Joint Stock Company, or by the President and Directors thereof, or by the shareholders, are hereby vested in the said John Hillyard Cameron, his heirs and assigns, and any persons whom he may associate with him, and may be by him and them exercised and enjoyed in the name of the Pickering Harbour and Road Joint Stock Company as fully and effectually to all intents and purposes as they could be by the said Pickering Harbour and Road Joint Stock Company, or the President and Directors or the shareholders thereof, under the said Act, subject always to all the responsibilities and liabilities of the said Company, with respect to the said harbour trusts.

2. That the said John Hillyard Cameron, his heirs and assigns, and any such persons as aforesaid, shall have full power and authority, in the name of the said Pickering Harbour and Road Joint Stock Company, to sell the said harbour, road and tolls, and the properties thereto belonging, or any share or interest therein, or to mortgage or lease the same, and the grantees, mortgagees or lessees of the said John Hillyard Cameron, his heirs and assigns, and any such persons as aforesaid, shall and may, by the corporate name aforesaid, exercise and enjoy all the rights and privileges granted or conferred by the said Act of incorporation, as fully and effectually, to all intents and purposes, as they may be exercised and enjoyed by the said John Hillyard Cameron, his heirs and assigns under this Act, subject to all the common law liabilities incident to the said corporation.

And whereas the said John Hillyard Cameron has agreed to sell to the party of the second part the said harbour, road and tolls, and the properties thereto belonging: Now this indenture witnesseth, that in consideration of the sum of five thousand dollars, paid at the time of the sealing and delivery of these presents, the said parties of the first part do grant and convey to the party of the second part, his heirs and assigns the said Pickering harbour and road and all the properties, rights, privileges and franchises belonging, appertaining or attached thereto, and all tolls, rights, dues and claims belonging to or that might be exercised by the said Pickering Harbour and Road Joint Stock Company, or by the President and Directors thereof, or by the shareholders, to have and to hold, to the said party of the second part, his heirs and assigns forever. The said parties of the first part covenant with the said party of the second part, that they will execute such further assurances of the said lands, franchises and properties as may be requisite; and that the said party of the second part shall have quiet possession of the said properties, franchises and lands, free from all incum-

brances; and that the said parties of the first part have done no act to encumber the said lands, franchises and properties, and that the said parties of the first part release to the said party of the second part all their claims upon the said lands and properties.

In witness whereof the said parties hereto have hereunto set their hands and seals, the day and year first above written.

Signed, sealed and delivered, in the presence of
(Signed,) F. D. BARWICK.

(Signed.) The Pickering Harbour and Road Joint Stock Company, by JOHN HILLYARD CAMERON, President. [L.S.]

(Signed,) JOHN HILLYARD CAMERON. [L.S.]

No. 26.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to vest the property and powers of the Pickering Harbour and Road Joint Stock Company in Joseph Harris McClellan.

(Reprinted as proposed to be amended.)

(PRIVATE BILL.)

Mr. GIBBS,
(South Ontario.)

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 27.] **BILL.** [1877.

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

Preamble.

WHEREAS it is expedient to amend the Criminal Law relating to offences against the person; therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

S. 10 of 33-33 V. c 20 repealed.

1. The tenth section of the Act passed in the session held in the thirty-second and thirty-third year of Her Majesty's reign, chapter twenty, intituled, "*An Act respecting offences against the person*," is hereby repealed, and the following is substituted therefor:—

New section substituted: Administering poison or wounding with intent to murder.

"10. Whosoever administers, or causes to be administered, or to be taken by any person, any poison or other destructive thing, or by any means whatsoever, wounds or causes any grievous bodily harm to any person, with intent, in any of the cases aforesaid, to commit murder, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years; or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement."

S. 51 repealed.

2. The fifty-first section of the said Act is hereby repealed, and the following is substituted therefor:—

Carnally knowing girl under ten years of age.

"51. Whosoever unlawfully and carnally knows and abuses any girl under the age of ten years, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years; or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement."

No. 27.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Act respecting Offences against the person.

Received and read first time, Thursday, 22nd February, 1877.

Second reading, Friday, 2f3d February, 1877.

Mr. Blake.

OTTAWA:

Printed by MacLean, Roger & Co.,

1877.

No. 28.] **BILL.** [1877.

An Act respecting the Niagara Grand Island Bridge Company.

Preamble.

WHEREAS the Niagara Grand Island Bridge Company has, by its petition, prayed for the passing of an Act to extend the time limited for the commencement and completion of its undertaking, and for other purposes; 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 extended.

1. The period limited by the Act, incorporating the Niagara Grand Island Bridge Company, for the commencement and completion of its undertaking is hereby extended for the further period of three years, in each instance, from the passing of this Act.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act respecting the Niagara Grand Island Bridge Company.

Received and read first time, Friday, 23rd February, 1877.

Second reading, Monday, 26th Feb., 1877.

(PRIVATE BILL.)

MR. THOMSON,
(Welland.)

OTTAWA:
Printed by MacLean, Roger & Co, Wellington Street.
1877.

No. 29] **BILL.** [1877.

An Act to amend the Act incorporating "The British Canadian Loan and Investment Company (Limited)."

WHEREAS The British Canadian Loan and Investment Company (Limited), acting by certain of its Provisional Directors, have by petition prayed that the Act passed in the thirty-ninth year of Her Majesty's reign, chapter fifty-seven, incorporating the said Company, may be amended in the manner hereinafter mentioned; and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 39 V. c. 57.

1. The second section of the said Act is hereby amended by striking out the words "the above-named persons," in the first line of the said section, and by substituting therefor the names of the following persons:—"Sir Alexander T. Galt, K.C.M.G., the Honorable Donald Alexander Macdonald, the Honorable S. C. Wood, William Thomson, A. R. McMaster, Donald MacKay, A. H. Campbell, George Greig, and David Galbraith." S. 1 amended.

2. The third section of the said Act is hereby amended by striking out the word "that" in the ninth line of the said section, and by substituting therefor the word "these," and by striking out the words "not exceeding eight per centum per annum," in the thirteenth and fourteenth lines of the said section, and by adding to the said section the following sub-section:— S. 3 amended.

"2. The Company are hereby empowered to act as agents for and on behalf of others who may entrust them with money for that purpose, and either in the name of the Company or of such others, to lend and advance money to any person or persons, upon such securities as are mentioned in the last preceding section, or to any body or bodies corporate whomsoever, or to any municipal or other authority, or any Board or body of trustees or commissioners whatsoever, upon such terms and upon such security as to the Company shall appear satisfactory; and to purchase and acquire mortgages, real and personal securities, debentures of municipal or other corporations, the stock of incorporated banks, and other securities and evidences of debt, and again to re-sell the same; and the conditions and terms of such loans and advances, and of such purchases and re-sales may be enforced by the Company for their benefit and for the benefit of the person or persons, or corporation for whom such money has been lent and advanced or such purchase and re-sale made; and the Company shall have the same power in respect of such Company may act as Agents. Further powers.

loans, advances, purchases and sales as are conferred upon them in respect of loans, advances, purchases and sales made from their own capital; and they may also guarantee either the repayment of the principal or interest or both, of any moneys entrusted to the Company for investment, and for all and every or any of the foregoing purposes, may lay out and employ the capital and property for the time being of the Company, or any part of the moneys authorized to be raised by the Company, in addition to their capital for the time being, or any moneys so entrusted to them as aforesaid, and may do, assent to and exercise all acts whatsoever, in the opinion of the Directors of the said Company for the time being, requisite or expedient to be done in regard thereto."

S. 4 amended.

3. The fourth section of the said Act is hereby amended by striking out the last two lines of the said section, and by substituting the following words: "the amount of the subscribed capital of the Company."

S. 6 repealed.

4. The sixth section of the said Act is hereby repealed, and the following section substituted therefor:—

New section.

"**6.** The head office of the Company shall be in Toronto and the Company may have local directors' offices and agencies to transact business at such other places in Canada and elsewhere as may be determined upon by the directors."

S. 7 amended.

5. The seventh section of the said Act is hereby amended by inserting the words "one half of" before the word "which" in the third line of the said section, and by striking out the words "twenty per cent. of the amount subscribed shall be paid in" in the fifth and sixth lines of the said section.

S. 19 amended

6. The nineteenth section of the said Act is hereby amended by inserting the words "one half of" before the words "the capital stock" in the first line of the said section.

S. 20 amended

7. The twentieth section of the said Act is hereby amended by inserting the words "and in at least one daily newspaper in Edinburgh, and one such newspaper in Glasgow" after the word "section" in the seventh line of the said section, and by striking out the word "twenty" wherever the same occurs in the said section, and by substituting therefor the word "ten."

S. 22 amended

8. The twenty-second section of the said Act is hereby amended by inserting the words "the selection and appointment of shareholders resident in Great Britain or Ireland to constitute local boards of directors with such powers as may be deemed necessary" after the words "set forth" in the twelfth line of the said section.

S. 32 amended

9. The thirty-second section of the said Act is hereby amended by striking out all the words in the said section after

the word "shareholder" in the eighth line thereof, and by adding the following words: "and the Company shall also keep in a book or books a register of all debentures issued by the Company, and therein shall be fairly and distinctly entered the amount of each such debenture, the time when and the place where the same is payable, and the rate of interest payable thereon, with such other particulars as the Directors may from time to time deem necessary."

Sections added.

10. The following sections are hereby added to the said Act:—

Amalgamation of the Company.

"**54**. It shall be lawful for the Company to unite, amalgamate and consolidate its stock, property, business and franchises with the stock, property, business and franchises of any other Company or Society incorporated or chartered to transact a like business, and any other business in connection with such business, or any building, savings or loan company or society heretofore or hereafter incorporated or chartered, or to purchase and acquire the assets of any such company or society, and to enter into all contracts and agreements therewith necessary to such union, amalgamation, consolidation, purchase, or acquisition.

Agreement may be entered into for the purpose.

"**55**. The Directors of the Company, and of any other such company or society, may enter into a joint agreement under the corporate seals of each of the said corporations for the union, amalgamation or consolidation of the said corporations, or for the purchase and acquisition by the Company of the assets of any other such company or society, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the directors and other officers thereof, and who shall be the first directors and officers thereof, the manner of converting the capital stock of each of the said corporations into that of the new corporation with such other details as they shall deem necessary to perfect such new organization, and the union, amalgamation and consolidation of the said corporations and the after management and working thereof, or the terms and mode of payment for the assets of any other such company or society purchased or acquired by the Company.

To be submitted to shareholders for approval.

"**56**. Such agreement shall be submitted to the shareholders 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 objects thereof, shall be given by written or printed notices addressed to each shareholder of the said corporations respectively, at his last known post office address or place of residence, and also by a general notice to be published in a newspaper published at the chief place of business of such corporations, once a week, for two successive weeks. At such meetings of shareholders such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and the said ballots

Proceedings at meeting.

being cast in person or by proxy; and if two-thirds of the votes of all the shareholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon the said agreement 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 shareholders of each of the said corporations, the agreement so adopted and the said certificates thereon shall be filed in the office of the Secretary of State of the Dominion of Canada, and the said agreement shall from thence be taken and deemed to be the agreement and act of union, amalgamation and consolidation of the said corporations, or the agreement and deed of purchase and acquisition by the Company of the assets of such company so selling, as the case may be, 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.

Certificate and filing thereof.

Effect of agreement.

"**57.** Upon the making and perfecting of the said agreement and act of consolidation, as provided in the next preceding section, and the filing of the said agreement as in the said section provided, the several societies, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement, provided with a common seal, and shall possess all the rights, privileges and franchises of each of such corporations.

Property vested in new corporation.

"**58.** Upon the consummation of such act of consolidation as aforesaid, all and singular the, business property, real, personal and mixed, and all rights and incidents appurtenant thereto, all stock, mortgages or other securities, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken or deemed to be transferred to and vested in such new corporation without further act or deed; provided however, that all rights of creditors and liens upon the property of either of such corporations shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities, and duties had been incurred or been contracted by it; and provided also, that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate, or be affected by such consolidation, but for all the purposes of such action or proceeding such corporation may be deemed still to exist; or the new corporation may be substituted in such action or proceeding in the place thereof."

Proviso: certain rights saved.

Form of debenture amended.

11. The form of debenture in the schedule to the said Act set forth is hereby amended by striking out the word "the" and inserting the words "A B or" before the word "bearer," and by striking out the words "in England" and the word "England" where the same occur in the said schedule.

No. 29.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Act incorporating "The British Canadian Loan and Investment Company (Limited.)"

Received and read first time, Friday, 23rd February, 1877.

Second reading, Monday, 26th Feb., 1877.

(PRIVATE BILL.)

Mr. YOUNG.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 30.] **BILL.** [1877.

An Act to incorporate the Union Marine Insurance Company of Halifax, Nova Scotia.

Preamble.

WHEREAS William Roche, James A. Moren, John U. Ross, John Gibson, Nathaniel L. West, John P. Mott, and Edward Smith, on behalf of themselves and other shareholders in the Company hereinafter named, incorporated under an Act of the Legislature of the Province of Nova Scotia, passed in the thirty-eighth year of Her present Majesty's reign, have by their petition represented that they are desirous of becoming incorporated by an Act of the Parliament of Canada, under the name of "The Union Marine Insurance Company of Nova Scotia," for the purpose of carrying on the business of Marine Insurance and doing all things appertaining thereto or connected therewith, as well in the Province of Nova Scotia, where they are now carrying on such insurance business, as in other Provinces of the Dominion and in foreign countries, 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:—

Company incorporated.

1. The shareholders of the Union Marine Insurance Company of Nova Scotia, incorporated by an Act of the Legislature of the Province of Nova Scotia, passed in the thirty-eighth year of Her present Majesty's reign, and chaptered seventy-nine, together with such other persons as are now or may hereafter become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body politic and corporate in law, in fact and in name, by the style and title of "The Union Marine Insurance Company of Halifax, Nova Scotia," for the purpose of carrying on the business of marine insurance, and doing all things appertaining thereto or connected therewith, with all the powers, privileges and rights hereinafter mentioned, and shall and may have perpetual succession, and shall be capable in law of contracting and being contracted with, and suing and being sued, pleading and being impleaded in any Court of law or equity in their corporate name aforesaid; and they and their successors shall and may have a common seal, and may change the same at their will and pleasure; Provided always, that nothing in this Act contained shall be construed in any manner to affect any contract, matter or thing concerning the said Company heretofore incorporated, otherwise than is herein expressed, or to affect any action, suit or proceeding commenced on behalf of or against the said Company heretofore incorporated at the time of the passing of this Act, but every such action, suit or proceeding may at the

Corporate name and powers.

Proviso: as to existing contracts.

option of the claimant be carried on by or against the Company hereby incorporated, which is in such case for all the purposes thereof substituted for the said Company heretofore incorporated; and provided also, that all the shareholders in the said Company heretofore incorporated shall be shareholders in the Company hereby incorporated, and liable, as such shareholders, for so much of their stock subscriptions as are unpaid, and that all such subscriptions and all other property, real and personal, debts, rights, claims and privileges heretofore belonging to or vested in the said Company heretofore incorporated, and all their interest in the same, shall be held by and are hereby vested in the said Union Marine Insurance Company of Nova Scotia, hereby incorporated, in the same manner, and with all such benefits and liabilities attaching to the same as existed at the time of the passing of this Act; and all the policies and other contracts of insurance and other engagements made and entered into by or on behalf of the said Company heretofore incorporated, shall continue to be valid and binding under this Act as against the Company hereby incorporated; and any person having any claim or demand against the said Company heretofore incorporated, or any shareholder thereof as such shareholder, shall have the same claim or demand against the Company hereby incorporated and against such shareholder thereof.

Proviso: as to shareholders' rights and claims.

Policies, contracts and claims to continue in force.

2. The capital stock of the said Company shall consist of one hundred and sixty thousand dollars, divided into sixteen hundred shares of one hundred dollars each, which said shares shall be, and are hereby, vested in the several persons who have subscribed or shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act. Aliens, as well as British subjects, and whether resident in Canada or elsewhere, may be shareholders in the said Company; and all such shareholders shall be entitled to vote on their shares equally with British subjects.

Capital stock and shares.

Equal rights of shareholders.

3. All calls or instalments on account of the shares shall be paid by the several shareholders at such time and in such equal proportions as the Directors shall appoint; and notice of the times and places of paying such calls shall be given by them by advertisement in at least two of the Halifax newspapers, thirty days at least previous to the time of payment, and every subscriber to or shareholder in the said Company shall make, execute and deliver to the said Company either a bond with a mortgage to accompany the same on real estate, or otherwise a bond with two sufficient sureties to the satisfaction of the said President and Directors, or a majority of them; and which said bond and securities shall be renewable as often as the President and Directors shall require, and be conditioned for the payment of the residue of the calls to become due and payable, on the several shares by him subscribed and taken in the said Company.

Payment of calls.

Security for payment of future calls.

4. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the Directors may declare such share or shares forfeited, together with the amount previously paid thereon, in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold at a public sale, by the Directors, after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always, that in case the money realized by any sale of shares be more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner, and no more shares shall be sold than what are deemed necessary to pay such arrears, interest and expenses.

Forfeiture of shares for non-payment of calls.

5. If payment of such arrears of calls, interest and expenses be made before any share so declared forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid before forfeiture thereof, and in all actions or suits for the recovery of such arrears of calls it shall be sufficient for the Company to allege that the defendant, being the owner of such shares, is indebted to the said Company in such sum of money as the calls in arrear amount to for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall only be necessary to prove that the defendant was owner of the said shares in the Company, that such calls were made and that notice was given as directed by this Act; and shall not be necessary to prove the appointment of the Directors who made such calls or any matter whatsoever other than what is before mentioned; a copy of any by-law, rule, regulation, or minute, or of any entry in any book of the Company certified to be a true copy or extract under the hand of the President, or Managing Director, or Secretary of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings as *primâ facie* evidence of such by-law, rule, regulation, minute, or entry without proof of the official character or signature of the officer signing the same, or of the corporate seal.

Payment to annul forfeiture.

Proof required.

Copies to be evidence.

6. No transfer of any share of the stock of the said Company shall be valid until entered in the books of the said Company according to such form as may from time to time be fixed by the by-laws; and until the whole of the capital stock of the said Company is paid up, it shall be neessary to obtain the consent of the Directors to such transfer being made; Provided always, that no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the Directors, and no transfer of stock shall at any time be made until all calls thereon have been paid in.

Transfers not valid until entered.

Proviso.

7. Each shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the stock held by him for the debts and liabilities of the Company, and shall not in any way what-

Liability of shareholders.

ever be liable for any greater sum than one hundred dollars upon each and every share of stock held by him.

Affairs to be managed by Board of Directors.

Election.

8. The stock, property, affairs and concerns of the said Company shall be managed and conducted by seven Directors, who shall hold office for one year, and shall be elected (at the expiration of the term during which the Directors hereinafter appointed are to hold office) at the annual meeting of the shareholders, to be held in the city of Halifax in the month of January next, and yearly thereafter in that month, not less than ten days' notice of such meeting being given by letter to the shareholders, and also by advertisment in some daily newspaper published in said city; and the said election shall be held and made by such of the shareholders present in person or represented by proxy, as shall have paid all calls made by the Directors and then due; and all such elections shall be by ballot or otherwise, as the meeting of the shareholders present shall direct, and the seven persons who shall have the greatest number of votes at any such election, shall be Directors, except as hereinafter directed; and if two or more persons have an equal number of votes in such a manner that a greater number of persons than seven shall appear to be chosen as Directors, then the Directors who shall have the greatest number of votes, or a majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of seven; and the said Directors (as soon as may be after the said election) shall proceed to elect one of their number to be the President; and if any vacancy should at any time happen amongst the said Directors by death, resignation, disqualification, or removal, during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors, or the majority of them, electing in such place or places a shareholder or shareholders eligible for such office; Provided always, that no person shall be eligible to be or continue as Director unless he shall hold, in his name and for his own use, stock in the said Company to the amount of ten shares, and shall have paid all calls made upon his stock, and all liability actually matured and incurred by him with the Company. The first Directors of the Company incorporated under this Act shall be the said William Roche, James A. Moren, John U. Ross, John Gibson, Nathaniel L. West, John P. Mott and Edward Smith, and they shall hold office until the annual meeting of the shareholders of the Company, in January next.

Election of President.

Proviso: qualification of Director.

Provisional Directors.

Failure of election not to dissolve Corporation.

9. In case it should at any time happen that an election of Directors of the said Company shall not be made on any day when pursuant to this Act it should have been made, or any other business necessary to the carrying out the provisions of this Act may not have been done, the said Company shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election or transact such other business at a special general meeting to be called for that purpose by the Directors, who shall continue in office until a new election is made.

10. At all general meetings of the said Company, each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid up; such votes may be given either in person or by proxy, the holder of any such proxy being himself a shareholder; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes—the chairman presiding at such meeting having the casting vote in case of an equality of votes.

Votes on shares.

Proxy.

Casting vote.

11. At the annual meeting of the shareholders, to be held in the month of January in each year, the election of Directors shall be held and all business transacted without the necessity of specifying such business in the notice of such meeting; and at such meeting a general balance sheet and statement of the affairs of the Company, with a list of the shareholders thereof, and all such further information as may be required by the by-laws, shall be laid before the shareholders. Special general meetings of the shareholders may be called in such manner as may be provided for by the by-laws, and at all meetings of the shareholders the President, or in his absence, a director or shareholder chosen by the shareholders, shall preside, who in case of an equality of votes shall give the casting vote in addition to his vote as a shareholder.

Annual meeting and proceedings thereat.

Special meetings.

12. At all meetings of Directors, three shall be a quorum for the transaction of business, and all questions before them shall be decided by a majority of votes, and in case of an equality of votes, the President or presiding Director shall give the casting vote in addition to his vote as Director.

Quorum at meetings of Directors.

13. The Directors of the Company, at a meeting held for such specified purpose, may declare such annual or semi-annual dividends upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends.

Dividends.

14. The said Company shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire, storm or tempest, or other peril of navigation, or from any other cause of, or to ships, boats, vessels or other craft navigating the ocean, lakes, rivers or high seas or other navigable waters whatsoever from any port or ports in Canada to any other port or ports in Canada, or to any foreign port or ports upon the oceans, lakes, rivers, or other navigable waters aforesaid, or from one foreign port to another foreign port, or from any foreign port or ports to any port or ports in Canada or elsewhere, upon all or any of the oceans, lakes, rivers and navigable waters aforesaid, and against any loss or damage of, or to the cargoes or property conveyed in or upon such ships, boats, vessels or other craft, and the freight due or to grow due in respect thereof, or of, or to timber or other property of any description conveyed in any manner upon any of the oceans, lakes, rivers or navigable waters

Powers and business of the company.

aforesaid, and generally to do all matters and things relating to or connected with marine insurance as aforesaid; and to make and to grant all policies therein and thereupon; and

Re-insurance.

to cause themselves to be insured against any loss or risk they may have incurred in the course of their business; and generally to do and perform all other necessary matters and things connected with, and proper to promote those objects, and all policies or contracts of insurance issued or entered into by the said Company, shall be signed by the President, and countersigned by the Managing Director or Secretary, or otherwise, as may be directed by the by-laws, rules and regulations of the Company, and being so signed and countersigned shall be deemed valid and binding upon the Company, according to the tenor and meaning thereof.

Policies how signed.

Power to hold real estate.

15. The Company shall have power to acquire and hold such real estate as may be necessary for the purpose of its business, to the extent of thirty thousand dollars, and to sell or dispose of the same, and acquire other property in its place, as may be deemed expedient; and any of the paid-up capital of the Company, not considered necessary to be kept on hand for the payment of losses or expenses, shall be kept invested at interest upon approved securities of either real or personal property, as may seem best to the Directors; but no part thereof beyond the sum absolutely necessary for procuring the necessary buildings for the purpose of conducting the business of the Company, shall be invested in real estate; nor shall any part thereof be lent on bottomry or respondentia, or on mortgage of ships and vessels; but mortgages of other personal property may be held by the Company to secure a debt; nor shall the funds of the Company be employed in merchandize, nor shall the Company carry on trade as a merchant, nor shall any dividend be made of any part of the capital stock, nor shall any part of the capital stock be loaned, directly or indirectly, to any Director of the Company, nor shall any Director be a party to any security for any such loan, and no stockholder to whom any part of the capital stock shall have been lent shall be eligible as a Director during the continuance of such loan.

Investment of funds.

By-laws may be made for certain purposes.

16. The Directors shall have full power and authority from time to time to make, and from time to time to alter, such by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well-ordering of the Company, the management and disposition of its stock, property, estate and effects, the calling of special general meetings, the regulation of the meetings of the Board of Directors, the increasing or decreasing of the number of Directors, the increasing of the capital stock, the making of calls on the subscribed capital, the issue and allotment of shares, the appointment and removal of officers and agents of the Company, the regulation of their powers and duties and the remuneration to be paid to them, the regulation of the transfer of stock and the form thereof, the compensation of Directors, the establishment and regulation of agencies, and the determining of rates, rules and conditions

under which the Company's policies shall be issued, transferred or re-purchased; Provided, that such by-laws, rules, regulations and ordinances, and all alterations therein, shall be submitted by the Directors to the shareholders at a general meeting thereof, and shall have no force or effect unless and until they are approved by a majority of the voters at such meeting.

Proviso: to be confirmed.

17. The chief place of business of the Company shall be in the city of Halifax, and the said Company shall have full power and authority to comply with the laws of any province, state or country wherein it proposes to carry on business, so far as such laws are not inconsistent with the provisions of this Act or with the laws of Canada, and to appoint therein, under the seal of the Company, local managers, agents or other officers.

Chief place of business and agencies.

18. 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 person in whose name any share stands, 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 or any of them may be held subject, and whether or not the Company shall have had notice of such trust.

Company not bound to see to trusts.

19. If the Directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend, the payment of which renders the Company insolvent or diminishes the capital stock thereof, the Directors declaring such dividend shall be jointly and severally liable, as well to the Company as to the individual shareholders and creditors thereof, for the amount of the dividend or dividends so paid; but if any Director present when such dividend is declared do forthwith, or if any Director then absent do, within twenty-four hours after he shall have become aware thereof, and able to do so, enter in the minutes of the Board of Directors his protest against the same, and do, within eight days thereafter, publish such protest in at least one newspaper published at or as near as may be possible to the head office of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

Directors liable for any dividend paid out of capital.

Any director may avoid responsibility.

20. The books of the Company shall at all times be open to the examination of such persons as the Governor General in Council shall appoint to inspect the same; and before any policy of insurance shall be issued by the Company, the securities upon which the capital stock and the balance of the unpaid stock of the Company shall have been invested or secured shall be first approved by the Governor General in Council.

Inspection of books and securities.

21. The Company shall be dissolved upon the extent of their losses becoming equal to the available capital stock of the Company, or upon the vote of the proprietors holding

Dissolution in certain cases;

two-thirds of the shares of the Company, at a special meeting to be called for that purpose, of which thirty days' notice shall be given in a newspaper published at Halifax, and by notice to the shareholders.

License for inland marine business.

22. The Company shall not enter upon the business of Inland Marine Insurance unless and until it shall have obtained a license from the Minister of Finance, in accordance with the provisions of the "*Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine business*," and the Company shall be subject to the provisions of all general laws now in force, or that may hereafter be in force, respecting Marine Insurance Companies.

Company to be subject to general law.

No. 30.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to incorporate the Union Marine Insurance Company of Halifax, Nova Scotia.

Received and read first time, Friday, 23rd February, 1877.

Second reading, Monday, 26th Feb., 1877.

(PRIVATE BILL.)

Mr. JONES, (Halifax.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 31.] **BILL.** [1877.

An Act to authorize and provide for the winding up of the Metropolitan Bank.

Preamble.

WHEREAS the Metropolitan Bank by its petition has represented, that it has met with heavy losses, and that its shareholders have determined that it is for their interest that the said Bank should be wound up; and has prayed for authority so to do; 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:—

General meeting may appoint liquidators.

1. The shareholders of the Metropolitan Bank at any special general meeting thereof called for the purpose according to its charter may appoint three persons to be liquidators to realize and wind up the assets and affairs of the said Bank, and such liquidators shall appoint one of their number to be chairman, and shall have all the administrative powers of Directors, save and except that no business shall be transacted by the said Bank, other than such as shall be requisite for the winding up of its affairs in the manner herein provided; and such liquidators shall proceed according to their discretion with the realization of the assets of the Bank as speedily as possible without undue sacrifice; and for that purpose may make such arrangements with any other Bank for the collection of debts now due to the said Bank upon such terms and conditions as they may deem reasonable; and from and out of the proceeds of such assets they shall pay all the ordinary liabilities of the Bank, first discharging all privileged claims thereon; and after paying in full all such privileged claims and liabilities and providing for the payment of any of such liabilities that shall not have been claimed they shall proceed to divide the balance of the proceeds of the said assets among the shareholders of the said Bank in manner and form hereinafter set forth.

Their duties.

Division of assets.

2. The inequality among the shareholders of the Bank as to the amount of calls paid by them shall first be removed by returning the full amount of calls paid in, in excess of forty per cent, first charging interest on unpaid calls; and if the balance of the said assets after such payment and provision shall prove to be insufficient to return all paid calls above forty per cent., the liquidators shall have the right to make a further call upon the shareholders owing the largest amount of unpaid calls in such a manner as to equalise the amounts paid in, and to make good the deficiency; but if the balance of such assets should be more than sufficient to reduce the amount paid by all the shareholders to a uniform level of forty per cent. the remainder thereof shall be divided equally among the shareholders of the Bank.

Provision for unredeemed liabilities.

3. If any portion of the liabilities of the Bank either consisting of ordinary indebtedness or of unredeemed circulation shall remain unpaid when the last dividend payable to the shareholders of the Bank is declared, the amount which has been reserved as a provision for such liabilities shall be retained on deposit at interest by the liquidators in their names as such until more than five years shall have elapsed from the incurring of ordinary liabilities, or from the passage of this Act in the case of outstanding bills; and thereupon after one month's notice in the *Canada Gazette*, and in one newspaper published in French and another in English in the City of Montreal, of the intention of the liquidators to distribute such provision among the shareholders, any balance then remaining unclaimed shall be distributed accordingly with all the interest accrued thereon.

Time limited.

Responsibility, remuneration, and duties of liquidators.

4. Such liquidators shall be responsible each for his own acts and deeds only, and otherwise in like manner as the Directors of the said Bank would be. They shall be indemnified out of the assets of the Bank for all reasonable expenses incurred in the winding up thereof, and shall receive such remuneration as shall be voted by the shareholders at the meeting by which they are appointed or at the final meeting of such shareholders. And they shall be subject to the directions of such shareholders and to removal and replacement from time to time by any special general meeting of such shareholders called for the purpose in the manner required by the charter; but if a vacancy occurs from any cause, the remaining liquidators or liquidator shall continue the winding up of the Bank with all the powers herein conferred upon all of them until the shareholders shall have filled such vacancy. And the majority of such liquidators, if there be more than two, shall form a quorum. And upon the final winding up of the Bank, the liquidators shall report to a final meeting of shareholders called for the purpose, which meeting shall have then the power to dissolve the said Bank, and to abandon the charter thereof, which charter shall thereupon lapse and become and be extinguished; and at such final meeting the shareholders may make such order respecting the disposition or custody of the books, muniments and documents of the Bank as they may deem fit.

Quorum.

Final meeting to dissolve the Bank.

Assets may be sold *en bloc*.

5. If pending the realization of the assets of the Bank an offer should be made for the purchase of the whole of the remaining assets *en bloc*, the liquidators may submit such offer to a special general meeting of the shareholders called for the purpose, and if authorized so to do by such meeting may accept the same with or without modification as they may be instructed to do by such meeting; and thereupon may execute a valid conveyance thereof to the purchaser thereof.

No. 31.

4th Session, 3rd Parliament, 40 Victori

B I L L.

An Act to authorize and prov the winding up of the Metro Bank.

Received and read first time, Frida February, 1877.

Second reading, Monday, 26th Februa

(PRIVATE BILL.)

MR. WOR

OTTAWA:
PRINTED BY MACLEAN, ROGER
1877.

No. 32.] **BILL.** [1877.

An Act respecting "La Banque Jacques Cartier."

Preamble. WHEREAS *La Banque Jacques Cartier* has, by petition, represented that it has sustained heavy losses in the course of its operations, which have had the effect of diminishing its assets and the value of the paid up shares of its capital, and whereas in order that it may continue its operations with advantage, it is necessary, as was admitted by its shareholders in general meeting assembled, to reduce its capital by reducing the nominal value of its shares, to authorize its amalgamation with other banks, and to grant it certain other powers: and whereas for these reasons it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Capital reduced. **1.** The capital of *La Banque Jacques Cartier* is hereby reduced from two millions of dollars to one million of dollars, divided into forty thousand shares of twenty-five dollars each, and the nominal value of each share is reduced from fifty dollars to twenty-five dollars; Proviso. Provided that the holders of the present shares not paid up, shall be liable to the payment in full of such shares, to the extent of their former nominal value.

Certain arrangements confirmed. **2.** The arrangement made by deed passed at Montreal, on the tenth of May, one thousand eight hundred and seventy-six, before Maître Dumouchel, Notary, between the said Bank and Romuald Trudeau, André Lapierre, Paul Médard Galarneau, Nazaire Villeneuve, John L. Cassidy, Louis Joseph Beliveau, Charles Séraphin Rodier, Jean Baptiste Beaudry, and Victor Hudon, formerly Directors of the said Bank, is hereby confirmed, and the Board of Directors of the said Bank is hereby authorized to distribute among the shareholders, conformably to the tenor of the said arrangement, the five thousand paid up shares of the capital of the said Bank, transferred to Jacques Grenier, Esquire, in trust, for the benefit of the shareholders, by the said late Directors of the said Bank, proportionately to the number of shares held by each of the said shareholders, and such distribution shall be effected, either by apportioning the shares themselves, or by selling them and distributing the proceeds of the sale, or by adopting both methods, at the option of the Directors.

Distribution thereunder.

Amalgamation with another bank. **3.** The Directors of the said Bank may enter into an agreement with one or several of the incorporated Banks of the Dominion, for an amalgamation, and may determine upon the terms of such amalgamation, and the relative values of

the assets of the said *Banque Jacques Cartier* and of such amalgamating Banks, and may agree upon all matters respecting the management of the Banks so amalgamated; Provided that the said agreement of amalgamation shall not contain anything inconsistent with "*An Act relating to Banks and Banking*," and the amendments thereto; no such agreement shall be valid, however, until confirmed by the majority of such of the shareholders of *La Banque Jacques Cartier*, present or duly represented at any general meeting of the said shareholders specially called for that purpose.

Proviso.

Other banks may amalgamate.

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

How union may be effected.

5. The agreement of amalgamation shall be made by notarial deed, or by writing under private signature, and after its confirmation by the shareholders of the amalgamating Banks, an authentic copy of the said agreement, if it has been made by notarial deed, or a duplicate thereof, if it has been made by deed under private signature, shall be filed in the office of the Secretary of State of Canada, and immediately after its filing, the said copy or the said duplicate shall be published in the *Canada Gazette*, at the expense of the Bank, and the amalgamation shall come into force from the date of such publication, and thereafter the amalgamated Banks shall be deemed to be one corporation, under such name as may be declared in the agreement of amalgamation; Provided that such name shall not be that of any incorporated Bank not being a party to such amalgamation; and the new Bank shall possess all the rights and privileges belonging to institutions of that character, and shall be subject to the provisions of the "*Act relating to Banks and Banking*," and the amendments thereof.

Proviso.

Certain copies of agreement to be evidence.

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

Capital of new bank.

7. The capital of such amalgamated Bank shall not be less than the sum of the joint capital of the several

Banks collectively, and the amount shall be settled by the agreement of amalgamation.

Head office.

8. The agreement of amalgamation may provide for the place where the principal office of the amalgamated Bank shall be situate.

Shareholders

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

Assets vested in new bank.

10. So soon as the amalgamation shall take effect, the assets of the several Banks shall become vested in the new Bank, as for its own use and benefit absolutely, and it may, in its own name, exercise all the rights and powers of each of the amalgamated Banks.

Its liability.

11. The new Bank shall forthwith become liable for all the obligations of the said amalgamated Banks, and may be sued to compel the performance of such obligations.

Rights of banks saved.

12. The amalgamation shall in no way vary the obligations of the debtors of the said amalgamated Banks, save and except that they shall become the debtors of the new Bank.

Creditors' rights saved.

13. Nothing in this Act shall be construed so as to lessen or vary the liability of the shareholders of *La Banque Jacques Cartier* to the present creditors thereof.

No. 32.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act respecting "La Banque Jacques Cartier."

Received and read first time, Friday, 23rd February, 1877.

Second reading, Monday, 26th Feb., 1877.

(PRIVATE BILL.)

MR. JETTÉ.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 33] **BILL.** [1877.

An Act to incorporate "La Société de Construction St. Jacques" as a Permanent Building Society, and for other purposes.

Preamble.

WHEREAS *La Société de Construction St. Jacques*, incorporated under the provisions of the Act chapter sixty-nine of the Consolidated Statutes for Lower Canada has existed in the City of Montreal since the month of January one thousand eight hundred and seventy-four; whereas the present subscribed capital of the said society is three million five hundred and seventy-four thousand dollars, and the amount paid thereon is about two hundred and four thousand dollars; whereas the said society has since its foundation effected large financial operations and investments; whereas its existence on a solid and durable basis is of great interest to all its shareholders; and whereas the said Society has, by the petition of its President and Directors, prayed for certain powers and changes which would greatly contribute to its prosperity and to the security of persons holding shares therein and of the public with whom its business is transacted; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Corporation continued.

1. The said *Société de Construction St. Jacques* and all its present members, their successors and assigns for ever, are hereby constituted a corporation and permanent building society under the name of *La Société de Construction St. Jacques* having its principal place of business or office in the City of Montreal, and may by that name sue and be sued, and shall enjoy all the rights, powers and privileges granted to permanent building societies by the Act chapter sixty-nine of the Consolidated Statutes for Lower Canada and by all other Acts affecting such societies, and shall be held to all the duties and obligations imposed on such societies by the said Acts.

Powers.

Property, &c. vested in society.

2. All real and movable property, shares or stock, obligations, debts, rights, claims and privileges generally whatsoever of the said *La Société de Construction St. Jacques*, shall continue vested in the said society incorporated as a permanent building society as aforesaid, under its said name, and shall continue to be held and maintained by or against the said society and belong to it to all intents and purposes, as if this Act had not been passed; and all proceedings commenced by the said society may be continued without any change whatsoever.

Officers.

3 The President, Directors and officers of the said *La Société de Construction St. Jacques*, now in office shall so continue in the said Society, until replaced in conformity with the by-laws of the Society.

By-laws.

2. The present by-laws of the said society shall continue in force until modified, amended or repealed by the said society.

Recital.

4. And whereas under the system hitherto followed in the said society, the capital thereof consisted of the whole amount of the shares subcribed for by its shareholders, and such capital was to be advanced by appropriation from time to time, during the existence of the society, to shareholders holding the winning number at a drawing of lots to be carried out under the supervision of the Board of Directors of the society, or whose number obtained at a bidding the privilege of appropriation ; and whereas under the aforesaid system of appropriation a certain number of shareholders have already received in advance the amount of their shares, and consequently the said shareholders are bound to repay in full the amounts so by them received, less what they may have previously paid up on their said shares, and consequently the said shares cannot now be reduced, unless with the consent of such shareholders and by providing a new and special means for the discharge of the obligations of such borrowing members towards the society,

Equalization of shares.

it is further enacted ; that the capital stock of the said society subscribed for by shareholders who have received no appropriations, shall he reduced to ten per centum of the amount by them so subscribed ; and the capital subscribed by borrowing shareholders shall remain at the full amount

Of non-borrowing shareholders.

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

Of borrowing shareholders.

be payable at shorter intervals than one month. Borrowing shareholders shall continue to make their payments in the same manner and on the same terms and at the same periods as set forth in their obligations entered into with the society, until such time as each and all of their said obligations shall have been completely and entirely satisfied

Commutation.

and fulfilled. Nevertheless the Directors of the society may make such arrangements with such borrowing shareholders as they shall think proper, to convert into an obligation to pay a fixed sum agreed upon and determined between them and such borrowing shareholders, all and every the debts and obligations of such borrowing shareholders as aforesaid, and thenceforth such borrowing shareholders shall cease to be shareholders and shall become simple borrowers, and their shares shall be absolutely cancelled and annulled to all intents and purposes whatsoever.

Increase of capital and temporary shares.

5. The said society may, by a resolution of the Directors confirmed at a general meeting of the shareholders, increase its permanent capital, and may as often as it thinks proper open classes of temporary shares; and nothing in this Act shall operate to deprive the society in that respect of any rights and privileges conferred by general Acts affecting such societies.

Conversion of temporary shares.

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

Votes.

7. The capital stock of the society shall be divided into shares of one hundred dollars each and each share shall entitle the holder thereof to one vote.

Prior claim of society in respect of shares.

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

Seizure of shares.

Investment of funds.

9. The system of appropriations hitherto followed in the said society shall be totally discontinued, and the said society may invest its moneys in the public funds, in bank stocks, or with any persons being or not being holders of shares in the said society, who shall offer and furnish hypothecary security deemed to be sufficient by the Directors of the said society. The society may also accept in addition to such hypothecary securities, any personal or other security offered as collateral security for loans made by the society.

Collateral security.

By-laws may be made.

Notice.

10. The society shall have power to make, alter, repeal and re-enact from time to time by-laws for the regulation of its business, by a majority of two thirds of the votes of its members present in person or represented by proxy at a general meeting of the members of the society held for that purpose, at the call of the President or of three Directors, by public notice inserted in two newspapers, published in the City of Montreal, one in the French language and the other in the English language, three times a week for two consecutive weeks, before the day of the said meeting. And at such meeting and at all other meetings of the members of the society the members shall vote in the manner provided by the by-laws of the society.

Establishment of reserve fund.

11. The Directors of the society may, each year, at the period of the division of profits, reserve out of the profits of

the permanent capital, a certain sum not to exceed two per centum of the amount of such capital, when the net profits shall not exceed ten per centum, and at their discretion if the profits exceed ten per centum; which sum shall form the permanent reserve fund of the society and shall be set apart to meet all losses or extraordinary or unforeseen expenditure incurred by the society, the responsibility of which devolves on the permanent shareholders.

No. 33.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to incorporate "La Société de Construction St. Jacques" as a Permanent Building Society, and for other purposes.

Received and read first time, Friday, 23rd February, 1877.

Second reading, Monday, 26th Feb., 1877.

(PRIVATE BILL.)

Mr. JETTÉ.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 34] **BILL.** [1877.

An Act to amend the Act to incorporate "The Ottawa Agricultural Insurance Company."

WHEREAS the Ottawa Agricultural Insurance Company have, by their petition, prayed for certain amendments to their Act of incorporation, passed in the thirty-seventh year of Her Majesty's reign, and intituled "*An Act to incorporate the Ottawa Agricultural Insurance Company*;" And whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Preamble.

37 V., c. 89.

1. The fourth section of said Act is hereby repealed, and the following section is substituted therefor:

S. 4 repealed.

"**4.** When duly licensed under the Act respecting Insurance Companies, the said Company shall be legally authorized to make and effect contracts of Insurance with any person or persons, body politic or corporate, against loss or damage by fire or lightning on farm-dwellings, barns and outbuildings of all descriptions belonging to farms, and the chattel contents of such dwellings and buildings, and also upon all sorts and classes of detached or isolated properties, whether in cities, towns, villages or wherever situate, of whatsoever nature the same may be; also upon chattel property of all descriptions, situate in or upon or contained in any detached or isolated buildings or property, for such time and for such premiums or considerations, and under such modifications and restrictions, and upon such conditions as may be bargained and agreed upon or set forth by and between the Company and the person or persons, body politic or corporate, agreeing with the said Company for such Insurance; and to cause themselves to be re-insured against any loss or risk they may incur in the course of their business as aforesaid; and generally to do and perform all other necessary matters and things connected with and proper to carry on the business and promote the object aforesaid."

New section.

2. The said original Act shall be read and construed as if the said section four, as amended by this Act, had originally constituted section four of the said original Act, and any insurance that may have been effected by the said Company previous to the passing of this Act, on any classes of property coming within the powers of the Company under the said section four, as amended by this Act, are hereby declared to have been properly so effected by the said Company, as within the powers conferred upon them by their original Act of incorporation

Construction of Act hereby amended.

No. 34.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Act to incorporate the "Ottawa Agricultural Insurance Company."

Re-printed as amended by the Select Committee on Banking and Commerce.

(PRIVATE BILL.)

Mr. ROCHESTER.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 35] BILL. [1877.

An Act concerning the Ottawa, Vaudreuil and Montreal Railway Company.

WHEREAS the Ottawa, Vaudreuil and Montreal Railway Company have by their petition represented that it has been found impracticable to construct that portion of their proposed line of railway, lying between West Hawkesbury and the City of Ottawa, within the time limited for that purpose, by the Act concerning the said Company, being thirty-fourth Victoria, chapter forty-six; and whereas the said Company by their petition have prayed for an extension of the time fixed for the construction of the said portion of their railway; and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The time limited for the construction of that portion of the Ottawa, Vaudreuil and Montreal Railway, lying between West Hawkesbury and the City of Ottawa, is hereby extended for five years from the time of the passing of this Act, and from thence to the end of the then next ensuing session of Parliament, and all powers conferred upon the said Company by any Act affecting them shall continue to be enjoyed by them, and every provision conferring such powers shall continue in force notwithstanding the expiry of the term fixed for the construction of the said portion of their railway. Time for construction extended.

No. 35.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act concerning the Ottawa, Vaudreuil and Montreal Railway Company.

Received and read first time, Friday, 23rd February, 1877.

Second reading, Monday, 26th Feb., 1877.

(PRIVATE BILL.)

Mr. HAGAR.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 36.] **BILL.** [1877.

An Act to amend and consolidate certain Acts respecting Insurance.

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 terms and expressions whenever used in this Act, unless it be otherwise specially provided, or there be something in the context repugnant to, or inconsistent with such construction, shall be construed and interpreted as hereinafter mentioned, that is to say :— Interpretation.

1. "Company" means and includes any corporation and any society or association, incorporated or unincorporated, and any partnership carrying on the business of insurance other than ocean marine insurance only. Company.

2. "Agent" means the chief agent of the Company in Canada, named as such in the power of attorney hereinafter referred to, by whatever name he may be designated. Agent.

3. "Chief Agency" means the principal office, or place of business of the Company in Canada. Chief Agency.

4. "Canadian Policy" or "Policy in Canada" means a policy issued by any company licensed under this Act to transact the business of life-insurance in Canada in favor of any person or persons resident in Canada at the time when such policy was issued, and "policy-holder in Canada" means any such person as aforesaid. Canadian policy.

This Act may be cited as "*The Consolidated Insurance Act*, 1877;" and this Act and the Act 38 Victoria, chapter 20, may be cited together as "*The Insurance Acts of* 1875 *and* 1877." Short titles.

2. It shall not be lawful for any Insurance Company to issue any policy of life-insurance or to grant any annuity on lives or receive any premium or transact any business of life-insurance, in Canada, or to prosecute or maintain any suit action or proceeding either at law or in equity, or to file any claim in insolvency relating to such business, founded on any policy in Canada, without first obtaining a license (as hereinafter provided for) from the Minister of Finance to carry on such business in Canada ; but this Act shall not apply to any policy in Canada, issued previously to the twenty-second day of May, in the year 1868, by any Company which has not subsequently received a license. What Companies only may transact life insurance business.

3. The license shall be in such form as may be from time to time determined by the Minister of Finance, and it shall expire on the thirty-first day of March in each year, but shall be renewable from year to year. Form and duration of license.

License to issue on certain conditions.

4. The Minister of Finance so soon as the company applying for the same has deposited in the hands of the Receiver-General the securities hereinafter mentioned, and has otherwise conformed to the requirements of this Act, shall cause to be issued such license as aforesaid.

Deposit of securities.

Nature of securities.

Companies in U. K.

Companies in U. S

Valuation of Securities.

Other securities valuation of;

If the value declines, further deposit.

Penalty for failure.

5. Every company shall, before the issue of such license, have deposited the sum of fifty thousand dollars with the Receiver-General in securities as hereinafter named. All such deposits may be made by any Company in securities of the Dominion of Canada, or in securities issued by any of the Provinces in the Dominion of Canada; and by any Company incorporated in the United Kingdom in securities of the United Kingdom, and by any Company incorporated in the United States in securities of the United States; and the value of such securities shall be estimated by the Treasury-Board at their market value at the time when they are so deposited. If any securities other than those above named are offered as a deposit they may be accepted, at such valuation and on such conditions as the Treasury Board may direct; and if the market value of any of the securities which have been deposited by any company shall decline below that at which they were deposited, the Minister of Finance may call upon the company to make a further deposit, so that the market value of all the securities deposited by any Company shall be equal to the amount which it is required by this Act to deposit, and on failure by the Company to make such further deposit within sixty days after being called upon so to do, the Minister of Finance may withdraw its license.

Company may deposit further security.

How dealt with.

6. Any Company licensed under this Act may nevertheless at any time or times deposit in the hands of the Receiver General any further or other sum or sums of money or securities beyond the sum required to be deposited; and any such further sum or sums of money, or securities therefor, so deposited in the hands of the Receiver General, shall be held by him subject to, and to be dealt with according to the provisions of this Act in respect to the original sum required to be deposited by such Company, as if the same had been part of such original deposit, and shall not be withdrawn except with the sanction of the Governor General in Council on the report of the Treasury Board.

Any deficiency of security to be made good.

Penalty for failure.

7. If from the annual statements or after examination of the affairs and condition of any Company, (as hereinafter provided for) it appears that its liabilities to policy-holders in Canada (including matured claims, and the full reserve or reinsurance value for outstanding policies as hereinafter described, after deducting any claim the Company may have against such policies) exceed its assets in Canada, including the deposit in the hands of the Receiver General, then the Company shall be called upon by the Minister of Finance to make good the deficiency, and on failure to do so within sixty days, he shall withdraw its license.

2. If the Company be incorporated elsewhere than within Canada, the assets in Canada as aforesaid shall be taken to consist of any deposit which the Company may have made with the Receiver General in conformity with the fifth and sixth sections of this Act, and of such assets as may have been vested in trust for the Company for the purposes of this Act, in two or more persons resident in Canada, such trustees to be appointed by the Company and approved by the Minister of Finance (by whom also the trust-deed must be approved) and the said trustees may deal with such assets in any manner provided by the deed of trust appointing them, so however that the value held by them shall not fall below that required by this section: provided that in the case of any such Company, which moreover shall have given written notice to the Minister of Finance before the thirty-first day of March in the year 1878 of its intention to avail itself of this proviso, the foregoing requirements of this section shall not apply to any policy issued previously to the 31st day of March in the year 1878, and the deposit at present in the hands of the Receiver General shall be dealt with in regard to such policies in conformity with the fourth and fifth sections of an Act passed by the Parliament of Canada in the thirty-fourth year of Her Majesty's reign and intituled: *An Act to amend the Act respecting Insurance companies*; and whenever the full liability under such policies shall fall below the amount so held by the Receiver General, the Minister of Finance, with concurrence of the Treasury Board, may direct that the whole or such portion of the difference as he may deem advisable, shall be released and handed over to the Company, and so on from time to time until the total deposit with the Receiver General is reduced to the amount of fifty thousand dollars required by this Act.

As to Company incorporated elsewhere thad in Canada.

Assets vested in trust.

Proviso as to Companies giving notice before 31st March, 1878.

34 V. c. 9.

Release of surplus securities to such Company.

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8. So long as any Company's deposit is unimpaired and the conditions of the preceding section are satisfied and no notice of any judgment or order made by the proper Court in that behalf under the fifteenth and sixteenth sections of this Act is served upon the Minister of Finance or Receiver General, the interest upon the securities forming the deposit shall be handed over to the Company as it falls due.

Interest on securities,—when payable to Company.

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9. Every Company shall, before the issue of a license to it have filed in the department of the Minister of Finance a copy of the charter, Act of incorporation, or articles of association of the Company, certified by the proper officer in charge of the original thereof, and also a power of attorney from the Company to its Agent in Canada, under the seal of the Company (if it has a seal) and signed by the President and Secretary or other proper officers thereof, in presence of a witness who must make oath or affirmation as to the due execution thereof; and the official positions in the Company held by the officers signing such power of attorney shall be sworn to or affirmed by some person cognizant of the necessary facts in that behalf; and such power of attorney must declare at what place in Canada the head office, or chief agency of such Company is, or is to be established, and must

Certain documents to be fyled before license is granted.

expressly authorize such attorney to receive process in all suits and proceedings against such Company in any Province of Canada for any liabilities incurred by the Company therein, and also to receive from the Minister of Finance and the Superintendent of Insurance, all notices which the law may require to be given, or which it may be thought advisable to give, and must declare that service of process for or in respect of such liabilities, and receipt of such notices, at such office or chief agency, or personally on or by such attorney at the place where such head office or chief agency is established, shall be legal and binding on the Company to all intents and purposes whatsoever; and also a statement of the condition and affairs of such Company on the thirty-first day of December then next preceding, or up to the usual balancing day of the Company (provided that such day shall not be more than twelve months before the filing of the statement,) in such form as may be required by the Minister of Finance.

If changes are made in a chief agency

Whenever any such Company changes its chief agent or chief agency in Canada, such Company shall file a power of attorney as hereinbefore mentioned, containing any such change or changes in such respect, and containing a similar declaration as to service of process and notices as hereinbefore mentioned; and every Company shall at the time of making the annual statement hereinafter provided for, declare that no change or amendment has been made in the Charter, Act of Incorporation, or Articles of Association of the Company and no change in the chief agency or chief agent, without such amendment or change having been duly notified to the Superintendent of Insurance.

Declaration of no change to be made in the annual statement.

Duplicates of such documents to be filed in Court.

Duplicates of all such documents duly verified as aforesaid, shall be filed in the office of one of the Superior Courts either of law or equity in the Province in which its head office, or chief agency is situated; or if the chief agency be in the Province of Quebec, with the Prothonotary of the Superior Court of the district wherein such chief agency is established.

Service of process on Company.

10. After the certified copies referred to in the last preceding section, and such power of attorney are filed as aforesaid, any process in any suit or proceeding against such company, for any liabilities incurred in any Province in Canada, may be validly served on the company at its chief agency, and such service shall be deemed to be service on the company.

Company to give notice of license.

11. Every company on first obtaining such license as aforesaid shall forthwith give due notice thereof in the *Canada Gazette*, and in at least one newspaper in the county, city, or place where the head office, or chief agency is established, and shall continue the publication thereof for the space of four weeks, and the like notice shall be given, for the space of three calendar months, when a company ceases, or notifies that it intends to cease, to carry on business in Canada,

And of ceasceasing business.

Notices by Minister of Finance.

12. The Minister of Finance shall cause to be published quarterly in the *Canada Gazette* a list of companies licensed under this Act, with the amount of deposits made by each company, and upon any new company being licensed, or upon the license of any company being withdrawn in the interval between two such quarterly statements, he shall publish a notice thereof in the *Canada Gazette* for the space of four weeks.

Penalty for issuing any policy in contravention of this Act, except under ss. 17 and 18.

How enforced and applied.

13. Any person (except as hereinafter provided in the *seventeenth* and *eighteenth* sections of this Act) who delivers any policy of insurance, or collects any premium (except only on policies issued to persons not resident in Canada at the time of issue,) or transacts any business of insurance on behalf of any Life Insurance company, without such license as aforesaid, shall be liable to a penalty of one thousand dollars for each such contravention of this Act, which penalty may be sued for and recovered on information filed in the name of the Attorney General of Canada ; and one-half of the said penalty when recovered shall be paid to the Crown, and the other half of the said penalty to the informer ; and in case of non-payment of such penalty and costs within one month after such judgment, the person so offending shall be liable to imprisonment in any jail or prison for a period not exceeding six months in the discretion of the Court wherein he is convicted.

Removal of licenses which have been withdrawn under sections 5 or 7 Withdrawal for non-payment of claims.

Renewal if claim is satisfied.

14. When the license of a company has been withdrawn by the Minister of Finance under the fifth or seventh section of this Act, such license may be renewed if within thirty days of such withdrawal the company complies with the requirements of this Act to the satisfaction of the Minister of Finance ; and whenever satisfactory proof has been furnished to the Minister of Finance of any undisputed claim upon a company arising on any policy in Canada remaining unpaid for the space of sixty days after being due, or of a disputed claim remaining unpaid after final judgment in a regular course of law and tender of a legal valid discharge made to the Agent of such company, the Minister of Finance may withdraw the license of such company ; but such license may be renewed if within thirty days after such withdrawal such undisputed claims or final judgments upon or against the company are paid and satisfied.

Company whose license is withdrawn liable as for insolvency ; exception under ss. 17 and 18.

15. Except in the cases provided for in the seventeenth and eighteenth sections of this Act, a company shall be liable to be dealt with in the manner hereinafter prescribed for the case of insolvency, whenever its license has expired or been withdrawn without the renewal of the same within thirty days after such expiry or withdrawal.

Application of assets held by trustees under s. 7, in cases of insolvency in the several Provinces.

In case of the insolvency of any company, all the assets held by the Trustees as required by the seventh section of this Act, together with the deposits of such company held by the Receiver General, shall be applied *pro rata* towards the payment of all claims of policy-holders in Canada duly authenticated against such company, and the distribution of

such assets and deposits may, if applied for in the Province of Ontario, or of Nova Scotia, or of New Brunswick, or of British Columbia, or of Prince Edward Island, be made by order in Chancery or in Equity ; or if applied for in the Province of Quebec or of Manitoba, may be made by judgment or order of distribution of the Superior Court within the district where the chief agency is situated.

Appointment of assignees, and their duties.

16. Upon the insolvency of any company, such Court as aforesaid having jurisdiction in the Province (or sitting in the district, if such Province be the Province of Quebec or of Manitoba) where the chief agency in Canada of such company is situated, shall appoint an assignee or assignees, who may be an officer or officers of such Court, who shall forthwith call upon the company to furnish a statement of all its outstanding policies in Canada, and upon all such policy-holders to file their claims ; and upon the filing of the claims before the assignees, the parties interested shall have the right of contestation thereof, and the right of appeal from their decision to such Court as aforesaid, according to the practice of such Court ; and all policy-holders in Canada shall be entitled to claim for the full net values of their several policies at the time (including bonus-additions and profits accrued) and such claims shall rank with judgments obtained and claims matured on Canadian policies, in the distribution of the assets hereinafter described ; and the said assignees may require the Superintendent of Insurance to value, or procure to be valued under his supervision the policies before mentioned, basing such valuation on the mortality table of the Institute of Actuaries of Great Britain and on a rate of interest at four and one half per centum per annum, and the expenses of such valuation at a rate of three cents for each policy or bonus-addition so valued shall be retained by the Receiver General from the securities held by him.

Notice.

Contestation of claims.

Rights of policy holders.

Valuation of policies—on what basis.

Cost of valuation.

Sale of securities on completion of schedule by assignees.

Upon the completion of the schedule to be prepared by the assignees of all judgments against the company upon policies in Canada, and of all claims upon policies matured or outstanding as aforesaid, the Court having jurisdiction, as above provided, shall cause the securities held by the Receiver General for such company, and the assets held by the Trustees as provided in the seventh section of this Act, or any part of them to be sold or realized in such manner and after such notice and formalities as the Court may appoint ; and the proceeds thereof, after paying expenses incurred, shall be distributed *pro rata* amongst the claimants according to such schedule, and the balance, if any, shall be surrendered to the Company; but if any claim matures after the statement of such outstanding policies has been obtained from the company as hereinbefore provided, and before the final order of the Court for the distribution of the proceeds above mentioned, or if the said proceeds are not sufficient to cover in full all claims recorded in the schedule, such policy-holders shall not be barred from any recourse they may have either in law or equity against the company issuing the policy or any shareholder or Director thereof, other than for a share in the distribu-

Distribution of proceeds.

Claims maturing afterwards.

If the assets do not cover the claims.

bution of the proceeds above mentioned, or in any distribution of the general property and assets of the Company (other than the deposit and assets vested in trustees under this Act) which may be made under the Insolvent Act of 1875.

Proviso: as to policy holders insured on the mutual principle.

Provided always that, in all cases of distribution of the proceeds of the deposit in the hands of the Receiver-General and the assets vested in the Trustees as provided for in this section, if it appears from the Charter, Act of Incorporation, or Articles of Association of the Company, and from the conditions of the policy, that any Canadian policy-holder claiming a share in such distribution has been insured on the "mutual" principle, then such policy-holder shall be entitled only to claim a share in the distribution as aforesaid, at the same rate as all other holders of policies under the same conditions may be entitled to claim in the distribution of the total assets of the Company, whether such be holders of Canadian policies or otherwise; but this proviso shall apply in the cases of such companies only as by the laws of the country (if such country be other than Canada) in which such Company is chartered, incorporated, or associated together, a Canadian policy-holder in such Company is entitled to claim a share in the distribution in such country other than Canada, at the same rate as all other holders of policies under the same conditions may be entitled to claim in the distribution of the total assets of the Company, and to enjoy all the rights and privileges as policy-holders which are enjoyed by the policy-holders who are natives of or naturalized in such country.

Application of foregoing proviso as to Companies incorporated elsewhere than in Canada.

Case of Company ceasing business before first renewal of its license, after notice to Minister.

17. In the case of any company at present licensed to transact business of Life Insurance in Canada, which shall cease to transact such business before the time fixed for the first renewal of its license under this Act, and shall before that time give written notice to that effect to the Minister of Finance, the premiums due or to become due on policies actually issued before the aforesaid time, may continue to be collected, and the losses arising thereon may be paid, and all business appertaining thereto may be transacted, and all proceedings appertaining thereto, either at law or in equity, may be continued or commenced and prosecuted, and the deposit at present in the hands of the Receiver General shall be dealt with, as if this Act had not been passed.

Powers and proceedings of Company ceasing business otherwise than as mentioned in s. 17.

List of policy holders to be filed with notice of application for release of securities.

18. When any company licensed under this Act desires to discontinue business and to release its assets in Canada, and has given written notice to that effect to the Minister of Finance, it may procure the transfer, with the consent of the policy holders, of its outstanding policies in Canada to some company or companies licensed under this Act in Canada, or may obtain the surrender of the policies, so far as may be practicable, and the trustees may employ any portion of the assets vested in them for the purpose of effecting such transfer or surrender. It must also file with the Minister of Finance a list of all Canadian policy-holders whose policies have been so transferred or have been surrendered, and also a list of those which have not been transferred or surrendered, and it must at the same time pub-

lish in the *Canada Gazette* a notice that it will apply to Government for the release of its assets and securities on a certain day not less than three months after the date of the notice, and calling upon its Canadian policy-holders opposing such release to file their opposition with the Minister of Finance on or before the day so named; and after that day, upon the application for release being made, if the Minister of Finance with concurrence of the Treasury Board is satisfied that such transfer or surrender has been effected, he may direct that a portion of the assets held by the trustees or securities held by the Receiver General be retained sufficient in amount to cover the full equitable net surrender value of such policies (including bonus-additions and accrued profits) as have not been transferred or surrendered, or in respect to which opposition has been filed, and may order the remaining assets or securities aforesaid to be released and transferred or paid over to the company, and the portion retained shall be tendered in the manner hereinafter described to the aforesaid policy-holders *pro rata* according to the aforesaid values of their respective policies, and on the acceptance of the amount so tendered such policies shall thereby be deemed to be cancelled, but if such tender be refused by any policy-holder, the amount so tendered may be paid over to the company, and the policy shall continue in force, and such policy-holder shall not be barred from any recourse he may have in either law or equity against the company to compel the fulfilment of its contract under such policy. The surrender-values above mentioned shall be determined by the Superintendent of Insurance on the basis stated in the sixteenth section of this Act, and he shall collect from the company the expenses of such valuation at the rate of three cents for each policy or bonus-addition, and shall pay the same to the Receiver General before the latter shall hand over the securities; but nothing herein contained shall hinder any policy-holder from making special arrangements with the company whereby his policy may be continued in force, and, on proof being given of such arrangement, such policy may be omitted or removed from the above mentioned lists of policies, and this Act shall thereafter not apply in respect of such policy.

Action thereafter of Minister as to disposal of assets or securities.

Tenders to policy holders.

Policy holders refusing the tenders.

Surrender values, how determined: s. 16 referred to.

Special arrangements may be made.

19. The tender referred to in the eighteenth section shall be made in the following manner:

How the tender under s. 18 shall be made.

List and notice.

A list and notice in the form Schedule B to this Act, or to the like effect, shall be published in the *Canada Gazette* for at least thirty days previous to the day named in such notice. The company shall also procure the said list and notice to be published in such newspapers in Canada and for such length of time as the Minister of Finance may determine.

Notice to be sent to each.

A notice in the form Schedule C to this Act, or to the like effect, shall be sent by Mail (postpaid or franked) from the office of the Superintendent of Insurance to each of the policy-holders named in the said list, whose address may be known to the said Superintendent. Such notice shall be posted in some post-office in Canada at least thirty days pre-

vious to the day named therein, which day must be the same day as that named in the list and notice above mentioned.

Policy holders not signifying acceptance deemed to have refused.

Any policy-holder not signifying in writing to the Superintendent of Insurance his acceptance of the amount so tendered, on or before the day named in said notice, shall be deemed to have refused the same; but the Minister of Finance may at any time prior to the payment over to the Company of the amount so refused, allow any policy-holder to signify his acceptance of such amount, which acceptance so allowed shall have the same effect as if made on or before the day named in said notice.

Statement to be prepared yearly and sent to Minister of Finance.

20. It shall be the duty of the President, Vice-President, or Managing Director, and Secretary or Manager of every company incorporated in Canada, and at present licensed or hereafter licensed under this Act, to prepare annually under their own oath, and cause to be deposited in the office of the Minister of Finance on the first day of January or within three months thereafter, a statement of the condition and affairs of such company at the usual balancing day of the company in the preceding year, which statement shall exhibit the assets and liabilities of the company, and its income and expenditure during the previous year, and such other information as may be deemed necessary by the Minister of Finance. Such statements shall be made in the form and manner shown in the Schedule A hereto annexed, subject to alteration by the Minister of Finance as hereinafter provided, and shall be sworn to before some person duly authorized to administer oaths in any legal proceeding in manner annexed:

What to show.

Form of statement.

Form of oath attesting statement.

Province of County of

President and

Secretary of Company being duly sworn, depose and say, and each for himself says, that they are the above described officers of the said company, and that on the day of last all the above described assets were the absolute property of the said company, free and clear from any liens, or claims thereon, except as above stated, and that the foregoing statement, with the schedules and explanations hereunto annexed and by them subscribed, are a full and correct exhibit of all the liabilities, and of the income and expenditure and of the general condition and affairs of the said company, on the said day of last, and for the year ending on that day, according to the best of their information, knowledge, and belief respectively.

Signatures.

Subscribed and sworn to before me this day of A. D. 18.

Minister may alter form of statement.

The Minister of Finance may, from time to time, make such changes in the form of snch statements as shall seem to him best adapted to elicit from the companies a true exhibit of their condition in respect to the several points hereinbefore enumerated.

Yearly statements by Companies incorporated elsewhere than in Canada.

21. Companies incorporated elsewhere than within Canada, and at present licensed or hereafter licensed under this Act, shall make annual statements of their condition and affairs under oath of their chief agent, and furnish the same to the Minister of Finance at the same time as Canadian Companies—of their Canada business in the same form and manner (so far as applicable) as required of Canadian Companies—and of their general business, in such form and to such date as they may be required by law to furnish to the Government of the country in which their head office is situate, in a separate schedule attached. The blank forms of the statements of the Canada business to be furnished in duplicate by the Finance Department.

Penalty for violation of two next preceding sections.

22. Any violation of either of the two next preceding sections shall subject the company violating the same to a penalty of five hundred dollars for each violation, and of an additional sum of one hundred dollars for each month during which any such company shall neglect to make such publication or to file such affidavits and statements as are therein required. If such penalties are not paid the Minister of Finance with the concurrence of the Treasury Board, may order such company's license to be suspended or withdrawn as may be deemed expedient.

Withdrawal of license for non-payment of penalty.

How reserve for covering liabilities to Canadian policy holders shall be calculated.

23. In computing or estimating the reserve necessary to be held in order to cover its liability to policy-holders in Canada, each company may employ any of the standard tables of mortality as used by it in the construction of its tables, and any rate of interest not exceeding four and one half per centum per annum; but if it appears to the Superintendent of Insurance that such reserve falls below that computed on the basis stated in the sixteenth section of this Act, he shall report the same to the Minister of Finance who may thereupon direct the said Superintendent to compute, or procure to be computed under his supervision, the reserve on the basis mentioned in this section, and the amount so computed, if it differs materially from the return made by the Company, may be substituted in the annual statement of assets and liabilities; and in such case, the company shall furnish to the Superintendent of Insurance on application the full particulars of each of its policies necessary for such computation, and shall pay to the said Superintendent an amount at the rate of three cents for each policy or bonus-addition so valued, which amount he shall hand over to the Receiver General

Minister may order re-computation.

Costs.

Company may require computation by Superintendent.

Any company instead of itself computing or estimating the reserve above mentioned may require the same to be computed by the Superintendent of Insurance on the basis stated in the sixteenth section of this Act, on payment of a like amount as is mentioned in the next preceding paragraph.

Superintendent under 38 V. c 20, to have like powers and duties under this Act.

24. The Superintendent of Insurance appointed under the Act passed by the Parliament of Canada in the thirty-eighth year of Her Majesty's reign, and intituled: "*An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine business,*" shall

have the like duties and powers with respect to Companies at present licensed or hereafter licensed under the present Act to transact the business of Life Insurance as are prescribed and conferred in the above cited Act with respect to companies licensed to transact the business of Fire and Inland Marine Insurance.

Valuation of Canadian policies every five years.

2. Once in every five years, or oftener at the discretion of the Minister of Finance, the Superintendent of Insurance shall himself value or procure to be valued under his supervision, the Canadian policies of all companies licensed under this Act to transact the business of Life Insurance in Canada, the basis of such valuation being that stated in the sixteenth section of this Act.

Payments by Companies towards expenses of office.

3. Towards defraying the expenses of the office of the Superintendent of Insurance, the companies at present licensed or hereafter licensed under this Act to transact the business of Life Insurance in Canada shall each annually contribute a sum in proportion to the gross premiums received by each in Canada during the previous year, *pro rata* with the companies licensed under the above cited Act, such sum to be paid upon the issue of the annual license.

Except those licensed under this Act or 38 V. c. 20, or doing ocean marine insurance only, no Company shall do business in Canada unless by permission of Minister of Finance.

25. Except such companies as are licensed under the present Act or the above cited Act, no company shall do any business of insurance in Canada (always excepting companies doing in Canada Ocean-Marine business exclusively) without permission obtained from the Minister of Finance who after report made by the Treasury Board and approved by the Governor in Council shall decide in each case whether such permission shall be granted, and whether a license shall be proper or necessary to be issued, and whether any, and what deposit shall be required to be made with the Receiver General, and shall have power to call for annual statements under oath of such business in such form and manner as he may deem expedient, and may revoke the permission or license granted if he see cause therefor, and may grant to the Superintendent of Insurance the same powers with regard to such company as are conferred on him by the present Act with regard to Life Insurance Companies, and may call upon such company to contribute towards the expenses of the office of the Superintendent of Insurance such sum as he may deem equitable ; and any company doing any such business without obtaining such permission or license, or if such permission or license has been revoked, or neglecting or refusing to make the statements called for, and any person delivering any policy of insurance, or collecting any premium on behalf of such company, shall render themselves respectively liable to the penalties stated in the thirteenth and twentieth sections of this Act.

Penalty for contravention.

As to duratisn of charters of Companies incorporated by special Act after the passing of

26. Unless otherwise provided in the special Act incorporating any Insurance Company passed by the Parliament of Canada after the passing of this Act, such special Act and all Acts amending the same shall expire and cease to be in force at the expiration of two years from the passing thereof, unless within such two years the Company thereby incorpor-

this Act, without obtaining a license under this Act or 38 V. c. 20.

ated shall have obtained a license from the Minister of Finance under the provisions of this Act and any Act amending the same or under the provisions of the Act passed in the thirty-eighth year of Her Majesty's reign and intituled: *An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine business.*

And if so incorporated before the passing of this Act.

The special Act incorporating any Insurance Company passed by the Parliament of Canada before the passing of this Act, and all Acts amending such special Act, shall expire and cease to be in force at the expiration of two years from the passing of this Act, unless within such two years the company thereby incorporated shall have obtained a license from the Minister of Finance under the provisions of this Act and any Act amending the same or under the provisions of the said Act passed in the thirty-eighth year of Her Majesty's reign and intituled: *An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine business.*

38 V. c. 20.

Period limited by 38 V. c. 20 for annual statements extended.

27. The period prescribed in the twentieth section of the Act passed in the thirty-eighth year of Her Majesty's reign and intituled: "*An Act to amend and consolidate the several Acts respecting Insurance in so far as regards Fire and Inland Marine business,*" for the preparation and deposit in the office of the Minister of Finance of the annual statements is hereby extended to the first day of March in each year.

Acts and parts of Acts repealed.

28. From and after the passing of this Act, all provisions hitherto unrepealed of an Act passed by the Legislature of the late Province of Canada in the twenty-second year of Her Majesty's reign, and intituled: "*An Act respecting Mutual Insurance Companies,*" and of an Act passed by the Parliament of Canada in the thirty-first year of Her Majesty's reign, and intituled: "*An Act respecting Insurance Companies,*" and of an Act passed by the Parliament of Canada in the thirty-fourth year of Her Majesty's reign, and intituled: "*An Act to amend the Act respecting Insurance Companies,*" and of an Act passed by the Parliament of Canada in the thirty-seventh year of Her Majesty's reign, and intituled: "*An Act to further amend the Act thirty-first Victoria, chapter forty-eight, intituled An Act respecting Insurance Companies,*'" and of an Act passed by the Parliament of Canada in the thirty-eighth year of Her Majesty's reign, and intituled: "*An Act respecting Life Insurance Companies and companies doing any insurance business other than Fire and Inland Marine,*" and the sixth clause of the twenty-third section of an Act passed by the Parliament of Canada in the thirty-eighth year of Her Majesty's reign, and intituled: "*An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine business,*" are hereby repealed, saving nevertheless all licenses which may have been issued thereunder (other than those for the transaction of Fire or Inland Marine Insurance) until the thirty-first day of March, 1878 (at which date they shall expire) and the right of companies so licensed to continue business during the existence of the same; and saving also any act done, or right or right of action existing, accruing, accrued, or established, or any

Con. Stat. U. C. cap. 52.

31 V. c. 48.

34 V. c. 9.

37 V. c. 48.

38 V. c. 21.

Part of 38 V. c. 20.

Saving licenses issued under them, etc.

proceedings commenced, or any offence committed, or any penalty or forfeiture incurred, before the passing of this Act; and saving also the right of any Life Insurance Company which has commenced to make its deposit with the Receiver General to continue the same in the manner in which it has commenced as described in any of the above mentioned Acts until the amount reaches fifty thousand dollars required by the present Act—with respect to all which the said Acts shall remain in force.

Rights accrued and penalties incurred.

SCHEDULE

A.

DETAILS OF YEARLY STATEMENTS REQUIRED BY SECTION 20.

A list of the stockholders, with the amount subscribed for, the amount paid thereon, and the residence of each stockholder.

Property or Assets held by the Company, specifying Assets as per Ledger Accounts.

The value (as nearly as may be) of the real estate held by the Company.

The amount of loans secured by bonds and mortgages, constituting either a first or second lien on real estate, in seperate schedules.

The amount of loans secured by bonds or stocks, or other collaterals.

The amount of loans as above on which interest has not been paid within one year previous to such statement, with a schedule thereof.

The amount of loans made in cash to policy-holders on the Company's policies assigned as collaterals; the reserve and amount loaned on each set forth in a separate schedule

Premium notes, loans, or liens on policies in force, the reserve on each policy being in excess of all indebtedness thereon.

Par and market values of Canadian and other stocks owned by the Company.

Amount of cash at head office.

Amount of cash in banks, with details.

Bills receivable.

Agent's ledger balances.

Other Assets

Interest due and accrued.

Rents due and accrued.

Due from other Companies for losses or claims on policies of this Company, re-insured.

Net amount of uncollected and deferred premiums.

Commuted commissions.

All other property owned by the Company, with details.

Liabilities.

Net present value of all outstanding policies in force, with mode of computation or estimation, deducting those reinsured.

Premium obligations in excess of net values of their policies.

Claims for death losses and matured endowments, and annuity claims, due and unpaid, or in process of adjustment, or adjusted but not due, or resisted.

Dividends to stockholders, and dividends of surplus or other profits to policy holders, due and unpaid.

Amount due on account of office expenses.

Amount of loans.

Amount of all other claims against the Company.

Income.

Amount of cash premiums received, less re-insurance Premium notes, loans or liens taken in part payment for premiums; and premiums paid by dividends, including re-converted additions, and by surrendered policies.

Cash received for annuities.

Amount of interest received.

Amount received for rents.

Net amount received for profits on bonds, stocks and other property actually sold.

All other income in detail.

Premium Note Account.

Premium notes, loans, or liens on hand at date of last previous statement.

Additions and deductions in detail during the year.

Balance, note assets at date.

Expenditure.

Total amount actually paid for losses and matured endowments.

Cash paid to annuitants and for surrendered policies.

Premium notes, loans or liens used in purchase of surrendered policies.

The same voided by lapse.

Cash surrender values, including reconverted additions applied in payment of premiums.

Dividends paid to policy-holders, or applied in payment of premiums.

Premium notes, loans or liens used in payment of dividends to policy-holders.

Cash paid stockholders for interest or dividends.

Cash paid for commissions, salaries and other expenses of officials

Cash paid for taxes, licenses, fees or fines.

All other expenditures in detail.

Exhibit of Policies.

Number and amount of policies and additions in full at the end of the previous year.

New policies and changes.

Policies terminated, and the manner of termination.

Number and amount of policies in force at date of statement.

Re-insurances.

SCHEDULE

B.

In the matter of the (*here insert name of the company*). Notice is hereby given that the Minister of Finance has, pursuant to the eighteenth and nineteenth

sections of , directed assets to be retained sufficient in amount to cover the full equitable net surrender value of the policies in the above Company (including bonus-additions and accrued profits) which have not been transferred or surrendered or in respect of which opposition has been filed as provided by the said eighteenth section; and the assets so retained are hereby tendered to the aforesaid policy-holders *pro rata* according to the aforesaid values of their respective policies. A list of such policy-holders and of the amounts tendered to them respectively is hereinunder given, and notice is hereby given that any policy-holder not signifying in writing to the Superintendent of Insurance his acceptance of the amount hereby tenpered to him on or before the day of , A.D., 18 , shall be deemed to have refused the same, and the amount tendered may, pursuant to said Act, be paid over to the company.

List of policy-holders and amounts tendered:

Name.	Address so far as known.	Amount and number of Policies.	Am oun tendered.

Dated at Ottawa this day of A.D., 18 .

(Signed)
Minister of Finance, Canada,

(Signed)
Superintendent of Insurance.

SCHEDULE

C.

Office of the Superintendent of Insurance,
Department of Finance,

OTTAWA, 18 .

In the matter of the (*here insert the name of the company.*)

You are hereby notified that the Minister of Finance has pursuant to the eighteenth section of
directed assets to be retained sufficient in amount to cover the full equitable net surrender value of the policies in the above company (including bonus-additions and accrued profits) which have not been transferred or surrendered or in respect to which opposition has been filed as provided by the said eighteenth section. The assets so retained are tendered to the aforesaid policy-holders *pro rata* according to the aforesaid values of their respective policies.

The amount hereby tendered to you, and the policy or policies in respect of which the same is tendered, are given

below, and you are hereby notified that unless on or before the day of , A.D., 18 , you signify in writing to the Superintendent of Insurance your acceptance of the amount hereby tendered, you shall be deemed to have refused the same, and the amount tendered may, pursuant to said Act, be paid over to the company.

Yours, &c.,

(Signed.)

Superintendent of Insurance

Name.	Number and Amount of Policy.	Amount tendered.

No. 36.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend and consolidate the several Acts respecting Insurance.

Received and read first time, Friday, 23rd February, 1877.

Second reading, Tnseday, 26th February, 1877.

Mr. Blake.

OTTAWA:

Printed by MacLean, Roger & Co.

1877

No. 36.] **BILL.** [1877.

An Act to amend and consolidate certain Acts respecting Insurance.

(*Reprinted as amended in Committee of the Whole and passed.*)

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

1. The following terms and expressions whenever used in this Act, unless it be otherwise specially provided, or there be something in the context repugnant to, or inconsistent with such construction, shall be construed and interpreted as hereinafter mentioned, that is to say :—

1. "Company" means and includes any corporation and any society or association, incorporated or unincorporated, and any partnership carrying on the business of insurance other than ocean marine insurance only.

2. "Agent" means the chief agent of the Company in Canada, named as such in the power of attorney hereinafter referred to, by whatever name he may be designated.

3. "Chief Agency" means the principal office, or place of business of the Company in Canada.

4. "Canadian Policy" or "Policy in Canada" means a policy issued by any company licensed under this Act to transact the business of life-insurance in Canada in favor of any person or persons resident in Canada at the time when such policy was issued, and "policy-holder in Canada" means any such person as aforesaid.

This Act may be cited as "*The Consolidated Insurance Act*, 1877;" and this Act and the Act 38 Victoria, chapter 20, may be cited together as "*The Insurance Acts of* 1875 *and* 1877."

2. It shall not be lawful for any Insurance Company to issue any policy of life-insurance or to grant any annuity on lives or receive any premium or transact any business of life-insurance, in Canada, or to prosecute or maintain any suit action or proceeding either at law or in equity, or to file any claim in insolvency relating to such business, founded on any policy in Canada, without first obtaining a license (as hereinafter provided for) from the Minister of Finance to carry on such business in Canada; but this Act shall not apply to any policy in Canada, issued previously to the twenty-second day of May, in the year 1868, by any Company which has not subsequently received a license.

3. The license shall be in such form as may be from time to time determined by the Minister of Finance, and it shall expire on the thirty-first day of March in each year, but shall be renewable from year to year.

4. The Minister of Finance so soon as the company applying for the same has deposited in the hands of the Receiver-General the securities hereinafter mentioned, and has otherwise conformed to the requirements of this Act, shall cause to be issued such license as aforesaid.

5. Every company shall, before the issue of such license, have deposited the sum of fifty thousand dollars with the Receiver-General in securities as hereinafter named. All such deposits may be made by any Company in securities of the Dominion of Canada, or in securities issued by any of the Provinces in the Dominion of Canada ; and by any Company incorporated in the United Kingdom in securities of the United Kingdom, and by any Company incorporated in the United States in securities of the United States ; and the value of such securities shall be estimated by the Treasury-Board at their market value at the time when they are so deposited. If any securities other than those above named are offered as a deposit they may be accepted, at such valuation and on such conditions as the Treasury Board may direct ; and if the market value of any of the securities which have been deposited by any company shall decline below that at which they were deposited, the Minister of Finance may call upon the company to make a further deposit, so that the market value of all the securities deposited by any Company shall be equal to the amount which it is required by this Act to deposit, and on failure by the Company to make such further deposit within sixty days after being called upon so to do, the Minister of Finance may withdraw its license.

6. Any Company licensed under this Act may nevertheless at any time or times deposit in the hands of the Receiver General any further or other sum or sums of money or securities beyond the sum required to be deposited ; and any such further sum or sums of money, or securities therefor, so deposited in the hands of the Receiver General, shall be held by him subject to, and to be dealt with according to the provisions of this Act in respect to the original sum required to be deposited by such Company, as if the same had been part of such original deposit, and shall not be withdrawn except with the sanction of the Governor General in Council on the report of the Treasury Board.

7. If from the annual statements or after examination of the affairs and condition of any Company, (as hereinafter provided for) it appears that its liabilities to policy-holders in Canada (including matured claims, and the full reserve or reinsurance value for outstanding policies as hereinafter described, after deducting any claim the Company may have against such policies) exceed its assets in Canada, including the deposit in the hands of the Receiver General, then the

Company shall be called upon by the Minister of Finance to make good the deficiency, and on failure to do so within sixty days, he shall withdraw its license.

2. If the Company be incorporated elsewhere than within Canada, the assets in Canada as aforesaid shall be taken to consist of any deposit which the Company may have made with the Receiver General in conformity with the fifth and sixth sections of this Act, and of such assets as may have been vested in trust for the Company for the purposes of this Act, in two or more persons resident in Canada, such trustees to be appointed by the Company and approved by the Minister of Finance (by whom also the trust-deed must be approved) and the said trustees may deal with such assets in any manner provided by the deed of trust appointing them, so however that the value held by them shall not fall below that required by this section: provided that in the case of any such Company, which moreover shall have given written notice to the Minister of Finance before the thirty-first day of March in the year 1878 of its intention to avail itself of this proviso, the foregoing requirements of this section shall not apply to any policy issued previously to the 31st day of March in the year 1878, and the deposit at present in the hands of the Receiver General shall be dealt with in regard to such policies in conformity with the fourth and fifth sections of an Act passed by the Parliament of Canada in the thirty-fourth year of Her Majesty's reign and intituled: *An Act to amend the Act respecting Insurance companies;* and whenever the full liability under such policies shall fall below the amount so held by the Receiver General, the Minister of Finance, with concurrence of the Treasury Board, may direct that the whole or such portion of the difference as he may deem advisable, shall be released and handed over to the Company, and so on from time to time until the total deposit with the Receiver General is reduced to the amount of fifty thousand dollars required by this Act.

8. So long as any Company's deposit is unimpaired, and the conditions of the preceding section are satisfied, and no notice of any judgment or order made by the proper Court in that behalf under the fifteenth and sixteenth sections of this Act is served upon the Minister of Finance or Receiver General, the interest upon the securities forming the deposit shall be handed over to the Company as it falls due.

9. Every Company shall, before the issue of a license to it, have filed in the department of the Minister of Finance a copy of the charter, Act of incorporation, or articles of association of the Company, certified by the proper officer in charge of the original thereof, and also a power of attorney from the Company to its Agent in Canada, under the seal of the Company (if it has a seal) and signed by the President and Secretary or other proper officers thereof, in presence of a witness who must make oath or affirmation as to the due execution thereof; and the official positions in the Company held by the officers signing such power of attorney shall be

sworn to or affirmed by some person cognizant of the necessary facts in that behalf; and such power of attorney must declare at what place in Canada the head office, or chief agency of such Company is, or is to be established, and must expressly authorize such attorney to receive process in all suits and proceedings against such Company in any Province of Canada for any liabilities incurred by the Company therein, and also to receive from the Minister of Finance and the Superintendent of Insurance, all notices which the law may require to be given, or which it may be thought advisable to give, and must declare that service of process for or in respect of such liabilities, and receipt of such notices, at such office or chief agency, or personally on or by such attorney at the place where such head office or chief agency is established, shall be legal and binding on the Company to all intents and purposes whatsoever; and also a statement of the condition and affairs of such Company on the thirty-first day of December then next preceding, or up to the usual balancing day of the Company (provided that such day shall not be more than twelve months before the filing of the statement,) in such form as may be required by the Minister of Finance.

Whenever any such Company changes its chief agent or chief agency in Canada, such Company shall file a power of attorney as hereinbefore mentioned, containing any such change or changes in such respect, and containing a similar declaration as to service of process and notices as hereinbefore mentioned; and every Company shall at the time of making the annual statement hereinafter provided for, declare that no change or amendment has been made in the Charter, Act of Incorporation, or Articles of Association of the Company and no change in the chief agency or chief agent, without such amendment or change having been duly notified to the Superintendent of Insurance.

Duplicates of all such documents duly verified as aforesaid, shall be filed in the office of one of the Superior Courts either of law or equity in the Province in which its head office, or chief agency is situated; or if the chief agency be in the Province of Quebec, with the Prothonotary of the Superior Court of the district wherein such chief agency is established.

10. After the certified copies referred to in the last preceding section, and such power of attorney are filed as aforesaid, any process in any suit or proceeding against such company, for any liabilities incurred in any Province in Canada, may be validly served on the company at its chief agency, and such service shall be deemed to be service on the company.

11. Every company on first obtaining such license as aforesaid shall forthwith give due notice thereof in the *Canada Gazette*, and in at least one newspaper in the county, city, or place where the head office, or chief agency is established, and shall continue the publication thereof for the space of

four weeks, and the like notice shall be given, for the space of three calendar months, when a company ceases, or notifies that it intends to cease, to carry on business in Canada.

12. The Minister of Finance shall cause to be published quarterly in the *Canada Gazette* a list of companies licensed under this Act, with the amount of deposits made by each company, and upon any new company being licensed, or upon the license of any company being withdrawn in the interval between two such quarterly statements, he shall publish a notice thereof in the *Canada Gazette* for the space of four weeks.

13. Any person (except as hereinafter provided in the *seventeenth* and *eighteenth* sections of this Act) who delivers any policy of insurance, or collects any premium (except only on policies issued to persons not resident in Canada at the time of issue,) or transacts any business of insurance on behalf of any Life Insurance company, without such license as aforesaid, shall be liable to a penalty of one thousand dollars for each such contravention of this Act, which penalty may be sued for and recovered on information filed in the name of the Attorney General of Canada ; and one-half of the said penalty when recovered shall be paid to the Crown, and the other half of the said penalty to the informer ; and in case of non-payment of such penalty and costs within one month after such judgment, the person so offending shall be liable to imprisonment in any jail or prison for a period not exceeding six months in the discretion of the Court wherein he is convicted.

14. When the license of a company has been withdrawn by the Minister of Finance under the fifth or seventh section of this Act, such license may be renewed if within thirty days of such withdrawal the company complies with the requirements of this Act to the satisfaction of the Minister of Finance ; and whenever satisfactory proof has been furnished to the Minister of Finance of any undisputed claim upon a company arising on any policy in Canada remaining unpaid for the space of sixty days after being due, or of a disputed claim remaining unpaid after final judgment in a regular course of law and tender of a legal valid discharge made to the Agent of such company, the Minister of Finance may withdraw the license of such company ; but such license may be renewed if within thirty days after such withdrawal such undisputed claims or final judgments upon or against the company are paid and satisfied.

15. Except in the cases provided for in the seventeenth and eighteenth sections of this Act, a company shall be liable to be dealt with in the manner hereinafter prescribed for the case of insolvency, whenever its license has expired or been withdrawn without the renewal of the same within thirty days after such expiry or withdrawal.

In case of the insolvency of any company, all the assets held by the Trustees as required by the seventh section of

this Act, together with the deposits of such company held by the Receiver General, shall be applied *pro rata* towards the discharge of all claims of policy-holders in Canada duly authenticated against such company, and the distribution of such assets and deposits may, if applied for in the Province of Ontario, or of Nova Scotia, or of New Brunswick, or of British Columbia, or of Prince Edward Island, be made by order in Chancery or in Equity ; or if applied for in the Province of Quebec or of Manitoba, may be made by judgment or order of distribution of the Superior Court within the district where the chief agency is situated.

16. Upon the insolvency of any company, such Court as aforesaid having jurisdiction in the Province (or sitting in the district, if such Province be the Province of Quebec or of Manitoba) where the chief agency in Canada of such company is situated, shall appoint an assignee or assignees, who may be an officer or officers of such Court, who shall forthwith call upon the company to furnish a statement of all its outstanding policies in Canada, and upon all such policy-holders to file their claims ; and upon the filing of the claims before the assignees, the parties interested shall have the right of contestation thereof, and the right of appeal from their decision to such Court as aforesaid, according to the practice of such Court ; and all policy-holders in Canada shall be entitled to claim for the full net values of their several policies at the time (including bonus-additions and profits accrued) and such claims shall rank with judgments obtained and claims matured on Canadian policies, in the distribution of the assets hereinafter described ; and the said assignees may require the Superintendent of Insurance to value, or procure to be valued under his supervision the policies before mentioned, basing such valuation on the mortality table of the Institute of Actuaries of Great Britain and on a rate of interest at four and one half per centum per annum, except in the case of bonus-additions on other profits accrued or declared before the passing of this Act, and then valued on the basis of a rate of interest other than that above mentioned, which, in any such valuation, shall continue to be valued on such other basis; and the expenses of such valuation at a rate of three cents for each policy or bonus-addition so valued shall be retained by the Receiver General from the securities held by him.

Upon the completion of the schedule to be prepared by the assignees of all judgments against the company upon policies in Canada, and of all claims upon policies matured or outstanding as aforesaid, the Court having jurisdiction, as above provided, shall cause the securities held by the Receiver General for such company, and the assets held by the Trustees as provided in the seventh section of this Act, or any part of them to be sold or realized in such manner and after such notice and formalities as the Court may appoint ; and the proceeds thereof, after paying expenses incurred, shall (except so far as they may have been applied, under any Act which may be passed relating to the winding up of insurance companies, to effect a re-

insurance in some other company, of the whole of the outstanding policies, in full or in part) be distributed *pro rata* amongst the claimants according to such schedule, and the balance, if any, shall be surrendered to the Company; but if any claim matures after the statement of such outstanding policies has been obtained from the company as hereinbefore provided, and before the final order of the Court for the distribution of the proceeds above mentioned, or if the said proceeds are not sufficient to cover in full all claims recorded in the schedule, such policy-holders shall not be barred from any recourse they may have either in law or equity against the company issuing the policy or any shareholder or Director thereof, other than for a share in the distribution of the proceeds above mentioned, or in any distribution of the general property and assets of the Company (other than the deposit and assets vested in trustees under this Act) which may be made under the Insolvent Act of 1875.

Provided always that, in all cases of distribution of the proceeds of the deposit in the hands of the Receiver-General and the assets vested in the Trustees as provided for in this section, if it appears from the Charter, Act of Incorporation, or Articles of Association of the Company, and from the conditions of the policy, that any Canadian policy-holder claiming a share in such distribution has been insured on the "mutual" principle, then such policy-holder shall be entitled only to claim a share in the distribution as aforesaid, at the same rate as all other holders of policies under the same conditions may be entitled to claim in the distribution of the total assets of the Company, whether such be holders of Canadian policies or otherwise; but this proviso shall apply in the cases of such companies only as by the laws of the country (if such country be other than Canada) in which such Company is chartered, incorporated, or associated together, a Canadian policy-holder in such Company is entitled to claim a share in the distribution in such country other than Canada, at the same rate as all other holders of policies under the same conditions may be entitled to claim in the distribution of the total assets of the Company, and to enjoy all the rights and privileges as policy-holders which are enjoyed by the policy-holders who are natives of or naturalized in such country.

17 In the case of any company at present licensed to transact business of Life Insurance in Canada, which shall cease to transact such business before the time fixed for the first renewal of its license under this Act, and shall before that time give written notice to that effect to the Minister of Finance, the premiums due or to become due on policies actually issued before the aforesaid time, may continue to be collected, and the losses arising thereon may be paid, and all business appertaining thereto may be transacted, and all proceedings appertaining thereto, either at law or in equity, may be continued or commenced and prosecuted, and the deposit at present in the hands of the Receiver General shall be dealt with, as if this Act had not been passed.

18. When any company licensed under this Act desires to discontinue business and to release its assets in Canada, and has given written notice to that effect to the Minister of Finance, it may procure the transfer, with the consent of the policy holders, of its outstanding policies in Canada to some company or companies licensed under this Act in Canada, or may obtain the surrender of the policies, so far as may be practicable, and the trustees may employ any portion of the assets vested in them for the purpose of effecting such transfer or surrender. It must also file with the Minister of Finance a list of all Canadian policy-holders whose policies have been so transferred or have been surrendered, and also a list of those which have not been transferred or surrendered, and it must at the same time publish in the *Canada Gazette* a notice that it will apply to Government for the release of its assets and securities on a certain day not less than three months after the date of the notice, and calling upon its Canadian policy-holders opposing such release to file their opposition with the Minister of Finance on or before the day so named ; and after that day, upon the application for release being made, if the Minister of Finance with concurrence of the Treasury Board is satisfied that such transfer or surrender has been effected, he may direct that a portion of the assets held by the trustees or securities held by the Receiver General be retained sufficient in amount to cover the full equitable net surrender value of such policies (including bonus-additions and accrued profits) as have not been transferred or surrendered, or in respect to which opposition has been filed, and may order the remaining assets or securities aforesaid to be released and transferred or paid over to the company, and the portion retained shall be tendered in the manner hereinafter described to the aforesaid policy-holders *pro rata* according to the aforesaid values of their respective policies, and on the acceptance of the amount so tendered such policies shall thereby be deemed to be cancelled, but if such tender be refused by any policy-holder, the amount so tendered may be paid over to the company, and the policy shall continue in force, and such policy-holder shall not be barred from any recourse he may have in either law or equity against the company to compel the fulfilment of its contract under such policy. The surrender-values above mentioned shall be determined by the Superintendent of Insurance on the basis stated in the sixteenth section of this Act, and he shall collect from the company the expenses of such valuation at the rate of three cents for each policy or bonus-addition, and shall pay the same to the Receiver General before the latter shall hand over the securities ; but nothing herein contained shall hinder any policy-holder from making special arrangements with the company whereby his policy may be continued in force, and, on proof being given of such arrangement, such policy may be omitted or removed from the above mentioned lists of policies, and this Act shall thereafter not apply in respect of such policy.

19. The tender referred to in the eighteenth section shall be made in the following manner:

A list and notice in the form Schedule B to this Act, or to the like effect, shall be published in the *Canada Gazette* for at least thirty days previous to the day named in such notice. The company shall also procure the said list and notice to be published in such newspapers in Canada and for such length of time as the Minister of Finance may determine.

A notice in the form Schedule C to this Act, or to the like effect, shall be sent by Mail (postpaid or franked) from the office of the Superintendent of Insurance to each of the policy-holders named in the said list, whose address may be known to the said Superintendent. Such notice shall be posted in some post-office in Canada at least thirty days previous to the day named therein, which day must be the same day as that named in the list and notice above mentioned.

Any policy-holder not signifying in writing to the Superintendent of Insurance his acceptance of the amount so tendered, on or before the day named in said notice, shall be deemed to have refused the same; but the Minister of Finance may at any time prior to the payment over to the Company of the amount so refused, allow any policy-holder to signify his acceptance of such amount, which acceptance so allowed shall have the same effect as if made on or before the day named in said notice.

20. It shall be the duty of the President, Vice-President, or Managing Director, and Secretary or Manager of every company incorporated in Canada, and at present licensed or hereafter licensed under this Act, to prepare annually under their own oath, and cause to be deposited in the office of the Minister of Finance on the first day of January or within three months thereafter, a statement of the condition and affairs of such company at the usual balancing day of the company in the preceding year, which statement shall exhibit the assets and liabilities of the company, and its income and expenditure during the previous year, and such other information as may be deemed necessary by the Minister of Finance. Such statements shall be made in the form and manner shown in the Schedule A hereto annexed, subject to alteration by the Minister of Finance as hereinafter provided, and shall be sworn to before some person duly authorized to administer oaths in any legal proceeding in the manner annexed:

Province of County of

President and

Secretary of Company being duly sworn, depose and say, and each for himself says, that they are the above described officers of the said company, and that on the day of last all the above described assets were the absolute property of the said company, free and clear from any liens, or claims thereon, except as above stated, and that the foregoing statement, with the schedules and explanations hereunto annexed and by them subscribed, are a full and correct exhibit of all the liabilities,

and of the income and expenditure and of the general condition and affairs of the said company, on the said day of last, and for the year ending on that day, according to the best of their information, knowledge, and belief respectively.

Signatures.

Subscribed and sworn to before me this day of A. D. 18.

The Minister of Finance may, from time to time, make such changes in the form of such statements as shall seem to him best adapted to elicit from the companies a true exhibit of their condition in respect to the several points hereinbefore enumerated.

21. Companies incorporated elsewhere than within Canada, and at present licensed or hereafter licensed under this Act, shall make annual statements of their condition and affairs under oath of their chief agent, and furnish the same to the Minister of Finance at the same time as Canadian Companies—of their Canada business in the same form and manner (so far as applicable) as required of Canadian Companies—and of their general business, in such form and to such date as they may be required by law to furnish to the Government of the country in which their head office is situate, in a separate schedule attached. The blank forms of the statements of the Canada business to be furnished in duplicate by the Finance Department.

22. Any violation of either of the two next preceding sections shall subject the company violating the same to a penalty of five hundred dollars for each violation, and of an additional sum of one hundred dollars for each month during which any such company shall neglect to make such publication or to file such affidavits and statements as are therein required. If such penalties are not paid the Minister of Finance with the concurrence of the Treasury Board, may order such company's license to be suspended or withdrawn as may be deemed expedient.

23. In computing or estimating the reserve necessary to be held in order to cover its liability to policy-holders in Canada, each company may employ any of the standard tables of mortality as used by it in the construction of its tables, and any rate of interest not exceeding four and one half per centum per annum; but if it appears to the Superintendent of Insurance that such reserve falls below that computed on the basis stated in the sixteenth section of this Act, he shall report the same to the Minister of Finance who may thereupon direct the said Superintendent to compute, or procure to be computed under his supervision, the reserve on the basis mentioned in this section, and the amount so computed, if it differs materially from the return made by the Company, may be substituted in the annual statement of assets and liabilities; and in such case, the company shall furnish to the Superintendent of Insurance on application

the full particulars of each of its policies necessary for such computation, and shall pay to the said Superintendent an amount at the rate of three cents for each policy or bonus-addition so computed, which amount he shall hand over to the Receiver General.

Any company instead of itself computing or estimating the reserve above mentioned may require the same to be computed by the Superintendent of Insurance on the basis stated in the sixteenth section of this Act, on payment of a like amount as is mentioned in the next preceding paragraph.

A. Provided always, that in the case of any bonus additions or other profits on the policies of any company, accrued or declared before the passing of this Act, and which has been heretofore valued on the basis of a rate of interest other than that above mentioned, it shall and may be lawful for such company to compute and estimate the same, or to have the same computed on such other basis;

a. And provided further, that in the case of any company which has heretofore based its computation or estimate of its reserve necessary to cover its liability to policy holders in Canada (other than the reserve to cover the bonus additions or other profits in the last proviso mentioned) on a rate of interest of five per centum per annum, the basis of computation or estimates mentioned in the sixteenth section and in this section, shall not apply until after the expiration of ten years, but it shall be lawful for such company, for ten years next after the passing of this Act, to compute or estimate such reserve, or to have the same computed, at a rate of interest not exceeding five per centum per annum.

24. The Superintendent of Insurance appointed under the Act passed by the Parliament of Canada in the thirty-eighth year of Her Majesty's reign, and intituled: "*An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine business*," shall have the like duties and powers with respect to Companies at present licensed or hereafter licensed under the present Act to transact the business of Life Insurance, as are prescribed and conferred in the above cited Act with respect to companies licensed to transact the business of Fire and Inland Marine Insurance.

2. Once in every five years, or oftener at the discretion of the Minister of Finance, the Superintendent of Insurance shall himself value or procure to be valued under his supervision, the Canadian policies of all companies licensed under this Act to transact the business of Life Insurance in Canada, the basis of such valuation being that stated in the sixteenth section of this Act.

A. The Minister of Finance may, from time to time, instruct the Superintendent of Insurance to visit the head office of any company licensed under this Act and incorporated elsewhere than within Canada, and to examine into

the general condition and affairs of such company; and if such company declines to permit such examination, or refuses to give any information necessary for such purpose, in its possession or control, its license shall be withdrawn.

3. Towards defraying the expenses of the office of the Superintendent of Insurance, the companies at present licensed or hereafter licensed under this Act to transact the business of Life Insurance in Canada shall each annually contribute a sum in proportion to the gross premiums received by each in Canada during the previous year, *pro rata* with the companies licensed under the above cited Act, such sum to be paid upon the issue of the annual license.

25. Except such companies as are licensed under the present Act or the above cited Act, no company shall do any business of insurance in Canada (always excepting companies doing in Canada Ocean-Marine business exclusively) without permission obtained from the Minister of Finance who after report made by the Treasury Board and approved by the Governor in Council shall decide in each case whether such permission shall be granted, and whether a license shall be proper or necessary to be issued, and whether any, and what deposit shall be required to be made with the Receiver General, and shall have power to call for annual statements under oath of such business in such form and manner as he may deem expedient, and may revoke the permission or license granted if he see cause therefor, and may grant to the Superintendent of Insurance the same powers with regard to such company as are conferred on him by the present Act with regard to Life Insurance Companies, and may call upon such company to contribute towards the expenses of the office of the Superintendent of Insurance such sum as he may deem equitable; and any company doing any such business without obtaining such permission or license, or if such permission or license has been revoked, or neglecting or refusing to make the statements called for, and any person delivering any policy of insurance, or collecting any premium on behalf of such company, shall render themselves respectively liable to the penalties stated in the thirteenth and twentieth sections of this Act.

26. Unless otherwise provided in the special Act incorporating any Insurance Company passed by the Parliament of Canada after the passing of this Act, such special Act and all Acts amending the same shall expire and cease to be in force at the expiration of two years from the passing thereof, unless within such two years the Company thereby incorporated shall have obtained a license from the Minister of Finance under the provisions of this Act and any Act amending the same or under the provisions of the Act passed in the thirty-eighth year of Her Majesty's reign and intituled: *An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine business.*

The special Act incorporating any Insurance Company passed by the Parliament of Canada before the passing of this Act, and all Acts amending such special Act, shall expire and cease to be in force at the expiration of two years from the passing of this Act, unless within such two years the company thereby incorporated shall have obtained a license from the Minister of Finance under the provisions of this Act and any Act amending the same, or under the provisions of the said Act passed in the thirty-eighth year of Her Majesty's reign and intituled: "*An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine business.*"

27. The period prescribed in the twentieth section of the Act passed in the thirty-eighth year of Her Majesty's reign and intituled: "*An Act to amend and consolidate the several Acts respecting Insurance in so far as regards Fire and Inland Marine business,*" for the preparation and deposit in the office of the Minister of Finance of the annual statements is hereby extended to the first day of March in each year.

B. This Act shall not apply to any company within the exclusive legislative control of any one of the Provinces of Canada, unless such company so desires; and it shall be lawful for any such company to avail itself of the provisions of this Act, and, if it do so avail itself, such company shall have the power of transacting its business of insurance throughout Canada.

28. From and after the passing of this Act, all provisions hitherto unrepealed of an Act passed by the Parliament liament of Canada in the thirty-first year of Her Majesty's reign, and intituled: "*An Act respecting Insurance Companies,*" and of an Act passed by the Parliament of Canada in the thirty-fourth year of Her Majesty's reign, and intituled: "*An Act to amend the Act respecting Insurance Companies,*" and of an Act passed by the Parliament of Canada in the thirty-seventh year of Her Majesty's reign, and intituled: "*An Act to further amend the Act thirty-first Victoria, chapter forty-eight, intituled 'An Act respecting Insurance Companies,'*" and of an Act passed by the Parliament of Canada in the thirty-eighth year of Her Majesty's reign, and intituled: "*An Act respecting Life Insurance Companies and companies doing any insurance business other than Fire and Inland Marine,*" and the sixth clause of the twenty-third section of an Act passed by the Parliament of Canada in the thirty-eighth year of Her Majesty's reign, and intituled: "*An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine business,*" are hereby repealed, saving nevertheless all licenses which may have been issued thereunder (other than those for the transaction of Fire or Inland Marine Insurance) until the thirty-first day of March, 1878, (at which date they shall expire) and the right of companies so licensed to continue business during the existence of the same; and saving also any act done, or right or right of action existing, accruing, accrued, or established, or any proceedings commenced, or any offence committed, or any

penalty or forfeiture incurred, before the passing of this Act; and saving also the right of any Life Insurance Company which has commenced to make its deposit with the Receiver General to continue the same in the manner in which it has commenced as described in any of the above mentioned Acts until the amount reaches fifty thousand dollars required by the present Act—with respect to all which the said Acts shall remain in force.

C. Whereas the Act intituled "*An Act respecting Mutual Insurance Companies*," being chapter fifty-two of the Consolidated Statutes for the late Province of Upper Canada, has, by section seventy-eight of the Act passed by the Legislative Assembly of the Province of Ontario, in the thirty-sixth year of Her Majesty's reign (1873), chapter forty-four, been repealed (saving certain existing rights), and, by the last mentioned Act, provisions have been made respecting mutual fire insurance companies in the Province of Ontario; and whereas, owing to certain provisions in the said Act, chapter fifty-two, it is doubtful whether the same may not be within the legislative jurisdiction of Canada; and whereas it is expedient to repeal the said Act in so far as it may be within such legislative jurisdiction, therefore the said Act, being chapter fifty-two of the Consolidated Statutes for the late Province of Upper Canada, in so far as the same may be within the legislative jurisdiction of Canada, is hereby repealed; but such repeal shall not affect, defeat or invalidate the incorporation of any company already incorporated thereunder, or the rights of such company, or any policy, contract, suit, proceeding or other matter or thing whatsoever, made, entered into, pending, existing or in force at the time of such repeal, but the same shall and may remain and continue as if no such repeal had taken place.

SCHEDULE

A.

DETAILS OF YEARLY STATEMENTS REQUIRED BY SECTION 20.

A list of the stockholders, with the amount subscribed for, the amount paid thereon, and the residence of each stockholder.

Property or Assets held by the Company, specifying Assets as per Ledger Accounts.

The value (as nearly as may be) of the real estate held by the Company.

The amount secured by way of loan on real estate, whether by mortgages, bonds or any other security, distinguishing between those having first or second lien on such real estate.

The amount of loans secured by bonds or stocks, or other collaterals.

The amount of loans as above on which interest has not been paid within one year previous to such statement, with a schedule thereof.

The amount of loans made in cash to policy-holders on the Company's policies assigned as collaterals.

Premium notes, loans, or liens on policies in force, the reserve on each policy being in excess of all indebtedness thereon.

Par and market values of Canadian and other stocks and securities owned by the company, specifying in detail the amount, number of shares, and the par and market value of each kind.

Amount of cash at head office.

Amount of cash in banks, with details.

Bills receivable.

Agent's ledger balances.

Other Assets

Interest due and accrued.

Rents due and accrued.

Due from other Companies for losses or claims on policies of the Company, re-insured.

Net amount of uncollected and deferred premiums.

Commuted commissions.

All other property owned by the Company, with details.

Liabilities.

Net present value of all outstanding policies in force, with mode of computation or estimation, deducting those reinsured.

Premium obligations in excess of net values of their policies.

Claims for death losses and matured endowments, and annuity claims, due and unpaid, or in process of adjustment, or adjusted but not due, or resisted.

Dividends to stockholders, and dividends of surplus or other profits to policy holders, due and unpaid.

Amount due on account of office expenses.

Amount of loans.

Amount of all other claims against the Company.

Income.

Amount of cash premiums received, less re-insurance. Premium notes, loans or liens taken in part payment for premiums; and premiums paid by dividends, including re-converted additions, and by surrendered policies.

Cash received for annuities.

Amount of interest received.

Amount received for rents.

Net amount received for profits on bonds, stocks and other property actually sold.

All other income in detail.

Premium Note Account.

Premium notes, loans, or liens on hand at date of last previous statement.

Additions and deductions in detail during the year.

Balance, note assets at date.

Expenditure.

Total amount actually paid for losses and matured endowments.

Cash paid to annuitants and for surrendered policies.

Premium notes, loans or liens used in purchase of surrendered policies.

The same voided by lapse.

Cash surrender values, including reconverted additions applied in payment of premiums.

Dividends paid to policy-holders, or applied in payment of premiums.

Premium notes, loans or liens used in payment of dividends to policy-holders.

Cash paid stockholders for interest or dividends.

Cash paid for commissions, salaries and other expenses of officials

Cash paid for taxes, licenses, fees or fines.

All other expenditures in detail.

Exhibit of Policies.

Number and amount of policies and additions in full at the end of the previous year.

New policies and changes.

Policies terminated, and the manner of termination

Number and amount of policies in force at date of statement.

Re-insurances.

SCHEDULE

B.

In the matter of the (*here insert name of the company*). Notice is hereby given that the Minister of Finance has, pursuant to the eighteenth and nineteenth sections of (*Title of this Act.*), directed assets to be retained sufficient in amount to cover the full equitable net surrender value of the policies in the above Company (including bonus-additions and accrued profits) which have not been transferred or surrendered or in respect of which opposition has been filed as provided by the said eighteenth section; and the assets so retained are hereby tendered to the aforesaid policy-holders *pro rata* according to the aforesaid values of their respective policies. A list of such policy-holders and of the amounts tendered to them respectively is hereinunder given, and notice is hereby given that any policy-holder not signifying in writing to the Superintendent of Insurance his acceptance of the amount hereby tenpered to him on or before the day of , A.D., 18 , shall be deemed to have refused the same, and the amount tendered may, pursuant to said Act, be paid over to the company.

List of policy-holders and amounts tendered:

Name.	Address so far as known.	Amount and number of Policies.	Amount tendered.

Dated at Ottawa this day of A.D., 18 .

(Signed)
Minister of Finance, Canada,

(Signed)
Superintendent of Insurance.

36—5

SCHEDULE

C.

Office of the Superintendent of Insurance,
Department of Finance,

OTTAWA, 18 .

In the matter of the *(here insert the name of the company.)*

You are hereby notified that the Minister of Finance has pursuant to the eighteenth section of
directed assets to be retained sufficient in amount to cover the full equitable net surrender value of the policies in the above company (including bonus-additions and accrued profits) which have not been transferred or surrendered or in respect to which opposition has been filed as provided by the said eighteenth section. The assets so retained are tendered to the aforesaid policy-holders *pro rata* according to the aforesaid values of their respective policies.

The amount hereby tendered to you, and the policy or policies in respect of which the same is tendered, are given below, and you are hereby notified that unless on or before the day of , A.D., 18 , you signify in writing to the Superintendent of Insurance your acceptance of the amount hereby tendered, you shall be deemed to have refused the same, and the amount tendered may, pursuant to said Act, be paid over to the company.

Yours, &c.,

(Signed.)
Superintendent of Insurance

Name.	Number and Amount of Policy.	Amount tendered.

No. 36

4th Session, 3rd Parliament, 40 Vict., 1877.

BILL.

An Act to amend and consolida
several Acts respecting Insura

*(Reprinted as amended in Commi
the Whole, and passed.)*

Mr. CARTWRIGHT.

OTTAWA:
Printed by MacLean, Roger & Co., Wellingto
1877.

No. 37.] **BILL.** [1877.

An Act relating to the protest of Inland Bills in the Province of Nova Scotia.

Preamble.

WHEREAS it is desirable that the laws at present relating to the protest of Foreign Bills of Exchange and Promissory Notes, in the Province of Nova Scotia, should be and become applicable to Inland Bills of Exchange and Promissory Notes within the said Province; Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Inland bills may be protested in the same manner as foreign bills.

1. From and after the first day of July next after the passing of this Act, all Bills of Exchange and Promissory Notes drawn or made in, or dated at any place in the said Province of Nova Scotia, for the sum of twenty dollars or upwards, upon or in favour of any person or persons in the said Province, may, on default of the acceptance or payment thereof, be protested by a Notary Public, or in the absence of such Notary Public by a Justice of the Peace, in the same way, for the same ends and purposes, and subject to the same rules and regulations, as are now applicable to or required for Foreign Bills of Exchange or Promissory Notes; and for such protest a notarial fee not exceeding *one dollar* shall be charged.

Fee on protest.

No. 37.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act relating to the protest of Inland Bills in the Province of Nova Scotia.

Received and read first time, Monday, 26th February, 1877.

Second reading, Tuesday, 27th Feb., 1877.

Mr. JONES (Halifax).

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street
1877.

No. 38.] **BILL.** [1877.

An Act respecting procedure in Criminal Cases in New Brunswick.

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

Ruling of judge as to evidence, as well as his charge to be subject to exceptions.

1. On the trial of any indictment for a criminal offence before any Court of Assize or County Court in the Province of New Brunswick, the person being tried may except to any ruling of the Judge on such trial, as well with respect to the admissibility or rejection of evidence, as to his charge to the jury; and in case such person shall be convicted, it shall be the duty of such Judge, on the application of the Counsel of such person so convicted, to reserve the questions of law involved in such exceptions, for the consideration of the Supreme Court of the Province, and to respite the execution of the judgment, or postpone judgment, until the said Supreme Court shall have decided such questions; and in either case the said Judge shall commit the person so convicted to gaol, or admit him to bail, with two good sureties, in such sum as the said Judge shall think fit, such bail being conditioned for his appearance at a time certain to receive judgment, or to render himself into custody.

Duty of judge in case of conviction.

Case to be certified to the Supreme Court with copy of evidence, charge, &c.

Duty of Supreme Court thereon.

2. The Judge holding the said Assize or County Court shall, in a case to be signed by him, state the said questions of law reserved, with the special circumstances, and transmit the same, with a copy of the evidence given on the said trial, and of his charge, to the said Supreme Court, and the said Supreme Court shall fully determine such questions, and reverse, affirm or amend any judgment given in the case, or avoid such judgment and order entry thereof to be made on the record, or arrest the judgment, or order judgment to be given thereon at some other Assize or County Court, or make such other order as justice may require; such judgment and order to be certified by the Chief Justice or presiding Judge, to the Clerk of the said Assize or County Court, who shall enter the same on the record, and a certificate to suit the circumstances of such case shall be sent by the said Clerk to the Sheriff or Gaoler having custody of the offender, which certificate shall be a sufficient warrant to such Sheriff or Gaoler, and all other persons, either to execute such judgment, if it shall have been affirmed, or as amended if it shall have been amended, or, if it shall be reversed, avoided or arrested, to discharge such person from custody, who shall forthwith

And of first Court on receiving decision of Supreme Court.

be discharged; and the next Court of Assize or County Court shall vacate the recognizance of the bail (if any); but should the Court of Assize or County Court be directed to give judgment, it shall proceed to do so at its next Sessions.

Case, &c., may be sent back for amendment.

3. The said Supreme Court may order the case or certificate to be sent back for amendment, and the same shall be amended, and the judgment delivered thereupon.

No. 38.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act respecting procedure in Criminal Cases in New Brunswick.

Received and read first time, Monday, 26th February, 1877.

Second reading, Wednesday, 28th Feb., 1877.

Mr. PALMER.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street

1877.

No. 39.] **BILL.** [1877.

An Act to repeal the Insolvent Act of 1875, and all Acts passed in amendment thereof.

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

1. The Insolvent Act of 1875, and all Acts passed in amendment thereof, are hereby repealed, and no Act repealed by the said Acts, or any or either of them, shall be revived by such repeal, but shall remain repealed. 38 V. c. 16 and all acts amending it repealed.

2. Notwithstanding such repeal, all proceedings which have in any way heretofore been commenced or taken against any person as an insolvent, under any of the said Acts, or the Acts thereby repealed, shall be continued to their final determination, and be of the same force as if the Act had not been passed. Proceedings commenced may be continued and completed.

No. 39.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to repeal the Insolvent Act of 1875, and all Acts passed in amendment thereof.

Received and read first time, Monday, 26th February, 1877.

Second reading, Wednesday, 28th February, 1877.

Mr. Palmer.

OTTAWA:

Printed by MacLean, Roger & Co.,

1877.

No. 40.] **BILL.** [1877.

An Act respecting the transfer of Rockwood Asylum to the Province of Ontario, and to amend the Penitentiary Act of 1875.

Preamble. WHEREAS the agreement, of which a copy is appended as a Schedule to this Act, for the transfer to the Province of Ontario, of Rockwood Asylum and the land appurtenant thereto, under the Act passed in the thirty-fourth year of Her Majesty's reign, chapter twenty-six, authorizing such transfer, has been approved by the Governor in Council, as provided by the said Act, and it is expedient to approve the same, and to make provision for the confinement and treatment of insane convicts in Kingston Penitentiary, and to amend "*The Penitentiary Act of* 1875:" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: —

34 V. c. 26 and agreement under it.

38 V. c. 44.

Approval. **1.** The said agreement is hereby approved.

Ward for insane convicts. **2.** The Governor in Council may, at any time and from time to time, in his discretion, direct the Warden of the Kingston Penitentiary to set apart a portion thereof for the reception, confinement and treatment of insane convicts, and the portion so set apart shall be used for such purposes accordingly, and shall be known as the Insane Ward of the Penitentiary.

Their removal to the Penitentiary. **3.** The Governor in Council may at any time direct the Warden to remove the insane convicts confined in Rockwood Asylum, whose sentences have not expired, to the Penitentiary.

Surgeon to report each case. **4.** Should it at any time appear to the Surgeon of the Penitentiary that any convict confined therein is insane and ought to be removed to the Insane Ward, he shall report the same in writing to the Warden, and on such report the Warden shall forthwith remove such convict to the Insane Ward.

If convict becomes sane. **5.** If at any time before the termination of the sentence of such convict it be certified to the Warden by the Surgeon that such convict has recovered his reason and is in a fit state to be removed from the Insane Ward, the Warden shall remove such convict from the Insane Ward.

If insane when his term expires. **6.** If the term of imprisonment of any convict expires while detained in the Insane Ward as insane, he may nevertheless continue to be detained therein pending the proceedings authorized by this Act.

Certificate of surgeon.

7. In such case the Surgeon shall forthwith certify to the Warden whether the person is sane or insane.

Discharge sane.

8. In case the Surgeon certifies that the person is sane, he shall be forthwith discharged.

Removal if insane.

9. In case the Surgeon certifies that the person is insane, the Warden shall report the fact to the Inspector; and the Secretary of State shall, thereupon communicate the fact to the Lieutenant Governor of the Province within which the person was sentenced, in order to his removal to a place of safe keeping.

Lt. Governor to order removal.

10. The Lieutenant Governor may, thereupon order the removal of the person to a place of safe keeping within the Province, and he shall, upon such order, be delivered to the person or persons therein designated, for transport to such place, and he shall remain and be detained there or in such other place of safe keeping as the Lieutenant Governor may from time to time order, until it appears to the Lieutenant Governor that he has become of sound mind, when the Lieutenant Governor may order him to be discharged; but if at any time after his removal to such place of safe keeping, and before his complete recovery, the Lieutenant Governor thinks fit to order that he shall be given up to any person by him named, he shall be given up accordingly.

Or may give convict up to his friends.

If arrangements have been made for keeping convict in Ontario.

11. In case the Lieutenant Governor of the Province within which any such person was sentenced, shall have made arrangements with the Lieutenant Governor of Ontario for the safe keeping of any such person in Ontario, and such arrangements have been communicated to the Secretary of State, by the Lieutenant Governors of the Provinces concerned, the Secretary of State shall in the case of any such person communicate under the *ninth* section of this Act, with the Lieutenant Governor of Ontario, who shall in such cases have all the powers given by the *tenth* section.

Provision if Lt. Governor of Ontario does not provide for removal under s. 9.

12. In case the Lieutenant Governor shall not, within two months after the Secretary of State shall have communicated, as provided by the *ninth* section cause the person to be removed, under the *tenth* section, the Secretary of State may, on the recommendation of the Minister of Justice, direct him to be removed for safe keeping to the gaol in which he was last confined previous to his transfer to the Penitentiary, or to any other gaol in the Province within which he was sentenced; and, after such removal, all the provisions of the *tenth* section shall apply to his case.

Question of sanity how decided.

13. In case any question shall arise as to the sanity of any convict, the Minister of Justice may order an enquiry and report to be made by one or more medical men, in conjunction with the Surgeon, and may upon such report direct such action as may be necessary in order to the execution of this Act.

Medical superintendent of Rockwood to discharge duties of surgeon in certain cases.

14. The *seventh* and subsequent sections of this Act shall, so far as applicable, apply to the case of any insane person who, having been a Penitentiary convict, shall be confined in Rockwood Asylum after the expiration of his term of imprisonment at any time between the date of the passing of this Act and the date of the transfer of Rockwood Asylum to Ontario; but, in such case, the Medical Superintendent of Rockwood Asylum shall discharge the duties by the said sections imposed on the Surgeon and Warden; and Rockwood Asylum shall be deemed a place of safe keeping in the Province of Ontario, within the meaning of this Act.

Failure of direction from Lt. Governor for removal of convict.

15. In case, at the time of the said transfer, any such person remains in Rockwood Asylum without the order of the Lieutenant Governor of Ontario for that purpose, under this Act, such person shall be detained there for a period not exceeding two months, in order to arrangements being made for his safe keeping under this Act.

Certain sections of 38 V. c. 44 repealed.

16. From and after the first day of July next the sections of "*The Penitentiary Act of* 1875," from sixty-nine to eighty, both inclusive, and so much of the eighty-first section as relates to Rockwood Asylum, shall be repealed.

Section 7 amended.

17. The *seventh* section of the said Act is hereby amended by striking out the word "monthly" and substituting therefor the words "after each visit of inspection."

Section 9 amended.

18. The ninth section of the said Act is hereby amended by striking out the word "monthly," and by inserting after the words "Minister of Justice" the words following, "and to finally audit the same at each visit of inspection."

Section 10 amended.

19. The tenth section of the said Act is hereby amended by striking out the word "February" and substituting therefor the word "October," and by inserting between the words "preceding" and "year," the word "fiscal."

Section 15 amended.

As to land ceasing to be used as part of a penitentiary.

20. The fifteenth section of the said Act is hereby amended by striking out all the words after the words "Governor in Council" in the seventh line, and substituting therefor the words following, "by any proclamation published as "aforesaid, to declare that any tract of land established as a "penitentiary by the fourteenth section of this Act or by "any other law, or by proclamation under this section, "shall from and after a certain day to be named in such "proclamation cease to be a penitentiary; and such tract of "land shall cease to be a penitentiary accordingly."

Part of s. 35 amended.

21. The first sub-section of the thirty-fifth section of the said Act is hereby amended by inserting after the word "meals" the words "or school."

Short title.

22. This Act may be cited as "*The Penitentiary Amendment Act*, 1877."

Schedule referred to in the Preamble of this Act.

This agreement, made the seventh day of February, in the year of our Lord one thousand eight hundred and seventy-seven, between the Honourable Alexander Mackenzie, as Minister of Public Works of Canada, and the Honourable Christopher Finlay Fraser, as the Commissioner of Public Works of the Province of Ontario.

Whereas, by the Act of the Parliament of Canada, 34 Victoria, chapter 26, after reciting that it may be found expedient to sell or lease Rockwood Asylum and its appurtenances to the Province of Ontario, and that it appears that the Commissioner of Public Works for that Province has been authorized to treat for the purchase or lease thereof, it is enacted as follows :—

"1. The Governor in Council may authorize and instruct "the Minister of Public Works to treat with the Com- "missioner of Public Works for the Province of Ontario, for "the sale or lease of Rockwood Asylum, and the land "appurtenant thereto, and if the said Minister and Com- "missioner agree upon the terms of such sale or lease, and "such terms are approved by the Governor in Council, "the necessary measures may be adopted for giving effect to "such agreement, subject to the approval of Parliament at "its then next Session."

And whereas the Commissioner of Public Works for Ontario has been authorized to treat for the said purchase ;

And whereas by Order in Council of 27th November, 1876, the Minister of Public Works of Canada was authorized and instructed to treat with the Commissioner of Public Works for Ontario, for the sale of Rockwood Asylum and the land appertaining thereto ;

Now therefore the said Minister and Commissioner do agree for the purchase and sale thereof, upon the following terms, namely :—

1. Ontario to pay Canada the sum of ninety-six thousand five hundred dollars for the freehold of the Asylum property including the buildings and lands connected therewith.

2. Ontario to take from Canada, at a valuation to be made by three or the majority of three arbitrators, one to be named by Canada, one to be named by Ontario, and the third to be chosen by the two so named, the chattels and effects upon the premises, save such of the cell furniture as may be reserved by Canada for the use of criminal lunatics to be removed to the Penitentiary.

3. The contracts for supplies existing at the time of the transfer to be assumed by Ontario.

4. The Staff to be taken over by Ontario.

5. The arrangement to take effect on the first of July next.

6. This agreement to be subject to the approval of the Parliament of Canada during its next Session, and of the Legislature of Ontario during its present Session.

In witness whereof the said parties hereunto have set their hands and seals at the day and year first above written.

(Signed,) A. MACKENZIE,
Minister of Public Works.

(Signed,) C. F. FRASER,
Commissioner of Public Works for Ontario

Signed and Sealed by the Minister of Public Works, in presence of
A. J. SMITH.

Signed and Sealed by the Commissioner of Public Works for Ontario, in presence of
WM. EDWARDS.

No. 40.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act respecting the trsnsfer of Rockwood Asylum to the Province of Ontario, and to amend the Penitentiary Act of 1875.

Received and read first time, Monday, 26th February, 1877.

Second reading, Tuesday, 27th Feb., 1877.

Mr. BLAKE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Stree
1877.

No. 41.] BILL. [1877.

An Act to establish a Court of Maritime Jurisdiction in the Province of Ontario.

The sections in brackets are intended to be moved in Committee of the Whole.

WHEREAS, it is expedient to establish a Court of Maritime Jurisdiction on certain inland waters; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

Rights and remedies in Ontario as to matters respecting shipping, &c.

1. Save as by this Act excepted, all persons shall, after this Act comes into force, have the like rights and remedies in all matters (including cases of contract and tort, and proceedings *in rem* and *in personam*) arising out of or connected with navigation, shipping, trade or commerce on any river, lake, canal or inland water, of which the whole or part is in the Province of Ontario, as such persons would have if the process of any existing British Vice-Admiralty Court extended to the Province of Ontario.

Court for enforcing the same.

Its jurisdiction.

2. For the enforcement of such rights and remedies there is hereby constituted, in the Province of Ontario, a Superior Court of Maritime Jurisdiction, under the name of "The Maritime Court of Ontario," which shall, save as by this Act excepted, possess and exercise, as to the matters aforesaid, all such jurisdiction as belongs in similar matters within the reach of its process, to the Vice-Admiralty Court at Quebec.

Matters excepted from its jurisdiction.

3. The Court shall not have jurisdiction in any matter to which the process of any existing British Vice-Admiralty Court extends, or in any prize cause, or in any criminal matter, or in any case of breach of the Regulations and Instructions relating to Her Majesty's Navy, or arising out of droits of Admiralty, or out of any seizure for breach of the Revenue, Customs, Trade or Navigation laws, or out of any violation of the Act of the Imperial Parliament known as The Foreign Enlistment Act, or of the laws relating to the abolition of the slave trade, or to the capture and destruction of pirates and piratical vessels.

Where the Court may sit.

4. The principal seat of the Court shall be at Toronto, but sittings of the Court may be held at any city, town or place within the Province of Ontario.

Appointment of Judge.

5. The Governor in Council may appoint any Judge of any Superior or County Court in Ontario, or any Barrister in Ontario of not less than seven years' standing, to be the Judge of the Court.

Tenure of office; not to sit in House of Commons.

6. The Judge shall hold office during good behaviour; but shall be removable by the Governor General on address of the Senate and House of Commons; he shall not be eligible to or sit or vote in the House of Commons, under the penalties provided by "*An Act for the securing the independence of Parliament*" (31 V., c. 25), nor shall he vote at any election of a member of the said House.

Remuneration and how payable.

[**7.** The Judge shall receive no fees, but shall receive a salary of dollars, per annum, and *pro rata* for any shorter time than a year, which salary shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, in like manner as the salaries of other Judges.]

Judge, with approval of Governor in Council, to make rules of practice and tariff of fees, etc.

8. The Judge may, with the approval of the Governor in Council, from time to time, make, alter and rescind general rules for establishing and regulating the practice, pleading, writs, procedure, costs and fees to practitioners and officers in suits instituted under this Act, and for the effectual working of this Act; and such rules may extend to any matter of procedure or otherwise, not provided for by this Act but for which it may be found necessary to provide, in order to insure the proper working of this Act and the better attainment of the objects thereof; and every such rule, not being inconsistent with the express provisions of this Act, shall have force and effect as if herein enacted:

Proviso.

Provided always, that copies of all such rules shall be, as soon as may be, laid before both Houses of the Parliament of Canada, and entered on the records of the Court, and

Proviso.

published in the *Canada Gazette*; Provided always, that it shall be lawful for the Governor in Council, by proclamation published in the *Canada Gazette*, at any time to rescind any rule made under this Act.

Practice in cases unprovided for in rules.

9. In default of other provision either by this Act or under general rules made in pursuance of this Act, the practice, pleading, writs and procedure in force at the time of its abolition in the instance side of the High Court of Admiralty in England shall, so far as applicable, apply and extend to proceedings instituted under this Act.

Appeal to Supreme Court.

10. There shall be an appeal to the Supreme Court of Canada from all decisions of the Court having the force and effect of a definitive sentence or final order.

Procedure in such appeal.

11. In default of other provision either by this Act or under general rules made by virtue of this Act, or by virtue of the Acts relating to the Supreme and Exchequer Courts, the practice, procedure and powers as to costs and otherwise of the Supreme Court in other appeals shall, so far as applicable, and, unless the Supreme Court shall otherwise order, apply and extend to appeals under this Act.

List of persons competent to act as assessors, etc.

12. The Judge shall, from time to time, frame and submit, for the approval of the Minister of Justice, a list of persons of nautical or engineering, or other technical skill

and experience to act as assessors in the Court; and shall cause the approved list to be published in the *Canada Gazette*, and every person named in the approved list shall attend the Court, under such circumstances and in such rotation, and subject to such regulations, and shall receive such fees, as shall be provided by or under general rules.

Appointment of Surrogate Judge or Judges.

13. The Governor in Council may, from time to time, appoint one or more Judges of any County Court in Ontario, or barristers of not less than seven years' standing in Ontario, to be a Surrogate Judge or Surrogate Judges of the said Court.

Their powers.

14. A Surrogate Judge shall have such of the powers of the Judge as may be conferred by his commission.

Proceedings begun by them may be completed by Judge.

15. Any judicial act begun or partly proceeded with by a Surrogate Judge may, under general rules, be proceeded with or completed by the Judge.

Recital of case as to Surrogates.

[**16**. (1.) Whereas until the practical working of this Act has been developed by experience it is inexpedient to make permanent provision as to the tenure of office or the salary of Surrogate Judges; therefore

Tenure of office.

(2.) A Surrogate Judge shall hold office during pleasure, but his appointment shall not be vacated by a vacancy in the office of the Judge.

Emoluments. Tariff.

(3.). He may, if resident elsewhere than in Toronto, receive emoluments out of funds provided by suitors' fees, payable under a tariff to be from time to time fixed and altered by the Governor in Council.

To be laid before Parliament, etc.

(4.) Copies of the tariff shall be, as soon as may be, laid before both Houses of the Parliament of Canada, and entered on the records of the Court, and published in the *Canada Gazette*.

Collection and funding of fees.

(5.) The fees payable by suitors under the tariff shall be paid over, by the officer appointed to collect them, to the Receiver-General, and shall form part of the Consolidated Revenue Fund; and thereout shall be paid the emoluments of the Surrogate Judge.]

Appointment of other officers.

17. The Governor in Council may appoint a Registrar, Marshal, Deputy Registrars and Deputy Marshals, and other necessary officers for the Court.

Who may administer oaths, etc., Perjury.

18. The Judge, any Surrogate Judge, the Registrar, any Deputy Registrar, and any person who has power to administer oaths and affirmations in matters pending in the Supreme Court or the Exchequer Court of Canada, shall have power to administer oaths and affirmations in relation to any matter pending in the Court; and any person who shall wilfully swear or affirm falsely in any such matter shall be guilty of perjury.

Who may practice in the Court.

19. All persons entitled to act as Barristers or Advocates in any Superior Court in any Province in Canada may act as such in the Court; and all persons entitled to act as Solicitors, or Attorneys-at-Law in Ontario may practice as Proctors in the Court.

When this Act shall come into force.

20. So much of this Act as relates to the appointment of the Judge, Surrogate Judges and officers, and the making of general rules and tariffs, shall come into force on a day to be appointed by proclamation of the Governor in Council, and the residue of this Act shall come into force on a subsequent day to be also appointed by proclamation of the Governor in Council.

No. 41.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to establish a Court of Maritime Jurisdiction in the Province of Ontario.

Received and read first time, Monday, 26th February, 1877.

Second reading, Tuesday, 27th Feby., 1877.

Mr. BLAKE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 41.] **BILL.** [1877

An Act to establish a Court of Maritime Jurisdiction in the Province of Ontario.

As amended in Committee of the Whole.

WHEREAS, it is expedient to establish a Court of Maritime Jurisdiction in the Province of Ontario; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Save as by this Act excepted, all persons shall, after this Act comes into force, have, in the Province of Ontario, the like rights and remedies in all matters (including cases of contract and tort, and proceedings *in rem* and *in personam*) arising out of or connected with navigation, shipping, trade or commerce on any river, lake, canal or inland water, of which the whole or part is in the Province of Ontario, as such persons would have in any existing British Vice-Admiralty Court, if the process of such Court extended to the said Province.

2. For the enforcement of such rights and remedies there is hereby constituted, in the Province of Ontario, a Superior Court of Maritime Jurisdiction, under the name of "The Maritime Court of Ontario," which shall be a Court of Record and shall, save as by this Act excepted, have, as to the matters aforesaid, all such jurisdiction as belongs in similar matters within the reach of its process, to any existing British Vice-Admiralty Court.

(2.) In any matter referred to in the first section, but arising within reach of the process of the Vice-Admiralty Court at Quebec, the Court shall have the same jurisdiction as any existing British Vice-Admiralty Court has under like circumstances, in any like matter arising beyond the reach of its process.

(3.) And whereas many of the ships engaged in navigating the waters aforesaid are registered in ports in the Province of Quebec, the jurisdiction of the Court in respect of claims touching the ownership, possession, employment, or earnings of ships, shall extend to the case of a ship registered in a port in the Province of Quebec but navigating the waters aforesaid.

(4.) No right or remedy *in rem* given by this Act only, shall be enforced as against any subsequent *bonâ fide* purchaser or mortgagee of a ship, unless the proceedings for the enforcement thereof be begun within ninety days from the time when the same accrued.

3. Save as aforesaid, the Court shall not have jurisdiction in any matter to which the process of any existing British Vice-Admiralty Court extends, nor shall the Court have jurisdiction in any prize cause, or in any criminal matter, or in any case of breach of the Regulations and Instructions relating to Her Majesty's Navy, or arising out of droits of Admiralty, or out of any seizure for breach of the Revenue, Customs, Trade or Navigation laws, or out of any violation of the Act of the Imperial Parliament known as The Foreign Enlistment Act, or of the laws relating to the abolition of the slave trade, or to the capture and destruction of pirates and piratical vessels.

4. The principal seat of the Court shall be at Toronto, but sittings of the Court may be held at any city, town or place within the Province of Ontario.

5. The Governor in Council may appoint any Judge of any Superior or County Court in Ontario, or any Barrister in Ontario of not less than seven years' standing, to be the Judge of the Court.

6. The Judge shall hold office during good behaviour; but shall be removable by the Governor General on address of the Senate and House of Commons; he shall not be eligible to or sit or vote in the House of Commons, under the penalties provided by "*An Act for the securing the independence of Parliament*" (31 V., c. 25), nor shall he vote at any election of a member of the said House.

7. The Judge shall receive no fees, but shall receive a salary of six hundred dollars per annum free and clear from all deductions whatsoever, and *pro rata* for any shorter time than a year, which salary shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, in like manner as the salaries of other Judges.

8. The Judge may, with the approval of the Governor in Council, from time to time, make, alter and rescind general rules for establishing and regulating the practice, pleading, writs, procedure, costs and fees to practitioners and officers in suits instituted under this Act, and for the effectual working of this Act; and such rules may extend to any matter of procedure or otherwise, not provided for by this Act but for which it may be found necessary to provide, in order to insure the proper working of this Act and the better attainment of the objects thereof; and every such rule, not being inconsistent with the express provisions of this Act, shall have force and effect as if herein enacted: Provided always, that copies of all such rules shall be, as soon as may be, laid before both Houses of the Parliament of Canada, and entered on the records of the Court, and published in the *Canada Gazette*; Provided always, that it shall be lawful for the Governor in Council, by proclamation published in the *Canada Gazette*, at any time to rescind any rule made under this Act.

9. In default of other provision either by this Act or under general rules made in pursuance of this Act, the practice, pleading, writs and procedure in force at the time of its abolition in the Instance side of the High Court of Admiralty in England shall, so far as applicable, apply and extend to proceedings instituted under this Act.

10. The Judge shall, from time to time, frame and submit, for the approval of the Minister of Justice, a list of persons of nautical or engineering, or other technical skill and experience to act as assessors in the Court; and shall cause the approved list to be published in the *Canada Gazette*, and every person named in the approved list shall attend the Court, under such circumstances and in such rotation, and subject to such regulations, and shall receive such fees, as shall be provided by or under general rules.

11. The Governor in Council may, from time to time, appoint one or more Judges of any County Court in Ontario, or barristers of not less than seven years' standing in Ontario, to be a Surrogate Judge or Surrogate Judges of the said Court.

12. A Surrogate Judge shall have such of the powers of the Judge as may be conferred by his commission.

13. Any judicial act begun or partly proceeded with by a Surrogate Judge may, under general rules, be proceeded with or completed by the Judge.

14. Whereas until the practical working of this Act has been developed by experience it is inexpedient to make permanent provision as to the tenure of office or the salary of Surrogate Judges; therefore

(2.) A Surrogate Judge shall hold office during pleasure, but his appointment shall not be vacated by a vacancy in the office of the Judge.

(3.) He may, if resident elsewhere than in Toronto, receive emoluments to be from time to time fixed by the Governor in Council, raised out of funds provided by suitors' fees, payable under a tariff to be from time to time fixed by the Governor in Council.

(4.) Copies of the tariff shall be, as soon as may be, laid before both Houses of the Parliament of Canada, and entered on the records of the Court, and published in the *Canada Gazette*.

(5.) The fees payable by suitors under the tariff shall be paid over, by the officer appointed to collect them, to the Receiver-General, and shall form part of the Consolidated Revenue Fund; and thereout shall be paid the emoluments of the Surrogate Judge.]

15. The Governor in Council may appoint a Registrar, Marshal, Deputy Registrars and Deputy Marshals, and Examiners and other necessary officers for the Court, with such of the powers belonging to Registrars and Marshals of British Vice-Admiralty Courts, and such other powers for the effectual working of this Act as may be prescribed by general rules.

16. The Judge, any Surrogate Judge, the Registrar, any Deputy Registrar, and any person who has power to administer oaths and affirmations in matters pending in the Supreme Court or the Exchequer Court of Canada, shall have power to administer oaths and affirmations in relation to any matter pending in the Court; and any person who shall wilfully swear or affirm falsely in any such matter shall be guilty of perjury.

17. Every Judge or Surrogate Judge appointed in pursuance of this Act, shall, previously to his executing the duties of his office, take before a Judge of any Superior or County Court in Ontario, the following oath :—

"I do sincerely and solemnly 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 Judge (or as a Surrogate Judge) of the Maritime Court of Ontario, so help me God."

18. All persons entitled to act as Barristers or Advocates in any Superior Court in any Province in Canada may act as such in the Court; and all persons entitled to act as Solicitors, or Attorneys-at-Law in Ontario may practice as Proctors or Solicitors in the Court, and all persons acting as Barristers or Advocates, or practicing as Proctors or Solicitors in the Court, shall be officers thereof.

19. There shall be an appeal to the Supreme Court of Canada from all decisions of the Court having the force and effect of a definitive sentence or final order.

20. In default of other provision either by this Act or under general rules made by virtue of this Act, or by virtue of the Acts relating to the Supreme and Exchequer Courts, the practice, procedure and powers as to costs and otherwise of the Supreme Court in other appeals shall, so far as applicable, and, unless the Supreme Court shall otherwise order, apply and extend to appeals under this Act.

21. So much of this Act as relates to the appointment of the Judge, Surrogate Judges and officers, and the making of general rules and tariffs, shall come into force on a day to be appointed by proclamation of the Governor in Council, and the residue of this Act shall come into force on a subsequent day to be also appointed by proclamation of the Governor in Council.

22. This Act may be cited as "*The Maritime Jurisdiction Act*, 1877."

No. 41.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to establish a Court of Maritime Jurisdiction in the Province of Ontario.

[*Reprinted as amended in Committee of the Whole.*]

Received and read first time, Monday, 26th February, 1877.

Second reading, Tuesday, 27th Feby., 1877.

Mr. BLAKE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 42.] **BILL.** [1877.

An Act to authorise the town of Kincardine, in the County of Bruce, to impose and collect certain Tolls at the Harbour in the said town.

Preamble

WHEREAS the Corporation of the town of Kincardine have in addition to the sum of twenty-four thousand dollars granted to the said Corporation by the Governor in Council expended the sum of forty thousand dollars and upwards, being receipts from all sources, in improving the harbour at the said town of Kincardine and the navigation of the River Penetangore within the limits of the said town and have also in order to raise a portion of the said sum of forty thousand dollars under the authority of by-laws numbers seventy-one and seventy-nine issued debentures to the amount of thirteen thousand dollars on the credit of the said Corporation which debentures are payable in twenty years and three years respectively with interest at the rate of six per cent. per annum; and whereas the improvements made at the said harbour and in the said river are of great benefit and advantage to all persons conveying goods, wares, merchandise and chattels to and from the said town of Kincardine and have afforded material facilities to the navigation of the said river and entrance to and from the said harbour, and will if maintained continue to afford such advantages and facilities; And whereas the depth of water in the said harbour is liable to become lessened owing to the shifting sands; And whereas considerable expense will necessarily be incurred by the said Corporation in keeping open the navigation of the said harbour and river; And whereas also it is expedient further to improve the said harbour and enlarge the basin; And whereas the Corporation of the town of Kincardine have by their petition prayed to be authorised to impose and collect tolls by by-law on goods, wares, merchandise and chattels shipped on board of or landed from any vessel, boat or other craft in or at the said harbour at the town of Kincardine or the basin or river connected therewith and on logs, timber, spars and masts going into or upon or through the said harbour and to employ the proceeds of such tolls after deduction and payment of the expenses of the collection thereof as is hereinafter directed: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Corporation may levy harbor tolls.

Application thereof.

1. The Corporation of the town of Kincardine is authorised and empowered to pass by-laws for the imposition and collection of tolls, to be employed after payment of the expenses of collection for the purpose of assisting in liquidating the debt incurred by the said corporation in improving the said harbour and of further improving the said harbour and the

piers in connection therewith, on all goods, wares, merchandise and chattels shipped or landed on board or out of any vessel, boat or craft from or upon any part of the said harbour, basin or piers and upon all logs, timber, spars or masts going into or through or upon the same or any part thereof, the said tolls not to exceed the rates set out in the *schedule to this Act*: Provided that the by-law or by-laws imposing the said tolls shall be approved by the Governor in Council before having any force or effect; and provided further that the power to collect such tolls shall cease in ten years after the passing of this Act.

Proviso.

Proviso.

Sales of goods, wares and merchandize for non-payment of tolls.

2. If any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act and under any by-law that may be passed under the authority thereof, it shall and may be lawful for the said corporation or their officer, clerk or servant, duly appointed, to seize and detain the goods, wares, merchandise and chattels, logs, timber, spars and masts on which the same are due and payable until such tolls are paid; and if the same shall be unpaid for the space of fifteen days after such seizure the said corporation or their officer, clerk or servant as aforesaid may by public auction, sell and dispose of the said goods, wares, merchandise and chattels, logs, timber, spars or masts or such part thereof as may be necessary to pay the said tolls and the reasonable costs and charges of keeping and selling the same giving six days notice thereof, and returning the overplus if any to the owner or owners thereof; perishable goods may be sold in like manner by public auction after a delay of twenty-four hours in default of payment of dues and charges.

Perishable goods.

Vessels, &c., liable for tolls.

3. Every vessel, boat or other craft on board of which goods, wares, merchandise, chattels and other things may be 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.

Return to Parliament.

4. An annual return shall be made to Parliament of the amounts collected under the said by-laws and of the manner in which the same have been expended.

To be subject to future legislation.

5. The said harbour of the town of Kincardine and the works thereof shall be subject to the provisions of any Act or Acts of the Parliament of Canada which may be passed hereafter for the construction, improvement, regulation or maintenance of the said harbour.

SCHEDULE

No. 42.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to authorise the town of Kincardine, in the County of Bruce, to impose and collect certain Tolls at the Harbour in the said town.

Received and read first time, Tuesday, 27th February, 1877.

Second reading, Thursday, 1st March, 1877.

(PRIVATE BILL.)

Mr. GILLIES.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 43] **BILL.** 1877.]

An Act to authorize the Union Forwarding and Railway Company to reduce its paid-up capital.

Preamble.

WHEREAS the Union Forwarding and Railway Company have, by their petition, represented that their paid-up capital stock, amounts to the sum of three hundred and five thousand, six hundred and fifty dollars, divided into shares of fifty dollars each, and that by reason of the depression in trade the value of the said stock has become reduced considerably below par; and that it is advisable for the shareholders to reduce the stock from its nominal to its actual value; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Capital and shares may be reduced.

1. It shall be lawful for the shareholders of the said Company, at a special general meeting called for the purpose, of which one week's notice in the *Canada Gazette* shall be given, by a by-law to be passed thereat, to reduce the paid-up capital and the shares thereof by an amount not exceeding fifty per cent. thereof, respectively; and the capital and the shares thereof shall thereafter be reckoned at the amount to which they shall be so reduced, and new scrip or stock certificates shall thereupon be issued in accordance with such by-law, and in lieu of the former scrip or stock certificates, which shall be cancelled.

Power to increase stock not impaired.

2. Nothing in the foregoing section shall be taken to lessen or waive the powers heretofore conferred on the shareholders of the Company of increasing their capital by the subscription of new stock, from time to time, if they shall deem it advisable at any time hereafter to do so.

No. 43.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to authorize the Union Forwarding and Railway Company to reduce its paid-up capital.

Received and read first time, Tuesday, 27th February, 1877.
Second reading, Thursday, 1st March, 1877.

(PRIVATE BILL.)

Mr. CURRIER.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 44.] **BILL.** [1877.

An Act to amend the Act to incorporate the Bridge Company of Rivière du Loup, in the County of Maskinongé.

WHEREAS it is expedient to amend the Act hereinafter mentioned; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 22 V. (1859) c. 108.

Company released from duty of maintaining drawbridge.

1. The Act of the Legislature of the late Province of Canada, intituled, "*An Act to Incorporate the Bridge Company of Rivière du Loup in the County of Maskinongé, and to authorize the said Company to erect a Toll-Bridge over the Grande Rivière du Loup,*" is hereby amended so as to release the said Company in the future from the duty of maintaining and keeping in order a drawbridge in connection with the said Bridge over the Rivière du Loup; and to that end all words in the said amended Act, having reference exclusively to a drawbridge, are hereby struck out; and sections twenty-four and thirty of the said Act are hereby repealed.

No. 44.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Act to incorporate the Bridge Company of Rivière du Loup, in the County of Maskinongé.

Received and read first time, Tuesday, 27th February, 1877.

Second reading, Thursday, 1st March, 1877.

(PRIVATE BILL.)

Mr. BOYER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 45.] **BILL.** [1877.

An Act to incorporate the St. Lawrence and Pacific Railway Ferry Company.

Preamble.

WHEREAS the persons hereinafter named have, by their petition, prayed to be incorporated for the purpose of constructing and maintaining a railway viaduct and turnpike from the south shore of the St. Lawrence, in the Parish of Longueuil, *viâ* St. Helen's Island, to the western shore of Isle Ronde, and a steam ferry from thence to the north shore of the St. Lawrence; and whereas it is expedient to grant the prayer of the said petitioners: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory.

1. The St. Lawrence and Pacific Railway Ferry Company is hereby declared to be a work for the general advantage of Canada.

Certain parts of the Railway Act incorporated.

2. "*The Railway Act*, 1868," is hereby incorporated, except as hereinafter mentioned, with this Act and shall form part thereof, and the several provisions of "*The Railway Act*, 1868," applicable to a railway company and to a railway shall, except as varied by this Act, apply to the company hereby incorporated, and to the viaduct and ferry hereby authorized to be constructed; but the sections of "*The Railway Act*, 1868," headed "Highways and Bridges," "Fences," "Working of the Railway," "The Railway Committee," "General Provisions," "Application of Penalties," "Railway Fund," shall not apply thereto or be incorporated with this Act.

Certain persons incorporated.

3. J. Rosaire Thibaudeau, James Reekie, Joseph Barsalou, Charles S. Watson, John Rankin and Joseph Perrault, of the City of Montreal, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the company, are hereby constituted and declared to be a body corporate and politic by the name of "The St. Lawrence and Pacific Railway Ferry Company," and shall as such be invested with all the powers, privileges and immunities necessary to carry into effect the objects of this Act, and all the powers which are incident to a similar corporation.

Powers of the company.

4. The Company shall have power to construct, maintain and work a railway viaduct and turnpike road from the south shore of the St. Lawrence, in the Parish of Longueuil, *viâ* St. Helen's Island, to the westerly shore of Isle Ronde, and a steam railway ferry from thence to the north shore of the St. Lawrence.

Capital.

5. The capital of the Company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each.

Provisional directors.

6. The said J. R. Thibaudeau, James Reekie, Joseph Barsalou, Charles S. Watson, John Rankin and Joseph Perrault, of the City of Montreal, are hereby constituted the Provisional Directors of the Company.

Their powers.

7. The Provisional Directors of the Company shall hold office as such until the first election of Directors under this Act, and shall have power and authority to open stock books and procure subscriptions of stock for the undertaking; and the said Provisional Directors may cause surveys and plans to be made and executed, and may acquire any plans and make use of any surveys now existing, and may pay out of the said capital the preliminary and other expenses connected with the formation of the Company.

All shareholders to have equal rights.

8. All shareholders in the Company, whether British subjects or aliens, or residents in Canada or elsewhere, shall have equal right to hold stock in the Company, and to vote on the same, and to be eligible to office in the Company.

First meeting of shareholders.

9. So soon as two hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per centum *bonâ fide* paid thereon and deposited in one or more of the chartered banks of Canada, for the purposes of the Company, the Directors, or a majority of them, shall call a meeting of the shareholders of the Company at such time and place as they may think proper, giving at least two weeks' notice in the *Canada Gazette*, or in one newspaper in the City of Montreal; 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; and any Provisional Director may vote by proxy and shall be eligible as a Director; and four shall be the quorum of the Board of Directors.

Railway companies may subscribe for stock.

10. Any railway company whose road now has or shall hereafter have a terminus or station at or near the City of Montreal, or shall connect with any railway having such terminus, or whose trains are or shall be run to the localities aforesaid, may, with the consent of the majority of the shareholders of its stock, subscribe to and become the owners of such stock in like manner and with like rights as individuals. And every such railway company so subscribing to the capital stock shall have the right to vote at the election of Directors, by the President or Vice-President of such railway company acting on its behalf, at any meeting held for such election; and the President or Vice-President of such company shall be eligible for election as a Director; provided the railway company of which he is President or Vice-President is the owner of at least one hundred shares in the stock of the Company, and shall have paid up all calls made thereon.

Proviso.

Annual general meeting.

11. The annual general meeting of the shareholders for the election of Directors and other general purposes shall be held on the second Wednesday of June in each year at the City of Montreal; and two weeks' previous notice thereof shall be given by publication, as provided in the ninth section or by by-law.

Qualification of directors.

12. No person shall be elected a Director of the Company unless he shall be the holder of at least fifty shares in the stock of the Company and shall have paid up all calls made thereon.

Calls on stock and liability.

13. No call to be made at any time upon the said capital stock shall exceed ten per centum on the subscribed capital, and no stockholder shall be liable for the debts or obligations of the Company beyond the unpaid amount of any stock held by him.

Borrowing powers of the company.

14. The power to borrow money conferred by the twelfth subsection of the seventh section of "*The Railway Act*, 1868," may be exercised by the Company in the issue of bonds under the seal of the Company, and made and signed by the President or Vice-President of the Company, and countersigned by the secretary, and with or without coupons attached; and such bonds shall, without registration, or formal conveyance, or instrument of hypothec, mortgage or pledge, be and be taken as an hypothec, mortgage and pledge, according to the rank and priority which may be therein mentioned, upon the undertaking, and the real and personal property, franchises, tolls and revenues of the company then existing and 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 of bonds of the same issue, rank and priority, upon the said undertaking, and all and every the property of the Company hereinbefore mentioned; and such bonds may be sold and disposed of by the Company at their marketable value; Provided that the sanction of the shareholders, or a majority thereof, be first obtained at any general special meeting, called for carrying into effect the powers in this section contained.

Proviso.

Power as to promissory notes and bills of exchange.

15. 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-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 is 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-Treasurer of the Company, so making, drawing, endorsing or accepting 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

Proviso.

the said Company to issue any note payable to bearer, or any promissory note intended to be circulated as money, or as the note of a bank.

Plans to be approved by Governor in Council.

16. The Company shall not commence the said viaduct and ferry, or any work thereunto appertaining, until such plans and the site of such bridge shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the said viaduct, ferry and works, shall have been complied with; nor shall any such plan be altered, nor any diversion therefrom allowed except by the permission of the Governor in Council, and upon such conditions as he shall impose.

Public highways may be used.

17. The Company shall have power to use any of the public highways for the construction and maintenance of the viaduct, ferry or the works authorized by this Act, with the consent of the Municipal Council having jurisdiction over such highways.

Acquiring of land for gravel pits, &c.

18. Whenever it shall become necessary for the purpose of procuring sufficient land for stations or gravel pits, or other purposes, for constructing, maintaining and using the said viaduct, turnpike or ferry, to purchase more land than is required for such stations or gravel pits, or other purposes, the Company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their undertaking, in such manner and for such purposes connected with the constructing, maintenance or use of the said viaduct, turnpike or ferry, as they may deem expedient; and may sell and convey the same, or parts thereof, when not required for use of the said viaduct, turnpike or ferry.

Agreements for use of works.

19. It shall be lawful for the Company to enter into any agreement with any railway company or companies for leasing the said viaduct and ferry, or the use thereof, at any time or times, or for any period, to such railway company or companies; and for leasing or hiring from such companies or company any railway or part thereof, or the use thereof; or for leasing or hiring any locomotives, tenders, steam vessels or movable property, and generally to make any agreement or agreements with any such company or companies, touching the use by one or the other, or others, of the viaduct or railway, or railways, or movable property, or of all together, 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; and any such railway company or companies may agree for the loan of their credit, by direct guarantee or traffic contract, or otherwise, to the Company, or may subscribe to or acquire 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, in compliance with *the said Act*; and any company accepting and executing such lease shall be and is empowered to exercise all the rights and privileges hereby conferred.

20. When the said railway viaduct, turnpike and ferry are completed and open to traffic, all trains of all railways terminating at or near the City of Montreal, now constructed or hereafter to be constructed, shall have the right to pass over the said viaduct and ferry, including the cars of any other railway company which may be brought over such railways, 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 whose trains or business pass over the said viaduct. Equal rights of all railway companies.

21. In case of any disagreement, and as often as the same may arise, as to the rights of any railway, whose trains or business shall pass over the said work hereby authorized to be constructed, the same shall be determined by arbitrators, one to be appointed by the Company and the other by the company with whom the disagreement shall have arisen, and a third (who shall be some person experienced in railway affairs) by a Judge of the Superior Court of the Province of Quebec, upon application to such Court, due notice thereof having been given to the parties interested; and the award of the said arbitrators, or the majority of them, shall be final; provided that the terms of the said award shall not be binding for a longer term than five years. Arbitration in case of disagreement.

22. Whenever the said viaduct, turnpike and ferry are so completed as to admit of the passage of railway trains, the Company may erect such gates and fixtures to guard the entrance of such trains upon the viaduct, as the said Directors may deem proper, and may make such by-laws, rules and regulations, not inconsistent with the provisions of this Act, in relation to the use of the said viaduct and ferry, its machinery, appurtenances and approaches, by railway companies, their trains and carriages, as well as by passengers on foot or on horseback, or in vehicles, and by vehicles of all kinds, and the tolls and charges therefor, as the Directors may think proper. Gates may be put up and tolls charged.

23. If any person or persons shall force, or attempt to force, any gate or guard of the said viaduct and ferry, or the approaches thereto, or if any person shall wilfully do or cause to be done, any act or acts whatsoever whereby the said viaduct and ferry, their lights, stations, steamboats, works, machinery, fixtures or other appurtenances, shall be obstructed, impaired, weakened, destroyed or injured, the person so offending shall forfeit to the Company treble the damages sustained by means of such offence or injury, to be recovered in the name of the Company, with costs of suit, by any proper action for that purpose. Penalty for damage to gates, &c.

24. As soon as the said railway viaduct and ferry shall be established and ready for public use, no person shall establish a ferry for the conveyance of railway cars across the river St. Lawrence within one mile below and one mile above the terminus of the said railway viaduct on the westerly side of Isle Ronde; and if any person shall there- Exclusive rights of the company.

after establish any such ferry, or shall for gain or hire convey any railway car across the said river, within the limits aforesaid, such offender shall for each car so carried across, forfeit and pay to the Company hereby established, a sum not less than ten dollars, and not exceeding fifty dollars.

Time limited.

24. The work shall be commenced within two years, and completed within five years, from the coming into force of this Act.

No. 45.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to incorporate the St. Lawrence and Pacific Railway Ferry Company.

Received and read first time, Tuesday, 27th February, 1877.

Second reading, Thursday, 1st March, 1877.

(PRIVATE BILL.)

Mr. JETTÉ.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street

1877.

No. 46] **BILL.** [1877.

An Act to incorporate the Union Cable Company.

Preamble.

WHEREAS Edward Alexander Prentice, Harrison Stephens, the Honorable John Hamilton, Thomas Davidson, Robert Dalglish, James Domville, M. P., Edward Cornwallis Monk, of Canada, and the Honorable John R. D. Tollemache, of St. James' Square, London, England, have by their petition prayed that an Act of incorporation may be granted to them for the purpose of establishing telegraphic communication between the Dominion of Canada and the United Kingdom, and whereas it is expedient to grant the prayer of their petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons enacts as follows:

Certain persons incorporated.

1. The said Edward Alexander Prentice, Harrison Stephens, Honorable John Hamilton, Thomas Davidson, Robert Dalglish, James Domville, M. P., Edward Cornwallis Monk, Honorable John R. D. Tollemache and their associates, and all other persons who may hereafter become holders of the stock hereinafter mentioned are hereby constituted a body politic and corporate by the name of the Union Cable Company, for the purpose of establishing telegraphic communication between some point on the Atlantic coast of Canada as may be found most suitable, and some point on the coast of Great Britain or Ireland, and for the purpose of establishing branches thereof in Canada and elsewhere, and the said Company may make, adopt, and use a corporate seal, may sue and be sued, and may do every other act and thing whatsoever which may reasonably come within the scope, purposes and objects contemplated by this Act, and may acquire and hold such land and beach as may be requisite for their actual use and occupation for stations, offices and construction purposes.

Corporate name and powers.

Company connect with other lines.

2. The said Company shall have full power and authority to make such connection with the line of any telegraph company or companies in any portion of the United Kingdom or elsewhere, and any such arrangement for working the same, as to the said Company or its Directors shall appear fitting: Provided always that the said Company shall not amalgamate with any other Company or association formed, or to be formed, for the purposes of establishing telegraphic communication between the Dominion of Canada and the United Kingdom.

Proviso: but not amalgamate.

Union with Direct Cable Company.

3. The said Company may, by and with the consent of the Government of Canada, amalgamate with the Direct Cable Company, on condition that the said Direct Cable

Company agrees and conforms to the proviso contained in the next preceding section of this Act.

Aid may be accepted.

4. The said Company shall have power and authority to accept from the Government of Canada, or from any power, state or government, or from any corporate body, any grant of money, subsidy, or guarantee of credit in aid of the said undertaking.

Capital stock and shares.

5. The capital stock of the said Company shall be one million two hundred and fifty thousand pounds sterling, divided into shares of ten pounds each, and the said capital may be increased from time to time by resolution of the central Board of Directors, by and with the consent of the majority in value of the shareholders having a right to vote, as hereinafter enacted, but such capital stock shall at no time be made to exceed the sum of two millions five hundred thousand pounds sterling; Provided always, that it shall be lawful for the said Board of Directors, prior to the taking and receiving of subscriptions to the said capital stock, to convert the said shares into shares of fifty pounds sterling each: And provided also, that it shall be lawful for the said Company to issue certificates of stock in sterling or currency of Canada.

Proviso.

Proviso.

Borrowing powers of the company.

6. The said Company may borrow such sums of money, not exceeding in all the sum of four million pounds sterling, and may issue such bonds therefor in such amounts, and made payable at such times and places, and bearing such interest and secured in such manner (by mortgage or otherwise) as the said Corporation may deem expedient and proper for carrying out the purposes of this Act.

Provisional board of directors.

7. Edward Alexander Prentice, Harrison Stephens Honorable John Hamilton, Senator, Thomas Davidson, Robert Dalglish, James Domville, M. P., Edward Cornwallis Monk, of Canada, and the Honorable John R. D. Tollemache of St. James' Square, London, England, are hereby constituted a provisional Board of Directors of the said Company, and shall hold office as such until other Directors shall be elected as hereinafter provided; and in the event of any one or more of the said provisional Directors dying before the election of other Directors, the survivors shall constitute the said provisional Board; provisional Directors may hold proxies from absent Directors and may vote thereon.

Directors and their qualification.

8. The business of the Company shall be managed by a central Board of Directors to consist of five members, and by the local Boards of Directors hereinafter mentioned, and each such Director, whether central or local, shall be the proprietor of at least two hundred pounds sterling of stock in the capital of the Company, and the Directors shall be elected and hold office as hereinafter provided.

Equal rights of shareholders.

9. Aliens shall have equal rights with British subjects to take stock, to vote and to be eligible to office in the said

Company, and no shareholder shall be liable beyond the extent of the stock subscribed by him, and remaining unpaid for any debt contracted by the Company. ers and their liability.

10. So soon as ten per centum of the said capital stock shall have been subscribed and ten per centum thereon paid up, the said provisional Directors or a majority of them, may call a meeting of shareholders at either of the cities of Quebec, Montreal or Ottawa in Canada, or at the city of London, in England, as the said provisional Directors may think proper, giving at least three months' notice in the *Canada Gazette* and in one or more newspapers published in Montreal, or in London, and in the chief city of every foreign state wherein any of the shareholders of the said Company may reside; and at the said general meeting and all other general meetings hereinafter mentioned, the shareholders present in person or represented by proxy shall elect seven persons to form and constitute a central Board of Directors of the said Company. First meeting of shareholders. Election of directors.

11. The Directors shall appoint one of their number to act as President, and another to act as Vice-President, and may appoint such other officers and agents as they shall deem necessary; and the Directors may remove all officers appointed by them and appoint others in their places, and may fill all vacancies in the offices; five of the Directors shall form a quorum, and all questions shall be decided by a majority of votes of the Directors present, and upon every equal division the President or the Chairman for the time being shall give his casting vote in addition to the vote previously given by him as one of the Directors. President and officers of the company. Quorum. Casting vote.

12. The Directors of the said Company for the time being may open or cause to be opened stock books for the subscription of parties desiring to become shareholders in the capital stock of the said Company, in as many and such places in the United Kingdom and elsewhere as they shall think fit, and may make such shares payable in such manner as they shall see fit, and further, may issue shares for stock subscribed in England or elsewhere in such amounts respectively of sterling money of the United Kingdom or of currency of Canada as to the Directors shall from time to time seem fit, and may make the dividends payable thereon in like sterling money or currency of Canada, in England and elsewhere, at such place or places as to such Directors shall from time to time seem fit; and from time to time may appoint agents of the said Company, in England or elsewhere, and may delegate to them such powers as to the Directors of the said Company shall from time to time seem fit, and may make such rules and regulations as to the Directors of the said Company shall from time to time seem fit as to the issuing of such shares in England or elsewhere, and as to the mode, time, place, or places of the transfer of such shares, and as to the mode, time, place or places of paying the dividends from time to time accruing thereon, and otherwise as shall be deemed requisite or beneficial for giving full effect to the Stock books may be opened. Appointment of agents.

powers hereby vested in the Directors of the said Company in respect of issuing such shares in England or elsewhere.

Term of office of directors.

13. The said Directors shall hold office until replaced at a general meeting of the shareholders of the said Company called for that purpose, and at all the meetings of the said Company each share shall entitle the holder to one vote, which may be given either in person or by proxy ; Provided always that no shareholder shall be entitled to vote thereat who does not hold stock to an amount equal to one hundred pounds sterling.

Votes.

Land tele graph may be constructed.

14. The said Company may also establish, purchase, hire, keep in order and work any line or lines of telegraph in the Gulf or River of St. Lawrence, with power to touch and land (should a subaqueous and submarine line be adopted or be partly so) or between any two or more points therein, or between any points therein and any islands.

Triennial general meeting.

15. On the first Monday of the month of July in every third year after the first general meeting, there shall be held a general meeting for the election of the central Board of Directors at any one of the cities of Montreal, Ottawa or Quebec in Canada, or elsewhere, as may be appointed by the Directors for that purpose, and previous notice of every such meeting shall be given in the manner provided in the *tenth* section of this Act ; and at every such general meeting the Directors in office, or any of them may be re-elected.

Local boards of directors.

16. The Directors may from time to time appoint local Boards of Directors in any one or more of the cities hereinabove named, or in any other city or place either in British territory or in the territory of any foreign power or state ; Provided that, if the central Board be not established at Montreal a local Board shall be appointed at that city.

Qualification of local directors.

17. Every such local board of Directors shall consist of five persons qualified in like manner as persons eligible as Directors of the central board, and shall remain in office for such period of time not less than one and not exceeding three years as the said central Board shall determine.

Vacancies, how filled.

18. Whenever any one or more of any such Directors, whether of the central or of any local Board die or resign, the remaining Directors of the same Board shall appoint a Director or Directors in lieu of the person or of the persons so dying or resigning.

Regulations and by-laws.

19. The said central Board of Directors may from time to time make, alter, amend or repeal such regulations and by-laws as may be necessary for the management of the affairs of the Company generally, and each local Board may also from time to time make, alter, amend, or repeal such regulations and by-laws as may be requisite for the management of the part of the undertaking under its immediate control, provided the same is not inconsistent with any regulation or by-law made by the central Board, or with the provisions of this Act.

20. The Directors may require payments of subscription to the said capital stock at such times and in such proportions as they may deem proper, under the penalty of forfeiture of all such stock and previous payments thereon; and the said Company may sue for and recover all such subscriptions; notice of the times and places of such payments shall be published for four weeks previous to such times, at least once in each week, in the *Canada Gazette*, and in such other newspapers published in England, or elsewhere, as the Directors may think proper. Calls on shares. Notice.

21. All and every the shares in the capital stock of the said Corporation, and all profits and advantages thereof shall be deemed to be personal estate, and shall be transferable and transmissible as such: Provided always that no assignment or transfer of any share shall be valid or effectual until such transfer be entered and registered in a book to be kept for that purpose; and provided also that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, such stockholder shall cease to be a member of the said Corporation. Shares to be personal estate. Proviso. Proviso.

22. No subscription of stock in the said capital of the 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 banks of Canada or of the United Kingdom, 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 undertaking or for the return of deposits on rejected subscriptions, or upon the dissolution of the Company, from any cause whatever; and the said central Board of Directors, or a majority thereof, may, in their discretion, within five days after any such subscriptions have been recorded, refuse to accept the subscriptions of any persons 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. Ten per cent. to be paid on subscription. Certain subscriptions may be refused.

23. It shall be the duty of the Directors to make semi-annual or quarterly dividends of so much of the profits of the said Company as to them or a majority of them shall seem advisable; and once in each year an exact and particular statement shall be rendered by them of the state of the affairs, debts, credits, profits and losses of the said Company; and such statements shall appear on the books, and be open for the perusal of any stockholder upon request at least one month before the general meetings of the Company. Dividends. Statement of affairs.

24. The Company, their deputies, servants, agents and workmen are hereby authorized and empowered to enter into and upon the lands, grounds and premises of any person or persons, bodies politic, corporate and collegiate, or communities whatsoever, and 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 telegraph and all such other works, matters Company may exercise certain powers as to lands.

and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended telegraph and other works ; and also to dig, bore, get, trench, 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 telegraph or other works, on or out of the lands adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended telegraph or works incident 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 build, erect and set up, in or upon such lands, such and so many station houses and observatories, watch-houses and other works, ways, roads and conveniences as and where the said Company shall think requisite and convenient for the purposes of the said telegraph; and also from time to time to alter, repair, divert, enlarge and extend the same, and to construct, erect and keep in repair any bridges, arches and other works upon or across any non-navigable rivers or brooks, for the making, using, maintaining and repairing the said intended telegraph; and to construct, erect, make and do all matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing and easy using of the said intended telegraph and other works, in pursuance of and according to the true intent and meaning of this Act ; and whensoever and wheresoever the said telegraph shall pass through any wood, the trees and underwood may be cut down for the space of fifty feet on each side of the said telegraph upon which such trees and underwood may be, 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, whenever so required to do, to the owners or proprietors of, or the persons interested in, the lands, tenements or hereditaments, water, water courses, brooks or rivers, respectively, which shall be taken, used, removed or prejudiced, or woods in which trees or underwood shall be cut down, or for all damages to be by them sustained in or by the execution of all or any of the powers conferred by this Act; Provided always that the said Company shall not cut down or mutilate any tree planted or left standing for shade or ornament, or any fruit tree, unless it be necessary so to do for the erection, use or safety of any of its lines.

May erect buildings.

And remove trees.

Proviso.

Company may set up posts, &c.

25. The said Company shall have full power and authority to set up posts for supporting the wires of the said telegraph, in and upon any public road, street or highway, and to make the necessary excavations in the same for placing such posts or poles, or for carrying the said wires under the surface, and such posts and wire and other apparatus therewith connected shall be the property of the said Company, as shall also all such posts and poles or apparatus as shall be set up or carried under the surface of the ground by the

said Company, for the purposes aforesaid, although the lands on which the same are set up or carried under the surface be not the property of the said Company.

All messages to be sent as received.

26. It shall be the duty of the Company (subject to the provisions in the next following section) to transmit all despatches in the order in which they are received, under a penalty of not less than twenty nor exceeding one hundred dollars, to be recovered with costs of suit by the person or persons whose despatch is postponed out of its order; and the said Company shall have full power to charge for the transmission of such despatch, and to receive, collect and recover such rates of payment as shall be from time to time fixed by the by-laws of the Company.

Charges therefor.

Certain message privileged.

27. Provided that any message in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime, and Government messages or despatches shall always be transmitted in preference to any other message or despatch, if required by any person thereunto authorised by the Secretary of State of Canada.

Divulging contents of despatch a misdemeanor.

28. Any operator of the said telegraph line, or person employed by the said Company, divulging the contents of a private despatch shall be deemed guilty of a misdemeanor, and, on conviction, shall be liable to a fine not exceeding *one hundred dollars*, or to imprisonment not exceeding six months, or both, in the discretion of the court before which the conviction shall be had.

Injury to company's property a misdemeanor.

29. Any person who shall wilfully or maliciously injure, molest or destroy any of the said lines, posts, piers or abutments, or the material or property belonging thereto, or in any way obstruct the working of the said line of telegraph shall, on conviction thereof, be deemed guilty of misdemeanor, and be liable to be punished in the manner provided by law for such offences.

Time for construction limited.

30. The works of the Company shall be commenced within three years and completed within six years from the passing of this Act, otherwise this Act shall be null and void.

No. 46.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to incorporate the Union Cable Company.

Received and read first time, Tuesday, 27th February, 1877.

Second reading, Thursday, 1st March, 1877.

(PRIVATE BILL.)

Mr. JETTÉ.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 46.] **BILL.** 1877.

An Act to incorporate the Union Atlantic Cable Company.

Reprinted as proposed to be amended by the Standing Committee on Railways, Canals and Telegraph Lines.

Preamble.

WHEREAS Edward Alexander Prentice, Harrison Stephens, the Honorable John Hamilton, Thomas Davidson, Robert Dalglish, Edward Cornwallis Monk, of Canada, and the Honorable John R. D. Tollemache, of St. James' Square, London, England, have by their petition prayed that an Act of incorporation may be granted to them for the purpose of establishing telegraphic communication between the Dominion of Canada and the United Kingdom, and whereas it is expedient to grant the prayer of their petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Certain persons incorporated.

1. The said Edward Alexander Prentice, Harrison Stephens, Honorable John Hamilton, Thomas Davidson, Robert Dalglish, Edward Cornwallis Monk, Honorable John R. D. Tollemache, and their associates, and all other persons who may hereafter become holders of the stock hereinafter mentioned are hereby constituted a body politic and corporate by the name of the Union Atlantic Cable Company, for the purpose of establishing telegraphic communication between some point on the Atlantic coast of North America, in Nova Scotia, New Brunswick, the Gulf of St. Lawrence and in the Province of Quebec as may be found most suitable, and some point on the coast of Great Britain or Ireland, and for the purpose of establishing branches thereof in Canada and elsewhere, and the said Company may make, adopt, and use a corporate seal, may sue and be sued, and may do every other act and thing whatsoever which may reasonably come within the scope, purposes and objects contemplated by this Act, and may acquire and hold such land and beach as may be requisite for their actual use and occupation for stations, offices and construction purposes.

Corporate name and powers.

Land telegraph may be constructed.

2. The said Company may also establish, purchase, hire, keep in order and work any line or lines of telegraph in the Gulf or River of St. Lawrence, with power to touch and land (should a subaqueous and submarine line be adopted or be partly so) or between any two or more points therein, or between any points therein and any islands; and the said Company shall have full power to construct such inland telegraph lines as may be necessary to enable them to establish and authority to make such connection with the line of any telegraph company or companies in any portion of the United Kingdom of Great Britain and Ireland or elsewhere, and any such arrangement for working the same

Company connect with other lines.

as to the said Company or its Directors shall appear fitting, and for that purpose may acquire and hold property and right of way through any such territory as may be traversed by such connecting lines: Provided always that the said Company shall not amalgamate with or participate in the profits of any other Company or association formed, or to be formed, for the purposes of establishing telegraphic communication between North America and the United Kingdom or the continent of Europe, which are in the enjoyment of any special or exclusive privileges granted by any State or Government, nor make any working arrangements with the same.

Proviso: but not amalgamate.

Union with Direct Cable Company.

3. The said Company shall have power and authority to purchase or lease for any term of years any telegraphic line established or to be established either in Canada or in any other British possession, or in the territory or territories of any foreign power or state connecting or hereafter to be connected with the line which the Company is authorised to construct, or to purchase or lease for any terms of years the right of any company to construct any such line, and shall also have power and authority to amalgamate with or lease its lines or cable or cables to, or by working agreements or otherwise participate in the profits of the Direct United States Cable Company or any telegraph company or companies on the continent of North America having exclusive connection therewith.

Aid may be accepted.

4. The said Company shall have power and authority to accept from the Government of Canada, or from any power, state or government, or from any corporate body, any grant of money, subsidy, or guarantee of credit in aid of the said undertaking.

Capital stock and shares.

5. The capital stock of the said Company shall be one million two hundred and fifty thousand pounds sterling, divided into shares of ten pounds each, and the said capital may be increased from time to time by resolution of the central Board of Directors, by and with the consent of the majority in value of the shareholders having a right to vote, as hereinafter enacted, but such capital stock shall at no time be made to exceed the sum of two millions five hundred thousand pounds sterling; Provided always, that it shall be lawful for the said Board of Directors, prior to the taking and receiving of subscriptions to the said capital stock, to convert the said shares into shares of any other amount in sterling or currency of Canada or the United States: And provided also, that it shall be lawful for the said Company to issue certificates of stock in sterling or currency of Canada or the United States.

Proviso.

Proviso.

Borrowing powers of the company.

6. The said Company may borrow such sums of money, not exceeding in all the actual amount of the subscribed capital stock of the company, and may issue such bonds therefor in such amounts, and made payable at such times and places, and bearing such interest and secured in such manner (by mortgage or otherwise) as the said Corporation

may deem expedient and proper for carrying out the purposes of this Act.

Provisional board of directors.

7. Edward Alexander Prentice, Harrison Stephens, Honorable John Hamilton, Senator, Thomas Davidson, Robert Dalglish, Edward Cornwallis Monk, of Canada, and the Honorable John R. D. Tollemache of St. James' Square, London, England, are hereby constituted a provisional Board of Directors of the said Company, and shall hold office as such until other Directors shall be elected as hereinafter provided; and in the event of any one or more of the said provisional Directors dying before the election of other Directors, the survivors shall constitute the said provisional Board; provisional Directors may hold proxies from absent Directors and may vote thereon.

Directors and their qualification.

8. The business of the Company shall be managed by a central Board of Directors to consist of nine members; each such Director shall be the proprietor of at least five hundred pounds sterling of stock in the capital of the Company, or its equivalent in the currency of Canada or the United States, and the Directors shall be elected and hold office as hereinafter provided.

Equal rights of shareholders and their liability.

9. Aliens shall have equal rights with British subjects to take stock, to vote and to be eligible to office in the said Company, and no shareholder shall be liable beyond the extent of the stock subscribed by him, and remaining unpaid, for any debt contracted by the Company.

First meeting of shareholders.

10. So soon as ten per centum of the said capital stock shall have been subscribed and ten per centum thereon paid up, the said Provisional Directors or a majority of them, may call a meeting of shareholders at either of the cities of Quebec, Montreal, Toronto or Ottawa in Canada, or at the city of London, in England, or elsewhere, as the said Provisional Directors may think proper, giving at least three months' notice in the *Canada Gazette* and in one or more newspapers published in Montreal, or Toronto, or in London; and at the said general meeting and all other general meetings hereinafter mentioned, the shareholders present in person or represented by proxy shall elect nine persons to form and constitute a central Board of Directors of the said Company.

Election of directors.

President and officers of the company.

11. The Directors shall appoint one of their number to act as President or Chairman, and another to act as Vice-President or Deputy Chairman, and may appoint such other officers and agents as they shall deem necessary; and the Directors may remove all officers appointed by them and appoint others in their places, and may fill all vacancies in the offices; five of the Directors shall form a quorum, and all questions shall be decided by a majority of votes of the Directors present, and upon every equal division the President, or the Chairman for the time being, shall give his casting vote in addition to the vote previously given by him as one of the Directors.

Quorum.

Casting vote.

Stock books may be opened.

12. The Directors of the said Company for the time being may open or cause to be opened stock books for the subscription of parties desiring to become shareholders in the capital stock of the said Company, in as many and such places in the United Kingdom and elsewhere as they shall think fit, and may make such shares payable in such manner as they shall see fit, and further, may issue shares for stock subscribed in England or elsewhere in such amounts respectively of sterling money of the United Kingdom or of currency of Canada or of the United States as to the Directors shall from time to time seem fit (as provided in section five), and may make the dividends payable thereon in like sterling money or currency of Canada or the United States, in England and elsewhere, at such place or places as to such Directors shall from time to time seem fit; and from time to time may appoint agents of the said Company, in England or elsewhere, and may delegate to them such powers as to the Directors of the said Company shall from time to time seem fit, and may make such rules and regulations as to the Directors of the said Company shall from time to time seem fit as to the issuing of such shares in England or elsewhere, and as to the mode, time, place, or places of the transfer of such shares, and as to the mode, time, place or places of paying the dividends from time to time accruing thereon, and otherwise as shall be deemed requisite or beneficial for giving full effect to the powers hereby vested in the Directors of the said Company in respect of issuing such shares in England or elsewhere.

Appointment of agents.

Term of office of directors.

13. The said Directors shall hold office until replaced at a general meeting of the shareholders of the said Company called for that purpose; and at all the meetings of the said Company each share shall entitle the holder to one vote, which may be given either in person or by proxy; Provided always, that no shareholder shall be entitled to vote thereat who does not hold stock to an amount equal to one hundred pounds sterling or its equivalent in any other currency.

Votes.

Annual general meeting.

14. On the first Monday of the month of July in every year after the first general meeting, there shall be held a general meeting for the election of the central Board of Directors at any one of the cities of Montreal, Toronto, Ottawa or Quebec in Canada, or elsewhere, as may be appointed by the Directors for that purpose, and previous notice of every such meeting shall be given in the manner provided in the *tenth* section of this Act; and at every such general meeting the Directors in office, or any of them may be re-elected.

Local Board of Directors.

15. The Board of Directors may from time to time appoint local Directors in any one or more of the cities hereinabove named, or in any other city or place either in British territory or in the territory of any foreign power or state.

Vacancies, how filled.

16. Whenever one or more of any such Directors die or resign, the remaining Directors shall appoint a Director or Directors in lieu of the person or of the persons so dying or resigning.

17. The said central Board of Directors may from time to time make, alter, amend or repeal such regulations and by-laws as may be necessary for the management of the affairs of the Company generally. Regulations and by-laws.

18. The Directors may require payments of subscription to the said capital stock at such times and in such proportions as they may deem proper, under the penalty of forfeiture of all such stock and previous payments thereon ; and the said Company may sue for and recover all such subscriptions ; notice of the times and places of such payments shall be published for four weeks previous to such times, at least once in each week, in the *Canada Gazette*, and in such other newspapers published in England, or elsewhere, as the Directors may think proper. Calls on shares. Notice.

19. All and every the shares in the capital stock of the said Corporation, and all profits and advantages thereof shall be deemed to be personal estate, and shall be transferable and transmissible as such: Provided always that no assignment or transfer of any share shall be valid or effectual until such transfer be entered and registered in a book to be kept for that purpose; and provided also that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, such stockholder shall cease to be a member of the said Corporation. Shares to be personal estate. Proviso. Proviso.

20. No subscription of stock in the said capital of the 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 banks of Canada or of the United Kingdom or the United States, 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 undertaking or for the return of deposits on rejected subscriptions, or upon the dissolution of the Company, from any cause whatever; and the said central Board of Directors, or a majority thereof, may, in their discretion, within five days after any such subscriptions have been recorded, refuse to accept the subscriptions of any persons 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. Ten per cent. to be paid on subscription. Certain subscriptions may be refused.

21. It shall be the duty of the Directors to make semi-annual or quarterly dividends of so much of the profits of the said Company as to them or a majority of them shall seem advisable ; and once in each year an exact and particular statement shall be rendered by them of the state of the affairs, debts, credits, profits and losses of the said Company ; and such statements shall appear on the books, and be open for the perusal of any stockholder upon request at least one month before the general meetings of the Company. Dividends. Statement of affairs.

22. The Company, their deputies, servants, agents and workmen are hereby authorized and empowered to enter Company may exercise

certain powers as to lands.

into and upon the lands, grounds and premises of any person or persons, bodies politic, corporate and collegiate, or communities whatsoever, and 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 telegraph and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended telegraph and other works ; and also to dig, bore, get, trench, 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 telegraph or other works, on or out of the lands adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended telegraph or works incident 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 build, erect and set up, in or upon such lands, such and so many station houses and observatories, watch-houses and other works, ways, roads and conveniences as and where the said Company shall think requisite and convenient for the purposes of the said telegraph; and also from time to time to alter, repair, divert, enlarge and extend the same, and to construct, erect and keep in repair any bridges, arches and other works upon or across any non-navigable rivers or brooks, for the making, using, maintaining and repairing the said intended telegraph; and to construct, erect, make and do all matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing and easy using of the said intended telegraph and other works, in pursuance of and according to the true intent and meaning of this Act ; and whensoever and wheresoever the said telegraph shall pass through any wood, the trees and underwood may be cut down for the space of fifty feet on each side of the said telegraph upon which such trees and underwood may be, 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, whenever so required to do, to the owners or proprietors of, or the persons interested in, the lands, tenements or hereditaments, water, water courses, brooks or rivers, respectively, which shall be taken, used, removed or prejudiced, or woods in which trees or underwood shall be cut down, or for all damages to be by them sustained in or by the execution of all or any of the powers conferred by this Act; Provided always that the said Company shall not cut down or mutilate any tree planted or left standing for shade or ornament, or any fruit tree, unless it be necessary so to do for the erection, use or safety of any of its lines.

May erect buildings.

And remove trees.

Proviso.

Company may set up posts, &c.

23. The said Company shall have full power and authority to set up posts for supporting the wires of the said telegraph, in and upon any public road, street or highway, and

to make the necessary excavations in the same for placing such posts or poles, or for carrying the said wires under the surface, and such posts and wire and other apparatus therewith connected shall be the property of the said Company, as shall also all such posts and poles or apparatus as shall be set up or carried under the surface of the ground by the said Company, for the purposes aforesaid, although the lands on which the same are set up or carried under the surface be not the property of the said Company.

Messages to be sent. Charges therefor.

24. The said Company shall have full powers to charge for the transmission of all despatches, and to receive, collect and recover such rate of payment as shall be from time to time fixed by the by-laws of the said Company.

Certain message privileged.

25. Any message in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime, and Government messages or despatches shall always be transmitted in preference to any other message or despatch, if required by any person thereunto authorised by the Secretary of State of Canada.

Divulging contents of despatch a misdemeanor.

26. Any operator of the said telegraph line, or person employed by the said Company, divulging the contents of a private despatch shall be deemed guilty of a misdemeanor, and, on conviction, shall be liable to a fine not exceeding *one hundred dollars*, or to imprisonment not exceeding six months, or both, in the discretion of the court before which the conviction shall be had.

Injury to company's property a misdemeanor.

27. Any person who shall wilfully or maliciously injure, molest or destroy any of the said lines, posts, piers or abutments, or the material or property belonging thereto, or in any way obstruct the working of the said line of telegraph shall, on conviction thereof, be deemed guilty of misdemeanor, and be liable to be punished in the manner provided by law for such offences.

Time for construction limited.

28. The works of the Company shall be commenced within three years and completed within six years from the passing of this Act, otherwise this Act shall be null and void.

No. 46.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to incorporate the Union Cable Company.

Reprinted as proposed to be amended by the Standing Committee on Railways, Canals and Telegraph Lines.

(PRIVATE BILL.)

Mr. JETTÉ.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 47.] **BILL.** [1877.

An Act to amend the Dominion Elections Act, 1874.

WHEREAS it is expedient to amend section nineteen of "*The Dominion Elections Act*, 1874," thirty-seventh Victoria, chapter nine; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows: Preamble. 37 V. c. 9.

1. Section nineteen of the said Act is hereby amended by substituting the words "two hundred dollars" for the words "fifty dollars" in the second paragraph of the said section; and by substituting the words "Of the said sum of two hundred dollars, fifty dollars" for the words "The sums so paid," in the third paragraph of the said section; and by adding to the said nineteenth section the following paragraph: Section 19 amended as to sum to be paid by candidate on nomination.

"Of the said sum of two hundred dollars, one hundred and fifty dollars shall be returned to the candidate if he is elected, or if at the time of polling he obtained at least one-half as many votes as are recorded in favour of the candidate elected, or if he withdraws from his candidature in accordance with section twenty-five of this Act. If no one of these conditions is fulfilled, the said sum of one hundred and fifty dollars shall belong to the Crown." How the sum so paid shall be dealt with.

2. This Act shall be read and construed as one and the same Act with the Act hereby amended. Interpretation.

No. 47.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Dominion Elections Act, 1874.

Received and read first time, Tuesday, 27th February, 1877.

Second reading, Thursday, 1st March, 1877.

Mr. RICHARD.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 48.] **BILL.** [1877.]

An Act to grant additional powers to the Albert Railway Company.

Preamble.

WHEREAS the Albert Railway Company, incorporated under an Act of the Legislature of the Province of New Brunswick, have by their petition prayed to have further powers granted to them; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Company may hold ships and vessels.

1. The said The Albert Railway Company shall have power to own, build, buy, sell and charter ships, steamboats and other vessels, and to employ them in any lawful business whatsoever and wheresoever.

Company may borrow money.

2. The said Company shall have power to borrow money from time to time, either in Canada or elsewhere, in such sums as may be expedient, not exceeding in the aggregate the sum of six hundred thousand dollars, or its equivalent in sterling money of Great Britain, for completing, maintaining or working the railway of the said Company, and at a rate of interest not exceeding eight per centum per annum, and to make the bonds, debentures or other securities granted for the sums so borrowed payable with interest within the rate aforesaid, either in currency or sterling, and at such place or places within Canada or without as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient or be necessary, and pay the same or any part thereof towards the liquidation of the indebtedness of the said Company; and to hypothecate, mortgage or pledge the lands, tolls, revenues and other properties of the Company for the due payment of the said sums and the interest thereon; but no one of said debentures shall be for a less sum than one hundred dollars or its equivalent in sterling.

And issue debentures.

Arrangements may be made for leasing railway.

3. The said Company may also enter into any agreement for leasing the railway of the said Albert Railway Company, or any part thereof, or the works and undertakings of the said Company or the use thereof, at any time, to the Dominion Government, or to any other railway company; or for leasing or hiring from any other company or persons any locomotives, cars, carriages, plant, stock or other property movable or immovable, either altogether or for any times or occasions,

And for hiring plant.

or for using any locomotives, cars, carriages, plant, stock or other property movable or immovable in common with the Dominion Government or any other railway company, or for crossing, intersecting, joining and uniting the railway of the said company with any other railway at any point in its route, with the necessary conveniences for the purpose of such connections; and the owners of both railways may unite in forming such intersection, and grant facilities therefor.

Company may become parties to promissory notes.

4. 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, and any such bill of exchange drawn, accepted or endorsed by the President or Vice-President, and countersigned by the Treasurer of the Company, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company, and in no case shall it be necessary to have the seal of the said Company affixed to any such promissory note or bill of exchange, or to prove that the same was made with proper authority, nor shall the President or Vice-President or the Treasurer be individually responsible for the same in any manner whatsoever to any third party therefor: Provided always that no such promissory note or bill of exchange shall be payable to bearer, or be of a nature to be used as money, or as the bill or note of a bank.

Liabilities of stockholders not affected.

5. Nothing in this Act contained shall be construed to increase the liabilities of the stockholders of the said Company beyond the liability placed upon the stockholders by the Act of the Legislature of the Province of New Brunswick incorporating the said Company.

No. 48.

4th Session, 3rd Parliament, 40 Victor

BILL.

An Act to grant additional pov
the Albert Railway Compan

Received and read first time, Tuesd
February, 1877.

Second reading, Thursday, 1st March,

(PRIVATE BILL.)

Mr. Domv

OTTAWA:
Printed by MacLean, Roger & Co., Wellingto
1877.

No. 48.] **BILL.** [1877.

An Act to grant additional powers to the Albert Railway Company.

[*Reprinted as proposed to be amended by the Standing Committee on Railways, Canals and Telegraph Lines.*]

Preamble

WHEREAS the Albert Railway Company were incorporated under an Act of the Legislature of the Province of New Brunswick, 27th Victoria, chapter 58, which said Act was amended and continued by subsequent Acts of the said Legislature, and whereas the said Company from the location of its line with respect to connecting lines of railway have represented that it is necessary for the better transaction of its business, that the said Company should become a Railway Corporation under and within the jurisdiction of the Parliament of the Dominion of Canada, and have by their petition prayed to have further powers granted to them; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory.

1. The Albert Railway is hereby declared to be a work for the general advantage of Canada, and subject to the provisions herein contained, and except as varied by this Act the said Company 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," and this Act shall be deemed to be the special Act mentioned in the said Railway Act, and all powers heretofore inconsistent with the said Railway Act, shall hereafter be null and of no effect.

Powers and rights of the company.

2. From and after the passing of this Act, the Albert Railway Company is hereby declared to be a body corporate and politic within the jurisdiction of Canada for all and every the purposes mentioned in, and with all and every the franchises, rights, powers, privileges and authorities conferred upon the said Company by virtue of the said recited Acts of the Legislature of the Province of New Brunswick, and each and every of them, subject always to any conditions or limitations imposed by the said recited Acts or any of them, and to all the debts, obligations or liabilities of the said Company, and to any rights in any suit or action now pending in any of the Courts of New Brunswick.

Position of the company.

3. The Company hereby incorporated shall in all matters occupy the same position and shall stand in the same plight and condition in every respect as the Company incorporated under the said recited Acts of the Province of New Brunswick immediately before the time of the passing of this Act

with all such additional powers and authorities as are hereby given.

Company may hold ships and vessels.

4. The said The Albert Railway Company shall have power to own, build, buy, sell and charter ships, steamboats and other vessels, and to employ them in any lawful business in connection with the Railway.

Company may borrow money.

And issue debentures.

5. The said Company shall have power to borrow money from time to time, either in Canada or elsewhere, in such sums as may be expedient, not exceeding in the aggregate the sum of six hundred thousand dollars, or its equivalent in sterling money of Great Britain, for completing, maintaining or working the railway of the said Company, and at a rate of interest not exceeding eight per centum per annum, and to make the bonds, debentures or other securities granted for the sums so borrowed payable with interest within the rate aforesaid, either in currency or sterling, and at such place or places within Canada or without as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient or be necessary, and pay the same or any part thereof towards the liquidation of the indebtedness of the said Company; and to hypothecate, mortgage or pledge the lands, tolls, revenues and other properties of the Company for the due payment of the said sums and the interest thereon; but no one of the said debentures shall be for a less sum than one hundred dollars or its equivalent in sterling.

Arrangements may be made for leasing or hiring plant.

6. The said Company may also enter into any agreement or for leasing or hiring from any other company or persons any locomotives, cars, carriages, plant, stock or other property, either altogether or for any times or occasions, or for using any locomotives, cars, carriages, plant, stock or other property in common with any other Railway Company.

Company may become parties to promissory notes.

7. 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, and any such bill of exchange drawn, accepted or endorsed by the President or Vice-President, and countersigned by the Treasurer of the Company, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company; and in no case shall it be necessary to have the seal of the said Company affixed to any such promissory note or bill of exchange, or to prove that the same was made with proper authority, nor shall the President or Vice-President or the Treasurer be individually responsible for the same in any manner whatsoever: Provided always, that no such promissory note or bill of exchange shall be payable to bearer, or be of a nature to be used as money, or as the bill or note of a bank.

Liabilities of stockholders not affected.

8. Nothing in this Act contained shall be construed to increase the liabilities of the stockholders of the said Company beyond the liability placed upon the stockholders by the Act of the Legislature of the Province of New Brunswick incorporating the said Company.

No. 48.

4th Session, 3rd Parliament, 40 Victoria, 187[illegible].

BILL.

An Act to grant additional powers to the Albert Railway Company.

Reprinted as proposed to be amended by the Standing Committee on Railways, Canals and Telegraph Lines.

(PRIVATE BILL.)

Mr. DOMVILLE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 48.] **BILL.** [1877.

An Act to grant additional powers to the Albert Railway Company.

[*Reprinted as proposed to be amended.*]

WHEREAS the Albert Railway Company is incorporated under Acts of the Legislature of New Brunswick, with power to borrow on its bonds or debentures a sum not exceeding *six hundred thousand dollars*, for the purposes of the railway, at such rate of interest as may be legal; and whereas, under the general law, no more than six per centum per annum interest can be legally taken from a corporation in New Brunswick; and whereas the said Company has represented that it is expedient that the Company should have power to borrow at a rate of interest not exceeding eight per cent.; and whereas it is expedient to grant such power: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said Albert Railway Company may, notwithstanding the provisions of the law relating to interest and usury in New Brunswick, borrow money anywhere for the purposes of the Company, to an amount not exceeding in the aggregate *six hundred thousand dollars* or its equivalent in sterling money of Great Britain, at a rate of interest not exceeding eight per cent. per annum, and may make the bonds or debentures granted for the sums so borrowed payable with such interest not exceeding the said rate, and may sell the same at such price or discount not exceeding the said rate as may be expedient.

2. The said Company may also enter into any agreement for leasing or hiring from any other company or persons any locomotives, cars, carriages, plant, stock or other property, either altogether or for any times or occasions, or for using any locomotives, cars, carriages, plant, stock or other property in common with any other Railway Company.

3. 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, and any such bill of exchange drawn, accepted or endorsed by the President or Vice-President, and countersigned by the Treasurer of the Company, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company; and in no case

shall it be necessary to have the seal of the said Company affixed to any such promissory note or bill of exchange, or to prove that the same was made with proper authority, nor shall the President or Vice-President or the Treasurer be individually responsible for the same in any manner whatsoever: Provided always, that no such promissory note or bill of exchange shall be payable to bearer, or be of a nature to be used as money, or as the bill or note of a bank.

4. Nothing in this Act contained shall be construed to increase the liabilities of the stockholders of the said Company beyond the liability placed upon the stockholders by the Act of the Legislature of the Province of New Brunswick incorporating the said Company; nor shall anything in this Act in any way impair the rights of the Company under and in virtue of the Acts of the Legislature of the Province of New Brunswick, relating to the said Company.

No. 48.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to grant additional powers to the Albert Railway Company.

Reprinted as proposed to be amended.

(PRIVATE BILL.)

Mr. DOMVILLE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 49.] **BILL.** [1877.

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

Preamble. 37 V. c. 9.

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

Section 28 amended.

1. Section twenty-eight of the said Act, sub-section four, is amended by striking out the words "*and envelopes*" where they occur in the second line of said sub-section.

Section 43 amended.

2. Section forty-three of the said Act is amended by striking out the words "*and an envelope*" where they occur in the eighth line, and in lieu thereof inserting the words "*on the back of the said ballot paper.*" Section forty-three is also amended by striking out the words "*and envelope*" where they occur in the twelfth line of said section.

Section 45 amended.

3. Section forty-five of the said Act is amended by striking out the words "*and envelope*" where they occur in first line of said section, and also the words "*and place it in the envelope and close the same, and shall then hand the envelope containing such ballot paper to the Deputy Returning Officer,*" where they occur in the sixth, seventh and eighth lines of said section, and in lieu thereof inserting in the same place the words "*in such a manner that the initials of the Deputy Returning Officer are on the outside of the ballot paper, and if not folded in such manner the Deputy Returning Officer shall instruct the voter to return to the compartment where he marks his ballot and refold it so as to expose the initials.*"

Section 54 amended.

4. Section fifty-four of the said Act is amended by striking out the words "*or envelope*" where they occur in the second and fourth lines of said section.

Section 55 amended.

5. Section fifty-five of the said Act is amended by striking out the words "*all those contained in any envelope different from those supplied by the Deputy Returning Officer*" where they occur in the eighth and ninth lines, and also the words "*all those contained in the same envelope when such envelope contains more than one*" in the tenth, eleventh, and twelfth lines of said section.

Section 69 amended.

6. Section sixty-nine of the said Act is amended by striking out the word "*envelopes*" where it occurs in the first line of said section.

Section 126 amended.

7. Section one hundred and twenty-six, sub-section twenty-two, of the said Act is amended by striking out the words "*and envelopes*" where they occur in the second line of the said sub-section.

Schedule I amended.

8. The "DIRECTIONS FOR THE GUIDANCE OF ELECTORS IN VOTING" in Schedule I of the said Act are amended by adding the words "*with the initials of the Deputy Returning Officer*" after the word, "*only*" where it occurs in the eighth line, and by striking out the words "*place it in the envelope which he will close in the usual way,*" where they occur in the eighth and ninth lines and by inserting the word "*it*" after the word "*deliver*" occurring in the ninth line and by striking out the words "*or envelope*" where they occur in the twelfth line and the words "*or envelope*" where they occur in the sixteenth line, also the words "*or envelope*" where they occur in the nineteenth line of said directions for guidance of voters.

Schedule J amended.

9. Schedule J to the said Act is amended by striking out the word "*envelopes*" where it occurs in said Schedule.

Schedule P amended.

10. Schedule P of this Act is amended by striking out the words "*and envelope*" where they occur in said Schedule.

No. 49.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

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

Received and read first time, Tuesday, 27th February, 1877.

Second reading, Thursday, 1st March, 1877.

Mr. COOK.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 50] **BILL.** [1877.]

An Act to amend the Act respecting the Salaries of certain Judges.

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

1. The eighth section of the Act passed in the thirty-seventh year of Her Majesty's reign, chapter four, intituled "*An Act to amend the Act, thirty-sixth Victoria, chapter thirty-one, for the re-adjustment of the salaries of Judges, and other purposes*" is hereby amended by striking out the words "for fifteen years" in the said section contained and substituting therefor the words "for ten years." Section 8 of 37 V. c. 4 amended.

2. The amendment by this Act made shall extend to the application of the amended section to County Court Judges in Nova Scotia by virtue of the second section of the Act passed in the thirty-ninth year of Her Majesty's reign, chapter twenty-nine, intituled "*An Act to provide for the salaries of County Court Judges in the Province of Nova Scotia, and for other purposes.*" Amendment to apply to 39 V. c. 29.

No. 50.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Act thirty-seventh Victoria, chapter four.

Received and read first time, Tuesday, 27th February, 1877.

Second reading, Wednesday, 28th Feb., 1877.

Mr. BLAKE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 51.] **BILL.** [1877.

An Act to extend the powers of "The Montreal Loan and Mortgage Company."

Preamble. WHEREAS the Montreal Loan and Mortgage Company, a body politic and corporate, have by their petition represented that they are incorporated under the authority of the Legislature of the late Province of Canada, Consolidated Statutes of Lower Canada, chapter sixty-nine, and also in virtue of an Act of the Legislature of the Province of Quebec; and that it is desirable from the extension of their business, and the nature and extent of their financial operations, that they should be granted such lending and borrowing powers as the Parliament of Canada has already conferred on similar institutions, and have prayed for the passing of an Act to that effect; 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:—

Company may lend money. 1. The said Montreal Loan and Mortgage Company, (hereinafter called the Company), may lend money in conformity with the laws authorizing the establishment of Building Societies in Canada, and with the by-laws of the said Company, to any person or persons or body corporate, at such terms and rates of interest as may be agreed upon, without requiring any of such borrowers to become subscribers to the stock or members of the Company: Provided always, that all borrowers from the Company shall be subject to all the rules of the Company in force at the time of their becoming borrowers, but not to any other rules. Proviso.

May purchase and sell certain securities. 2. The Company may purchase mortgages upon real estate, debentures of municipal or other corporations, Dominion or Provincial stocks or securities, and stocks of incorporated bodies or companies, and they may resell all such securities as to them shall seem advisable; and for that purpose they may execute such assignments or other instruments as may be necessary for carrying the same into effect; they may also make advances to any person or persons or body corporate upon the same securities, at such rates of discount or interest as may be agreed upon.

May receive deposits and issue debentures. 3. It shall be lawful for the Company to receive money on deposit and also for the Board of Directors of the Company to borrow money and to issue debentures of the Company for such sums, not being less than fifty dollars, and in such currency as they may deem advisable, and payable in the Dominion of Canada, or elsewhere, not less than one year from the issue thereof, and bearing such rate of interest as

Proviso. may be deemed advisable: Provided always, that the aggregate amount of money deposits in the hands of the Company, together with the amount of debentures issued and remaining unpaid, shall not at any time exceed the amount of principal remaining unpaid on the mortgages or other securities at such time held by the Company, and shall not exceed the amount of capitalized, fixed and permanent stock of the Company not liable to be withdrawn therefrom, by more than one-third of the total amount of the said capitalized stock: Proviso. Provided further, that the amount of cash actually in the hands of the Company, or deposited in any chartered Bank, shall be deducted from the sum total of the liabilities which the Company is authorized to incur as above stated. The debentures of the Company may be in the form of Schedule A to this Act, or to the like effect.

Return to Minister of Finance. **4.** The Company shall, on or before the fifteenth day of February in each year, transmit to the Minister of Finance a full and clear statement of their assets and liabilities up to the date of the last annual report of the Company, 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 purpose of investments and the securities given therefor;

4th. The amount invested and secured by mortgage deeds

5th. The value of real estate under mortgage;

6th. The amount of mortgages over due and in default;

7th. The amount of mortgages payable by instalments.

To be attested under oath. 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 Company, and the other the Manager or Auditor of such Company, each of whom shall swear distinctly that he has such quality or office as aforesaid, that he has the means of verifying, and has verified the statement aforesaid, and found it to be exact and true in every particular, that the property under mortgage has been set down at its true value, to the best of his knowledge and belief; and that the amount of the shares, deposits and debentures 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 if the same be not transmitted within one month after the said day, or if it shall appear by the statement that the Company is insolvent, the Minister of Finance may, by a notice in the *Canada Gazette*, declare the business of the Company to have ceased; and if

And published.

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 Company and to report to him on oath; and if by such report it shall appear that such statement was wilfully false, or that the Company is insolvent, or if the person so deputed shall report on oath that he has been refused such access to the books or such information as would enable him to make a sufficient report, the Minister of Finance may, by notice in the *Canada Gazette*, declare the business of the Company to have ceased; but in any of the cases in which discretionary power is given to the Minister of Finance to declare the business of the Company to have ceased, he may before so doing give notice to the Company and afford the same an opportunity of making any explanation it may be advisable to make; and all expenses attending such periodical statements, and the publication thereof shall be borne by the Company.

Penalty for non-transmission.

Proceedings in case of false statement, &c.

SCHEDULE A.

MONTREAL LOAN AND MORTGAGE COMPANY.

Debenture No. Transferable $

Under the authority of an Act of the Parliament of Canada Vic., Cap.

The President and Directors of the Montreal Loan and Mortgage Company promise to pay to or bearer the sum of on the day of One thousand eight hundred and with interest at the rate of per cent. per annum, to be paid half-yearly on presentation of the proper coupon for the same as hereunto annexed.

Dated at the day of 18

C. D.,
Secretary.

A. B.

MONTREAL LOAN AND MORTGAGE COMPANY.

Coupon No. $

Half-yearly dividend due 18 on Debenture No. issued by this Company for $ at per cent. per annum, payable at

A. B.,
Secretary-Treasurer.

No. 51.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to extend the powers of "The Montreal Loan and Mortgage Company."

Received and read first time, Wednesday, 28th February, 1877.

Second reading, Friday, 2nd March, 1877.

(PRIVATE BILL.)

Mr. DEVLIN.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 52] **BILL.** [1877.

An Act further to amend the Act to incorporate the Canada Mutual Marine Insurance Company.

Preamble. 36 V., c. 100.

WHEREAS George McKean, James Domville, M.P., and Adolphe P. Caron, M.P., appointed with others, Commissioners for the organization of the Canada Mutual Marine Insurance Company, by the Act incorporating the said Company, thirty-sixth Victoria, chapter one hundred, have, by their petition, represented that it is necessary, in order to enable the Company to proceed with their operations, that their said Act of incorporation should be amended as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

S. 5 amended. New commissioners appointed.

1. Section five of the said Act is hereby amended by striking out the names of Hon. A. J. Smith, Robert Marshall and John Crawford, where they occur in the said section, and inserting the names of in lieu thereof; and the three persons last mentioned shall, with the remaining Commissioners appointed by the said Act, constitutethe Board of Commissioners for the organization of the Company, with all the powers and duties conferred and imposed upon such Commissioners by the said Act and by this Act.

Powers of commissioners as to guarantee fund.

2. For the organization of the Company, the Commissioners may, before receiving any application for insurance, proceed to raise the Guarantee Fund, provided for by section eighteen of the said Act as amended by section three of the Act thirty-seventh Victoria, chapter ninety-two; and for the purposes of the said section so amended, the Commissioners are, until the Board of Trustees are duly elected in accordance with the provisions of the said first cited Act, substituted for the said Board of Trustees; and so soon as the said Guarantee Fund shall have been subscribed and the required amount paid up thereupon, the Commissioners may proceed to the organization of the Company in the manner provided for in the fifth and sixth sections of the said first cited Act.

Fund may be increased.

3. The said Company shall have power at any annual general meeting to increase the said Guarantee Fund to any amount not exceeding in the whole the sum of four hundred thousand dollars, and such increase shall be subject to the like provisions and incidents as the original amount of the said fund.

No. 52.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act further to amend the Act to incorporate the Canada Mutual Marine Insurance Company.

Received and read first time, Wednesday, 28th February, 1877.

Second reading, Friday, 2nd March, 1877.

(PRIVATE BILL.)

Mr. DOMVILLE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 53] **BILL.** [1877.]

An Act to make further provision respecting the constituting and management of Building Societies in the Province of Quebec.

Preamble.

WHEREAS it is expedient to make further provisions respecting the constituting and management of Building Societies in the Province of Quebec : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Societies may be incorporated by letters patent.

1. The Governor in Council may, by letters patent under the Great Seal, grant a charter to any number of persons not less than thirty, who shall present a petition to that effect constituting such persons and others who may become shareholders in the Society by the said letters patent created, a body corporate and politic, the object of which shall be to provide for its members means of investing their savings, to assist them in acquiring real property, or in freeing and improving that which they already possess ; and to offer to borrowers on the security of real estate, and of public and other securities, easy terms of loan and repayment ; and no Building Society shall be established in the said Province without such letters patent.

Notice to be given.

2. 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 such charter, stating therein :—

1. The proposed corporate name of the Society ;

2. The place or places in the Province of Quebec 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 amount of shares and 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 five nor more than nine of their number, who are to be the first Directors of the Society.

Petition for letter patent and what it shall contain.

3. At any time, not more than one month after the 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 ;

Such petition must recite the facts set forth in the notice, and must further state the amount of stock subscribed for and the name of the subscribers, and also the amount paid in upon the stock of each subscriber ;

The aggregate of the stock so taken must be at least the one half of the total amount of stock of the Society, and such capital stock shall amount to at least two hundred thousand dollars;

The aggregate so paid in thereon must be at least twenty per cent. for permanent shares and five per cent. for temporary shares;

Such aggregate must have been paid in to the credit of the Society, or of trustees therefor, and must be standing at such credit, in some chartered bank or banks in the said Province;

The petition may ask for the embodying in the letters patent, of any provision which otherwise under this Act might be embodied in any by-law of the Company when incorporated.

Preliminary conditions to be established.

4. Before the letters patent are issued, the applicants must establish to the satisfaction of the Secretary of State, or of such other officer as may be charged by order of the Governor in Council to report thereon the sufficiency of their notice and petition, the truth and efficiency of the facts therein set forth—and further that the applicants, and more especially the Provisional Directors named, are persons of sufficient reputed means to warrant the application;

Proof.

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.

To be recited.

5. The letters patent shall recite all the material averment of the notice and petition.

Notice of granting letters patent.

6. Notice of the granting of the letters patent shall be forthwith given by the Secretary of State, in the *Canada Gazette*, in the form of the Schedule A appended to this Act; and thereupon, from the date of the letters patent, the persons therein named and their successors shall be a body corporate and politic by the name mentioned therein.

Dividends.

7. It shall be the duty of the Directors to declare and pay half-yearly dividends to the permanent shareholders, of such part of the profits of the Society as they shall deem expedient; but no dividend or bonus shall be declared or paid out of the capital stock of the Society, nor shall any dividend exceeding eight per cent. per annum be paid until the Society has a reserve fund equal to at least twenty per cent. on the paid-up permanent capital stock, all bad and doubtful debts having, previous to the calculation of such reserve fund, been first deducted.

Increase of capital stock.

8. The capital stock of the Society may be increased from time to time by resolution of the Directors, who may impose such restrictions and conditions respecting the subscription of such new permanent or temporary shares as they may deem expedient.

9. The Directors of the Society shall exercise all the power, privileges and authority which are vested in them by this Act and any other Act regulating such Society, subject to the rules or by-laws of such Society, and they shall be subject to and be governed by such rules, regulations and provisions as are herein contained with respect thereto and by the by-laws of such Society; and the Directors may lawfully exercise all the powers of such Society, except as to such matters as are directed by law to be transacted ta a general meeting of such Society. The Directors may use and affix, or may cause to be used and affixed, the seal of such Society to any document or paper which in their judgment may require the same; they may make and enforce the calls upon the shares of the respective shareholders; they may declare the forfeiture of all shares on which such calls are not paid; they may make any payments and advances of money they may deem expedient which are or shall at any time be authorized to be made by or on behalf of such Society, and enter into all contracts for the execution of the purposes of such Society, and for all other matters necessary for the transaction of its affairs; they may generally deal with, treat, sell and dispose of the lands, property and effects of such Society, for the time being, in such manner as they shall deem most advantageous, expedient and conducive to the benefit of such Society; they may do and authorize, assent to or adopt, all acts required for the due exercise of any further powers and authorities which may hereafter be at any time granted to such Society by the Parliament of Canada.

Powers of Directors.

The Directors of any such Society may, from time to time, alter, amend, repeal or create any regulation, rule or by-law for the working of any such Society, and for the investment or application of its funds; Provided that such action of the Directors shall not have a binding force until confirmed at any general meeting of the shareholders of such Society upon a vote of two-thirds of the capital stock represented at such meeting; notice being given of the proposed changes in the notice calling such a meeting.

By-laws.

Proviso:

The Directors may also, by by-law, when they deem it expedient to do so, either suspend for a limited time or until further notice, the right of converting accumulated temporary shares into permanent shares, or may permit such conversion, or make it compulsory upon all the shareholders, on such conditions as they may determine; Provided always, that such by-law shall not have force and effect until it has been confined in the manner hereinbefore provided.

Conversion of shares may be suspended.

Proviso.

10. Any such Society may lend money to any person or persons or body corporate, at such rates of interest as may be agreed upon, without requiring any of such borrowers to become subscribers to the stock or members of the said Society; Provided always, that all borrowers from any such Society shall be subject to all the rules of such Society in force at the time of their becoming borrowers, but not to any other rules.

Society may lend money.

Proviso.

May purchase mortgages and make investments.

The Society may purchase mortgages upon real estate, debentures of municipal corporations, school sections and school corporations, Dominion or Provincial stock or securities, or bank stock, and they may re-sell any such securities as to them shall seem advisable, and for that purpose they may execute such assignments or other instruments as may be necessary for carrying the same into effect; they may also make advances to any person or persons or body corporate upon any of the above-mentioned securities, at such rates of discount or interest as may be agreed upon.

Sinking fund.

The principal money so advanced on mortgages may be repaid by means of a sinking fund of not less than two per centum per annum, within such time as the Society shall direct and appoint, and as shall be specified in the mortgage or assignment of mortgage to be made of such real estate.

Interest may be demanded in advance.

Any such Society may demand and receive in advance the half-yearly interest from time to time accruing on any advance of money made by such Society under and by the virtue of this Act.

Real estate.

The Society may acquire and hold real property, may improve the same by erecting buildings thereon or otherwise, and may lease or sell the same either to its members or other parties.

Sales with right of redemption.

The Society may also make loans to its members and others on the security of sales of real property, with right of redemption on such conditions and at such rate of interest as may be agreed upon.

Society may receive deposits and issue debentures.

11. It shall be lawful for any such Society to receive money on deposit, and also for the Board of Directors of any such Society to issue debentures of such Society for such sums not being less than one hundred dollars, and in such currency as they may deem advisable, and payable in the Dominion of Canada, or elsewhere, not less than one year from the issue thereof; Provided always, that the aggregate amount of money deposits in the hands of such Society, together with the amount of debentures issued and remaining unpaid, shall not at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by such Society, and shall not exceed the amount of paid up stock of such Society by more than one-third; Provided further, that the amount of cash actually in the hands of any such Society, or deposited in any chartered bank, shall be deducted from the sum total of the liabilities which such Society may be authorized by this section to incur.

Proviso.

Proviso.

Form of debentures. Application.

The debentures of such Society may be in the form of Schedule B to this Act, or to the like effect.

This section shall apply only to Societies having a paid-up capital of at least two hundred and fifty thousand dollars.

From whom deposits may be received.

And the Society may receive any deposit of money from all persons whatsoever, without regard to age, status and capacity or incapacity of such persons to contract; and may pay the principal and interest of such deposits to depositors, in whole or in part, without the authorization, assistance or intervention of any person whatsoever, any law, custom or usage to the contrary notwithstanding; Provided always,

that the amount deposited with the Society, by a person incapable, by the laws of the Province of Quebec, of contracting, shall at no time exceed two thousand dollars.

Officers to give security.

Every officer or other person appointed to any office under the Society, in any wise concerning the receipt of money, shall furnish security to the satisfaction of the Directors for the just and faithful execution of the duties of his office according to the rules of the Society; and any person entrusted with the performance of any other service, may be required by the Directors to furnish similar security.

Liability of shareholders limited.

12. No Shareholder of any such Society shall be liable for or charged with the payment of any debt or demand due by such Society, or held to the payment thereof, beyond the sum not paid up on his shares in the capital of such Society.

Society not bound to see to trusts.

13. Such Society 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, or to which any deposit or any other moneys payable or in the hands of any such Society may be subject; and the receipt of the party or parties in whose name any such share or shares or moneys stand in the books of the Society, shall be sufficient discharge to the Society for any payment made in respect of such share or shares or moneys, notwithstanding any trust to which the same may be subject, and whether or not such Society has had notice of such trust; and the Society shall not be bound to see to the application of the money paid upon such receipt.

Amalgamation of two Societies.

14. It shall be lawful for any such Society to unite, amalgamate, and consolidate its stock, property, business and franchises with the stock, property, business and franchises of any other such Building, Savings or Loan Society, incorporated or chartered, within the Province of Quebec, and to enter into all contracts and agreements therewith necessary to such union and amalgamation.

Joint agreement between directors of Societies proposing to amalgamate or consolidate their stock, &c.

15. The Directors of the two Societies proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement under the corporate seals of each of the said corporations, for the amalgamation and consolidation of the said corporations,—prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the Directors and other officers thereof, and who shall be the first Directors and officers thereof, and their places of residence, the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation, and how and when and for how long, Directors and other officers of such new corporation shall be elected, and when elections shall be held, with such other details as they shall deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations, and the after management and working thereof.

To be submitted to stockholders of each society for consideration.

16. Such agreement shall be submitted to the stockholders of each of the said Societies 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 shareholder of the said Societies respectively at his last known post office address or place of residence, and also by a general notice to be published in a newspaper, published at the chief place of business of such Societies, 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, the said ballots to be cast in person or by proxy; and if two-thirds of the votes of all the stockholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon the said agreement by the Secretary of each of such corporations under the corporate seal thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said corporations, the agreement so adopted and the said certificates thereon shall be filed in the office of the Secretary of State of the Dominion of Canada, and the said agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the said Societies, 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.

Agreement, if adopted, to be filed with Secretary of State.

Upon completion of consolidation the new corporation to possess rights, powers, &c., of each of united Societies.

17. Upon the making and perfecting of the said agreement and act of consolidation, as provided in the next preceding section and the filing of the said agreement as in the said section provided, the several Societies, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, privileges, and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united, except as herein otherwise provided.

All property and rights vested in new corporation without further act or deed.

18. Upon the consummation of such act of consolidation as aforesaid, all and singular the business, property, real, personal and mixed, and all rights and interest appurtenant thereto, all stock, mortgages or other securities, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed; Provided, however, that all rights of creditors and liens upon the property of either of such corporations shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said corporations, shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and provided also that no action or proceeding legal or equitable by or against the said corporations so consolidated, or either of them, shall abate or

be affected by such consolidation, but for all the purposes of such action or proceeding, such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

Auditors and directors, their appointment, remuneration, &c.

19. The choice and removal of the Auditors of the Society, the determination as to the remuneration of the Directors and of the Auditors, shall be exercised at general meetings of the Society, and the auditors shall not necessarily be shareholders: Provided that in case of the death or failure to act of any such Auditor, the Directors may appoint an Auditor in his place, and at all meetings of shareholders of the Society the shareholders shall have one vote for each share held by them respectively.

Annual statement of assets and liabilities to be transmitted to Minister of Finance.

20. Such Society shall, on or before the fifteenth day of February in each year, transmit to the Minister of Finance a full and clear statement of their assets and liabilities on the day of the date thereof, and such statement shall contain in addition to such other particulars as the Minister of Finance may require:—

1st. The amount of stock subscribed;

2nd. The amount paid in upon such stock;

3rd. The amount borrowed for the purposes of investments and the securities given therefor;

4th. The amount invested and secured by mortgage deeds;

5th The value of real estate under mortgage;

6th. The amount of mortgages overdue and in default;

7th. The amount of mortgages payable by instalments.

Statement to be attested on oath, and may be published.

And such statements shall be attested by the oath, before some Justice of the Peace, of two persons, one being the President, Vice-President, Manager or Secretary, and the other the Manager or Auditor of such Society, each of whom shall swear distinctly that he has such quality or office as aforesaid, that he has had the means of verifying, and has verified the statement aforesaid, and found it to be exact and true in every particular, that the property under mortgage has been set down at its true value, to the best of his knowledge and belief, and that the amount of the shares, deposits and debentures 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, such Society 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 such Society is insolvent, the Minister of Finance may, by a notice in the *Canada Gazette*, declare the business of such Society 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 enquire into the affairs of such Society, and to report to him on oath; and if by such report it shall appear that such statement was wilfully false, or that such Society is insol-

Penalty for non-transmission.

Proceedings by Minister of Finance in case of insolvency or suspected insolvency of a Society.

vent, 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 *Canada Gazette*, declare the business of such Society 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 such Society to have ceased, he may before so doing give notice to such Society, and afford the same an opportunity of making any explanation it may be advisable to make; and all expense attending such periodical statements, and the publication thereof, shall be borne by such Society.

Sub-section 1 of s. 1, C. S. L. C., c. 69 repealed.

21. Subsection one of the first section of chapter sixty-nine of the Consolidated Statutes for Lower Canada, is hereby repealed, together with all other provisions of the said Act which are incompatible with this Act.

Interpretation.

22. This Act shall be interpreted in such manner as is best calculated to attain the objects thereof, and shall apply as well to Societies now existing and constituted in accordance with the provisions of the "*Act respecting Building Societies*" hereinbefore cited, as to Societies hereafter incorporated in the manner hereinbefore provided.

SCHEDULE A.

Public notice is hereby given, that under the Act of the Parliament of Canada Victoria, chapter , 1877, respecting Building Societies, 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 corporator named in the letters patent*) as a Building Society, by the name of (*here state the name of the Society, as in the letters patent*), with a total capital stock of dollars, (*state here whether the stock is permanent or temporary, or how much thereof is permanent and how much temporary, as the case may be*), divided into shares of dollars each.

Dated at the office of the Secretary of State of Canada, this day of

A. B.
Secretary.

SCHEDULE B.

Society.

Debenture No. Transferable $

Under the authority of an Act of the Parliament of Canada Victoria, Chapter

The President and Directors of the Society promise to pay to or bearer the sum of dollars, on the day of , in the year of Our Lord one thousand eight hundred and

at the Treasurer's office here, with interest at the rate of per cent. per annum, to be paid half-yearly on presentation of the proper coupon for the same as hereunto annexed, say on the day of , and the day of in each year at the office of the Treasurer here (*or* their agents in).

Dated at , the day of , 18 .
For the President and Directors of the Society.
C. D. A. B.
Secretary.

COUPON.

No. 1. $

Half-yearly dividend due of 18 , on Debenture No. issued by this Society on the day of 18 , for $ at per cent. per annum, payable at the office of the Treasurer, (or at the Society's agents).
For the President and Directors.
C. D., A. B.
Secretary.

No. 53.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to make further provision respecting the Constituting and Management of Building Societies in the Province of Quebec.

Received and read first time, Wednesday, 28th February, 1877.

Second reading, Thursday, 1st March., 1877.

Mr. JETTÉ.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 54.] **BILL.** [1877.

An Act to authorize the construction of Water Works by Joint Stock Companies.

Preamble.

WHEREAS it is expedient to authorize the construction of water works in villages and rural municipalities in Canada by joint stock companies incorporated by letters patent granted by the Governor in Council in virtue of the "*Act respecting Joint Stock Companies incorporated by Letters Patent*," and to confer upon such companies the rights and powers necessary for the construction of such water works: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Proceedings by Joint Stock Water Works companies.

1. Any company incorporated under the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chapter thirteen, intituled, "*An Act respecting Joint Stock Companies incorporated by Letters Patent*," or which may hereafter be so incorporated with the object of constructing water works and furnishing water to the inhabitants of towns, villages and rural municipalities in Canada, may cause a plan and survey of the said water works to be prepared showing the lands through which such works are intended to pass, the names of the proprietors and occupants of the said lands so far as the same are known, and the river, lake or watercourse from which it is proposed to take the water to supply the said works, and submit the said plan and survey to the municipal council of the municipality within the limits whereof the works are to be constructed, or to that of the county, if they are to pass through more than one local municipality.

Powers as to real estate.

2. Every such company shall have full power and authority to buy, take and hold such lands as may be required for the construction of its water works, or may acquire from the proprietors of such lands the right of way and of use thereof for the purposes of such construction, upon such terms and conditions as may be agreed upon between them.

Expropriation.

3. In the event of any of the said proprietors refusing to grant to the company the right of use or of way across their lands, or in the event of the company failing to agree with such proprietors as to the compensation to be paid to them for such use or right of way, the municipal Council to which the plan and survey aforesaid shall have been submitted, may by by-law approve thereof, and authorize the company to proceed to the expropriation of the said lands.

Valuation of lands and appointment of arbitrators

4. If the expropriation is authorised by the Municipal Council, as provided in the next preceding section, the value of the lands to be expropriated shall be ascertained by three arbitrators, one of whom shall be appointed by the Company, the second by the parties interested, and the third by the Judge of the Superior Court of the District, or of the County Court of the County in which the municipality is situate:

Proviso.

Provided always, that if the proprietors of the lands to be expropriated cannot agree as to the selection of an arbitrator, or refuse or neglect to appoint one within the delay of one month after they shall have been notified so to do by the Company, the Judge of such Superior Court or of such County Court shall appoint such arbitrator; and the decision of the arbitrators or of any two of them shall be final and obligatory for all the parties concerned.

Powers as to lands.

5. Every water works company which shall have laid its water pipes across lands acquired or expropriated as hereinabove set forth, shall at all times have the right to enter upon the said lands for the purpose of repairing and maintaining the said water works in good condition; and it shall

Protection of property.

not be lawful for any proprietor of such lands to remove, injure, obstruct or break the said water pipes; and if he removes, injures, obstructs or breaks the same, or if he builds any house, barn or other outbuilding over the said water pipes, he shall be liable to the company in damages to the amount of dollars, in addition to the outlay incurred by the company for the repairing and replacing of the said pipes, and such proprietor may also be compelled to remove the said buildings at his cost, by action before any court of competent jurisdiction.

Land to be restored to former condition.

6. Every water works company which shall have laid water pipes through lands acquired or expropriated from individuals or through public lands of the Crown, shall be bound to fill up the excavations made for the laying of the said pipes, and to replace such lands in their former condition, so far as may be, so as not to hinder or impede passage over such lands; and the company shall be liable to the proprietors of the said lands for all damage caused thereto by works of construction or of repair in connection with such water works.

Sect. 9 of Railway Act, 1868, to apply: Except Subs. 18.

7. The ninth section of "*The Railway Act* 1868," except the eighteenth sub-section thereof, and excepting the provision made for the appointment of arbitrators, shall apply to this Act, the words "municipal council" being substituted for the words "Minister of Public Works" and the words "water works undertaking" being substituted for the word "railway" wheresoever the same occur in the said section.

Use of certain waters, how obtained

8. Every water works company which may be desirous of utilising the water of any navigable or floatable river, lake or watercourse shall, before doing so, obtain permission so to do either from the Governor in Council or from the Lieutenant Governor of the Province, according as such river, lake or watercourse is under the jurisdiction and

control of the Federal Government, or of the Provincial Government, under the provisions of "*The British North America Act*, 1867;" and such permission may be granted by the proper authority upon such conditions as may be deemed expedient.

Private rights saved.

2. If the watercourse which a company proposes to utilise in order to supply its water works is the property of individual owners, the company shall not be entitled to make use of the same until they have obtained permission so to do from the persons interested upon such terms and conditions as may be agreed upon between the parties.

Second company not to be granted rights.

9. Whenever the council of a municipality shall have granted to a company the right to establish water works in the same municipality, it shall not be competent to such council to grant a similar right to another company of like description without the consent of the first company, and without having warned them to supply the requirements of the locality in respect of which the second company has applied for such authorisation ; Provided that if within one year after the second company shall have applied to the council for authorization to construct a second system of water works in the same municipality, the company then in existence has not supplied the requirements of the locality in question, and has not taken the necessary steps to supply water to all those who apply for it, the municipality may grant to the second company the right to establish water works for such locality.

Proviso.

Acquisition of rights by municipal authorities.

10. The Corporation of any municipality in which, with their consent and by their authorization water works have been constructed, may at any time acquire the rights and property of the company on payment of the actual value thereof at the time of such acquisition, established by mutual consent or by arbitration, the arbitrators to be appointed one by the company, one by the municipal council and the third by the two arbitrators so appointed, or upon their default so to do, by the Judge of the Superior Court of the District or of the County Court of the County in which the municipality is situate.

No. 54.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to authorize the construction of Water Works by Joint Stock Companies.

Received and read first time, Wednesday, 28th February, 1877.

Second reading, Thursday, 1st March, 1877.

Mr. GEOFFRION.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 55.] **BILL.** [1877.

An Act to make provision for improvement in Prison Discipline.

Preamble.

WHEREAS it is expedient that prisoners under sentence for crime should have a motive for good behaviour, diligence, industry, faithfulness and strictness in the observance of the prison rules; And whereas the Province of Ontario has established a Central Prison of a character intermediate between the common gaols and the Penitentiary, under such provisions as to render practicable the application of this Act to the said Province; And whereas like prisons may from time to time be established in other Provinces of Canada and it is expedient to provide for the application of this Act to all the Provinces; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

On what conditions this Act shall be put in force in Ontario.

1. In case the Lieutenant-Governor of Ontario in Council makes rules for keeping a correct record of the daily conduct of every prisoner in the Central Prison, noting his behaviour, industry, diligence and faithfulness and the strictness with which he observes the prison regulations, and for the execution of the provisions of this Act as to remission; and in case such rules are by the Governor in Council declared adequate, the Governor in Council may by Proclamation published in the *Canada Gazette* declare this Act in force within Ontario, from and after a day to be named in such proclamation.

Power to judge sentencing a prisoner in certain cases.

2. After this Act comes into force in Ontario and notwithstanding anything in any other Act contained, it shall be lawful for any Judge sentencing any prisoner in Ontario to imprisonment in the Central Prison to sentence such prisoner for a term not more than one-sixth longer than the maximum term at present prescribed by law for the offence; and any such sentence may be carried out in the Central Prison although it be for any term not exceeding two years and four months.

Sentence may be carried out in Central Prison.

Prisoner may earn a remission of his sentence.

3. Every prisoner sentenced to the Central Prison after this Act comes into force in Ontario shall be entitled to earn a remission of a portion of the time for which he is sentenced not exceeding five days for every month during which he shall have been exemplary in behaviour, industry and faithfulness and shall not have violated any of the prison rules; and if prevented from labour by sickness, not intentionally produced by himself, he shall be entitled to earn by good conduct a remission not exceeding two and one-half days for every such month.

Forfeiture of remission in certain cases.

4. Every prisoner to whom this Act applies who commits any breach of the laws or of the prison regulations shall, besides any other penalty to which he is subjected, be liable to forfeit the whole or any part of any remission which he may have earned under this Act.

On what conditions this Act may be extended to other Provinces.

5. In case in any other Province a prison be at any time established of such a character as to render practicable the application of this Act to such Province; and in case such Lieutenant-Governor in Council makes rules for the purposes described in the first section of this Act, and in case such prison and the rules so made are by the Governor in Council declared adequate, the Governor in Council may by proclamation published in the *Canada Gazette*, reciting the premises, and describing the prison, declare this Act in force within such Province from and after a day to be named in such proclamation; and the several provisions of this Act shall, from and after such day, apply to the said Province, and to Judges sentencing prisoners, and to prisoners sentenced to inprisonment in such prison as fully and effectually as after the proclamation in that behalf it will apply to Ontario, and to Judges sentencing prisoners, and to prisoners sentenced to imprisonment in the Central Prison.

No. 55.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to make provision for Improvements in Prison Discipline.

Received and read first time, Wednesday, 28th February, 1877.

Second reading, Thursday, 1st March, 1877.

Mr. BLAKE.

OTTAWA:

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

1877

No. 56] **BILL.** [1877.

An Act for the Prevention of Gambling Practices in certain Public Conveyances.

Preamble.

FOR the prevention of gambling practices in certain public conveyances, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:--

Punishment of persons obtaining money by gambling in railway cars or steamboats

1. Whosoever in any railway car, or steamboat, used as a public conveyance for passengers, by means of the game commonly known as "three card monte," or of any other game of cards, dice, or other instrument of gambling, or by any device of like character, obtains from any other person any money, chattel, valuable security or property, shall be deemed guilty of the misdemeanour of having obtained the same unlawfully by false pretences, and shall be liable to be punished by imprisonment in any gaol or place of confinement for any term less than one year, with or without hard labour, and with or without solitary confinement; and every person aiding, encouraging, advising or confederating with any person in the commission of the said offence shall be deemed guilty thereof and liable to be punished in like manner, as a principal therein; and any attempt to commit such offence by actually engaging any person in any such game with intent to obtain money or other valuable thing from him, shall be a misdemeanour, punishable in like manner as the offence itself.

Confederates to be punishable as principals.

Where the offence may be tried and punished.

2. Such offence may be dealt with, inquired of, tried, determined and punished as being committed either at the place where it actually took place, or in any district, county or place through or adjoining to or by the boundary of any part whereof the railway car, or steamboat passed in the course of the journey or voyage during which the offence was committed, in the same manner as if it had been actually committed in such district, county orplace.

Conductors, masters, &c., may arrest offenders.

3. It shall be lawful for any conductor, master, clerk or employee in any railway train, or steamboat, *station or landing place* in or at which any such offence, as aforesaid, is committed or attempted, with or without warrant to arrest any person or persons whom he has good reason to believe to have committed or attempted to commit the same, and to take them before a Justice of the Peace and make complaint of such offence on oath, in writing; and the offender, whether arrested with or without a warrant, shall be dealt with and other proceedings had as if he had been arrested upon a warrant of such Justice.

How offenders shall be dealt with after arrest.

Money, &c., so obtained to be dealt as stolen. How this Act shall be construed.

32, 33 V. cc. 21 and 31.

4. Any money or valuable thing obtained by an offence against the first section of this Act, shall be dealt with as obtained by larceny from the person; and this Act shall be interpreted as one Act with the *Act respecting Larceny and other similar Offences*, and the *Act respecting the Duties of Justices of the Peace out of Sessions, in relation to persons charged with Indictable Offences*, and other Acts relating to criminal law shall, so far as consistent with this Act, apply to proceedings under it; and any person arresting an offender, with or without a warrant, and taking him before a Justice of the Peace, and otherwise complying with this Act in respect of such offender, shall be entitled to the same fees, payable in the same manner, as if he had so done under a warrant of such Justice.

Fees to persons arresting an offender. Copies of Act to be posted.

5. The company or persons owning or working any railway car or steamboat to which this Act applies, shall keep a copy thereof posted up in some conspicuous part of such conveyance.

No. 56.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act for the prevention of Gambling Practices in certain Public Conveyances.

Received and read first time, Wednesday, 28th February, 1877.

Second reading, Thursday, 1st March, 1877.

Mr. BLAKE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 57] **BILL.** [1877.

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

Preamble.

WHEREAS "The Royal Canadian Insurance Company" hath, by its petition, prayed to be allowed to reduce its capital stock and to make special assessments on its stock, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Capital stock may be reduced.

1. From and after the passing of this Act, it shall be lawful for the Directors of the said Company with the consent of the majority in value of the shareholders of the said Company present or represented by proxy at a meeting of such shareholders specially convened for that purpose, to reduce the subscribed capital of the said Company from its present amount of six million dollars, to such amount not less than two million dollars, as the said Directors and shareholders may determine, in such wise, that each share shall continue to be of the sum of one hundred dollars; and shall be also empowered with the like consent, to reduce the portion of the capital stock of the said Company, which was paid upon the twelfth day of February, one thousand eight hundred and seventy-seven, to such extent not exceeding one-half thereof as they may determine.

Existing policies not affected.

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

Special assessment may be made.

3. It shall be lawful also for the said Directors, from time to time, and with the consent of the majority in value of the said shareholders, at any meeting of the said shareholders, specially convened for that purpose, to make a special assessment on each share of the capital stock of the said Company independent of and in addition to all ordinary calls, to be held and retained as a special or reserved fund and to provide how, where and in what manner such special assessment shall become due and payable.

A certain call may be converted into assessment.

4. It shall also be lawful for the Directors of the said Company by and with the consent of the shareholders of the said Company at any meeting specially called for that purpose, to convert the call of five per cent, which has been made payable on the capital stock of said Company on the fifteenth day of May, one thousand eight hundred and seventy-seven, into a special assessment, such as provided in the next preceding section, and to treat such call to all intents and purposes as a special assessment as aforesaid.

No. 57.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to authorize "The Royal Canadian Insurance Company" to reduce its Capital Stock, and for other purposes.

Received and read first time, Thursday, 1st March, 1877.

Second reading, Friday, 2nd March, 1877.

(PRIVATE BILL.)

Mr. JETTÉ.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 58] **BILL.** [1877.

An Act to change the name of the "Dominion Building Society" to that of the "City Mortgage Loan Company" and for other purposes.

WHEREAS the "Dominion Building Society," a body politic and corporate, have by their petition, represented that they were incorporated under the authority of the Legislature of the late Province of Canada, Consolidated Statutes for Lower Canada, chapter sixty-nine, and that by reason of losses in their monetary operations, arising from their system of loans, the receiving of deposits and the investment thereof upon inadequate securities and from other divers causes, it is desirable to change the name of the said Society, and to change, amend, and, in certain cases, extend the powers thereof; and whereas it is in the public interest and in the interest of the said Society to grant the prayer of their said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The said "Dominion Building Society," and all its members, their successors and assigns for ever, are hereby constituted a body politic and corporate under the name of "*Compagnie de Prêts Hypothécaires de la Cité*" ("City Mortgage Loan Company"), having its principal place of business in the City of Montreal; and under that name may sue and be sued, plead and be impleaded in all courts and places whatsoever. Name of society changed.

2. The said Company (hereinafter called the Company) shall not be deemed to be a new corporation, but it shall have, hold and continue to exercise all the rights, powers and privileges that have heretofore been held, exercised and enjoyed by the said "Dominion Building Society" in as full and ample a manner as if the said Society had continued to exist under its original name; and all statutory provisions applicable to the said Society shall continue applicable to the Company, so far as the same are not contrary to, or inconsistent with the provisions of this Act. Not a new corporation.

3. All the real and movable property, shares or stock, debts, rights, claims and privileges of the said "Dominion Building Society" shall be transferred to and vested in the Company, and all the shareholders in the said Society shall be shareholders in the Company, but all legal proceedings heretofore begun by or against the said "Dominion Building Society," may be continued and terminated under the name or style of cause in which they have been instituted, for the benefit of or against the Company. Property transferred to Company.

President, &c., to continue in office.

4. The present President, Vice-President and Directors and officers of the said "Dominion Building Society" shall continue in office as such in the Company, with the names of President, Vice-President, Directors and officers of the Company until replaced in conformity with the by-laws of the said Society and the provisions of the law.

By-laws and rules continued.

5. All the present by-laws and rules of the said "Dominion Building Society," so far as the same are not contrary to or inconsistent with the provisions of this Act, shall continue in full force and effect, and shall be binding in law as regards the Company, its Directors, officers, shareholders and borrowers until modified, amended or repealed in conformity to law, and the provisions of this Act.

Conversion of accumulating shares.

6. The accumulating shares called appropriation shares of the first and second capital of appropriation of the said Society, the amount of which shall not have been loaned and advanced to the holders thereof, shall be from the first day of May next converted into permanent shares and reduced to twenty per cent. of their present nominal value, and new permanent shares shall be issued to the holders of such shares in the proportion of one-fifth, or of one new permanent share for every five of such said shares, so that the holder of one book in the said first capital of appropriation shall be holder of two shares, and the holder of one book in the said second capital of appropriation shall be holder of four shares in the new hereby created permanent stock, and whatever amount has been paid upon such appropriation shares by the holder thereof shall be entered as paid and shall be deemed to be the amount already paid upon the said new permanent shares; and the Board of Directors of the said Society are hereby authorized to make such arrangements as to the details of the said conversion and reduction as shall be found most convenient: Provided always, that the said conversion and reduction of stock, shall in no way diminish the liability of the shareholders thereof to pay up in full the instalments and other dues which may be due by them upon their said appropriation shares on the said first day of May next, nor shall in any way diminish their liability to the creditors of the said Society.

Proviso: liability not affected.

Borrowing shareholders not affected.

7. Nothing in the next preceding section contained shall in any way affect the holders of appropriation shares of the first and second capital of appropriation, who shall have borrowed and received in advance the amount thereof, and the said borrowing shareholders shall, notwithstanding this Act, continue to pay up their instalments upon the said shares until such time as the said instalments and profits accrued thereon shall have made up the nominal value of the said shares, and shall have effected, by compensation, the payment of the amount borrowed upon the said shares; and they shall also continue to pay up the interest on the loan or loans by them effected, according to the by-laws of the said Society and to the terms and conditions provided in the deed or deeds of loan and obligation, or in any other deed they may have passed in favor of the said Society, or as

provided in any other deed by which they may have bound themselves to make any payment to the said Society; Provided always, that nothing herein contained shall prevent the borrowing shareholders of the said appropriation shares, who may prefer to divest themselves of the said shares and otherwise repay the loan effected thereon, from making any agreement to that end with the Board of Directors. Proviso.

8. To make up the losses of the said "Dominion Building Society," there shall be made upon the paid up capital or stock of the said Society, and upon that portion of the capital or stock thereof, due and payable on the said first day of May next, a reduction of forty per cent., or forty cents in the dollar, and the said reduction shall apply to the capital or stock of the said Society, of every description. Reduction of capital.

9. The Board of Directors of the Company shall have power to make calls from time to time upon the new permanent stock by this Act created, and upon the old permanent stock of the said Society, for the payment of any amount that may remain unpaid upon such stock, and shall also have power to increase the capital of the Company by issuing new permanent shares; Provided that such calls and such increase of capital shall have been previously authorized by a resolution adopted by at least two-thirds of the votes of the shareholders of the Company, voting in person or by proxy, at a general meeting convened for that purpose; Provided also, that the capital of the Company shall not at any time exceed one million of dollars, and that the calls upon the permanent shares of the Company shall not exceed ten per cent. of the nominal value of the said shares, nor shall they be made at intervals of less than six months. Calls on stock. Proviso: to be sanctioned Proviso: extent of increase.

10. It shall be lawful for the Board of Directors of the Company to pay semi-annual dividends to the shareholders of the permanent stock, and to carry and add to the credit of the borrowing shareholders of the appropriation stock, their share in the benefits and profits of the Company; and the Board of Directors shall also have power to set aside a reserve fund out of the profits of the Company: Provided always, that such reserve fund shall not at any time exceed five per cent. of the paid up permanent stock of the Company, and that it shall not, or any part thereof, be formed out of the share of the borrowing shareholders of the appropriation stock in the profits of the Company, and that it shall be the exclusive property of the holders of the stock, out of the profits of which it shall have been formed. Dividends. Reserve Fund Proviso.

11. The Company shall not be allowed to lend its money except on first mortgage, and the amount of any loan or loans made by them shall not exceed half the value of the real estate which shall be mortgaged as security therefor; such loans may be made to any person or persons, or to any corporation, according to the terms and rate of interest which may be agreed upon, and without requiring any of the borrowers to be or become shareholders of the Company. Loans may be made on certain conditions.

Other investments.

And whenever the Company fails to invest all its moneys in the manner hereinbefore mentioned, then it shall be lawful for the Company, out of its surplus capital, to purchase mortgages upon real estate, debentures of municipal or other corporations, Dominion or Provincial stocks, and to sell all such securities, debentures and stocks as to them may seem advisable; and, for that purpose, the Company may execute such assignments or other instruments as may be necessary for carrying the same into effect; the Company may also make advances to any person or persons, or body corporate, upon the same securities, at such rates of discount or interest as may be agreed upon.

Power to hold real estate.

12. The Company shall have power to acquire and hold by purchase, lease or other legal title, houses, buildings and real estate, and to erect houses and buildings thereon, and to lease, sell, convey and dispose of the said property as they may deem advisable: Provided always that the Company shall sell the property so acquired within five years from the date of the acquisition thereof.

Proviso.

Deposits not to be received Payment of present deposits.

13. The Company shall not have power to receive any money on deposit, but they may for the purpose of paying off the deposits received and the loans contracted by the said "Dominion Building Society," borrow money to the amount of *twenty-five thousand dollars*, and to that end may mortgage their real estate and may transfer and affect any amount of their mortgage loans, and may execute any deed required for the purpose; but the Company shall not have power to borrow money for any other purpose whatever.

Day for annual meeting changed.

14. In consideration of the changes hereby made, the by-law of the said "Dominion Building Society," fixing the general meeting of the shareholders of the said Society on the first Tuesday of May of each year, for the election of Directors of the said Society and for other business generally, is hereby repealed; and the general meeting of the shareholders of the Company for the election of Directors, for submitting a statement of the affairs of the Company and for the transaction of business generally, shall be held on the first Thursday of July of each year, and in the event of the said day being a legal holiday, it shall then be held on the next juridical day; and the present Directors of the said "Dominion Building Society" are hereby continued in office until the general meeting in July next.

By-laws.

15. The Company shall have power to alter, amend and repeal the present by-laws of the said "Dominion Building Society," and shall have power to adopt and make any by-laws they may deem necessary for the good management of their affairs, as also to alter, amend and repeal the said by-laws: Provided always, that no such by-laws shall be altered, amended or repealed, or adopted and passed otherwise than by a resolution of the shareholders of the Company, concurred in by at least two-thirds of the votes of the said shareholders thereof, voting in person or by proxy at a general meeting convened for the purpose; and, at every

Proviso: to be sanctioned

Votes.

No. 58.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to change the name of the "Dominion Building Society" to that of the "City Mortgage Loan Company" and for other purposes.

Received and read first time, Thursday, 1st March, 1877.

Second reading, Friday, 2nd March, 1877.

(PRIVATE BILL.)

Mr. OUIMET.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877

No. 59] **BILL.** [1877.

An Act to amend the Act incorporating the Union Life and Accident Assurance Company of Canada, and to change the name thereof to the "Union Assurance Company of Canada."

Preamble. 39 V. c. 54.

WHEREAS the Union Life and Accident Assurance Company of Canada was incorporated, by an Act passed in the thirty-ninth year of Her Majesty's reign, chapter fifty-four; and whereas, certain subscribers to the stock of the said Union Life and Accident Assurance Company of Canada, have petitioned that the name of the Company, and its chief placeof business, may be changed, and that further corporate power may be granted to the Company; 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:—

Name changed.

1. The corporate name of the said Company is hereby changed to that of "The Union Assurance Company of Canada."

Chief place of business.

2. The chief place of business of the said Company shall after the passing of this Act, be in the City of Toronto, instead of the City of Hamilton, and the word "Toronto" shall be, and is hereby substituted for the word "Hamilton," wherever the said word Hamilton occurs in the said cited Act incorporating the Company.

Deposit of premiums with Receiver General.

3. The Company may agree with the Receiver General, from time to time, to deposit with him the net premiums received on any policies computed or based upon the combined experience or actuaries' table of mortality and interest, at per centum, per annum, and all interest which may accrue half-yearly, or yearly thereon, which moneys shall remain with, and be held by the Receiver General, and used solely in payment of claims under such policies, or in respect thereof; and to the extent of such deposits and interest thereon as aforesaid, the Receiver General, or other officer the Government, may certify, by endorsement, on the said policies, that all such premiums and interest so received, shall be applied in payment of claims upon the said policies respectively.

No. 59.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Act incorporating the Union Life and Accident Assurance Company of Canada, and to change the name thereof to the "Union Assurance Company of Ca-Canada."

Received and read first time, Thursday, 1st March, 1877.

Second reading, Friday, 2nd March, 1877.

(PRIVATE BILL.)

Mr. KIRKPATRICK.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 60.] **BILL.** [1877.

An Act to amend the Insolvent Act of 1875 and the Act amending the same.

Preamble.

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

Sections amended are those of 38 V. c. 16.

1. The sections referred to in sections *two* to *twenty-three*, both inclusive, of this Act are sections of *The Insolvent Act of* 1875.

Section 11 amended.

2. Section eleven is amended by adding thereto the words "to be inserted once in the *Official Gazette* and once in one local or the nearest published newspaper."

Section 17 amended.

3. Section seventeen is amended by striking out the word "ten" in the first and third lines and inserting in lieu thereof the word "seven."

Section 19 amended.

4. Section nineteen is amended by adding after the word "such" in the seventh line the words "copy of the" and by adding at the end of the section the words "and a copy of the deed of assignment certified by the assignee shall forthwith be filed in the office of the Clerk of the Court."

Section 20 amended.

5. Section twenty is amended by adding after the word "held," in the seventh line, the words "within *twenty-one* days," and by striking out the words "three weeks," in the eleventh line and inserting in lieu thereof the words "fourteen days."

Section 21 amended.

6. Section twenty-one is amended by adding after the word "mail," in the first line, the words "prepaid and registered," and by striking out, in the second line, the words "in writing," and inserting in lieu thereof the words "of such meeting, and a list of the insolvent's creditors, and the amounts of their respective claims," and by striking out all after the word "require," in the seventh line, to the end of the section.

Section 22 amended.

7. Section twenty-two is amended by adding thereto the words "in default of an appointment of chairman by the creditors."

Section 28 amended.

Proviso added as to withdrawal of sureties of assignees.

8. Section twenty-eight is amended by inserting after the words "public officer," in the eighteenth line, the words following: "Provided always, that when any person appointed assignee or joint assignee, under the provisions of the twenty-seventh section, has given the security for the due

fulfilment and discharge of his duties, required by the preceding part of this section, then any person who has become surety in that behalf, when no longer disposed to continue his suretyship, may give notice thereof in writing to his principal, and also to the Secretary of State of Canada, and all accruing responsibility on the part of such person as such surety shall cease at the expiration of three months from the receipt of the last of such notices, or upon the acceptance by the Crown of the security of another surety, whichever shall first happen, and the principal shall, within one month from the receipt of the last of such notices, give the security of another surety; but if it appears to the Governor in Council that the period so limited for giving the security of a new surety is, for any reason insufficient, the Governor in Council may allow such further period for giving the security of such new surety as appears to him proper, but such extended period shall in no case exceed two months beyond the one month within which such new security is required to be given as above-mentioned; and this proviso shall apply to the case of any new security which may from time to time be given."

Section 30 amended.

9. Section thirty is amended by adding after the word "him," in the second line, the words "or if no security be required, then immediately upon his appointment."

Section 31 amended.

10. Section thirty-one is amended by adding after the word "advertisement," in the second line, the words "to be "inserted once in the *Official Gazette*."

Section 43 amended.

11. Section forty-three is amended by adding after the word "fixed," in the twenty-first line, the words "by the creditors at their first meeting, subject to revision by the Court or Judge, and in default of being so fixed, shall be settled."

Section 58 repealed.

12. Section fifty-eight is repealed.

Section 65 amended.

Proviso added.

13. Section sixty-five is amended by adding thereto the words "Provided always that the Judge shall not grant any discharge under this section in any case, unless some one of the following conditions be established by proof, that is to say:

What dividend must be paid.

1. That a dividend of not less than fifty cents in the dollar on the unsecured claims has been, or will be, paid out of the insolvent's property; or

Or valid excuse given.

2. That such a dividend might have been paid but for the negligence or fraud of the Assignee or Inspectors; or

3. That the Insolvent had, on some one day prior to the institution of the proceedings in insolvency, mailed, prepaid, and registered to the address of each of his creditors, so far as known to him, a declaration acknowledging his insolvency; and that no proceedings in insolvency had been instituted against the insolvent for more than one month after the mailing of such notices; and that such a dividend would

have been paid but for circumstances for which the insolvent cannot justly be held responsible, arising more than one month after the mailing of such notices."

14. Section seventy-one is amended by striking out all after the word "creditors" in the sixth line and inserting in lieu thereof the words "or Inspectors shall decide before "the termination of the yearly term of the lease, whether "the property so leased should be retained for the use of "the estate only up to the end of the then current yearly "term, or, if the conditions of the lease permit of further "extension, also up to the end of the next following yearly "term thereof, and their decision shall be final." Section 71 amended.

15. Section seventy-two is amended by adding after the word "creditors" in the fourth line, the words "or inspectors." Section 72 amended.

16. Section seventy-four is amended by striking out the words "one year" in the fourth line and inserting in lieu thereof "six months." Section 74 amended.

17. Section seventy-five is repealed and the following section substituted in lieu thereof: "The assignee may sell "the real estate of the insolvent, but no sale thereof shall "be completed unless (*a*) the proposed sale has been sanctioned by the creditors at their first meeting, or at any "subsequent meeting called for the purpose; or (*b*) the "assignee has advertized an auction sale or sale by tender "in accordance with the directions in that behalf given by "the creditors at their first meeting or at any subsequent "meeting called for the purpose, and the inspectors have, "after the bidding or tendering, in writing, sanctioned the "acceptance of any bid or tender; Provided always, that "this section shall not apply to any proposed sale of the estate "*en bloc*, although the estate may comprise real estate." Section 75 amended as to sale of real estate. Proviso.

18. Section ninety-one is amended by striking out of the sixth line the word "three," and substituting in lieu thereof the word "two," and by striking out of the eighth line the words "two months," and substituting in lieu thereof the words "one month." Section 91 amended.

19. Section one hundred and two is amended by striking out after the word "meeting," in the fourth line, the words "and representing also the majority in value of such "creditors," and by adding after the last word in the section the words, "Provided, however, that no costs of or incidental to any such reference shall be paid out of the "estate." Section 102 amended.

20. Section one hundred and eighteen is amended by striking out the words "and the costs of the judgment of "confirmation of the discharge of the insolvent, except "when such confirmation is upon a deed of composition, or "of the discharge if obtained direct from the Court." Section 118 amended.

Section 123 amended.

21. Section one hundred and twenty-three is amended by striking out the words "Superior Courts of Common Law, "and of the Court of Chancery or any five of them, of whom "the Chief Justice of the Province of Ontario, or the Chan- "cellor, or the Chief Justice of the Common Pleas, shall be "one;" and inserting in lieu thereof the words "Court of "Error and Appeal, or a majority of them."

Section 128 amended.

22. Section one hundred and twenty-eight is amended by striking out the words "or unless he," in the thirty-fifth line, and inserting in lieu thereof the word "and."

Section 136 amended.

23. Section one hundred and thirty-six is amended by adding, after the words "knowing or," in the eighth line, the words "having probable cause for."

Certain temporary judicial districts to be deemed parts of certain counties for the purposes of the said Act, (38 V., c. 16.)

24. For all the purposes of *The Insolvent Act of* 1875, the temporary Judicial District of Nipissing, in the Province of Ontario, shall be taken and considered as part of the County of Renfrew, and so much of the territory comprising the Territorial District of Parry Sound and the Territorial District of Muskoka as is not already included in the Judicial County of Simcoe, shall be taken and considered as part of the said judicial County of Simcoe; and all persons and courts having authority or jurisdiction in the said Counties of Renfrew and Simcoe respectively, under the said Act, shall have like authority and jurisdiction in the said District of Nipissing, and the said Districts of Parry Sound and Muskoka respectively.

Section 15 of 39 V., c. 30 repealed.

25. Section fifteen of the Act thirty-ninth Victoria, chapter thirty, intituled: "*An Act to amend the Insolvent Act of* 1875," is hereby repealed.

How amendments shall be construed and apply.

26. No amendment hereby made shall be held to be a declaration of the construction of any provision of the Insolvent Act of 1875 as applicable to any proceeding heretofore had under the said Act, and the amendments made by the twelfth, thirteenth, sixteenth and eighteenth sections of this Act shall not apply to any case in which an assignment was made or a writ of attachment issued before the passing of this Act.

No. 60.

4th Session, 3rd Parliament, 40 Victoria

BILL.

An Act to amend the Insolvent Act of 1875 and the Act amending the

Received and read first time, Friday March, 1877.

Second reading, Monday, 5th March, 18

Mr. BLAKE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO

1877.

No. 60.] **BILL.** [1877.

An Act to amend the Insolvent Act of 1875 and the Act amending the same.

(*As proposed by Mr. Blake to be amended 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. The sections referred to in sections *two* to *twenty-nine*, both inclusive, of this Act are sections of *The Insolvent Act of* 1875. Sections amended are those of 38 V. c. 16.

2. Section eleven is amended by adding thereto the words "to be inserted once in the *Official Gazette*, and once in one local or the nearest published newspaper." Section 11 amended.

3. Section seventeen is amended by striking out the word "ten" in the first and third lines and inserting in lieu thereof the word "seven." Section 17 amended.

4. Section nineteen is amended by adding after the word 'or,' in the third line, the words "in Quebec by the proper 'Notary or by;" and adding after the word "such," in the seventh line, the words "copy of the." Section 19 amended.

5. Section twenty is amended by adding after the word "held," in the seventh line, the words "within twenty-one days," and by striking out the words "three weeks," in the eleventh line and inserting in lieu thereof the words "ten days," and by adding immediately after the last word in the section the words "Provided always, that if the assignee omits to call such meeting to be held within the time above limited, the Judge shall, on the application of the assignee or of any creditor, order the meeting to be called for the earliest possible day thereafter; and should the said omission have arisen from the negligence of the assignee, the Judge shall order him to pay the costs of the application; Provided also, that on application of any creditor, the Judge, on being satisfied that there are creditors of the insolvent whose unsecured claims amount to at least one-third of his direct liabilities, resident in any place from whence their attested claims cannot with due diligence be received before the day of the meeting, may order that the meeting be adjourned to some day not more than a week thereafter; A copy of the order shall forthwith be served on the assignee, who shall forthwith, by prepaid letter or circular, notify each Section 20 amended. Penalty on assignee omiting to call meeting. Provision in favour of distant creditors.

creditor of the adjournment. In case such order be made, no business shall be transacted at the meeting, which shall stand adjourned according to the terms of the order."

Section 21 amended.

6. Section twenty-one is amended by adding after the word "mail," in the first line, the words "prepaid and registered," and by striking out, in the second line, the words "in writing," and inserting in lieu thereof the words "of such meeting, and a list of the insolvent's creditors, and the amounts of their respective claims," and by striking out all after the word "require," in the seventh line, to the end of the section.

Section 22 amended.

7. Section twenty-two is amended by adding thereto the words "in default of an appointment of chairman by the creditors."

Section 28 amended.

Proviso added as to withdrawal of sureties of assignees.

8. Section twenty-eight is amended by inserting after the words "public officer," in the eighteenth line, the words following: "Provided always, that when any person appointed assignee or joint assignee, under the provisions of the twenty-seventh section, has given the security for the due fulfilment and discharge of his duties, required by the preceding part of this section, then any person who has become surety in that behalf, when no longer disposed to continue his suretyship, may give notice thereof in writing to his principal, and also to the Secretary of State of Canada, and all accruing responsibility on the part of such person as such surety shall cease at the expiration of three months from the receipt of the last of such notices, or upon the acceptance by the Crown of the security of another surety, whichever shall first happen, and the principal shall, within one month from the receipt of the last of such notices, give the security of another surety; but if it appears to the Governor in Council that the period so limited for giving the security of a new surety is, for any reason insufficient, the Governor in Council may allow such further period for giving the security of such new surety as appears to him proper, but such extended period shall in no case exceed two months beyond the one month within which such new security is required to be given as above-mentioned; and this proviso shall apply to the case of any new security which may from time to time be given."

Section 30 amended.

9. Section thirty is amended by adding after the word "him," in the second line, the words "or if no security be required, then immediately upon his appointment."

Section 31 amended.

10. Section thirty-one is amended by adding after the word "advertisement," in the second line, the words "to be "inserted once in the *Official Gazette*."

Section 32 repealed.

11. Section thirty-two is hereby repealed and the following substituted in lieu thereof:—

New section substituted.

Certain persons not to

"**32.** No person shall act as the attorney or agent of any creditor, upon any question as to the appointment of such person as assignee, or in reference to any claim or demand of

such creditor on an insolvent estate of which such person is the assignee, nor shall any partner or employee of any person, act as the attorney or agent of any creditor in any matter in which under this section such person himself could not act, nor shall any assignee employ any person being his partner, as counsel, advocate, attorney, solicitor, or agent for such assignee in respect of the insolvent estate."

act for creditors or be employed in respect of an insolvent's estate.

12. Section thirty-five is amended by adding thereto the words "or any claim against such estate; nor shall any assignee employ any inspector, or the partner of any inspector, as counsel, advocate, attorney, solicitor, or agent, in respect of the insolvent estate."

Section 35 amended.

13. Section forty-three is amended by adding after the word "fixed," in the twenty-first line, the words "by the creditors at their first meeting, or by the inspectors within one week thereafter, subject in either case to revision by the Court or Judge, and in default of being so fixed, shall be settled," and by adding thereto the following paragraph: "Any assignee who shall insert any charge in his account above or beyond the remuneration allowed to him by law, and who shall not remove it therefrom at the request in writing of any creditor or of the inspectors, within three days after the receipt of such request, shall forfeit and pay, upon the order of the Judge to that effect, treble the amount of the overcharge to the funds of the estate."

Section 43 amended.

Assignee overcharging must remove such overcharge on request.

14. Section fifty-eight is repealed.

Section 58 repealed.

15. Section sixty-five is amended by adding thereto the words "Provided always that the Judge shall not grant any discharge under this section in any case, unless some one of the following conditions be established by proof, that is to say:

Section 65 amended.

Proviso added.

1. That a dividend of not less than fifty cents in the dollar on the unsecured claims has been, or will be, paid out of the insolvent's property; or

What dividend must be paid.

2. That such a dividend might have been paid but for the negligence or fraud of the Assignee or Inspectors; or

Or valid excuse given.

3. That the Insolvent had, on some one day prior to the institution of the proceedings in insolvency, mailed, prepaid and registered, to the address of each of his creditors, so far as known to him, a declaration acknowledging his insolvency; and that no proceedings in insolvency had been instituted against the insolvent for more than one month after the mailing of such notices; and that such a dividend would have been paid but for circumstances for which the insolvent cannot justly be held responsible, arising more than one month after the mailing of such notices."

16. Section seventy-one is amended by adding after the word "creditors" in the sixth line the words "or Inspectors," and by adding to the Section the following words:

Section 71 amended.

"But if the first meeting of creditors is not held until within such period of three months, then the power of terminating the lease may be exercised by the creditors at such meeting or by the Inspectors, within one week thereafter, but not later."

Section 72 amended.

17. Section seventy-two is amended by adding after the word "creditors" in the fourth line, the words "or inspectors."

Section 73 amended.

18. Section seventy-three is amended by adding after the word "creditors" in the fourth line the words "or inspectors."

Section 74 amended.

19. Section seventy-four is amended by striking out the words "one year" in the fourth line and inserting in lieu thereof "six months."

Section 75 amended as to sale of real estate.

20. Section seventy-five is amended by striking out the word "only" in the second line, and inserting in lieu thereof the words: "in any Province other than Quebec no "sale shall be completed unless (*a*) the proposed sale has "been sanctioned by the creditors at their first meeting, or "at any subsequent meeting called for the purpose, or by "the inspectors; or (*b*) the assignee has advertized an "auction sale or sale by tender in accordance with the "directions in that behalf given by the creditors at their "first meeting or at any subsequent meeting called for the "purpose, or by the inspectors and the inspectors sanction "in writing the acceptance of a price not greater than the "amount bid or tendered; In the Province of Quebec no "sale of real estate shall be made unless."

Section 84 amended.

21. Section eighty-four is amended by striking out the last two lines, and inserting in lieu thereof the words "if such claim is mature or exigible at the date of the assignment or the issue of the writ of attachment, or becomes so and remains unpaid thereafter, whether before or after proof, such creditor shall be entitled for ranking to treat the claim as unsecured, but for voting or consenting to a discharge, or a deed of composition and discharge, or for any other purpose, save ranking, he shall be still considered to hold security within the meaning of this section, and shall, for all such purposes, put a value on the liability of the party primarily liable thereon as being his security for the payment thereof."

Section 91 amended.

22. Section ninety-one is amended by striking out of the sixth line the word "three," and substituting in lieu thereof the word "two," and by striking out of the eighth line the words "two months," and substituting in lieu thereof the words "one month;" and by adding immediately after the last word in the section the words "and no assignee, payable by commission, shall be entitled to charge for any disbursement for procuring to be performed any service which he might have caused to be performed by any such clerk or other person, and for which he might otherwise

Assignees not to charge for certain services.

charge under this Act; and no assignee whose remuneration is not fixed by this Act shall be entitled to remuneration for any service or for any disbursement in respect of any service which he might have caused to be performed by such clerk or other person."

Section 102 amended.

23. Section one hundred and two is amended by striking out after the word "meeting," in the fourth line, the words "and representing also the majority in value of such "creditors," and by adding after the last word in the section the words, "Provided, however, that no costs of or inci- "dental to any such reference shall be paid out of the "estate, and the decision of the Judge on any reference "under this section in which the reesolutions referred "involve the appointment of an assignee or inspector to the "estate, shall be final."

Proviso added.

Section 118 amended.

24. Section one hundred and eighteen is amended by striking out the words "and the costs of the judgment of "confirmation of the discharge of the insolvent, except "when such confirmation is upon a deed of composition, or "of the discharge if obtained direct from the Court."

Section 123 amended.

25. Section one hundred and twenty-three is amended by striking out the words "Superior Courts of Common Law, "and of the Court of Chancery or any five of them, of whom "the Chief Justice of the Province of Ontario, or the Chan- "cellor, or the Chief Justice of the Common Pleas, shall be "one;" and inserting in lieu thereof the words "Court of "Appeal, or a majority of them."

Section 125 amended.

26. Section one hundred and twenty-five is amended by striking out the words "if not an official assignee," and adding at the end of the section the words "from the assigneeship of the estate."

Section 128 amended.

27. Section one hundred and twenty-eight is amended by striking out the words "or unless he," in the thirty-fifth line, and inserting in lieu thereof the word "and," and by adding after the last word of the section the words, "The "judgment of the Court to which, under this section, the "appeal can be made, shall be final."

Section 133 amended.

28. Section one hundred and thirty-three is amended by adding after the word "presumed" in the last line but one the words "*primâ facie*."

Section 136 amended.

29. Section one hundred and thirty-six is amended by adding, after the words "knowing or," in the eighth line, the words "having probable cause for."

Certain temporary judicial districts to be deemed parts of certain counties for the purposes of the said Act, (38 V., c. 16.)

30. For all the purposes of *The Insolvent Act of* 1875, the temporary Judicial District of Nipissing, in the Province of Ontario, shall be taken and considered as part of the County of Renfrew, and so much of the territory comprising the Territorial District of Parry Sound and the Territorial District of Muskoka as is not already included in the Judicial County

of Simcoe, shall be taken and considered as part of the said judicial County of Simcoe; and all persons and courts having authority or jurisdiction in the said Counties of Renfrew and Simcoe respectively, under the said Act, shall have like authority and jurisdiction in the said District of Nipissing, and the said Districts of Parry Sound and Muskoka respectively.

Section 15 of 39 V., c. 30 repealed.

31. Section fifteen of the Act thirty-ninth Victoria, chapter thirty, intituled: "*An Act to amend the Insolvent Act of* 1875," is hereby repealed.

Assignee not to advance money on creditor's claims.

32. No assignee shall directly or indirectly at any time advance or lend to any creditor any money, or become liable for any creditor, to any other person for any money, upon the security or collateral security of such creditor's claim against the estate, or of any dividend declared or to be declared thereon, or of any security held by or for such creditor upon any part of the estate.

Official assignees to post up certain sections of Act of 1875.

33. Every official assignee shall print and cause to be posted up in a conspicuous place in his office, sections thirty-two, forty-three and forty-five of the said Act, as amended, and at every meeting of creditors a printed copy of the said sections shall be laid upon the table.

Official assignee guilty of fraud, &c., to be reported to Secretary of State.

34. If it appears to the Court or Judge that an official assignee has been guilty of any fraud, breach of duty or wilful violation of any of the provisions of the Insolvent Act of 1875, or the amending Acts, or has inserted any improper charge in any account or claim preferred by him against the estate, the Court or Judge shall forthwith make a report of the facts to the Secretary of State of Canada, for the information of the Governor.

Levying costs.

35. In all cases where costs are ordered by the Court or Judge to be paid, the same proceedings, as near as may be, may be taken for the collection of such costs as if the order was a judgment of the Court and the costs were payable under such judgment.

Assignee to file a monthly statement with the Clerk of the Court.

36. The assignee shall, within the first five days of each calendar month, file in the office of the Clerk of the Court, a statement of the receipts and disbursements of the estate during the last preceding month, shewing also the balance of cash then in bank.

How amendments shall be construed and apply.

37. No amendment hereby made shall be held to be a declaration of the construction of any provision of the Insolvent Act of 1875 as applicable to any proceeding heretofore had under the said Act, and the amendments made by the fifth, fourteenth, fifteenth, nineteenth and twenty-second sections of this Act shall not apply to any case in which an assignment was made or a writ of attachment issued before the passing of this Act.

Short titles.

38. The "*Insolvent Act of* 1875," the Act of 1876 amending it, and this Act, may be cited together as "*The Insolvent Act of* 1875, *and amending Acts.*"

No. 60.

4th Session, 3rd Parliament, 40 Victoria, 1877

BILL.

An Act to amend the Insolvent Act of 1875 and the Act amending the same.

[*As proposed by Mr. Blake to be amended in Committee of the Whole.*]

Received and read first time, Friday, 2nd March, 1877.

Second reading, Monday, 5th March, 1877.

Mr. BLAKE.

OTTAWA:
Printed by McLean, Roger & Co., Wellington Street.
1877.

No. 61] **BILL.** [1877.

An Act to incorporate "The Canadian Securities Company (Limited)."

Preamble

WHEREAS the persons hereinafter named have, by their petition, prayed that they may be incorporated as an Investment and Trust Company; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. Ferdinand MacCulloch, George Stephen, Donald A. Smith, M.P., Henry Lyman, Robert A. Lindsay, Thomas W. Ritchie (who are hereby appointed Provisional Directors) and all other person or persons, body or bodies politic, who shall from time to time be possessed of any share or shares in the undertaking hereby authorized to be carried on, shall be and are hereby constituted a Company, and shall be one body corporate and politic, by the name of "The Canadian Securities Company (Limited)," and by that name shall have perpetual succession and a common seal, with power to break and alter such seal, and by that name may sue and be sued, plead and be impleaded, in all Courts whatsoever.

Corporate name and powers.

Borrowing and other powers of the company.

2. The Company shall have power to borrow money on debentures or bonds at a fixed rate of interest, and to receive money on deposit, either with or without interest; to invest moneys on the securities of lands or real estate situated in the Dominion of Canada; to purchase any public securities or the bonds or debentures of any municipal or other corporation in Canada, or to lend money upon the security of the same; to take, by subscription, purchase or otherwise, and to hold shares or stock in any corporation or company (other than the Company hereby incorporated) whether such corporation or company be established in the United Kingdom or elsewhere, or to lend money upon the security of such shares or stock; to act as agents or trustees for any Government, authority, corporation, company or person, and to act as agents in the purchase, sale, issue or negociation of Canadian securities, or the bonds or other securities of any foreign Government, municipal or other corporation, and to do all such things as are incidental or conducive to the attainment of the above object.

Capital stock and shares.

3. The capital of the Company shall be *two millions* of dollars, divided into *twenty thousand* shares of *one hundred* dollars each.

Company may act as agents.

4. The Company is empowered to act as an Agency and Trust Company, and may hold, invest and deal, in its own name or otherwise, with such moneys, mortgages, hypothecs, securities or evidences of debt as shall from time to time be transferred or delivered to the Company upon trust or as agents, and may exercise all the rights which the parties so transferring or delivering the same might or could exercise; and the Company may give such guarantee as may be agreed on for repayment of principal or interest, or both, of any such moneys, mortgages, hypothecs, securities or evidences of debt.

May acquire certain real estate.

5. The Company may hold such real estate as, being mortgaged or hypothecated to them, may be acquired by them for the protection of their investment, and may from time to time sell, mortgage, lease or otherwise dispose of the same: Provided always, that the Company shall sell any such real estate within five years after so acquiring it.

Proviso.

Head office and agencies.

6. The head office of the Company shall be in the City of Montreal, but the Company may have offices elsewhere in Canada or Great Britain for such purposes as the Directors shall determine; and the bonds, coupons, or dividends of the Company may be made payable at any place in Great Britain and in sterling or currency.

Proof of transmission of shares.

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

Declaration in case of transmission by marriage.

Proceedings in case of doubt as to ownership.

8. If the Directors of the Company shall entertain doubts as to the legality of any claim to and upon such share or shares of stock, it shall be lawful for the Company to make and file in the Superior Court at Montreal, a declaration and petition in writing addressed to the Justices of the said Court, setting forth the facts, and praying for an order or judgment adjudicating or awarding the said shares to the

party or parties legally entitled to the same, and by which order or judgment the Company shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares, or arising therefrom; Provided always, that notice of such petition shall be given to the party claiming such shares, who shall, upon the filing of such petition, establish his right to the several shares 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 unless the said Superior Court otherwise orders, the costs and expenses of procuring such order and adjudication, shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong; and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

Proviso.

Proviso.

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

Rate of interest.

10. The provisions of the "*Canada Joint Stock Companies Clauses Act*, 1869," except in so far as they may be varied by this Act, are hereby incorporated with, and shall form part of this Act.

32 V. c. 12 to apply.

No. 61.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to incorporate "The Canadian Securities Company (Limited)."

Received and read first time, Monday, 5th March, 1877.

Second reading, Tuesday, 6th March, 1877.

(PRIVATE BILL.)

Mr. JETTÉ.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 62.] **BILL.** 1877.

An Act respecting the Northern Railway Company of Canada.

WHEREAS, by an Act passed in the thirty-eighth year of Her Majesty's reign, chaptered twenty-three, it was provided that upon certain terms and conditions the lien of the Dominion upon the said Railway should be released; and whereas, in pursuance of the said Act the lien of the Dominion upon the said Railway has been fully paid and satisfied; and whereas, by a further Act passed in the same year, and known as "*The Northern Railway Company Act*, 1875," it is recited that, for the proper accommodation and development of the traffic of the district served by the said Company, it is necessary to change the gauge of the said Railway from five feet six inches, to four feet eight and one-half inches, and that additional rolling stock and other equipments should be provided, and additional works and improvements executed on the said Railway, and new expenditure on capital account would thereby have to be incurred; and whereas, in pursuance of the powers given by the said last mentioned Act, the said Company and The Northern Extension Railways Company have been amalgamated; and whereas the present share and loan capital of the said Company consists of the following particulars, that is to say:— Preamble. 38 V. c. 23. 38 V. c. 65.

(*a*) First preference bonds to the amount of two hundred and fifty thousand pounds sterling in bonds of one hundred pounds sterling each;

(*b*) Second preference bonds to the amount of two hundred and eighty-three thousand nine hundred pounds sterling, in bonds of one hundred pounds sterling each;

(*c*) Class "A" third preference bonds to the amount of fifty thousand pounds sterling, in bonds of one hundred pounds sterling each;

(*d*) Class "B" third preference bonds to the amount of one hundred thousand pounds sterling, in bonds of one hundred pounds sterling each;

(*e*) Northern Extension Railways Company bonds to the amount of one hundred and seventy-seven thousand pounds sterling, in bonds of one hundred pounds sterling each;

(*f*) Preference stock to the amount of four hundred thousand pounds sterling;

(*g*) The share capital of the Company amounting to two hundred and three thousand eight hundred pounds currency, divided into forty thousand seven hundred and sixty shares of five pounds currency each;

And whereas, in paying off the Government lien and in carrying out the said amalgamation with the Northern

Extension Railways Company, and extending the Railway to Gravenhurst, the said Company has incurred a large floating debt; and whereas the provisions hereinafter mentioned for the raising of additional capital would be more beneficial and advantageous to the said Company than as provided by the said Act last above mentioned; and whereas the said first preference bonds will mature and become payable on the first day of July, in the year of Our Lord one thousand eight hundred and seventy-nine, and it is therefore expedient to provide for their redemption at maturity; and whereas the said Company have, by their petition, prayed that, for the purposes above mentioned, authority be given them to issue six hundred thousand pounds sterling of first preference bonds or debenture stock, and to reduce the amount of preference stock authorized to be issued by the before recited Act to one hundred and fifty thousand pounds sterling; 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:—

First preference bonds may be issued.

1. The said Company may and they are hereby authorized to issue first preference bonds or debenture stock to the amount of six hundred thousand pounds sterling, in sums of one hundred pounds sterling each, which said first preference bonds or debenture stock when issued shall be and form a first lien and charge upon all the properties of the Company, both real and personal, and shall bear interest at the rate of five per cent. per annum.

Rights and powers of bondholders.

2. All the rights, powers, franchises and privileges as to voting or otherwise now held or enjoyed by the present holders of bonds in the said Company shall be held and enjoyed by the several holders of the said first preference bonds or debenture stock hereby authorized.

Bonds, how and when to be issued.

3. It shall be lawful for the Directors of the Company to issue, for the benefit of the said Company, the said first preference bonds or debenture stock hereby authorized at such prices as shall be from time to time obtainable for the same, and in such amounts as the directors may think proper, and the proceeds thereof shall be applicable to the general purposes of the Company, properly chargeable to capital account;

Proviso.

Provided however, that a sufficient amount of the said first preference bonds or debenture stock hereby authorized, shall be withheld from issue, and shall only be issued for the purpose of redeeming from time to time the present first preference bonds of the said Company.

Authorized preference stock reduced.

4. The amount of preference stock authorized to be issued by the Act thirty-eighth Victoria, chapter sixty-five, is hereby reduced to one hundred and fifty thousand pounds sterling.

Sanction of the Company.

5. No issue of the said bonds or debenture stock hereby authorized shall be made without the previous sanction of a general meeting of the Company specially called for that purpose.

No. 62.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act respecting the Northern Railway of Canada.

Received and read first time, Monday, 5th March, 1877.

Second reading, Tuesday, 6th March, 1877.

(PRIVATE BILL.)

Mr. MACDONALD,
(Toronto.)

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 62.] **BILL.** [1877.

An Act respecting the Northern Railway of Canada.

[*Reprinted as amended in the Committee on Railways, &c.*]

WHEREAS by an Act of the Parliament of Canada, being chapter twenty-three of the statutes passed by that Parliament in the thirty-eighth year of the reign of Her present Majesty, provision was made for the discharge of the lien of the Dominion of Canada amounting to four hundred and seventy-five thousand pounds, on the Railway and undertaking of the Northern Railway Company of Canada hereinafter called the Company, upon certain conditions and certain payments to be made by the Company;

And whereas, by another Act of the said Parliament, being chapter sixty-five of the statutes passed in the thirty-eighth year of Her said Majesty, it was enacted that it should be lawful for the Company and the Northern Extension Railways Company, hereinafter called the Extension Company, at any time after the passing of the Act to enter into an agreement for amalgamation upon such terms, conditions and stipulations as might be therein set forth, sealed with their respective common seals, and approved in general meetings of the respective Companies as therein mentioned, but so that such agreement should contain provisions to the effect in the Act set forth; and it was thereby provided that after such amalgamation the Company might advance and expend such sum of money as might be necessary for completing the line and works of the Extension Company from Severn River Bridge to Gravenhurst, and for such other services as the Extension Company might, before such amalgamation, have legally performed under their charter;

And whereas the conditions and payments by the said first-recited Act, required to be performed and made for the purpose of discharging the lien of the Dominion, have been duly performed and made by the Company, and the said lien has been discharged accordingly:

And whereas the amalgamation of the Company and the Extension Company, authorized by the said secondly recited Act, has been duly carried into effect by an agreement for amalgamation dated the third day of June, one thousand eight hundred and seventy-five, under the respective common seals of the Companies, and approved by the general meetings of the respective Companies, as required by the said secondly recited Act;

And whereas the present share and loan capital of the Company consists of the following particulars, exclusive of the loan capital of the Extension Company, that is to say :—

(*a*) First preference bonds to the amount of two hundred and fifty thousand ponnds sterling.

(*b*) Second preference bonds to the amount of two hundred and eighty-three thousand nine hundred pounds sterling.

(*c*) Class A. third preference bonds to the amount of fifty thousand pounds sterling, in bonds of one hundred pounds sterling each.

(*d*) Class B. third preference bonds to the amount of one hundred thousand pounds sterling.

(*e*) The preferential stock of the Company created by the said secondly recited Act to the amount of four hundred thousand pounds.

(*f*) The ordinary stock of the Company, amounting to one hundred and sixty-three thousand and forty pounds sterling.

And of the following particulars constituting the loan capital of the Extension Company at the date of the said amalgamation, that is to say :—

(*g*) First mortgage bonds to the amount of one hundred and thirty-three thousand pounds sterling.

(*h*) Improvement mortgage bonds to the amount of forty-four thousand four hundred pounds sterling.

(*j*) Town bonds, three thousand four hundred pounds ;

And whereas the aforesaid sum of four hundred thousand pounds preferential stock was created by the said secondly recited Act ; as to three hundred and fifty thousand pounds, part thereof for the purpose of raising the money necessary for discharging the Government lien, and subject thereto for the general purposes of the Company ; and as to fifty thousand pounds, the residue thereof, for the purposes of the said amalgamation, and so far as not required for that purpose, for any object within the charters of either of the amalgamated Companies ;

And whereas the Company are indebted in considerable sums for money in part borrowed for and applied in discharge of the said Government lien, and now owing on the security of preferential stock created by the said secondly recited Act, and in part borrowed for and applied towards the construction of the works authorised by the same Act, and now owing on the security of certificates of indebtedness under the common seal of the Company, for which and other sums borrowed it is necessary that provision should be made ;

And whereas the first preference bonds of the Company, to the amount of two hundred and fifty thousand pouuds, will mature and become payable on the first day of August, one thousand eight hundred and seventy-nine, and it is necessary to provide for the same ;

And whereas the Company have presented a petition praying that for the purposes of satisfying the debts so as aforesaid incurred in discharging the Government lien and constructing the works authorized by the said secondly recited Act, and meeting and satisfying at maturity the said

first preference bonds, and for other purposes of the Company, the Company may be authorized to raise the sum of not more than six hundred thousand pounds by the issue of bonds or debenture stock, constituting together a first charge upon and secured by a general statutory mortgage of the whole undertaking of the Company as now constituted ;

And whereas the Company have presented a further petition praying that, for the purpose of extinguishing all or any of the bonds constituting the loan capital of the Extension Company at the date of the said amalgamation, the Company may be authorised to issue other like bonds or debenture stock, secured in like manner by such statutory mortgage as aforesaid, to such an amount as not thereby to subject the properties, tolls or revenues of the Company to any greater total annual charge for interest than the now subsisting annual charge for interest on the bonds to be so extinguished ;

And whereas it is expedient that the prayer of the said petition should be granted to the extent and in manner hereinafter appearing ;

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

1. Subject only to the provisions of this Act, it shall be lawful for the Directors of the Company, and they are hereby authorized to issue, sell or pledge, at such times, in such amounts and manner, at such price, on such terms, and subject to such conditions as the Directors may think fit, securities of the Company to the amount of not more than six hundred and fifty thousand pounds sterling in the whole, either in the form of bonds of the Company to mature and become payable at such time or times as shall by the Directors be determined at the date or dates of the issue of such bonds respectively, and bearing interest at the rate of five per cent. per annum, which may as to the whole or any part thereof be subject to such terms as to conversion into debenture stock of the kind hereinafter authorized as the Directors may think fit, or in the form of perpetual or redeemable debenture stock, which may as to the whole or any part thereof be subject to such terms as to conversion into bonds of the Company, of the kind hereinbefore authorized, as the Directors may think fit, and shall bear interest at the rate of five per cent. per annum, payable in such manner as the Directors may think fit, or partly in one and partly in the other of the said forms.

2. The bonds or debenture stock for the time being created or issued under and by virtue of this Act, shall, together, be a first charge upon all the properties, real and personal, tolls and revenues of the Company prior to all existing bonds of the Company, and to all bonds to be hereafter issued under any of the powers vested in the Company before the passing of this Act, and the interest thereon shall have priority of payment next after working expenses, over all interest and dividends on any other bonds, or stock, or shares of the

Company, but the holders of the said bonds and debenture stock, created or issued under this Act, shall not as among themselves be entitled to any preference or priority; Provided always that nothing in this Act contained shall in any way interfere with or prejudice any existing right to priority in payment of interest or other security to which any holders of bonds at the date of the said amalgamation constituting the loan capital of the Extension Company are entitled.

3. The said bonds and debenture stock shall respectively be transmissible, transferable, and capable of registration in the same manner and according to the same regulations and provisions as the other bonds and stock of the Company, and the respective holders shall be deemed to be stockholders in the same manner and to the same extent as was, by the fifty-first section of the said secondly recited Act, provided with reference to the holders of all outstanding bonds of the Company theretofore entitled to vote.

4. The said debenture stock shall in all respects not otherwise by this Act provided for, be considered as entitling the holders to the rights and powers of mortgagees of the undertaking of the Company other than the right to require payment of the principal money represented by the debenture stock, unless the Company, according to the terms of the issue of any such stock, shall be bound at any time to repay the principal money represented thereby, in which case the holders shall be entitled to receive payment accordingly.

5. Subject only to the provisions of this Act, and independently of the power hereinbefore conferred, it shall be lawful for the Directors of the Company, and they are hereby authorised to issue, sell or pledge in manner aforesaid additional bonds or debenture stock to an amount not exceeding two hundred thousand pounds sterling, of the kind hereinbefore mentioned to stand *pari passu* with the securities issued under the first section of this Act, for the purpose of extinguishing by exchange, commutation or otherwise, or by paying off by means of the proceeds all or any of the bonds, amounting to one hundred and seventy-seven thousand six hundred pounds sterling, nominal value, and constituting the loan capital of the Extension Company at the date of the said amalgamation.

6. Any proceeds of the bonds or debenture stock hereby authorized to be issued, sold, or pledged, which may remain unapplied after satisfying all the special purposes of this Act, may be applied to the general purposes of the Company properly chargeable to capital account.

7. No part of the Bonds or Debenture Stock hereby authorized shall be issued, sold or pledged without the previous sanction of a resolution or resolutions affirmed by a majority of two-thirds in amount of existing bonds of the Company, (excluding the classes of bonds which at the date of the said amalgamation constituted the loan capital of the

Extension Company,) that may be represented in person or by proxy, at a special meeting to be called in London, England, of which meeting not less than six weeks' special notice shall have been previously given by advertisement in the following papers published in London, that is to say, *The Times*, *The Standard*, *The Observer* and *Herapath's Journal*, and two weeks' notice in the *Canada Gazette*; provided also that at such meeting such resolution or resolutions shall be affirmed by a majority in amount of holders of each of the classes of third preference bonds respectively, that may be represented in person or by proxy; and such resolution or resolutions so affirmed shall be binding upon all the holders of each of the respective ranks or classes of existing bonds; and if such sanction shall not be obtained within twelve calendar months after the passing of this Act, then this Act and everything herein contained, except the clause as to the costs of and relating to this Act, shall forthwith become inoperative, and the Company and the Directors thereof shall have the same powers and rights as to the issue of preferential stock and otherwise as if this Act had not been passed.

8. Not more than one hundred and fifty thousand pounds in amount of the preferential stock created by the said secondly recited Act shall be issued, sold or pledged; but nothing in this Act contained shall prevent or interfere with the issuing, selling or pledging of any part thereof not exceeding one hundred and fifty thousand pounds in amount; provided, however, that the same shall not be issued, sold or pledged unless sanctioned by a majority of the shareholders represented at a meeting specially called for that purpose.

9. So much of the twenty-eighth section of "*The Northern Railway Company Act*, 1875," as excepts from the incorporation therewith sub-section twenty-one of section fourteen of "*The Railway Act*, 1868," shall be and the same is hereby repealed.

10. The fifty-eighth section of "*The Northern Railway Company Act*, 1875," is hereby repealed and the following substituted in lieu thereof:—

"58. The nineteenth, twentieth, twenty-first and twenty-second sections, and the whole of part second of "*The Railway Act*, 1868," and also all Acts amending the same or any parts thereof, shall be incorporated herewith and shall apply to the Company; but the sections and parts of sections included in part first of the said Railway Act, and not herein expressly incorporated, shall be excepted from incorporation herewith, and shall not apply to the Company; and in addition to the powers conferred by the said Act, the Company shall also have power to enter into contracts with the Postmaster General on behalf of the Dominion for the carriage of mails to any district or territory tributary to its Railway."

11. Nothing in this Act contained shall in anywise affect the rank or priority of any claims now held by the Government of Canada against the said Northern Railway Com-

pany of Canada, except in so far and upon such terms and conditions as may be prescribed by resolution of the House of Commons.

12. The costs of and relating to this Act shall be paid out of the funds of the Company.

13. This Act may be cited as "*The Northern Railway Act*, 1877."

No. 62.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act respecting the Northern Railway of Canada.

(*Reprinted as amended by the Committee on Railways, &c.*)

(PRIVATE BILL.)

Mr. MACDONALD,
(Toronto.)

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No 63.] **BILL.** [1877.

An Act to authorize Municipalities to pass by-laws to provide means of escape for persons falling into the water in the vicinity of Wharves and Docks.

Preamble.

WHEREAS the neglect to provide means of escape at wharves, slips and docks, for persons falling into the water in the vicinity thereof is a source of great danger to human life; and it is desirable to authorize municipalities to pass by-laws to provide a remedy: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation.

1. In this Act, and for the purposes thereof, the word "wharf" means any wharf, landing stage, slip or dock at which passengers are usually landed from any sailing or steam vessel or boat.

By-laws for enforcement of this Act.

2. The Municipal Council of every county, city, town, township, parish or incorporated village in Canada, besides the powers at present conferred on it by law, shall have power at any time to pass a by-law for enforcement of this Act, within such county, city, town, township, parish or incorporated village, and in respect of the portion of any navigable water forming the boundary thereof.

What by-law shall contain.

3. Such by-law shall be drawn up and passed in ordinary form, and shall not have embodied therein any other provision than the simple declaration that this Act shall be in force in such county, city, town, township, parish or incorporated village.

To be submitted to the electors.

4. Such by-law shall, as hereinafter provided, be submitted to the municipal electors of the county, city, town, township, parish or incorporated village affected thereby, who shall vote upon the same in the manner provided for taking the votes at municipal elections, save and except that the votes shall be taken and recorded for and against the by-law, and if more than one-half the votes polled are against the by-law, the same shall be held to be not approved and adopted; but if more than one-half the votes polled are in favor of the by-law, then the same shall be held to be approved and adopted.

Council may be required to submit by-law.

5. Any thirty or more duly qualified municipal electors of any city, town, township, parish or incorporated village, the Council whereof has not passed a by-law under authority and for enforcement of this Act, or, after passing, has repealed the same, or wherein such by-law, having been

submitted for approval and adoption to the electors, either has not been approved of and adopted, or, after approval and adoption, has been repealed, may, at any time not being, in the latter case, less than two full years after such vote of non-approval, or, after such repeal, by a requisition signed by them and delivered on their behalf to the Clerk or Secretary-Treasurer of the municipality, require the Municipal Council to submit a by-law to that end for approval and adoption by the electors thereof, and require that a poll be taken to determine whether or not they will adopt the same; and thereupon the Municipal Council shall immediately prepare such by-law and submit the same for adoption and approval, as hereinbefore provided.

By-law to be published.

6. Within thirty days after the passing of such by-law or the preparation thereof, in accordance with a requisition, as provided by the next preceding section (as the case may be), the Clerk or Secretary-Treasurer shall forthwith cause such by-law to be published, for four consecutive weeks, in some newspaper published weekly or oftener, within the municipality, or if there is no such newspaper published in the municipality, then in some newspaper published as near thereto as may be, and also by posting up copies of the same in at least four public places in the municipality, and if the by-law is for a county, then in at least four public places in each municipality in the county, with a notice signed by him signifying that on some day within the week next after such four weeks, at the hour of ten in the forenoon, and at some convenient place (or, if the by-law is for a county, places) named in the notice, a meeting of the municipal electors of the municipality (or, if the by-law is for a county, then for each municipality in the county) will be held for the taking of a poll to decide whether or not the by-law is approved and adopted by such electors; and upon the day so fixed the Municipal Council shall cause a poll to be held for the adoption or rejection of the by-law, in accordance with section four of this Act.

And notice given of voting.

Poll to be held.

When by-law is sanctioned this Act to be in force.

7. Immediately upon such by-law being approved and adopted by the municipal electors, in accordance with the foregoing provisions, this Act shall be and be taken to be in force in the county, city, town, township, parish or incorporated village wherein and in respect of which the same has been so approved and adopted.

By-law may be repealed and how.

8. A by-law so approved and adopted may be repealed by a by-law of the Municipal Council of the municipality affected thereby; but such repealing by-law shall be submitted for approval to the electors, in the manner and with the formalities prescribed by the foregoing provisions, and shall not take effect unless approved by a majority of the electors voting thereon; nor, if any such repealing by-law (upon being submitted to the electors) is not so approved, shall any other repealing by-law be submitted for the like approval within the full term of two years thereafter.

Ladders to be affixed to wharves.

9. It shall be the duty of all corporations and individuals owning, controlling or having the management of any wharf which shall, in manner aforesaid, have been placed under the control of this Act, to cause the same, within six months after the passing and approval and adoption of the by-law for the enforcement of this Act, to be fitted with ladders extending from low water mark to the surface level of such wharf, and to keep such ladders constantly in good repair thereafter.

How such ladders shall be made.

10. The ladders in the next preceding section mentioned shall be well and sufficiently made, and shall be attached to the sides and end of the wharf at distances not more than twentyfeet from each other; Provided always, that the fitting of any wharf with such ladders shall not be compulsory as respects any part thereof, alongside of which the depth at high water does not exceed four feet.

Penalty for contravention.

11. Any corporation or individual owning, controlling or having the management of any wharf to which this Act applies, who violates the provisions thereof, shall be liable to a fine not exceeding *fifty dollars*, recoverable on information before any two of Her Majesty's Justices of the Peace, or before the Mayor or Police Magistrate of any city or town; one moiety of such fine shall be paid to the party laying the information, and the other moiety to the municipality within which the case may arise; and the parties so complained against shall be liable to a further fine of *five dollars* for every week succeeding that in which the complaint is laid, until the necessary changes are made.

No. 63.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to authorize Municipalities to pass by-laws to provide means of escape for persons falling into the water in the vicinity of Wharves and Docks.

Received and read first time, Monday, 5th March, 1877.

Second reading, Thursday, 6th March, 1877.

Mr. COOK

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 64.] **BILL.** [1877.

An Act to amend the Acts relating to the Supreme and Exchequer Courts.

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

1. The second section of the Act passed in the thirty-ninth year of Her Majesty's reign, and intituled: "*An Act to make further provision in regard to the Supreme Court, and the Exchequer Court, of Canada*," is amended by striking out all the words after "given," where it first occurs in the tenth line. Sect. 2 of 39 V. c. 26 amended.

2. The fifth section of the said Act is amended by inserting after the word "neglect," in the seventh line, the words following: "of a witness served within Canada." Section 5 amended.

No. 64.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Acts relating to the Supreme and Exchequer Courts.

Received and read first time, Monday, 5th March, 1877.

Second reading, Tuesday, 6th March, 1877.

Mr. BLAKE.

OTTAWA:
Printed by MacLean, Roger & Co, Wellington Street.
1877

No. 65.] **BILL.** [1877.

An Act to make provision for the Extradition of Fugitive Criminals.

Preamble.

WHEREAS the Parliament of Canada has all the powers proper for making legislative provision for the extradition from Canada of Fugitive Criminals;

And whereas the Parliament and Government of Canada have all the powers proper for performing the obligations of Canada as part of the British Empire towards foreign States, arising under treaties between the Empire and foreign States;

And whereas several extradition arrangements, some of which are referred to in the first Schedule to this Act, have been made between Her Majesty the Queen and foreign States;

And whereas other such arrangements may from time to time be made;

And whereas it is proper to make provision by one Canadian law for the execution of all such arrangements;

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

Definition of terms used.

Extradition arrangement.

1. In this Act, unless the context otherwise requires, the term "extradition arrangement" means a Treaty, Convention or arrangement made by Her Majesty with a foreign State for the surrender of fugitive criminals, and extending to Canada.

Extradition crime.

The term "extradition crime" may mean any crime which, if committed in Canada, or within Canadian jurisdiction, would be one of the crimes described in the second Schedule to this Act, and in the application of this Act to the case of any extradition arrangement means any crime described in such arrangement, whether comprised in the said Schedule or not.

Conviction. Convicted.

The terms "conviction" and "convicted" do not include the case of a condemnation under foreign law by reason of contumacy; but the term "accused person" includes a person so condemned.

Fugitive, fugitive criminals.

The terms "fugitive" and "fugitive criminal" mean a person being, or suspected of being, in Canada, who is accused or convicted of an extradition crime committed within the jurisdiction of any foreign State.

Foreign State

The term "foreign State" includes every colony, dependency and constituent part of the foreign State, and every vessel of any such State shall be deemed to be within the jurisdiction of, and to be part of the State.

Warrant, in case of foreign

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

Judge.

The term "judge" includes any person authorized to act judicially in extradition matters.

Proceedings commenced under former law.

2. Proceedings for or in relation to the surrender of a fugitive criminal of a foreign State, commenced under any other law previously to the time at which this Act shall apply in the case of that State, may be completed, and the fugitive surrendered or discharged, in the same manner as if this Act had not been passed.

Acts repealed

3. The following Acts of the Parliament of Canada—namely, the Act passed in the year of our Lord, one thousand eight hundred and sixty-eight and intituled "*An Act respecting the Treaty between Her Majesty and the United States of America for the apprehension and surrender of certain Offenders;*" and the Act passed in the year of our Lord, one thousand eight hundred and seventy, and intituled "*An Act to amend the Act respecting the Extradition of certain Offenders to the United States of America;*" and the Act passed in the year of our Lord one thousand eight hundred and seventy-three, and intituled "*An Act to make further provision respecting the Extradition of Criminals,*" are, save for the purposes of the second section of this Act, hereby repealed.

31 Vic., c. 94.

33 Vic., c. 25.

36 Vic., c. 127.

As to arrangements existing when this Act comes into force.

4. In the case of any foreign State with which there is at or after the time this Act comes into force, an extradition arrangement, this Act shall apply during the continuance of such arrangement; provided that the operation of the Act of the Parliament of the United Kingdom passed in the year of our Lord one thousand eight hundred and seventy, and intituled "*An Act for amending the law relating to the Extradition of Criminals,*" shall have ceased or been suspended within Canada in the case of that State:

Provided operation of Act of U. K., 1870, has ceased.

This Act to contravene arrangement.

(2.) For the avoidance of doubts, any provisions of this Act which may be deemed to be inconsistent with any term of the arrangement shall not have effect to contravene the arrangement; and this Act shall be so read and construed as to provide for the execution of the arrangement;

When the Act of U. K. is subject to limitation in its application to U. K.

(4.) In the case of any foreign State with respect to which the application to the United Kingdom of the said Act of the Parliament of the United Kingdom is made subject to any limitation, condition, qualification, or exception, the Governor in Council shall make the application of this Act, by virtue of this section, subject to any such limitation, condition, qualification, or exception.

When application of this Act depends on Order in Council.

5. This Act, in so far as its application in the case of any foreign State may depend on or be affected by any Order in Council made under or referred to in this Act, shall apply, or its application shall be affected, after the time specified in the Order, or, if no time be specified, after the date of the publication of the Order in the *Canada Gazette:*

(2.) Any Order of Her Majesty in Council referred to in this Act, and any Order of the Governor in Council made under this Act, and any extradition arrangement not already published in the *Canada Gazette*, shall be, as soon as may be, published in the *Canada Gazette* and laid before both Houses of Parliament ; Publication of Order in Council in U. K. or Canada.

(3.) The publication in the *Canada Gazette* of an extradition arrangement, or an Order in Council, shall be evidence of such arrangement or Order and of the terms thereof, and of the application of this Act pursuant and subject thereto ; and the validity of the Order, and the application of this Act pursuant and subject thereto, shall not be questioned ; Effect of publication in *Canada Gazette*.

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

6. No fugitive shall be liable to surrender under this Act if it appears—(1) that the offence in respect of which proceedings are taken under this Act is one of a political character ; or (2) that such proceedings are being in fact taken with a view to prosecute or punish him for an offence of a political character. No surrender for political offences.

7. Every fugitive criminal of a foreign State, in the case of which State this Act applies, shall be liable to be apprehended, committed, and surrendered in the manner provided in this Act, whether the crime or conviction in respect of which the surrender is sought was committed or took place before or after the date of the arrangement, or of the coming into force of this Act, or of the application of this Act in the case of such State, and whether there is or is not, any criminal jurisdiction in any Court of Her Majesty's Dominions over the fugitive in respect of the crime. Surrender not to depend on time when the offence was committed, &c.

8. All Judges of the Superior Courts and of the County Courts of any Province or Territory of Canada, and all Commissioners who may be from time to time appointed for the purpose in any such Province or Territory by the Governor under the Great Seal of Canada, by virtue of this Act, are authorized to act judicially in extradition matters under this Act within the Province or Territory ; and every such person shall, for the purposes of this Act, have all the powers and jurisdiction of any Judge or Magistrate of the Province or Territory : What judges may act judicially in cases under this Act. Powers.

(2.) Nothing in this section shall be construed to confer on any Judge any jurisdiction in *habeas corpus* matters. No *habeas corpus* power.

9. Depositions or statements taken in a foreign State on oath, or on affirmation, where affirmation is allowed by the law of the State, and copies of such depositions or statements, and foreign certificates of, or judicial documents stating the fact of conviction, may, if duly authenticated, be received in evidence on proceedings under this Act ; Depositions, &c., made in foreign States or copies thereof, when receivable.

How to be authenticated.

(2.) Such papers shall be deemed duly authenticated, if authenticated in manner provided for the time being by law, or if authenticated as follows ;—

If signed or certified.

(*a.*) If the warrant purports to be signed by, or the certificate purports to be certified by, or the depositions or statements or the copies thereof purport to be certified to be the originals or true copies by a Judge, Magistrate or officer of the foreign State ;

Or authenticated on oath.

(*b.*) And if in every case the papers are authenticated by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of the foreign State ; of which seal the Judge shall take judicial notice without proof.

Warrant under this Act, how executed.

10. A warrant issued under this Act may be executed in any part of Canada in the same manner as if it had been originally issued, or subsequently endorsed, by a Justice of the Peace having jurisdiction in the place where it is executed.

On what grounds a warrant may issue.

. Where this Act applies, a Judge may issue his warrant for the apprehension of a fugitive on a foreign warrant of arrest, or an information or complaint laid before him, and on such evidence or after such proceedings as in his opinion would, subject to the provisions of this Act, justify the issue of his warrant if the crime of which the fugitive is accused or alleged to have been convicted, had been committed in Canada :

Report to Minister of Justice.

(2) The Judge shall forthwith send a report of the fact of the issue of the warrant, together with certified copies of the evidence and foreign warrant, information or complaint, to the Minister of Justice.

How fugitive shall be brought before judge.

12. The fugitive shall be brought before a Judge, who shall, subject to the provisions of this Act, hear the case in the same manner, as near as may be, as if the fugitive were brought before him charged with an indictable offence committed in Canada.

How judge shall receive evidence of charge.

(2.) The judge shall receive upon oath, or affirmation where affirmation is allowed by the law of Canada, the evidence of any witness tendered to show the truth of the charge or the fact of the conviction ;

Or that offence is political.

(3.) The Judge shall receive in like manner any evidence tendered to show that the crime of which the fugitive is accused, or alleged to have been convicted, is an offence of a political character, or is for any other reason not an extradition crime ; or that the proceedings are, in fact, being taken with a view to prosecute or punish him for an offence of a political character.

What evidence shall be sufficient to

13. In the case of a fugitive alleged to have been convicted of an extradition crime, if such evidence is produced

as would, according to the law of Canada, subject to the provisions of this Act, prove that he was so convicted; and (2), in the case of a fugitive accused of an extradition crime, if such evidence is produced as would, according to the law of Canada, subject to the provisions of this Act, justify his committal for trial, in case the crime had been committed in Canada, the Judge shall issue his warrant for the committal of the fugitive to the nearest convenient prison, there to remain until surrendered to the foreign State, or discharged according to law; but otherwise the Judge shall order him to be discharged.

justify committal.

Committal to gaol and for what time.

14. If the Judge commits a fugitive to prison, he shall, on such committal—

Judge shall,—

(1.) Inform him that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of *habeas corpus*; and

Give certain information to fugitive,—

(2.) Transmit to the Minister of Justice a certificate of the committal, with a copy of all the evidence taken before him not already so transmitted, and such report upon the case as he may think fit.

And transmit evidence to Minister of Justice.

15. A requisition for the surrender of a fugitive criminal of a foreign State who is, or is suspected of being in Canada, may be made to the Minister of Justice by any person recognized by him as a Consular officer of that State resident at Ottawa; or by any Minister of that State communicating with the Minister of Justice through the diplomatic representative of Her Majesty in that State; or if neither of these modes be convenient, then in such other mode as may be settled by arrangement.

By whom requisition for surrender may be made.

16. In case the Minister of Justice at any time determines —(1.) that the offence in respect of which proceedings are being taken under this Act is one of a political character; or (2) that the proceedings are in fact being taken with a view to try or punish the fugitive for an offence of a political character; or (3) that for any other reason he ought not to be surrendered; or (4) that the foreign State does not intend to make a requisition for surrender; the Minister of Justice may refuse to make an order for surrender, and may by order under his hand and seal cancel any order made by him, or any warrant issued by a Judge under this Act, and order the fugitive to be discharged out of custody on any committal made under this Act; and the fugitive shall be discharged accordingly.

Cases in which Minister of Justice may refuse surrender.

And order discharge.

17. A fugitive shall not be surrendered until after the expiration of fifteen days from the date of his committal for surrender; nor (in case a writ of *habeas corpus* is issued) until after the decision of the Court remanding him:

Surrender not to be made during a certain time.

(2.) A fugitive who has been accused of some offence within Canadian jurisdiction, not being the offence for which his surrender is asked, or who is undergoing sen-

And if fugitive is under going punishment in Canada.

tence under a conviction in Canada, shall not be surrendered until after he has been discharged, whether by acquittal, or by expiration of his sentence, or otherwise.

Minister may order delivery of fugitive to foreign State officers.

18. Subject to the provisions of this Act, the Minister of Justice, upon the requisition of the foreign State, may, under his hand and seal, order a fugitive who has been committed for surrender to be surrendered to the person or persons who may, in his opinion, be duly authorized to receive him in the name and on behalf of the foreign State, and he shall be so surrendered accordingly:

Powers of such officer.

(2.) It shall be lawful for any person to whom such order is directed to deliver, and for the person or persons so authorized to receive, hold in custody, and convey the fugitive within the jurisdiction of the foreign State; and if he escapes out of any custody to which he may be delivered, on or in pursuance of such order, it shall be lawful to retake him in the same manner as any person accused or convicted of any crime against the laws of Canada may be retaken on an escape.

As to property found on fugitive.

19. Everything found in the possession of the fugitive at the time of his arrest, which may be material as evidence in making proof of the crime, may be delivered up with the fugitive on his surrender, subject to all rights of third persons with regard thereto.

Fugitive must be surrendered within a certain time.

20. If a fugitive is not surrendered and conveyed out of Canada within two months after his committal for surrender, or (in case a writ of *habeas corpus* is issued) then within two months after the decision of the Court on such writ, over and above in either case the time required to convey him from the prison to which he has been committed, by the readiest way out of Canada, it shall be lawful for any one or more of the Judges of the Superior Courts of the Province or Territory in which such person is confined, having power to grant a writ of *habeas corpus*, upon application made to him or them by or on behalf of the fugitive, and on proof that reasonable notice of the intention to make such application has been given to the Minister of Justice, to order the fugitive to be discharged out of custody, unless sufficient cause be shown against such discharge.

Or may be released on *habeas corpus*.

Forms in Schedule 3, valid.

21. The forms set forth in the third Schedule to this Act or forms as near thereto as circumstances admit, may be used in the matters to which such forms refer, and, when used, shall be deemed valid.

Requisition for a fugitive from Canada, how made.

22. A requisition for the surrender of a fugitive criminal from Canada, who is or is suspected of being in any foreign State with which there is an extradition arrangement, may be made by the Minister of Justice to a Consular Officer of that State resident at Ottawa, or to the Minister of Justice or any other Minister of that State through the diplomatic representative of Her Majesty in that State; or, if neither of these modes be convenient, then in such other mode as may be settled by arrangement.

23. When any person accused or convicted of an extradition crime is surrendered by a foreign State in pursuance of any arrangement, such person shall not, until after he has been restored, or has had an opportunity of returning to the foreign State within the meaning of the arrangement, be subject in contravention of any term of the arrangement, to any prosecution or punishment in Canada, for any other offence committed prior to his surrender, for which he should not under the arrangement be prosecuted.

Fugitive surrendered by foreign State not liable to punishment in Canada contrary to arrangement.

24. This Act may be cited as "*The Extradition Act*, 1877." Short title.

FIRST SCHEDULE.

Arrangements referred to in the Preamble:—

Treaty between Her Majesty and the United States of America, signed at Washington, 9th August, 1842; ratifications exchanged at London, 13th October, 1842.

Convention between Her Majesty and the King of the French, signed at London, 13th February, 1843; ratifications exchanged at London, 13th March, 1843.

Treaty between Her Majesty and the Emperor of Germany, signed at London, 14th May, 1872; ratifications exchanged at London, 11th June, 1872.

Treaty between Her Majesty and the King of the Belgians, signed at Brussels, 31st July, 1872; ratifications exchanged at Brussels, 9th August, 1872.

Treaty between Her Majesty and the King of Italy, signed at Rome, 5th February, 1873; ratifications exchanged at Rome, 18th March, 1873.

Treaty between Her Majesty and the King of Denmark, signed at Copenhagen, 31st March, 1873; ratifications exchanged at Copenhagen, 26th April, 1873.

Treaty between Her Majesty and the Emperor of Brazil, signed at Rio de Janeiro, 13th November, 1872; ratifications exchanged at Rio de Janeiro, 28th August, 1873.

Treaty between Her Majesty and the King of Sweden and Norway, signed at Stockholm, 26th June, 1873; ratifications exchanged at Stockholm, 28th September, 1873.

Treaty between Her Majesty and the Emperor of Austria, signed at Vienna, 3rd December, 1873; ratifications exchanged at Vienna, 10th March, 1874.

Treaty between Her Majesty and the King of the Netherlands, signed at the Hague, 19th June, 1874; ratifications exchanged at the Hague, 21st July, 1874.

Treaty between Her Majesty and the Swiss Confederation, signed at Berne, 31st March, 1874; ratifications exchanged at Berne, 31st December, 1874.

Treaty between Her Majesty and the President of the Republic of Hayti, signed at Port au Prince, 7th December, 1874; ratifications exchanged at Port au Prince, 2nd September, 1875.

Treaty between Her Majesty and the President of the Republic of Honduras, signed at Guatemala, 6th January, 1874; ratifications exchanged at Guatemala, 12th October, 1875.

SECOND SCHEDULE.

The following list of crimes is to be construed according to the law existing in Canada at the date of the alleged crime, whether by Common Law or by Statute made before or after the passing of this Act, and as including only such crimes, of the descriptions comprised in the list, as are, under that law, indictable offences:—

Murder, or attempt or conspiracy to murder.

Manslaughter.

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

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

Larceny.

Embezzlement.

Obtaining money or goods, or valuable securities by false pretences.

Crimes against Bankruptcy or Insolvency Law.

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

Rape.

Abduction.

Child-stealing.

Kidnapping.

False imprisonment.

Burglary, house-breaking or shop-breaking.

Arson.

Robbery.

Threats by letter or otherwise, with intent to extort.

Perjury or subornation of perjury.

Piracy by municipal law or law of nations, committed on board of or against a vessel of a foreign State.

Criminal scuttling or destroying such a vessel at sea, whether on the high seas or on the great lakes of North America, or attempting or conspiring to do so.

Assault on board such vessel at sea, whether on the high seas or on the great lakes of North America, with intent to destroy life or to do grievous bodily harm.

Revolt or conspiracy to revolt by two or more persons on board such a vessel at sea, whether on the high seas or on the great lakes of North America, against the authority of the master.

Any offence under the Act of Canada, passed in the year of our Lord 1869, intituled "*An Act respecting Larceny and other similar offences*," or any Act amending or substituted for the same, which offence is not included in any foregoing portion of this Schedule.

Any offence under the Act passed in the said year, intituled "*An Act respecting Malicious Injuries to Property*," or any Act amending or substituted for the same, which offence is not included in any foregoing portion of this Schedule.

Any offence under the Act passed in the said year, intituled "*An Act respecting forgery*," or any Act amending or sub-

stituted for the same, which offence is not included in any foregoing portion of this Schedule.

Any offence under the Act passed in the said year, intituled "*An Act respecting Offences relating to the Coin*," or any Act amending or substituted for the same, which offence is not included in any foregoing portion of this Schedule.

Any offence under the Act passed in the said year, intituled "*An Act respecting Offences against the Person*," or any Act amending or substituted for the same, which offence is not included in any foregoing portion of this Schedule.

Any offence, which is in the case of the principal offender included in any foregoing portion of this Schedule, and for which the fugitive criminal, though not the principal, is liable to be tried or punished as if he were the principal.

THIRD SCHEDULE.

Form of Warrant of Apprehension.

To wit:—

To all and each of the Constables of

Whereas it has been shown to the undersigned, a Judge under The Extradition Act, 1877, that late of is accused (or convicted) of the crime of within the jurisdiction of

This is therefore to command you, in Her Majesty's name, forthwith to apprehend the said and to bring him before me, or some other Judge under the said Act to be further dealt with according to law; for which this shall be your warrant.

Given under my hand and seal at this day of A.D.

Form of Warrant of Committal.

To wit:—

To one of the Constables of and to the keeper of the at

Be it remembered that on this day of in in the year of our Lord at , is brought before me a Judge under The Extradition Act, 1877, who has been apprehended under the said Act, to be dealt with according to law; and forasmuch as I have determined that he should be surrendered in pursuance of the said Act, on the ground of his being accused (or convicted) of the crime of within the jurisdiction of

This is therefore to command you, the said constable, in Her Majesty's name, forthwith to convey and deliver the body of the said into the custody of

the keeper of the at and you, the said keeper, to receive the said into your custody, and him there safely to keep until he is thence delivered pursuant to the provisions of the said Act, for which this shall be your warrant.

Given under my hand and seal at this day of A.D.

Form of Order of Minister of Justice for Surrender.

To the keeper of the at and to

Whereas late of accused (or convicted) of the crime of within the jurisdiction of was delivered into the custody of you the keeper of the at by warrant dated pursuant to The Extradition Act, 1877.

Now I do hereby, in pursuance of the said Act, order you the said keeper to deliver the body of the said into the custody of the said ; and I command you, the said to receive the said into your custody, and to convey him within the jurisdiction of the said and there place him in the custody of any person or persons (or of) appointed by the said to receive him: for which this shall be your warrant.

Given under the hand and seal of the undersigned Minister of Justice of Canada, this day of A.D.

No. 65.

4th Session, 3rd Parliament, 40 Victoria,

BILL.

An Act to make provision for the E dition of fugitive Criminals.

Received and read first time, Wednesday March, 1877.

Second reading, Thursday, 8th March,

Mr. BLAK

OTTAWA:

Printed by MacLean, Roger & Co., Wellington S 1877.

No. 66.] **BILL.** [1877.

An Act to repeal certain laws making Breaches of Contracts of Service criminal, and to provide for the punishment of certain Breaches of Contract.

Preamble

WHEREAS breaches of contract, whether of service, or otherwise, are in general civil wrongs only, and not criminal in their nature; and it is just that breaches of contract of service should in general be treated like other breaches of contract, as civil wrongs, and not as crimes; and that the law should be amended accordingly;

And whereas certain wilful and malicious breaches of contract, involving danger to persons or property, or grave public inconvenience, should be punished as crimes: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Repeal of so much of c. 75 Con. Stat. U.C.

And of c. 27 Con. Stat. L.C.

And of Act of P.E.I. 2 W. 4, c, 26.

As makes breach of contract a crime.

1. All those parts of sections four, five, seven, nine, ten and eleven of the Act chapter seventy-five of the Consolidated Statutes for Upper Canada, intituled "*An Act respecting Master and Servant*," and all those parts of sections two, three, five and seven of the Act chaptered twenty-seven, of the Consolidated Statutes for Lower Canada, intituled "*An Act respecting Masters and Servants in the Country Parts*," (as amended by the Act of the Legislature of the late Province of Canada, passed in the session thereof, held in the twenty-ninth and thirtieth years of Her Majesty's reign, chapter thirty-four, and intituled "*An Act to amend chapter twenty-seven of the Consolidated Statutes for Lower Canada, respecting Masters and Servants in the Country Parts*," and all those parts of section three of the Act of the Legislature of the Province of Prince Edward Island, passed in the second year of the reign of His late Majesty, King William the Fourth, chapter twenty-six, and intituled "*An Act for repealing an Act of the thirty-fifth year of the reign of King George the Third, intituled 'An Act for regulating Servants,' and for substituting other provisions in lieu thereof*," which make a violation of any of the provisions of any of the said sections criminal, or subject any person to imprisonment therefor, are hereby repealed

Punishment for breach of contract endangering life, person or property.

2 Whosoever wilfully and maliciously breaks a contract of service, or otherwise, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or to cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious injury; and

In case of gas or water companies.

(2.) Whosoever, being under a contract of service or otherwise, with any municipal corporation or authority, or with any commissioner, company or contractor, bound, agreeing or assuming to supply any city or any other place, or any part thereof, with gas or water, wilfully and maliciously breaks any such contract, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city or place, or part thereof, wholly, or to a great extent, of their supply of gas or water ; and

Or railway companies.

(3.) Whosoever being under a contract of service or otherwise—

(*a.*) With a railway company, bound, agreeing or assuming to carry Her Majesty's mails, or passengers or freight ; or

(*b.*) With Her Majesty, or any one on behalf of Her Majesty, or of the Government, in connection with a Government railway on which Her Majesty's mails, or passengers or freight are carried,

Wilfully and maliciously breaks any such contract, knowing, or having reason to believe, that the probable consequences of his so doing, either alone or in combination with others, will be to delay or prevent the running of any locomotive engine, or freight or passenger train or car on the railway ;—

Punishment.

Shall, on conviction thereof, be liable to be punished by fine not exceeding *one hundred dollars*, or by imprisonment for a term not exceeding three months, with or without hard labor.

Word "maliciously" how construed.

3. The word "maliciously," used in reference to any offence against this Act, shall be construed in the same manner as it is required in the sixty-sixth section of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, chapter twenty-two, intituled "*An Act respecting Malicious Injuries to Property*," to be construed with reference to any offence committed against the last-mentioned Act.

Prosecution to be as under 35 V. c. 31 amended by 39 V. c. 37.

4. All offences against the second section of this Act shall be prosecuted as provided by the Act passed in the thirty-fifth year of Her Majesty's reign, chapter thirty-one, intituled "*An Act to amend the Criminal Law relating to Violence, Threats and Molestation*," as amended by the Act passed in the thirty-ninth year of Her Majesty's reign, chapter thirty-seven, intituled "*An Act to amend the Criminal Law relating to Violence, Threats and Molestation.*"

Not to prevent liability to greater punishment.

5. Nothing in the second section contained shall prevent any person from being liable under any other Act or otherwise, to any other or higher punishment than is provided for any offence by the said section ; so that no person be punished twice for the same offenee.

6. Every such municipal corporation or authority, commissioner, company, contractor, or railway company as is mentioned in the second section, shall cause to be posted up at the gas-works, or water-works, or railway stations, as the case may be, belonging to such authority, company, contractor, or railway company, a printed copy of this Act, in some conspicuous place, where the same may be conveniently read by the public, and as often as such copy becomes defaced, obliterated or destroyed, shall cause it to be renewed with all reasonable despatch ; Municipalities, gas, water or railway companies to post up copies of this Act.

(2.) Any such municipal authority, company, contractor, or railway company, making default in complying with the provisions of this section, in relation to such copy as aforesaid, shall be liable, on summary conviction, to a penalty not exceeding *twenty dollars*, for every day during which such default continues ; and any person unlawfully injuring, defacing, or covering up any such copy so posted up, as aforesaid, shall be liable, on summary conviction, to a penalty not exceeding *ten dollars*. Penalty for default.

7. This Act may be cited as "*The Breaches of Contract Act*, 1877." Short title.

No. 66.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to repeal certain laws making Breaches of Contracts of Service criminal, and to provide for the punishment of certain Breaches of Contract.

Received and read first time, Wednesday, 7th March, 1877.

Second reading, Thursday, 8th March, 1877.

Mr. BLAKE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street
1877.

No. 66.] **BILL.** [1877.

An Act to repeal certain laws making Breaches of Contracts of Service criminal, and to provide for the punishment of certain Breaches of Contract.

(*As amended in Committee of the Whole.*)

WHEREAS breaches of contract, whether of service, or otherwise, are in general civil wrongs only, and not criminal in their nature; and it is just that breaches of contract of service should in general be treated like other breaches of contract, as civil wrongs, and not as crimes; and that the law should be amended accordingly;

And whereas certain wilful and malicious breaches of contract, involving danger to persons or property, or grave public inconvenience, should be punished as crimes: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. All those parts of sections four, five, seven, nine, ten and eleven of the Act chapter seventy-five of the Consolidated Statutes for Upper Canada, intituled "*An Act respecting Master and Servant*," and all those parts of sections five and seven of the Act chapter twenty-seven, of the Consolidated Statutes for Lower Canada, intituled "*An Act respecting Masters and Servants in the Country Parts*," (as amended by the Act of the Legislature of the late Province of Canada, twenty-nine and thirty Victoria, chapter thirty-four, and intituled "*An Act to amend chapter twenty-seven of the Consolidated Statutes for Lower Canada, respecting Masters and Servants in the Country Parts*," and all those parts of section three of the Act of the Legislature of the Province of Prince Edward Island, two William the Fourth, chapter twenty-six, and intituled "*An Act for repealing an Act of the thirty-fifth year of the reign of King George the Third, intituled 'An Act for regulating Servants,' and for substituting other provisions in lieu thereof*," which make a violation of any of the provisions of any of the said sections criminal, shall be and stand repealed from and after the first day of May in Anno Domini one thousand eight hundred and seventy-eight.

(2). All those parts of sections two and three of the said chapter twenty-seven of the Consolidated Statutes of Lower Canada, as amended as aforesaid, which make a violation of any of the provisions of either of the said sections criminal,

and which sections have been repealed by the act of the Legislature of Quebec, thirty-three Victoria, chapter twenty, entituled "*An Act further to amend chapter twenty-seven of the Consolidated Statutes for Lower Canada respecting Masters and Servants in country parts*" are hereby repealed.

2. Any person who wilfully and maliciously breaks any contract made by him, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or to cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious injury ; and

(2.) Any person who, being under any contract made by him with any municipal corporation, or authority or with any company bound, agreeing or assuming to supply any city or any other place, or any part thereof, with gas or water, wilfully and maliciously breaks such contract, knowing or having reasonable cause to believe, that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city or place, or part thereof, wholly, or to a great extent of their supply of gas or water ; and

(3.) Any person who, being under any contract made by him—

(*a.*) With a railway company, bound, agreeing or assuming to carry Her Majesty's mails, or passengers or freight ; or

(*b.*) With Her Majesty, or any one on behalf of Her Majesty, or of the Government, in connection with a Government railway on which Her Majesty's mails, or passengers or freight are carried,

Wilfully and maliciously breaks such contract, knowing, or having reason to believe, that the probable consequences of his so doing, either alone or in combination with others, will be to delay or prevent the running of any locomotive engine, or tender, or freight or passenger train or car on the railway ;—

Shall, on conviction thereof, be liable to be punished by fine not exceeding *one hundred dollars*, or by imprisonment for a term not exceeding three months, with or without hard labor.

3. Any municipal corporation or authority or any company, which, being bound, agreeing or assuming to supply any city, or any other place, or any part thereof, with gas or water, wilfully and maliciously breaks any contract made by such municipal corporation, authority, or company, knowing or having reason to believe that the probable consequences of its so doing will be to deprive the inhabitants of that city or place thereof, wholly or to a great extent, of their supply of gas and water ; and

(2). Any railway company which, being bound, agreeing or assuming to carry Her Majesty's mails or passengers or freight, wilfully and maliciously breaks any contract made by such railway company, knowing or having reason to believe that the probable consequences of its so doing will be to delay or prevent the running of any locomotive engine or tender or freight or passenger train or car on the railway, shall be liable to a penalty not exceeding *one hundred dollars.*

4. The word "maliciously," used in reference to any offence against this Act, shall be construed in the same manner as it is required in the sixty-sixth section of the Act thirty-two and thirty-three Victoria, chapter twenty-two, intituled "*An Act respecting Malicious Injuries to Property,*" to be construed with reference to any offence committed against the last-mentioned Act.

5. All offences against the second section of this Act shall be prosecuted as provided by the Act thirty-five Victoria, chapter thirty-one, intituled "*An Act to amend the Criminal Law relating to Violence, Threats and Molestation,*" as amended by the Act thirty-nine Victoria, chapter thirty-seven, intituled "*An Act to amend the Criminal Law relating to Violence, Threats and Molestation.*"

6. Nothing in this Act contained shall prevent any person from being liable under any other Act, or otherwise, to any other or greater punishment than is provided for any offence by this Act; so, however, that no person be punished twice for the same offence.

7. Every municipal corporation, authority, or company mentioned in the second section, shall cause to be posted up at the gas-works, or water-works, or railway stations, as the case may be, belonging to such corporation, authority, or company, a printed copy of this Act, in some conspicuous place, where the same may be conveniently read by the public, and as often as such copy becomes defaced, obliterated or destroyed, shall cause it to be renewed with all reasonable despatch;

(2.) Any such municipal corporation, authority, or company, making default in complying with the provisions of this section, in relation to such copy as aforesaid, shall be liable to a penalty not exceeding *twenty dollars*, for every day during which such default continues; and any person unlawfully injuring, defacing, or covering up any such copy so posted up, as aforesaid, shall be liable, on summary conviction, to a penalty not exceeding *ten dollars.*

8. This Act may be cited as "*The Breaches of Contract Act,* 1877."

No. 66.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to repeal certain laws making Breaches of Contracts of Service criminal, and to provide for the punishment of certain Breaches of Contract.

[*As amended in Committee of the Whole.*]

Received and read first time, Wednesday, 7th March, 1877.

Second reading, Thursday, 8th March, 1877.

Mr. BLAKE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 67.] BILL. [1877.

An Act to amend the law respecting the Incorporation of Joint Stock Companies by Letters Patent.

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 Canada Joint Stock Companies' Act, 1877." Short title.

2. The following expressions in this Act, and in all letters patent and supplementary letters patent issued under the same, shall have the meaning hereby assigned to them respectively, unless there is something in the subject or context repugnant to such construction, that is to say: Interpretation of the words:—

1. The expression "the Company," means the Company so incorporated by letters patent; Company.

2. The expression "the undertaking" means the business of every kind which the Company is authorized to carry on; Undertaking.

3. The expression "Loan Company" means a Company chartered for any of the purposes to which the powers of Loan Companies extend, as hereinafter provided; Loan Company.

4. The expression "real estate," or "land," includes messuages, lands, tenements and hereditaments of any tenure, and all immoveable property of every kind; Real estate.

5. The expression "shareholder" means every subscriber to or holder of stock in the Company, and includes the personal representatives of the shareholder. Shareholder.

6. The word "Manager" includes the Cashier, and Secretary. Manager.

3. The Governor in Council may, by letters patent under the great seal, grant a charter to any number of persons, not less than *five*, who shall petition therefor, constituting such persons, and others who may become shareholders in the Company thereby created, a body corporate and politic, for any of the purposes or objects to which the Legislative authority of the Parliament of Canada extends, except the construction and working of Railways, or the business of Banking and the issue of paper money, or Insurance. Companies formed for certain purposes may be incorporated by letters patent. Exception.

Notice to be given in the Canada Gazette, and what it shall contain.

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 :

Name.

1. The proposed corporate name of the Company, which shall not be that of any other known company, incorporated or unincorporated, or any name liable to be confounded therewith, or otherwise on public grounds objectionable;

Purposes.

2. The purposes within the purview of this Act, for which its incorporation is sought ;

Place.

3. The place within the Dominion of Canada, which is to be its chief place of business ;

Capital.

4. The intended amount of its capital stock ; which, in the case of a Loan Company, shall in no case be less than *one hundred thousand dollars ;*

Shares.

5. The number of shares and amount of each share ;

Names, &c., of applicants.

6. 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 *fifteen* of their number, who are to be the first or Provisional Directors of the Company, and the major part of whom must be resident in Canada.

Petition for letters patent.

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 ;

What it shall contain.

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 Company ;

A certain amount of stock must be taken.

3. The aggregate of the stock so taken must be at least the one-half of the total amount of the stock of the Company ;

And a certain amount paid up thereon.

4. The aggregate so paid in thereon must, if the Company be not a Loan Company, be at least ten per cent. thereof: if the Company be a Loan Company the aggregate so paid in thereon must be at least ten per cent. thereof, and must not be less than *one hundred thousand dollars.*

Disposal of amount paid up.

5. Such aggregate must have been paid in to the credit of the Company, or of trustees therefor, and must be standing at such credit in some chartered bank or banks in Canada, unless the object of the Company is one requiring that it should own real estate, in which case any part not more than one-half of such aggregate may be taken as being paid in, if *bona fide* invested in real estate suitable to such object, duly held by trustees for the Company, and being of the required value over and above all incumbrances thereon ;

Certain provisions may be inserted in patent.

6. The petition may ask for the embodying in the letters patent of any provision which under this Act, might be made by by-law of the Company incorporated, and such provision so embodied shall not, unless provision to the contrary be made in the letters patent, be subject to repeal or alteration by by-law.

Preliminary conditions to be established

Proof of facts.

6. Before the letters patent are issued, the applicants must establish to the satisfaction of the Secretary of State, or of such other officer as may be charged by order of the Governor-General in Council to report thereon, the sufficiency of their notice and petition, and the truth and sufficiency of the facts therein set forth, and that the proposed name is not the name of any other known incorporated or unincorporated Company; And to that end, the Secretary of State, or such other officer, may take and keep of record any requisite evidence in writing, by solemn declaration, under the Act 37 Vict. (1874), chapter 37, intituled: "*An Act for the Suppression of Voluntary and Extra-Judicial Oaths*," or by oath or affirmation, and may receive and administer every requisite solemn declaration, oath or affirmation.

Facts to be recited in letters patent.

7. The letters patent shall recite all the material averments of the notice and petition, as so established.

Notice of issuing letters patent.

8. Notice of the granting of the letters patent shall be forthwith given by the Secretary of State, in the *Canada Gazette*, in the form of the Schedule A, appended to this Act; and thereupon, from the date of the letters patent, the persons therein named, and their successors, shall be a body corporate and politic by the name mentioned therein.

General corporate powers of such companies.

9. Subject to the special provisions herein contained respecting Loan Companies, every Company so incorporated may acquire, hold, alienate and convey any real estate, requisite for the carrying on of the undertaking of such Company, and shall forthwith become and be invested with all property and rights, real and personal, theretofore held by or for it under any trust created with a view to its incorporation, and with all the powers, privileges and immunities requisite or incidental to the carrying on of its undertaking, as if it were incorporated by a special Act of Parliament, embodying the provisions of this Act and of the letters patent.

Governor may change name by supplementary patent.

10. In case it should be made to appear, to the satisfaction of the Governor in Council, that the name of any Company (whether given by the original or by supplementary letters patent) incorporated under the provisions of this Act, is the same as the name of an existing incorporated or unincorporated Company, or so similar thereto as to be liable to be confounded therewith, it shall be lawful for the Governor in Council to direct the issue of supplementary letters patent, reciting the former letters and changing the name of the Company to some other name to be set forth in the supplementary letters patent.

Company may obtain change of name.

11. When a Company incorporated under the provisions of this Act is desirous of adopting another name, the Governor in Council, upon being satisfied that the change desired is not for any improper purpose, may direct the issue of supplementary letters patent reciting the former letters and changing the name of the Company to some other name, to be set forth in the supplementary letters patent.

Change not to affect rights or obligations.

12. No alteration of its name under the two last preceding sections shall affect the rights or obligations of the Company, and all proceedings may be continued and commenced by or against the Company by its new name that might have been continued or commenced by or against the Company by its former name.

Company may authorize Directors to apply for extension of powers.

13. The Company may, from time to time, by a resolution passed by a vote of at least two-thirds in value of the total shareholders of the Company, at a special general meeting called for the purpose, authorize the Directors to apply for supplementary letters patent extending the powers of the Company to such other purposes or objects within the purview of this Act, as may be defined in the resolution.

Application by Directors.

14. The Directors may, at any time within six months after the passing of any such resolution, petition the Governor, through the Secretary of State of Canada, for the issue of such supplementary letters patent.

Notice in *Gazette*.

2. The applicants for such supplementary 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 the purposes or objects to which it is desired to extend the powers of the Company.

Proof to be furnished to Secretary of State.

15. Before such supplementary letters patent are issued, the applicants must establish to the satisfaction of the Secretary of State or of such other officer as may be charged by order of the Governor in Council to report thereon, the due passing of the resolution authorizing the application and the sufficiency of their notice and petition, and to that end the Secretary of State or such other officer, may take and keep of record any requisite evidence, in writing, by solemn declaration under the Act 37 Vict., (1874) cap. 37, above mentioned, or by oath or affirmation, and may receive and administer every requisite, solemn declaration, oath or affirmation.

Grant of supplementary patent.

16. Upon due proof so made, the Governor in Council may grant such supplementary letters patent under the great seal, extending the powers of the Company to all or any of the objects defined in the resolution, and notice thereof shall be forthwith given by the Secretary of State,

Notice in *Gazette*.

in the *Canada Gazette*, in the form Schedule C, appended to this Act, and thereupon, from the date of the supplementary letters patent, the undertaking of the Company shall extend to and include the other purposes or objects set out in the supplementary letters patent as fully as if such other pur-

poses or objects were mentioned in the original letters patent.

By-law for increase or decrease of number of Directors.

17. The Company may by by-law increase to not more than fifteen, or decrease to not less than three, the number of its Directors, or may change the Company's chief place of business in Canada; provided that no by-law for either of the said purposes shall be valid or acted upon unless it be sanctioned by a vote of not less than two-thirds in value of the shareholders present, in person or by proxy, at a general meeting duly called for considering the by-law, nor until a copy of such by-law, certified under the seal of the Company, has been deposited with the Secretary of State, and has also been published in the *Canada Gazette*.

When to be valid.

Subdivision of shares.

18. The Directors of the Company at any time may make a by-law subdividing the existing shares into shares of a smaller amount.

Increase of capital.

19. The Directors of the Company, at any time after the whole capital stock of the Company shall have been taken up and fifty per cent. thereon paid in, but not sooner, may make a by-law for increasing the capital stock of the Company to any amount which they may consider requisite in order to the due carrying out of the objects of the Company:

By-law for that purpose.

1. Such by-law shall declare the number of the shares of the new stock; and may prescribe the manner in which the same shall be allotted; and in default of its so doing, the control of such allotment shall be held to vest absolutely in the Directors.

Reduction of capital.

20. The Directors of the Company, at any time, may make a by-law for decreasing the capital stock of the Company to any amount which they may consider sufficient in order to the due carrying out of the undertaking of the Company, and advisable: Provided that the capital stock of a Loan Company shall never be decreased to less than one hundred thousand dollars.

By-law for that purpose.

2. Such by-law shall declare the number and value of the shares of the stock as so decreased, and the allotment thereof, or the rule or rules by which the same shall be made.

Such by-law to be approved by shareholders and confirmed by supplementary letters patent.

21. But no by-law for increasing or decreasing the capital stock of the Company, or subdividing the shares, shall have any force or effect whatever, until after it shall have been sanctioned by a vote of not less than two-thirds in value of the shareholders, at a general meeting of the Company duly called for considering the same, and afterwards confirmed by supplementary letters patent.

Liability to creditors not affected.

2. The liability of shareholders to persons who were, at the time of the reduction of the capital, creditors of the Company, shall remain as though the capital had not been decreased.

Petition for supplementary letters patent to confirm by-law.

22. At any time not more than six months after such sanction of such by-law, the Directors may petition the Governor, through the Secretary of State, for the issue of supplementary letters patent to confirm the same:

By-law, &c., to be produced with petition.

2. With such petition they must produce a copy of such by-law, under the seal of the Company, and signed by the President, Vice-President or Secretary, and establish to the satisfaction of the Secretary of State, or of such other officer as may be charged, by order of the Governor in Council, to report thereon,—the due passage and sanction of such by-law, and the *bonâ fide* character and expediency of the increase or decrease of capital or subdivision of shares thereby provided for;

Evidence may be taken and kept by Secretary of State.

3. And to that end the Secretary of State, or such officer, may take and keep of record any requisite evidence in writing by solemn declaration, as above mentioned, oath or affirmation, and may receive and administer every requisite solemn declaration, oath or affirmation.

Granting of supplementary letters patent; —notice;— effect of such letters patent

23. Upon due proof so made, the Governor in Council may grant such supplementary letters patent under the great seal; and notice thereof shall be forthwith given by the Secretary of State in the *Canada Gazette*, in the form of Schedule B, appended to this Act; and thereupon, from the date of the supplementary letters patent, the capital stock of the Company shall be and remain increased or decreased, and the shares shall be subdivided, as the case may be, to the amount, in the manner and subject to the conditions set forth by such by-law; and the whole of the stock, as so increased or decreased, shall become subject to the provisions of this Act, in like manner (so far as may be) as though every part thereof had been or formed part of the stock of the Company originally subscribed.

Powers given to the company to be subject to this Act.

24. All powers given to the Company by the letters patent or supplementary letters patent shall be exercised, subject to the provisions and restrictions contained in this Act.

Board of Directors.

25. The affairs of the Company shall be managed by a Board of not less than *three* nor more than *fifteen* Directors.

Provisional Directors.

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

Qualifications of after Directors.

27. No person shall be elected or appointed as a Director thereafter, unless he is a shareholder, owning stock absolutely in his own right, and to the amount required by the by-laws of the Company, if any such amount be thereby required, and not in arrear in respect of any call thereon; and the major part of the Directors of the Company shall, at all times, be persons resident in Canada.

Election of Directors.

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

Mode and times of Election, unless other.

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

Yearly.

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

Notice.

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

Votes.

Proxies.

3. At all general meetings of the Company, each shareholder shall be entitled to give one vote for each share then held by him. Such votes may be given in person or by proxy, the holder of any such proxy being himself a shareholder. But no shareholder shall be entitled, either in person or by proxy, to vote at any meeting unless he shall have paid all the calls upon all the shares held by him. All questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the Chairman presiding at such meeting having the casting vote in case of an equality of votes.

Majority.

Ballot.

4. Elections of Directors shall be by ballot;

Vacancies.

5. Vacancies occurring in the Board of Directors may be filled for the unexpired remainder of the term, by the Board, from among the qualified shareholders of the Company;

President and Vice-President.

Officers.

6. The Directors shall, from time to time, elect from among themselves a President and, if they see fit, a Vice-President of the Company; and may also name all other officers thereof.

Failure to elect Directors, how remedied.

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

Powers and duties of Directors.

31. The Directors of the Company shall have full power in all things to administer the affairs of the Company, and to make or cause to be made for the Company, any description of contract which the Company may by law enter into; and may, from time to time, make by-laws not contrary to law, nor to the letters patent of the Company, nor to this Act, to regulate the allotment of stock, the making of calls

thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the number of the Directors, their term of service, the amount of their stock qualification, the appointment, functions, duties and removal of all agents, officers, and servants of the Company, the security to be given by them to the Company, their remuneration and that (if any) of the Directors, the time at which, and place where the annual meetings of the Company shall be held, the calling of meetings, regular and special, of the Board of Directors and of the Company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the Company; and may, from time to time, repeal, amend or re-enact the same; but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Company, duly called for that purpose, shall only have force until the next annual meeting of the Company, and in default of confirmation thereat, shall, at and from that time only, cease to have force; Provided always, that one-fourth part in value of the shareholders of the Company shall at all times have the right to call a special meeting thereof for the transaction of any business specified in such written requisition and notice as they may issue to that effect: Provided also, that no by-law for the allotment or sale of stock at any greater discount or at any less premium than what has been previously authorized at a general meeting, or for the payment of the President or any Director shall be valid or acted upon until the same has been confirmed at a general meeting.

Proviso: Special general meetings.

Proviso: Confirmation of by-laws for sale of stock below par.

Evidence of by-laws.

32. A copy of any by-law of the Company, under their seal, and purporting to be signed by any officer of the company, shall be received as against any shareholder of the Company as *primâ facie* evidence of such by-law in all Courts in Canada.

Stock deemed personal estate.

33. The stock of the Company shall be deemed personal estate, and shall be transmissible as such and shall be transferable, in such manner only, and subject to all such conditions and restrictions as by this Act or by the letters patent or by-laws of the Company, are or shall be prescribed.

Allotment of stock.

34. If the letters patent, or the supplementary letters patent, make no other definite provision, the stock of the Company, or any increased amount thereof, so far as it is not allotted thereby, shall be allotted when and as the Directors, by by-law or otherwise, may ordain.

35. The Directors may reserve the issue of any portion of the shares constituting the capital of the Company, not allotted at the time of the issue of the letters patent or supplementary letters patent, until such further time as

they shall think expedient, and may issue any portion of them from time to time, as and when they shall think proper.

Reference book to be kept and what to contain.

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

Copy of letters patent, by-laws, &c.

1. A copy of the letters patent incorporating the Company, and of any supplementary letters patent, and of all by-laws thereof;

Names of shareholders.

2. The names, alphabetically arranged, of all persons who are or have been shareholders;

Address.

3. The address and calling of every such person, while such shareholder;

Number of shares.

4. The number of shares of stock held by each shareholder;

Amounts paid, &c.

5. The amounts paid in and remaining unpaid, respectively, on the stock of each shareholder;

Names, &c., of Directors.

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

Register of transfers.

7. A book called the Register of Transfers shall be provided, and in such book shall be entered the particulars of every transfer of shares in the capital of the Company.

Books to be open for inspection taking extracts therefrom.

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

Neglect to keep books open.

38. Every Company neglecting to keep such book or books open for inspection, as aforesaid, shall forfeit its corporate rights.

Books to be *primâ facie* evidence.

39. Such books shall be *primâ facie* evidence of all facts purporting to be thereby stated, in any suit or proceeding against the Company or against any shareholder.

Penalty for false entries.

40. Every Director, officer or servant of the Company, who knowingly makes or assists to make any untrue entry in any such book, or who refuses or wilfully neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, is guilty of a misdemeanor, and shall also be liable in damages for all loss or injury which any person interested may have sustained thereby

Transfer of shares valid only after entry.

41. No transfer of shares, unless made by sale under execution, or under the decree, order or judgment of some competent Court on that behalf, shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferor to the Company and their creditors,—until the entry thereof has been duly made in such book as aforesaid.

Liabilities of Directors as regards transfers of shares in certain cases.

42. No transfer of shares whereof the whole amount has not been paid in shall be made without the consent of the Directors, and whenever any transfer of shares not fully paid in has been made with such consent, to a person being apparently of insufficient means to fully pay up such shares, the Directors, jointly and severally, shall be liable to the creditors of the Company, in the same manner and to the same extent as the transferring shareholder, but for such transfer, would have been; but if any Director present when any such transfer is allowed, do forthwith, or if any Director then absent, do within twenty-four hours after he shall have become aware thereof and able so to do, enter on the minute book of the Board of Directors his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to, the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

Restriction as to transfer

43. No share shall be transferable until all previous calls thereon have been fully paid in.

As to transfer by debtor to Company.

44. The Directors may decline to register any transfer of shares belonging to any member who is indebted to the Company.

Transfer by personal representative.

45. Any transfer of the share or other interest of a deceased member, made by his personal representative, shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of his execution of the instrument of transfer.

Liability of shareholders.

46. Each shareholder, until the whole amount of his shares has been paid up, shall be individually liable to the creditors of the Company to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor, before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution, up to the amount not paid up on his shares, as aforesaid, shall be the amount recoverable, with costs, against such shareholder, and any amount so recoverable, being paid by the shareholder, shall be taken as paid on his shares.

Limited to amount unpaid on stock.

47. The shareholders of the Company shall not as such be held responsible for any act, default, or liability whatsoever

of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount unpaid on their respective shares in the capital stock thereof, subject to the provisions of the next preceding section.

Trustees, &c., not personally liable.

48. No person holding stock in the Company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a shareholder; but the estates and funds in the hands of such person, shall be liable in like manner, and to the same extent, as the testator, or intestate, or the minor, ward or interdicted person, or the person interested in such trust fund, would be, if living and competent to act and holding such stock in his own name; and no person holding such stock as collateral security, shall be personally subject to such liability; but the person pledging such stock shall be considered as holding the same and shall be liable as a shareholder accordingly.

But entitled to vote.

49. Every such executor, administrator, curator, guardian or trustee, shall represent the stock in his hands, at all meetings of the Company, and may vote accordingly as a shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder.

Company not to be liable in respect of trusts, &c.

50. The Company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, in respect of any share; and the receipt of the shareholder in whose name the same may stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Calling in of moneys unpaid on shares.

51. The Directors may, from time to time, make such calls upon the members in respect of all moneys unpaid upon their respective shares, as they shall think fit, at such times and places and in such payments or instalments as the letters patent, or this Act, or the by-laws of the Company may require or allow.

Interest on calls overdue.

52. A call shall be deemed to have been made at the time when the resolution of the Directors authorizing such call was passed; and if a shareholder fails to pay any call due from him, before or on the day appointed for the payment thereof, he shall be liable to pay interest for the same, at the rate of *six per cent* per annum, from the day appointed for payment to the time of actual payment thereof.

Payment in advance on shares.

Interest allowed.

53. The Directors may, if they think fit, receive from any member willing to advance the same, all, or any part of the amounts due on the shares held by such member, beyond the sums then actually called for; and upon the moneys so paid in advance, or so much thereof as shall from time to

time exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate, not exceeding *eight* per cent. per annum, as the member paying such sum in advance and the Directors shall agree upon.

Calls to a certain amount annually.

54. Not less than ten per centum upon the allotted stock of the Company, or so much less as shall be then unpaid, shall, by means of one or more calls, be called in and made payable within one year from the incorporation of the Company, and the residue shall be payable when and as any by-law of the Company may direct.

Forfeiture of shares or non-payment of calls.

55. If, after such demand or notice as by the letters patent or by-laws of the Company may be prescribed, any call made upon any share or shares be not paid within such time as by such letters patent or by-laws may be limited in that behalf, the Directors, in their discretion, by vote to that effect duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the Company and may be disposed of as by the by-laws of the Company, or otherwise, they may ordain; but, notwithstanding such forfeiture, the holder of such shares at the time of forfeiture shall continue liable to the then creditors of the Company for the full amount unpaid on such shares at the time of forfeiture, less any sums which may have been subsequently received by the Company in respect thereof.

Proviso: Liability of holders continued.

Enforcement of payment by calls by action.

56. The Company may, if they see fit, instead of forfeiture of any share or shares, enforce payment of all calls and interest thereon, by action in any competent Court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the Company under this Act; and a certificate under their seal, and purporting to be signed by any officer of the Company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received as against the defendant in all Courts as *primâ facie* evidence to that effect.

Directors indemnified in suits, &c., against the Company.

57. Every Director of the Company, and his heirs, executors and administrators and estate and effects respectively may, with the consent of the Company given at any general meeting thereof, from time to time, and at all times, be indemnified and saved harmless out of the funds of the Company, from and against all costs, charges and expenses whatsoever which he shall or may sustain or incur in or about any action, suit or proceeding which shall be brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office; and also from

and against all other costs, charges and expenses which he shall sustain or incur, in or about, or in relation to the affairs thereof, except such costs, charges or expenses as shall be occasioned by his own wilful neglect or default.

Except by their own neglect or default.

58. The Company shall not make any dividend whereby their capital will be in any degree reduced

Dividends not to impair capital.

59. The Directors may deduct from the dividends payable to any member all such sums of money as may be due from him to the Company, on account of calls or otherwise.

Debts to Company may be deducted from.

60. The Company shall at all times have an office in the city or town in which their chief place of business shall be, which shall be the legal domicile of the Company in Canada, and notice of the situation of that office and of any change therein shall be advertized in the *Canada Gazette*, and they may establish such other offices and agencies elsewhere in the Dominion of Canada, as they may deem expedient.

Officers and agencies of the Company in Canada.

61. Any summons, notice, order, or other process or document required to be served upon the Company, may be served by leaving the same at the said office in the city or town in which their chief place of business may be, with any grown person in the employ of the Company, or on the President or Secretary of the Company, or by leaving the same at the domicile of either of them or with any grown person of his family or in his employ ; or if the Company have no known office or chief place of business, and have no known President or Secretary, then the Court may order such publication as it may deem requisite, to be made in the premises ; and such publication shall be held to be due service upon the Company.

Service of process on Company.

62. Any summons, notice, order or proceeding requiring authentication by the Company may be signed by any Director, manager, or other authorized officer of the Company, and need not be under the common seal of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

Use of common seal dispensed with in certain cases.

63. Notices requiring to be served by the Company upon the members, may be served either personally or by sending them through the post, in prepaid letters, addressed to the members at their places of abode as appearing on the books of the Company.

Service of notices upon members.

64. A notice or other document served by post by the Company on a member, shall be taken as served at the time when the letter containing it would be delivered in the ordinary course of post ; to prove the fact and time of service it shall be sufficient to prove that such letter was properly addressed, and was put into the post office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of post.

Service of notice by post.

Acts of Company's attorney valid.

65. Every deed which any person lawfully empowered in that behalf by the Company as their attorney signs on behalf of the Company, and seals with his seal, shall be binding on the Company and have the same effect as if it was under the common seal of the Company.

Contracts, &c., when to be binding on Company.

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

Proviso.

Liability of Directors declaring a dividend when Company is insolvents, &c.

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

How Directors may avoid liability.

No loan by Company to shareholders.

68. Except only in the case of a Loan Company, no loan shall be made by the Company to any shareholder, and if such be made, all Directors and other officers of the Company making the same, or in anywise assenting thereto, shall be jointly and severally liable to the amount of such loan, with interest, to the Company, and also to the creditors of the Company for all debts of the Company contracted from the time of the making of such loan to that of the repayment thereof.

Liability of Directors for wages.

69. The Directors of the Company shall be jointly and severally liable to the clerks, laborers, servants and appren-

tices thereof, for all debts not exceeding one year's wages due for service performed for the Company whilst they are such Directors respectively; but no Director shall be liable to an action therefor, unless the Company has been sued therefor within one year after the debt became due, nor yet unless such Director is sued therefor within one year from the time when he ceased to be such Director, nor yet before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the Directors.

Actions between Company and shareholders.

70. Any description of action may be prosecuted and maintained between the Company and any shareholder thereof; and no shareholder shall, by reason of being a shareholder, be incompetent as a witness therein.

Mode of incorporation, &c., how to be set forth in legal proceedings.

71. In any action or other legal proceeding, it shall not be requisite to set forth the mode of incorporation of the Company, otherwise than by mention of it under its corporate name, as incorporated by virtue of letters patent—or of letters patent and supplementary letters patent, as the case may be,—under this Act; and the notice in the *Canada Gazette*, of the issue of such letters patent or supplementary letters patent, shall be *primâ facie* proof of all things thereby declared; and on production of the letters patent or supplementary letters patent themselves, or of any exemplification or copy thereof under the great seal, the fact of such notice shall be presumed; and, save only in any proceeding by *scire facias* or otherwise for direct impeachment thereof, the letters patent or supplementary letters patent themselves, or any exemplification or copy thereof under the great seal, shall be conclusive proof of every matter and thing therein set forth.

Forfeiture of charter for non-user.

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

Future legislation.

73. The Company shall be subject to such further and other provisions as Parliament may hereafter deem expedient.

Fees on letters patent, &c., to be fixed by Governor in Council.

74. The Governor in Council may, from time to time, establish, alter and regulate the tariff of the fees to be paid on application for letters patent and supplementary letters patent under this Act, may designate the department or departments through which the issue thereof shall take place, and may prescribe the forms of proceeding and record in respect thereof, and all other matters requisite for carrying out the object of this Act:

Amount of fees may be varied.

2. Such fees may be made to vary in amount, under any rule or rules,—as to nature of Company, amount of capital, and otherwise,—that may be deemed expedient;

Must be paid before action taken.

3. No step shall be taken in any department towards the issue of any letters patent or supplementary letters patent under this Act, until after the amount of all fees therefor shall have been duly paid.

Winding up Acts to apply.

75. The Company shall be subject to the provisions of any Act for the winding up of Joint Stock Companies, and to the provisions of the Insolvent Act of 1875, and the amendments thereto, relating to incorporated companies.

Proofs may be by declaration or affidavit.

76. Proof of any matter which may be necessary to be made under this Act may be made by solemn declaration under the Act 37 Vict., (1874) cap. 37, or by affidavit before any Justice of the Peace, or any Commissioner for taking affidavits, to be used in any of the Courts in any of the Provinces of the Dominion, or any Notary Public, who are hereby authorized and empowered to administer and receive declarations for that purpose.

Certain informalities not to invalidate letters patent.

77. The provisions of this Act relating to matters preliminary to the issue of the letters patent or supplementary letters patent shall be deemed directory only, and no letters patent or supplementary letters patent issued under this Act shall be held void or voidable on account of any irregularity in any notice prescribed by this Act, or on account of the insufficiency or absence of any such notice, or on account of any irregularity in respect of any other matter preliminary to the issue of the letters patent or supplementary letters patent.

Word "limited" to be inserted after name of Company on all notices &c.

78. The Company shall paint or affix, and shall keep painted or affixed, its name, with the word "limited" after the name, on the outside of every office or place in which the business of the Company is carried on, in a conspicuous position, in letters easily legible, and shall have its name with the said word after it, engraven in legible characters on its seal, and shall have its name, with the said word after it, mentioned in legible characters in all notices, advertisements and other official publications of the Company, and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods, purporting to be signed by or on behalf of such Company, and in all bills of parcels, invoices and receipts of the Company.

Penalty for contravention of preceding section.

79. If the Company does not paint or affix, and keep painted or affixed, its name, with the word "limited" after it, in manner directed by this Act, it shall be liable to a penalty of *twenty dollars* for not so painting or affixing its name, and to a penalty of dollars per day for every day during which such name is not so kept painted or affixed; and every director and manager of the company who shall knowingly and wilfully authorize or permit such default shall be liable to the like penalties;

Penalty on Directors or officers using or authorizes use of seal without "limited" on it.

and if any director, manager, or officer of such Company, or any person on its behalf, uses or authorizes the use of any seal purporting to be a seal of the Company whereon its name, with the said word "limited" after it, is not so en-

graven as aforesaid, or issues or authorizes the issue of any notice, advertisement or other official publication of such Company, or signs or authorizes to be signed on behalf of such Company any bill of exchange, promissory note, endorsement, cheque, order for money or goods, or issues or authorizes to be issued any bill of parcels, invoice, or receipt of the Company, wherein its name, with the said word after it, is not mentioned in manner aforesaid, he shall be liable to a penalty of *two hundred dollars*, and shall further be personally liable to the holder of any such bill of exchange, promissory note, cheque, or order for money or goods, for the amount thereof, unless the same is duly paid by the Company.

Existing Companies may apply for charters under this Act.

80. Any Company for purposes or objects within the purview of this Act, heretofore incorporated, whether under a special or a general Act, and now being a subsisting and valid corporation, may apply for Letters Patent under this Act, and the Governor in Council, upon proof that notice of the application has been inserted for four weeks in the *Canada Gazette*, may direct the issue of Letters Patent incorporating the shareholders of the said Company as a Company under this Act; and thereupon all the rights or obligations of the former Company shall be transferred to the new Company, and all proceedings may be continued and commenced by or against the new Company that might have been continued or commenced by or against the old Company; and it shall not be necessary in any such Letters Patent to set out the names of the shareholders; and after the issue of the Letters Patent the Company shall be governed in all respects by the provisions of this Act, except that the liability of the shareholders to creditors of the old Company shall remain as at the time of the issue of the Letters Patent.

Effects of such charters.

Subsisting Companies may apply for charters with extended powers.

81. Where a subsisting Company applies for the issue of Letters Patent under this Act, the Governor in Council may, by the Letters Patent, extend the powers of the Company to such other objects within the purview of this Act as the applicants may desire, and as the Governor in Council may think fit to include in the Letters Patent, and which have been mentioned in the notice of the application for the same, in the *Canada Gazette*, and may by the said Letters Patent name the first Directors of the new Company, and the Letters Patent may be to the new Company by the name of the old Company or by another name.

Whole amount of shares to be paid in cash, except under Sec. 5.

82. Subject to the provisions of Sub-section *five* of Section *five* of this Act, every share in the Company shall be deemed and taken to have been issued and to be held subject to the payment of the whole amount thereof in cash, unless the same shall have been otherwise determined by a contract duly made in writing and filed with the Secretary of State at or before the issue of such shares.

Prospectus, &c., to specify

83. Every prospectus of the Company, and every notice inviting persons to subscribe for shares in the Company,

contracts entered into by company, with promoters, directors, &c., thereof; or be deemed fraudulent.

shall specify the dates and the names of the parties to any contract entered into by the Company or the promoters, directors or trustees thereof, before the issue of such prospectus or notice, whether subject to adoption by the Directors or the Company or otherwise; and any prospectus or notice not specifying the same shall be deemed fraudulent on the part of the promoters, directors and officers of Company knowingly issuing the same, as regards any person taking shares in the Company on the faith of such prospectus unless he shall have had notice of such contract.

Issue of bonds, &c., by Company.

84. In case a By-law authorizing the same is sanctioned by a vote of not less than two-thirds in value of the shareholders then present in person or by proxy, at a general meeting duly called for considering the By-law, the Directors may borrow money upon the credit of the Company and issue the bonds, debentures or other securities at such prices as may be deemed expedient or necessary, but no such debentures shall be for a less sum than ; and the Directors may, under the like sanction, hypothecate or pledge the real or personal property of the Company to secure any sum or sums borrowed by the members thereof; provided always, that neither the amount to be borrowed, nor the amount of the bonds, debentures or other securities as aforesaid shall at any time be greater than of the actual paid-up stock of the Company.

Proviso: Limiting amount to be borrowed.

Agencies in United Kingdom.

85. The Company may have an agency, or agencies, in any city or town in England, Scotland or Ireland.

SECTIONS 86 TO 95, INCLUSIVE, RELATE TO LOAN COMPANIES ONLY.

Powers and business of the Company.

86. Any Loan Company may, from time to time, lend and advance money, by way of loan or otherwise, for such periods as they may deem expedient, on any real security, or on the public securities of the Dominion, or of any of the provinces thereof, or on the security of debentures of any municipal or other corporation, issued under or in pursuance of any statutory authority, and upon such terms and conditions as to the Company shall seem satisfactory or expedient, and may acquire, by purchase or otherwise, any security upon which they are authorized to lend or advance money, and may re-sell the same as they may deem advisable, with power to do all acts that may be necessary for advancing such sums of money and for receiving and obtaining repayment thereof, and for compelling the payment of all interest (if any) accruing from such sums so advanced, and the observance and fulfilment of any conditions annexed to such advance, and the forfeiture of any term or property consequent on the non-fulfilment of such conditions, or of conditions entered into for delay of payment, and to give receipts, acquittances and discharges for the same, either absolutely and wholly or partially, and to execute such deeds, assignments or other instruments as may be necessary for carrying any such purchase or re-sale into effect; and for all and

Making loans and on what securities.

Powers incident to such loans, and enforcing payment thereof.

Capital may be employed

every, and any of the foregoing purposes, and for every and any other purpose in this Act mentioned or referred to, the Company may lay out and apply the capital and property, for the time being, of the Company, or any part thereof, or any of the moneys authorized to be hereafter raised or received by the Company in addition to their capital for the time being, with power to do, authorize and exercise all acts and powers whatsoever, in the opinion of the Directors of the Company, requisite or expedient to be done or exercised in relation thereto. for such purposes

87. The Company are hereby empowered to act as an Agency Association, and for the interest and on behalf of others who may entrust them with money for that purpose, and either in the name of the Company or of such others, to lend and advance money to any person or persons, upon such securities as are mentioned in the last preceding section, or to any body or bodies corporate whomsoever, or to any municipal or other authority, or any Board or body of Trustees or Commissioners whatsoever, upon such terms and upon such security as to the Company shall appear satisfactory, and to purchase and acquire any securities on which they are authorized to advance money, and again to re-sell the same, and the conditions and terms of such loans and advances, and of such purchases and re-sales may be enforced by the Company for their benefit, and for the benefit of the person or persons or corporation for whom such money has been lent and advanced, or such purchase and re-sale made; and the Company shall have the same power in respect of such loans, advances, purchases and sales as are conferred upon them in respect of loans, advances, purchases and sales made from their own capital; and they may also guarantee either the repayment of the principal or interest, or both, of any moneys entrusted to the Company for investment, and for all and every or any of the foregoing purposes, may lay out and employ the capital and property, for the time being, of the Company, or any part of the moneys authorized to be raised by the Company, in addition to their capital for the time being, or any moneys so entrusted to them as aforesaid, and may do, assent to, and exercise all acts whatsoever, in the opinion of the Directors of the Company for the time being, requisite or expedient to be done in regard thereto, and moneys of which the repayment of the principal and interest is guaranteed by the Company, shall for the purposes of this Act be deemed to be money borrowed by the Company.

Company may lend money and recover the same, either on their own behalf or as agents for others.

Powers as such.

And may guarantee repayment if they see fit.

Money of which repayment is guaranteed, to be deemed borrowed.

88. Subject to the conditions and provisions hereinafter made, the Directors may from time to time, with the consent of the Company in general meeting, borrow money on behalf of the Company, at such rates of interest as may be lawful under section ninety-three of this Act, and upon such terms as they may from time to time think proper; and the Directors may, for that purpose, execute any debentures, mortgages, bonds or other instruments, under the common seal of the Company, for sums of not less than *one hundred dollars* each, or assign, transfer or deposit, by way of equi-

Borrowing powers of Company and security to be given by it.

May issue debentures, bonds, &c., for not less than $100 each.

table mortgage or otherwise, for the sums so borrowed, any of the documents of title, deeds, muniments, securities or property of the Company, and either with or without power of sale or other special provisions, as the Directors shall deem expedient; and the Company may receive money on deposit, for such periods and at such rate of interest as may be agreed upon, and money so received on deposit shall, for the purposes of this Act, be deemed to be money borrowed by the Company.

May receive money on deposit at interest; to be deemed money borrowed.

Provisions and limitations as to borrowing powers.

89. Provided always:

1. That the Company shall not borrow money unless at least *one hundred thousand dollars* of its subscribed capital stock has been paid up;

2. That the Company shall not borrow money unless at least ten per cent. of its subscribed capital stock has been paid up;

3. That if the Company borrow money solely on the debentures or other securities mentioned in the *eighty-eighth* section and by guarantee under the *eighty-seventh* section, the aggregate amount of the sums so borrowed shall not at any time exceed four times the amount of its paid up and unimpaired capital, or the nominal amount of its subscribed capital, at the option of the Company.

4. That if the Company borrow by way of deposit, under the *eighty-eighth* section, the aggregate amount of the sums so borrowed shall not at any time exceed the aggregate amount of its paid up capital, and of its cash actually in hand, or deposited by the Company in any chartered bank or banks inCanada;

Limitation of power of the Company to borrow on debentures, &c., and also by receiving deposits.

5. That if the Company borrow money both by way of debentures or other securities or by guarantee, as aforesaid, and also by way of deposit, then the aggregate amount of money deposits in the hands of the Company, together with the amount of debentures and other securities issued by it, aforesaid, shall not at any time exceed the amount of the principal moneys remaining unpaid on securities then held by the Company, nor shall it exceed the then actually paid up and unimpaired capital of the Company by more than one-third of such capital; but the amount of cash then actually in the hands of the Company, or deposited by them in any chartered bank, or both, shall be deducted from the aggregate amount of the liabilities which the Company has then incurred, as above mentioned, in calculating such aggregate amount for the purposes of this sub-section.

Not to purchase stock in other companies.

90. The Company shall not use any of its funds in the purchase of stock in any other incorporated Company.

Power to hold real estate.

91. The Company may hold such real estate as may be necessary for the transaction of their business, not exceeding

in yearly value the sum of *ten thousand dollars* in all, or as being mortgaged or hypothecated to them, may be acquired by them for the protection of their investment, and may from time to time sell, mortgage, lease or otherwise dispose of the same: Provided always that it shall be incumbent upon the Company to sell any real estate acquired in satisfaction of any debt within five years after it shall have fallen to them, otherwise it shall revert to the previous owner, or his heirs or assigns.

Company may charge commission.

92. The Company when acting as an agency association may charge such commission to the lender or borrower, or both, upon the moneys invested on their behalf as may be agreed upon, or as may be reasonable in that behalf.

Company may recover any lawful rate of interest agreed for.

93. The Company may stipulate for, take, reserve and exact any rate of interest or discount that may be lawfully taken by individuals under like circumstances, and may also receive an annual payment on any loan by way of a sinking fund for the gradual extinction of such loan, upon such terms and in such manner as may be regulated by the by-laws of the Company.

Register of securities.

94. A register of all securities held by the Company shall be kept; and within fourteen days after the taking of any security an entry or memorial specifying the nature and amount of such security, and the names of the parties thereto, with their proper additions, shall be made in such register.

Annual statement to Minister of Finance, and what it must show

95. The Company shall transmit annually to the Minister of Finance a statement in duplicate, verified by the oath of their President or manager, setting out the capital stock of the Company, and the proportion thereof paid up, the assets and liabilities of the Company, the amount and nature of the investments made by the Company, both on their own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities, the extent and value of the lands held by them, or in respect of which they are acting as agents; and such other details as to the nature and extent of the business of the Company as may be required by the Minister of Finance: and in such form and with such details as the said minister may from time to time require and prescribe: Provided always that in no case shall the Company be bound to disclose the names or private affairs of any person who may have dealings with them.

32, 33 Vic., c. 13, repealed.

96. *The Canada Joint Stock Companies Letters Patent Act*, 1869, is hereby repealed, in so far as regards the formation or incorporation hereafter, by virtue of any of the provisions thereof, of any Company the incorporation of which is subject to the control of the Parliament of Canada; but every such Company heretofore incorporated by virtue of that Act or of any of the Acts thereby repealed, shall so remain, and no provision of such Acts shall, as touching any such Company, be in anywise affected by this Act:

Proviso.

Proviso: And every application for the incorporation of any Company the incorporation of which is subject to the control of the Parliament of Canada, pending at the time of the passing of this Act, under *The Canada Joint Stock Companies Letters Patent Act*, 1869, may be proceeded with, and the incorporation may be obtained by virtue thereof, as though this Act had not been passed.

SCHEDULE A.

Public notice is hereby given, that under *The Canada Joint Stock Companies Act*, 1877, letterspatent 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 corporator named in the letters patent*], for the purpose of [*here state the undertaking of the Company, as set forth in the letters patent*], by the name of [*here state name of the Company, as in the letters patent*], with a total capital stock of dollars, divided into shares of dollars.

Dated at the office of the Secretary of State of Canada, this day of 18

A.B.,
Secretary.

SCHEDULE B.

Public notice is hereby given, that under *The Canada Joint Stock Companies Act*, 1877, supplementary letters patent have been issued under the great seal of the Dominion of Canada, bearing date the day of whereby the total capital stock of [*here state the name of the Company*] is increased [*or* decreased, *as the case may be*] from dollars to dollars.

Dated at the office of the Secretary of State of Canada this day of 18

A.B.,
Secretary.

SCHEDULE C.

Public notice is hereby given, that under *The Canada Joint Stock Companies' Act*, 1877, supplementary letters patent have been issued under the great seal of the Dominion of Canada, bearing date the day of , whereby the undertaking of the Company has been extended to include [*here set out the other purposes or objects mentioned in the supplementary letters patent*].

Dated at the office of the Secretary of State of Canada this day of 18

A.B.,
Secretary.

No. 67.

4th Session, 3rd Parliament, 40 Vic

BILL.

An Act to amend the law resp
Incorporation of Joint Stoc
nies by Letters Patent.

Received and read first time, Wedn
March, 1877.

Second reading, Thursday, 8th Ma

Mr. CARTW

OTTAWA:
PRINTED BY MACLEAN, ROGER
1877.

No. 68.] **BILL.** [1877

An Act for the protection of the lives of those employed in the Coal Mines of British Columbia.

WHEREAS the Coal Mines of British Columbia require such supervision and inspection respecting the working thereof as will prevent or lessen the probability of accidents happening to the workmen and others employed in and about the Mines: And whereas to such end it is desirable to appoint an Inspector or Inspectors of Mines; 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 Governor in Council may appoint a competent person to be Inspector of Mines in British Columbia. Appointment of Inspectors.

2. The Inspector shall visit each mine once per month, and shall make such order or orders in writing as he shall see fit for the protection of the workmen and employees of the mine in and about its workings, both under and over-ground, which orders shall be obeyed by the owners, foremen, managers and workmen thereof. Monthly visits and orders of Inspectors.

3. He shall also, on the requisition of any three miners, visit any mine or mines where it is alleged that the workings thereof, or anything in connection therewith, under or over-ground, are in such condition as lead to the belief that danger therefrom is imminent. Visit on requisition of three miners.

4. The owner or owners, managers, foremen and others in charge of any mine shall, when requested by the Inspector, furnish him with a correct plan of the workings underground, and shall at least once a month make the necessary alterations in such plan in accordance with the actual work done. Plan to be furnished to Inspector.

5. The Inspector shall be paid the sum of *five dollars* for each necessary visit, by the owner or owners, manager or person in charge of the mine visited. Fee for each visit.

6. Any violation of an order of the Inspector, made under the authority of this Act, shall be punishable by fine of not less than *ten dollars* nor more than *two hundred dollars*, in the discretion of the court, to be imposed on the owner or owners, manager, foreman or agent required by the Inspector to do or not to do the act in respect of which the order has been violated. The said fees and fines may be recovered by the Inspector as an ordinary debt before any court having Penalty for violation of Inspector's orders. Miners to pay costs of fri-

volous applications.

jurisdiction to the extent of the sum claimed, and the fine, when recovered, shall belong to the Crown for the public uses of the Dominion, except such sum as may be allowed by the court for actual expenditure incurred by the Inspector in prosecuting the suit.

Recovery and application of fees and fines.

7. In case the requisition made by any miners to the Inspector is proved frivolous or without any good grounds, the parties applying to the Inspector shall be liable to the Inspector for his fee for inspection, which shall be recoverable from the parties requiring him to visit the mine, as an ordinary debt.

No. 68.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act for the better protection of Life and Property in the Mines of British Columbia.

Received and read first time, Wednesday, 7th March, 1877.

Second reading, Thursday, 8th March, 1877.

Mr. BUNSTER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No 69.] **BILL.** 1877.

An Act to declare Life Assurance Policies non-forfeitable.

Preamble.

WHEREAS it is expedient to declare that under certain conditions Life Assurance Policies issued in Canada shall not be subject to forfeiture; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Policy non-forfeitable after five yearly payments.

1. Every policy of assurance issued or to be issued by any company duly licensed by the Minister of Finance, on the life or lives of any individual or individuals residing in Canada, shall, after the receipt of five yearly payments by such company, be binding on the said company, and shall not be liable to be forfeited on any grounds whatsoever; and any such company, when such policy shall become a claim, shall not be at liberty to allege that there was fraudulent misrepresentation of the state of health or of the age of the party or parties assured.

Claims to be paid in thirty days.

Into Court if disputed.

2. Every such company shall, within thirty days after receiving proof of death, pay such claim to the legal representative, or representatives, assignee or assignees of the assured; and if any contention shall arise as to the proper legal representative or assignee, or if the company be unable to discover any such, the company shall pay over the insurance money into the Court of Chancery, or such other Court as may be competent to deal with such claims, together with interest thereon at the rate of eight per cent., to be reckoned from and after the lapse of the said thirty days, and such moneys shall only be payable to whomsoever may establish his, her or their claim thereunto.

Claim to be paid even if assured commit suicide, if assigned and premiums paid for ten years.

3. It shall not be competent for any person to avoid or defeat payment of any claim arising under a policy of assurance, although it may be shown that the assured had committed suicide, if the said policy had been duly assigned with the consent of the company; provided that not less than ten yearly payments had been made and accepted on such policy.

Paid-up policy to be issued if demanded, for 80 per cent. of premiums paid.

4. It shall be obligatory on the part of every company to issue a paid-up policy to any assurer or holders of a policy assigned with the consent of the company, who desires and demands it, for a sum not less than eighty (80) per cent. of his payments,—such policy to be in lieu of the existing policy, which shall be duly surrendered to the company,—

Or return of 50 per cent. in cash.

or, if the assured or his assignee desires or demands it, he shall be entitled to a return of fifty (50) per cent. of the premiums paid, with interest at eight per cent. after the lapse of thirty days *from such demand.*

Thirty days' grace to be allowed to pay premiums and policy may be revived after twelve months.

Proviso: Company may, after two years, cancel policy by paying 80 per cent.

5. Thirty days' grace shall be allowed for payment of any premium, and every policy may be revived by the assured or his assignee within twelve months from the last payment, by tendering payment of the arrears, with interest at eight per cent., accompanied with a certificate from a duly qualified medical practitioner that there is no change in the health of the assured since the date of the last payment; Provided always, that any company shall within two years have the privilege of cancelling any policy by giving the assured or his assignee six months' notice thereof, and paying eighty (80) per cent. of the premiums back in cash.

This Act to be endorsed on policies hereafter.

6. Every policy that may be issued by any company in Canada, after the first day of July next, shall have this Act duly printed or endorsed thereon, and any condition or conditions contained in such policy, contrary hereto, shall be null and void.

Act to apply to existing policies not in litigation.

7. This Act shall apply to all policies in force in the year one thousand eight hundred and seventy-seven, provided no claim thereunder is in litigation at the time of the passing of this Act.

No. 69.

4th Session, 3rd Parliament, 40 Vic

BILL.

An Act to declare Life Assur
cies non-forfeitable.

Received and read first time, Wed
March, 1877.

Second reading, Thursday, 8th M

M

OTTAWA:
Printed by MacLean, Roger & Co., We
1877.

No. 70.] **BILL.** [1877.

An Act to reserve to the Electors of the Village of Stouffville the continuance of their representation in Parliament, as before the incorporation of the Village.

WHEREAS the Village of Stouffville, which has been lately incorporated, is situate partly in the Electoral District of the East Riding of the County of York, and partly in the Electoral District of the North Riding of the said County, having been formed out of part of the Township of Markham in the said East Riding, and part of the Township of Whitchurch in the said North Riding: Preamble.

And whereas the corporation of the said Village has, by petition, prayed that the electors should be allowed respectively to vote in the same electoral riding in which they would have voted if such incorporation had not taken place; and it is expedient to grant the prayer of the said petition:—

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

1. From and after the passing of this Act, the inhabitants of the incorporated village of Stouffville who are entitled to vote at elections to the House of Commons of Canada, shall respectively vote in the same riding in which they would have voted if such incorporation had not taken place. Electors to vote as before incorporation of the Village.

No. 70.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to preserve to the Electors of the Village of Stouffville the continuance of their representation in Parliament

Received and read first time, Monday, 12th March, 1877.

Second reading, Tuesday, 13th March, 1877.

Mr. METCALFE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 71.] **BILL.** [1877.

An Act to repeal the Act thirty-six Victoria, chapter forty-seven, intituled: "*An Act respecting Weights and Measures.*"

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

1. The Act passed in thirty-sixth year of Her Majesty's reign and intituled: "*An Act respecting Weights and Measures,*" and all Acts amending or extending the same, is and are hereby repealed. Act 36 V. c. 47, repealed.

No. 71.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to repeal the Act thirty-six Victoria, chapter forty-seven, intituled: "*An Act respecting Weights and Measures.*".

Received and read first time, Monday, 12th March, 1877.

Second reading, Tuesday, 13th March, 1877.

Mr. JONES,
Halifax.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

An Act to amend the Act to incorporate "The *Globe* Printing Company."

WHEREAS the *Globe* Printing Company has, by its Petition, represented that it is desirous of establishing offices in various places outside of the Province of Ontario, and has petitioned for certain amendments to its Act of Incorporation; And, whereas, it is expedient to grant the prayer of the said Petition; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The said *Globe* Printing Company may establish certain branch offices in the Capitals of the several Provinces of Canada, and in any other cities, towns or places in the Dominion in which the said Company may see fit to carry on business.

2. The Directors of the said Company, if they see fit at any time after the whole original capital of the said Company shall have been allotted and paid in, but not sooner, may make a by-law for increasing the Capital Stock of the said Company to any amount which they may consider requisite, in order to the due carrying out of the objects of the said Company.

3. Such by-law for increasing the Capital Stock of the said Company shall declare the number and value of the shares of the New Stock, and may prescribe the manner in which the same shall be allotted; and in default of its so doing the control of such allotment shall be held to vest absolutely in the Directors.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 73] **BILL.** [1877.

An Act respecting Stamps on Promissory Notes and Bills of Exchange.

Preamble.

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

Stamps for single duty only need be affixed to notes or bills drawn out of Canada but payable in it.

1. It shall be sufficient in the case of any such bill of exchange or promissory note, for any bank, broker, holder or party to such note, at the time of the acceptance, payment or endorsation thereof, to affix thereto and cancel the proper *single* stamps therefor; and the date of cancellation to be marked thereon shall be the true date of such cancellation, and such date need not agree with the date of the instrument, but in all other respects the mode of affixing and cancelling the stamps shall be the same as in ordinary cases when the instrument is made or drawn within Canada; and any subsequent holder or party shall have the same privilege of giving validity to such instruments by affixing and cancelling double stamps as now exists as to notes and bills drawn and made in Canada.

If drawn and payable out of Canada.

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

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act relating to Stamps on Promissory Notes and Bills of Exchange

Received and read first time, Wednesday 14th March, 1877.
Second reading, Friday 16th March, 1877.

Mr. IRVING.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 74.] **BILL.** [1877.

An Act to amend the "North-West Territories Act, 1875."

Preamble. 38 V. c. 49.

IN amendment of the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act to amend and consolidate the laws respecting the North-West Territories*"; Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Section 3 repealed.

1. The third section of the said Act is repealed, and the following substituted for it:

New section substituted.

Appointment of Council.

3. The Governor General with the advice of the Queen's Privy Council for Canada, by warrant under his Privy Seal, may constitute and appoint such and so many persons, from time to time, not exceeding in the whole five persons, of which number the Stipendiary Magistrates hereinafter mentioned shall *ex officio*, form part, to be a Council to aid the Lieutenant-Governor in the administration of the North-West Territories: Before entering upon the duties of their offices, the persons so appointed shall take and subscribe such oath of allegiance and such oath of office as the Governor in Council may prescribe; and the majority of the Council so appointed shall form a quorum".

Oaths of allegiance and office.

Clerk's oath.

"2. The Clerk of the said Council shall take such oath of office as the Governor in Council may prescribe."

Section 7 repealed.

2. The seventh section of the said Act is repealed, and the following substituted for it:—

New section substituted.

Powers of Council.

"7. The Lieutenant-Governor in Council or the Lieutenant-Governor by and with the advice and consent of the Legislative Assembly, as the case may be, shall have such powers to make ordinances for the government of the North-West Territories as the Governor in Council may from time to time confer upon him; provided always, that such powers shall not at any time be in excess of those conferred by the ninety-second section of "*The British North America Act*, 1867," upon the Legislatures of the several Provinces of the Dominion:"

Proviso.

Further proviso as to ordinances.

"2. Provided that no ordinance to be so made shall,—(1) be inconsistent with or alter or repeal any provision of any Act of the Parliament of Canada in Schedule B. of this Act; or of any Act of the Parliament of Canada, which may now, or at any time hereafter, expressly refer to the said Territories,

or which or any part of which may be at any time made by the Governor in Council, applicable to or declared to be in force in the said Territories, or,—(2) impose any fine or penalty exceeding *one hundred dollars*:"

Copy to Secretary of State.

May be disallowed.

Proviso: information to Parliament.

"3. And provided that a copy of every such ordinance shall be mailed for transmission to the Secretary of State, within ten days after its passing, and it may be disallowed by the Governor in Council at any time within two years after its receipt by the Secretary of State; provided, also, that all ordinances so made, and all orders in Council disallowing any ordinance so made, shall be laid before both Houses of Parliament, as soon as conveniently may be after the making and enactment thereof respectively."

Lt.-Governor to sit with Council.

3. The Lieutenant Governor shall sit in Council with the Councillors as an integral part thereof, and not separately from them, and such ordinances as aforesaid shall be made by the Lieutenant-Governor in Council, and shall be expressed to be so made; and wherever in the Act hereby amended the expression----"The Lieutenant-Governor and Council" occurs, the expression "The Lieutenant-Governor in Council" shall be understood, and is hereby substituted for it; but this section shall cease to have effect when the number of members of the Council elected under section thirteen of the said Act amounts to twenty-one, and a Legislative Assembly has been formed for the said Territories.

Until a Legislative Assembly is formed.

Clerical error in s. 13 corrected.

4. The word "Province," in the fourth line of the second sub-section of the thirteenth section of the said Act is hereby struck out, and the words "said Territories" substituted for it.

Sects. 59, 60 repealed.

5. Sections fifty-nine and sixty of the said Act are hereby repealed.

Sects. 62, 63, 64 repealed and new substituted.

6. Sections sixty-two, sixty-three and sixty-four of the said Act are hereby repealed and the following sections, respectively, substituted in lieu thereof:

Stipendiary Magistrates' oath of office.

"**62.** Each Stipendiary Magistrate having taken the following oath before the Lieutenant-Governor or any Stipendiary Magistrate in the North-West Territories, that is to say: "I do swear that I will truly and faithfully execute the several powers, duties and trusts committed to me by or under "*The North-West TerritoriesActs*, 1875 *and* 1877," without fear, without favor, and without malice. So help me God;" shall have jurisdiction throughout the North-West Territories, as hereinafter mentioned, and shall also have jurisdiction and may exercise within the North-West Territories, the magisterial, and other functions appertaining to any Justice of the Peace, or any two Justices of the Peace, under any laws or ordinances which may, from time to time, be in force in the North-West Terriories."

And jurisdiction.

Further powers, for sum-

"**63.** Each Stipendiary Magistrate shall further have power to try in a summary way, and without the interven-

tion of a jury, in addition to any other charge which he may by law have the power so to try, any charge against any person or persons for any offence committed within the North-West Territories, mentioned in the third section of the Act passed in the thirty-sixth year of Her Majesty's reign, chapter thirty-five, intituled "*An Act respecting the Administration of Justice and for the establishment of a Police Force in the North-West Territories*," which section is hereby re-enacted and shall be and remain in force notwithstanding the coming into force of the Act hereby amended."

mary trial of certain offenders under section 3 of 36 V. c. 35.

"**64**. When the maximum punishment for a crime not triable in a summary way under the next preceding section, or under any other provision of the Criminal Law, does not exceed seven years' imprisonment, the Stipendiary Magistrate—if the accused assents thereto—may try in a summary way and without the intervention of a jury, any charge against any person or persons for any such crime, but if the accused does not so consent then the trial shall be had as provided in the next following sub-section :"

Trial without a jury by assent of offender in certain cases.

"(2.) When the maximum punishment for a crime other than punishment by death exceeds seven years' imprisonment, the Stipendiary Magistrate and a Justice of the Peace, with the intervention of a jury of six, may try any charge against any person or persons for any such crime."

Trial by jury of six.

"3. When the punishment for a crime is death, one Stipendiary Magistrate and two Justices of the Peace, with the intervention of a jury of six, may try any charge against any person or persons for any such crime."

When the crime is capital.

"4. The procedure upon trials under sub-sections two and three of this section shall be as far as possible similar to the procedure upon summary trials ; but the Stipendiary Magistrate shall, upon every such trial, take, or cause to be taken, in writing, full notes of the evidence and other proceedings thereat ; and all persons tried under said such sub-sections shall be admitted after the close of the case for the prosecution to make full answer and defence by counsel learned in the law."

Procedure in such cases.

Notes by Magistrate.

Defence by Counsel.

"5. When any person is convicted of a capital offence and is sentenced to death, the Stipendiary Magistrate shall forward to the Minister of Justice full notes of the evidence with his report upon the case, and the execution shall be stayed until such report is received and the pleasure of the Governor in Council thereon is communicated."

Death sentence to be reported.

Stay of execution.

6. In default of any ordinance in that behalf, made under sub-section eight of this section, persons required as jurors for a trial under the said sub-sections two and three, shall be summoned by a Stipendiary Magistrate from among such male persons as he may think suitable in that behalf, and the jury required on such trials shall be called from among

Summoning jurors : until ordinance is made.

the persons so summoned as such jurors, and sworn by the Stipendiary Magistrate who presides at the trial."

Peremptory challenges by prisoners.

"7. Any person arraigned for treason or felony may challenge peremptorily and without cause not more than six jurors:"

Void beyond six.

"Every peremptory challenge beyond the number so allowed shall be entirely void."

By Crown.

"The Crown may peremptorily challenge not more than four jurors."

Challenges for cause.

"Challenges for cause shall be the same as now provided for under the Act, chapter 29, 32 and 33 Vict., (1869) intituled "*An Act respecting procedure in criminal cases and other matters relating to criminal law.*"

Provision if the list of jurors is exhausted.

Tales.

"If, from challenges or otherwise, the jurors summoned for the trial are exhausted, the Stipendiary Magistrate shall direct some constable or other person to summon by word of mouth from among the by-standers or from the neighbourhood, such number of persons as may be necessary to make up a jury, the persons so summoned being subject to challenge as those summoned by the Magistrate in the first instance, and the like proceedings shall be repeated, if necessary, until a jury be formed, competent to try the case;

Fine on juror summoned and not serving.

and any person summoned, as hereby provided, to serve as a juror, and making default or refusing to serve as such without lawful excuse to the satisfaction of the Magistrate, may be fined by him in a sum not exceeding *ten dollars*, and committed to prison until such fine be paid."

Provision when imprisonment for two years or more is awarded.

8. If imprisonment in jail for not less than two years, or in the Penitentiary, be awarded in any case, the convict may be ordered to be imprisoned in the North-West Territories or to be conveyed to the Penitentiary in the Province of Manitoba; in which latter case he shall undergo such punishmont therein as if convicted in the Province of Manitoba, and shall be so conveyed by any constable or constables, and received and detained therein by the authorities of the penitentiary on the warrant of the Stipendiary Magistrate.

Lt.-Governor in Council or with Assembly, may make jury laws.

9. The Lieutenant-Governor in Council, or the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly, as the case may be, may from time to time make any ordinance in respect to the mode of calling juries, and when, and by whom, and how they may be summoned or taken, and in respect of all matters relating to the same;

No Grand Jury.

but no Grand Jury shall be called in the North-West Territories.

Returns to Lt.-Governor

10. Returns of all trials and proceedings, civil and criminal, shall be made to the Lieutenant-Governor in such form and at such times as he may direct.

7. Section seventy-one of the said Act is hereby repealed, and the following substituted for it: Section 71 repealed.

"**71.** Every Stipendiary Magistrate shall have jurisdiction, power and authority to hear and determine any claim, dispute or demand as hereinafter mentioned, viz.: New Section.

"1. Where the claim, dispute or demand is for a tort, wrong or grievance in which the amount claimed does not exceed five hundred dollars, or if for a debt or on a contract in which the amount claimed does not exceed one thousand dollars, in a summary way, and without the intervention of a jury." Jurisdiction in civil cases. Without a jury.

"2. In all other claims, disputes or demands than those above-mentioned, or for the recovery of the possession of real estate, if neither party demands a jury, in a summary way and without the intervention of a jury; but if either party demands a jury, then with the intervention of a jury of six in number, summoned in the manner hereinbefore provided as to criminal trials; and the Stipendiary Magistrate shall give such judgments and make such orders and decrees as shall appear to him just and agreeable to equity and good conscience; but the Stipendiary Magistrate shall not have cognizance of any action for a gambling debt, or for any intoxicating liquor or intoxicant, or of any action by any person on a note of hand or other document, the consideration or any part of the consideration for which was for a gambling debt or for any such intoxicating liquor or intoxicant." With a jury, in a summary way. Judgment according to equity and good conscience. No suit allowed for gambling debt or intoxicant.

"3. Execution of any such judgment shall be carried into effect in the manner prescribed by any ordinance of the Lieutenant-Governor in Council or the Lieutenant-Governor and Legislative Assembly, as the case may be, or if no such ordinance be then in force, then in like manner as a judgment to the same amount, in the Province of Manitoba." Execution of judgment.

8. Sub-section nine of the seventy-fourth section of the said Act is hereby repealed, and the following substituted for it: Part of s. 74 repealed.

"(9.) Intoxicating liquors imported or brought into the North-West Territories, by special permission, in writing, of the Lieutenant-Governor of the said Territories, are subject to the several Customs and Excise laws of Canada, if in excess of one gallon; and for any such permission a fee of shall be paid by the party obtaining it, to and for the use of the public treasury of the North-West Territories, and shall be paid to such officer or person as the Lieutenant-Governor may appoint to deliver such permission. New provision substituted. Fee for license to import intoxicants.

9. Schedule B of the said Act is amended by striking out of the article referring to the Act *thirty-two and thirty-three Victoria, chapter thirty*, the words "indictable offences committed in the North-West Territories and triable in Manitoba." Schedule B amended.

Powers of Stipendiary Magistrates in Keewatin.

10. Stipendiary Magistrates appointed under this Act shall have the same power and authority for trying offences in the District of Keewatin as, under this Act, they have in the North-West Territories, and the provisions herein made as to such trials shall apply to the district of Keewatin.

Interpretation.

11. This Act shall be construed as forming one Act with that amended by it.

Short titles.

12. This Act may be cited as "*The North-West Territories Act*, 1877," and the Act hereby amended and this Act may be together cited as "*The North-West Territories Acts*, 1875-1877."

No. 74.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the North-West Territories Act, 1875.

Received and read first time, Wednesday, 14th March, 1877.

Second reading, Friday, 16th March, 1877.

Mr. MILLS.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 75] **BILL.** [1877.

An Act to extend the Act respecting Trade Marks and Industrial Designs to the Provinces of British Columbia and Prince Edward Island.

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

1. Upon, from and after the passing of this Act, the Act passed in the thirty-first year of Her Majesty's reign, and intituled: "*An Act respecting Trade Marks and Industrial Designs*," shall extend and apply to the Provinces of British Columbia and Prince Edward Island respectively; and the exclusive right acquired or to be acquired, under the said Act, to the use of any Trade Mark, shall extend over the said Provinces, and the right so acquired or to be acquired to the exclusive use of any Industrial Design shall extend over the said Provinces during the remainder of the term for which it was so acquired with respect to the Provinces to which the said Act then extended; saving always, in either case, the right of any person in either of the said Provinces to use any such Trade Mark, or to use during the remainder of such term, any Industrial Design, which mark or design he may have lawfully and continuously used in his trade or business, in such Province, during at least three months before the passing of this Act. Act 31 V. c. 55 extended to British Columbia and Prince Edward Island. Saving acquired rights.

No. 75.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to extend the Act respecting Trade Marks and Industrial Designs to the Provinces of British Columbia and Prince Edward Island.

Received and read first time, Wednesday, 14th March, 1877.

Second reading, Thursday, 15th March, 1877.

Mr. BLAKE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 76.] **BILL.** [1877.

An Act to amend the Railway Act, 1868.

WHEREAS it is expedient to extend certain provisions of the Railway Act, 1868, to cases affecting Provincial railways: 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 fifteenth and sixteenth subsections of the seventh section of the Railway Act, 1868, shall extend and apply to a railway incorporated under an Act of a Provincial Legislature in any case in which it is proposed that such railway shall cross, intersect, join or unite with, or shall be crossed, intersected, joined by, or united with, a railway under the legislative control of Canada. Sub-sections 15 and 16 of s. 7 to apply to Provincial Railway.

No. 76.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Railway Act, 1868.

Received and read first time, Wednesday, 14th March, 1877.
Second reading, Thursday, 15th March, 1877.

Mr. BLAKE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 77.] **BILL.** [1877.

An Act to provide for the safe custody of prisoners in places where the Common Gaols become temporarily insecure.

Preamble.

WHEREAS gaols may, through fire, or wear and tear, or from the necessity of alteration or re-building, or from other causes, from time to time, become temporarily insecure, and it is expedient to make provision for the safe keeping of persons imprisoned in such gaols; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Lt.-Governor in Council may substitute a neighbouring gaol for an insecure one, by proclamation.

1. The Lieutenant-Governor of any Province of Canada in Council may, by proclamation published in the official Gazette of the Province, and also in the *Canada Gazette*, declare that the common gaol of any district, county or place in such Province is insecure, and name the gaol of any adjoining district, county or place as the gaol to which offenders within such first mentioned district, county or place, may, from and after a time stated, be committed or sentenced.

Effect of such proclamation as to persons who would otherwise be imprisoned in the insecure gaol.

2. Thereafter, during the continuance of such proclamation, any person who would otherwise be committed to or sentenced to imprisonment in the common gaol so declared insecure, shall be committed to, or sentenced to imprisonment in the gaol named in the proclamation for the purpose, and the respective sheriffs and officers shall have authority to deliver and receive any such person; and a warrant directed to the gaoler of the insecure gaol shall be a sufficient authority for the gaoler of the gaol so named as aforesaid, to detain in such gaol according to the exigency of the warrant, or until he is removed as is hereinafter provided, the person named in such warrant.

As to place of trial of prisoners in substituted gaol, etc.

3. Every person confined for safe custody under the provisions of the second section, may be tried in the district, county or place in the gaol whereof he is confined, unless the judge, or other person presiding at the court at which it is proposed to try such person, or a judge of a court having jurisdiction to try the offence shall otherwise direct; and the Court of General Gaol Delivery or General Sessions of the Peace, or other Court having like powers, held in such district, county or place, and every judge presiding thereat, shall have jurisdiction to make in reference to any person committed in default of sureties for good behavior, or to keep the peace, the like order as such court or judge might make if the court was being held in the district, county or place in which such person was committed.

Transfer of prisoners to substituted gaol.

4. The Lieutenant-Governor in Council, may, after the issue of such proclamation, from time to time, direct the sheriff to transfer such of the prisoners then confined in such insecure gaol, as the Lieutenant-Governor may think proper, to the gaol so named as aforesaid; and such order shall be a sufficient authority to the respective sheriffs and officers to deliver and receive, and to the keeper of such last mentioned gaol to detain therein any such prisoner, according to the exigency of the warrant or sentence under which he was confined in such insecure gaol; and the provisions of the *third* and *sixth* sections shall apply to every such prisoner.

Proclamation superseding that first issued.

5. The Lieutenant-Governor in Council may, at any time, by his proclamation published in the official gazette of the Province, and also in the *Canada Gazette*, declare that any proclamation issued under the first section of this Act, shall, from and after a time stated, cease to have effect; and such proclamation shall cease to have effect accordingly.

Re-transfer of prisoners in consequence.

6. The Lieutenant-Governor in Council may, after the issue of such proclamation as is provided for in the *fifth* section, direct the sheriff to transfer so many of the prisoners then confined in the gaol so named as aforesaid, as the Lieutenant-Governor may think proper, to the gaol of the district, county or place in which, but for the operation of the preceding sections, such prisoners would have been confined; and such order shall be sufficient authority to the respective sheriffs and officers to deliver and receive, and to the keeper of such last mentioned gaol to detain therein, any such prisoners, according to the exigency of the warrant or sentence under which they were originally confined.

Act 31 V., c. 74, not affected by this Act.

7. Nothing in this Act contained shall in any wise affect the provisions of the Act passed in the thirty-first year of Her Majesty's Reign, chapter seventy-four, intituled: "*An Act respecting persons in custody charged with high treason or felony.*"

No. 77.

4th Session, 3rd Parliament, 40 Victoria, 18

BILL.

An Act to provide for the safe custo
of prisoners in places where the co
mon gaols become temporarily
secure.

Received and read first time, Wednesday,
March, 1877.

Second reading, Thursday, 15th March, 1

Mr. BLAK

OTTAWA:

PRINTED BY MACLEAN, ROGER & C

1877.

No. 78.] **BILL.** [1877.

An Act to amend the law respecting appeals from convictions before or orders by Justices of the Peace.

Preamble.

WHEREAS it is expedient to amend the law with reference to appeals from convictions before and orders by Justices of the Peace: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

39 V. c. 23 repealed.

1. The Act thirty-ninth Victoria, chapter twenty-three, intituled: "*An Act to supply an omission in the Act thirty-seven Victoria, chapter forty-two, extending certain Criminal Laws of Canada to British Columbia,*" is hereby repealed.

Part of s. 1 of 33 V. c. 27 repealed.

2. So much of the first section of the Act thirty-third Victoria, chapter twenty-seven, intituled: "*An Act to amend the Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders,*" as precedes the first sub-section of the section thereby substituted is hereby repealed and the following substituted therefor:

Section 65 of 32, 23 V. c. 31 repealed.

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

Unless otherwise provided such appeals to be to certain Courts in the several Provinces.

"**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, or unless some other Court of Appeal having jurisdiction in the premises is provided by an Act of the Legislature of the Province within which such conviction takes place or such order is made, any person who thinks himself aggrieved by any such conviction or order, may appeal, in the Province of Quebec or Ontario, to the Court of General or Quarter Sessions of the Peace; or, in the Province of Quebec, to any other Court 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 County Court of the district where the cause of the information or complaint arose; in the Province of New Brunswick, to the County Court of the district where the cause of the information or complaint arose; in the Province of Manitoba, to the County Court of the county where the cause of the information or complaint arose; and in the Province of British Columbia, to the Supreme Court or to the County or District Court, at the sitting of either of the said Courts which shall be held nearest to the place where the conviction has taken place, or where the cause of the information or complaint arose; Such right of appeal shall be subject to the conditions following:"

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Law respecting Appeals from convictions before or Orders by Justices of the Peace.

Received and read first time, Wednesday, 14th March, 1877.

Second reading, Thursday, 15th March, 1877.

Mr. BLAKE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 79.] **BILL.** [1877.

An Act to make provision against the improper use of Firearms.

Preamble.

WHEREAS it is expedient to make provision against the improper use of Firearms; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Persons carrying pistol without cause may be bound to keep the peace.

1. Whosoever has upon his person a pistol without reasonable cause to fear an assault or other injury to his person or his family or property, may, upon complaint made before any Justice of the Peace, be required to find sureties for keeping the peace for a term not exceeding six months; and in default of finding such sureties may be imprisoned in any gaol or place of confinement for a term not exceeding thirty days.

Having a pistol when arrested or committing an offence.

2. Whosoever, when arrested either on a warrant issued against him for an offence or whilst committing an offence, has upon his person a pistol, shall be liable on conviction thereof to a fine of not less than *twenty dollars* or more than *fifty dollars*, or to imprisonment in any gaol or place of confinement for a term not exceeding three months.

Or with intent to injure any one.

3. Whosoever has upon his person a pistol with intent therewith unlawfully and maliciously to do injury to any other person, shall be liable on conviction thereof, to a fine of not less than *fifty*, or more than *two hundred* dollars, or to imprisonment in any gaol or place of confinement for a term not exceeding six months;

(2) The intent aforesaid may be *prima facie* inferred from the fact of the pistol being carried as aforesaid.

Pointing firearm at any person.

4. Whosoever without lawful excuse points at another person any firearm, whether loaded or unloaded, shall be liable on conviction thereof, to a fine of not less than *twenty* or more than *fifty* dollars, or to imprisonment in any gaol or place of confinement for a term not exceeding thirty days.

Sections, 74, 75, 76 of 32, 33 V. c. 20 to apply.

5. The seventy-fourth, seventy-fifth and seventy-sixth sections of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chapter twenty, intituled "*An Act respecting offences against the person*," shall apply and extend to any offence against the second, third or fourth section of this Act.

No. 79.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to make provision against the improper use of Fire-arms.

Received and read first time, Wednesday, 14th March, 1877.

Second reading, Thursday, 15th March, 1877.

Mr. BLAKE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 80.] **BILL.** [1877.

An Act to amend the Act for the suppression of Gaming Houses.

Preamble.

WHEREAS it is expedient to amend the Act for suppressing Gaming Houses; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 1 amended.

1. The first section of the Act thirty-eight Victoria, chapter forty-one, intituled "*An Act for suppressing Gaming Houses and to punish the keepers thereof*," is hereby amended by inserting after the words "gaming house" in the eighth line, the words—"whether admission thereto be limited to those possessed of entrance keys, or otherwise."

Section 3 amended.

2. Section three of the said Act is hereby amended by striking out all the words after the word "aforesaid" in the fifteenth line thereof.

Instruments of gaming seized to be destroyed.

3. The police magistrate or other justice before whom any person is taken by virtue of any order or warrant under the said Act shall direct any cards, dice, balls, counters, tables or other instruments of gaming used in playing any game, and seized under the said Act, in any place used as a common gaming house, to be forthwith destroyed.

Punishment of persons found in a common gaming house.

4. Any person playing or looking on while any other person is playing in a common gaming house is guilty of an offence, and shall be liable on conviction thereof to a fine of not less than , or more than *dollars.*

Construction of Act.

5. The third and fourth sections of this Act shall be read and taken as part of the Act by this Act amended.

32-33 V. c. 32 to apply to cases under section 4.

6. The Act thirty-two and thirty-three Victoria, chapter thirty-two, intituled, "*An Act respectiug the prompt and summary administration of Justice in certain cases*," shall apply cases arising under the fourth section of this Act.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Act for the suppression of Gaming Houses.

Received and read first time, Wednesday, 14th March, 1877.

Second reading, Thursday, 15th March, 1877.

Mr. BLAKE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 81.] **BILL.** [1877.

An Act to amend the Act respecting Larceny and other similar offences.

WHEREAS it is expedient to make provision for the punishment of officers of Courts of Justice who fraudulently convert or withhold the moneys of suitors and others :—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 Act passed in the thirty-second and thirty-third years of Her Majesty's reign, chaptered twenty-one and intituled "*An Act respecting Larceny and other similar offences*," is hereby amended by adding the following subsection to section seventy-two of the said Act : 32-33 V., c. 21, s. 72, amended.

"(1.) Whosoever being employed as an officer of any Court of Justice of Canada, or of any of the Provinces of Canada, and being by virtue of his office bound or entitled to levy, collect or receive any money to the use of any suitor or person, fraudulently converts to his own use any money so by him levied, collected or received, is guilty of a misdemeanor and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years with or without hard labour and with or without solitary confinement ; and it is hereby declared that the neglect or refusal of such officer to pay to the person entitled thereto such moneys so levied, collected or received, or any part thereof, when the same are legally payable to and demanded by such person, shall be *primâ facie* evidence of such conversion. Officers of Courts fraudulently converting money to their own use, how punishable. Presumption of conversion.

No. 81.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Act respecting Larceny and other similar offences.

Received and read first time, Wednesday, 14th March, 1877.

Second reading, Thursday, 15th March, 1877.

Mr. GUTHRIE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 82.] **BILL.** [1877.

An Act to authorize the transfer of the Truro and Pictou Branch of the Intercolonial Railway to the person or Company constructing a line of Railway from New Glasgow to the Strait of Canso, and providing a proper ferry across the Strait.

Preamble.

WHEREAS, by Resolution of the House of Commons, passed on the nineteenth day of May, in the year eighteen hundred and seventy-four, it was resolved: "That "the Government be authorized to negotiate during the Par- "liamentary Recess for the transfer of the railway from "Truro to Pictou to some organized company, on condition "that such company will extend the said railway from New "Glasgow, or Pictou, to the Gut of Canso, or some place in "Cape Breton, within a specified time; such transfer to be "subject to the approval of Parliament at the next Session;"

Resolution H. C. 19th May, 1874.

And whereas, although negotiations had taken place between the Dominion Government and parties interested in the railway system of Cape Breton, and although the Government of Nova Scotia had obtained Legislative authority for the payment of a certain bonus to any company which should construct such line, the Dominion Government had not received any definite offer from any company, or individuals, which could possibly secure the extension of the railway system from the neighborhood of New Glasgow to any place in Cape Breton; and whereas an offer was received from Messrs. E. R. Burpee & Co., representing the Eastern Counties Railway Company, to undertake the construction of a line of railway as far as the Strait of Canso, on condition of the transfer to such company of the Truro and Pictou branch of the Government Railways, under the Resolution of the House of Commons of the 19th May, 1874; And whereas an Order of the Governor in Council was passed on the seventh day of February, eighteen hundred and seventy-six, authorizing notice to be sent to the Government of Nova Scotia that the Dominion Government would be prepared to submit a proposition to Parliament for the transfer of the Truro and Pictou Branch Railway to a company undertaking the construction of a line in extension thereof to the Strait of Canso, and from thence to West Bay, at the head of Bras d'Or Lake, including a steam ferry across the Strait,—the other conditions being, that such company should be bound to give running powers over its road, from the Strait of Canso to New Glasgow, to any other company extending a railway eastward to Louisbourg, or any other port, upon terms to be determined by mutual agreement, or in case of non-agreement to be determined by arbitration,—and

Negotiations under it.

Offer of E. R. Burpee & Co.

Order in Council 7th Feby., 1876.

Notice to Government of Nova Scotia.

Proposed conditions of transfer.

further, that such company should give such other railway company running powers over the Pictou and Truro Branch on certain specified conditions; And whereas the Government of Nova Scotia, apprehending that it would be found difficult to get any company to undertake the extension eastward from New Glasgow, subject to a condition requiring the construction of any portion of railway east of the Strait of Canso, proposed that the transfer of the Pictou Branch should be made on condition of the construction of the said extension eastward to the Strait of Canso only, with a steam ferry across the strait, if the extension further east to a point or points on the Bras d'Or Lake, could not be obtained; And whereas the Dominion Government, in view of the very great importance of the early construction of a railway to the Strait at least, modified their previous decision of the seventh February, eighteen hundred and seventy-six, by an Order of the Governor in Council of the fifteenth March, eighteen hundred and seventy-six, so as to authorize the transfer of the Pictou Branch to any company which should construct a line of railway from New Glasgow to the Strait of Canso, and maintain a steam ferry across the Strait, if it should be found impossible to make arrangements for extension further east, the absolute condition that the line should be carried from the Strait of Canso to West Bay on Bras d'Or Lake being withdrawn, but the other part of the arrangement for giving running powers to any company so extending the railway eastward in Cape Breton being retained; And whereas the Government of Nova Scotia, having been notified of the facts aforesaid, called for tenders for the construction of a railway from New Glasgow to the Strait of Canso, (a distance of seventy-five miles,) with a steam ferry across the Strait, and thence to a point on the Bras d'Or Lake, not exceeding thirty-five miles in length, it being left optional, however, to parties to tender either for the whole of the said work, or only for the section from New Glasgow to Canso, but, in either case, to include the ferry; And whereas the Government of the Dominion was advised by the Nova Scotia) Government that they had accepted the tender of Mr. H. Abbott, representing the Halifax and Cape Breton Railway and Coal Company (a company incorporated under the Act of the Legislature of the Province of Nova Scotia,) for the construction of that section only of the railway from New Glasgow to the Strait of Canso, with a steam ferry across the Strait, on condition of receiving a subsidy of the sum of $7,945.00 per mile, in addition to other subventions mentioned in the advertisement, one of which is the transfer as a bonus of the Truro and Pictou Branch to the said company, and that the said company required, as a condition of entering into the contract, immediate possession of the Truro and Pictou Branch, with a view of availing themselves of its possession to secure the means for proceeding with the extension, and that the said company had made certain proposals which were ultimately embodied in a Minute of Council of the Government of Nova Scotia of the eighth of September last (1876), with a view of obtaining possession of the said Truro and Pictou Branch on the first of May, eighteen hundred and seventy-seven: And whereas,

Action of N. S. Government.

Modification of conditions.

Order in Council 15th March, 1876.

Tenders called for by Government of N.S.

Tender of H. Abbott for Halifax and Cape Breton Railway and Coal Co, accepted by N. S.

Conditions.

Subsidy, &c.

Condition for possession of Truro and Pictou Branch.

after having carefully considered the whole matter, the Government of the Dominion, by an Order of the Governor in Council made on the ninth of November, eighteen hundred and seventy-six, on the Report of the Minister of Public Works, modified the terms of the Orders in Council of the seventh of February and fifteenth of March, eighteen hundred and seventy-six, by withdrawing the condition in respect of the grant of running powers to any company extending the line easterly, the whole subject to the approval of Parliament; And whereas it is expedient to approve and give effect to the agreements and arrangements aforesaid: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Order in Council 9th Nov., 1876, on report of M. of Public Works.

1. The Pictou and Truro Branch Railway including sufficient land for the purposes thereof, and the stations and and buildings thereon necessary for the use of the Railway, but without any of the rolling stock, shall be transferred absolutely to the person or company constructing the line from New Glasgow to the Strait of Canso, and providing a proper steam ferry across the Strait, as soon as such railway is constructed, with proper rolling stock and other appurtenances, and such ferry provided to the satisfaction of the Minister of Public Works.

Absolute transfer of Railway on certain conditions.

2. Temporary possession of the said branch railway shall be given to the person or company with whom the Nova Scotia Government shall have contracted for the construction of the eastern extension from New Glasgow to the Strait of Canso, and the establishment of the said steam ferry, as soon as such person or company shall have expended a sum of not less than four hundred thousand dollars ($400,000) upon such work to the satisfaction of the Minister of Public Works; subject to the resumption of the said branch line at any time by the Dominion Government, in case the contractor does not, in the opinion of the Minister of Public Works, keep the said branch railway and its appurtenances in as good repair as it shall be at the time of the delivery of possession; or, in case the construction of the proposed railway is not, in the opinion of the Minister of Public Works, prosecuted by such contractor with due diligence; or, in case the contractor fails, in the opinion of the Minister of Public Works, to provide the requisite rolling stock, or to work the branch line efficiently: and, on the further consideration that, in case of such resumption, the contractor shall, forthwith, restore the possession of the said branch railway and its appurtenances in as good repair as they were at the time of the delivery of possession, and shall, forthwith, pay to Her Majesty, for the public uses of Canada, the amount of the net earnings of the branch line during such temporary possession,—for which payment, and for the faithful performance of all the conditions aforesaid of such temporary possession, and the payment of all damages resulting from any failure to perform the same or any of them, the contractor, before the delivery of such temporary possession, shall give security to the satisfaction of the Minister of Public Works.

Temporary possession on certain conditions.

Resumption in case of failnre to perform conditions.

Repayment of earnings in such case.

Security to be given.

Arrangement for absolute transfer to be void on such failure.

3. The arrangement for the absolute transfer of the said Pictou and Truro Branch to the contractor shall be terminable and possession thereof may be forthwith resumed by the Dominion Government, in case, in the opinion of the Minister of Public Works, the contractor fails to execute the contract with the Government of Nova Scotia, or to fulfil the conditions of the temporary possession of the said branch railway.

Short title.

4. This Act may be cited as "The Truro and Pictou Railway Transfer Act, 1877."

No. 82.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to authorize the transfer of the Truro and Pictou Branch of the Intercolonial Railway to the person or Company constructing a line of Railway from New Glasgow to the Strait of Canso, and providing a proper ferry across the Strait.

Received and read first time, Wednesday, 14th March, 1877.

Second reading, Thursday, 15th March, 1877.

Mr. MACKENZIE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 83] **BILL.** [1877.

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

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

1. Section five of the Act passed in the thirty-first year of Her Majesty's reign (1868), chapter sixty-five, intituled: "*An Act respecting the Inspection of Steamboats, and for the greater safety of passengers by them,*" is hereby amended by adding thereto the words "and such certificate, unless otherwise revoked, shall be good for twelve months from the date thereof." Sect. 5 of 31 V. c. 65 amended.

2. Section seventeen of the said Act is hereby amended by striking out the words "at least one life preserver for each and every passenger; Provided always that," in the sixth and seventh lines, and inserting in lieu thereof the words, "life preservers, as follows, namely;" and also by adding at the end of the section the following words: "Provided always, that the maximum number of life preservers required on any steamboat shall not exceed two hundred." Section 17 amended.

3. Section eighteen of the said Act is hereby amended by adding thereto the words "Provided always, that passenger steamboats of more than seventy-five and less than one hundred and fifty tons gross shall not require to be provided with and have on board more than twelve fire buckets, and that passenger steamboats of seventy-five tons gross and under, and steam tugs under one hundred and fifty tons gross, shall not be required to be provided with and have on board more than six fire buckets." Section 18 amended.

4. Section nineteen of the said Act is hereby amended by adding after the word "Fredericton," in the eighth line, the words "the waters in the District of Muskoka, the County of Victoria and the County of Peterborough, in the Province of Ontario, and the waters of the Ottawa River and its tributaries above the City of Ottawa;" and also by adding at the end of the said section the words "Provided always, that steamboats not exceeding one hundred and fifty tons gross shall not be required to carry more than one good boat, of the capacity abovementioned; and provided also, that steam tugs on the canals and in harbours shall not be required to carry any boat." Section 19 amended.

Section 26 amended.

5. The twenty-sixth section of the said Act is hereby amended by striking out the words "except on any of the Lakes Memphremagog, Ontario, Erie, Huron, Simcoe or Superior;" also by striking out the words "except on any of the lakes above named," and by inserting in lieu thereof the words "or of any freight steamboat or tug steamboat less than one hundred and fifty tons gross."

Section 27 amended.

6. Section twenty-seven of the said Act is hereby amended by striking out the word "two," in the fifth line, and inserting in lieu thereof the word "one."

Section 32 amended.

7. Section thirty-two of the said Act is hereby amended by striking out the fifth, sixth, seventh, eighth, ninth, and tenth lines, and inserting in lieu thereof the words "or master of every passenger steamboat exceeding one hundred tons shall pay an inspection fee of *eight dollars* for each inspection made imperative by this Act, and the owner or master of all passenger steamboats of one hundred tons and less, and all other steamboats, shall pay an inspection fee of *five dollars* for each inspection made imperative by this Act.

Section 37 amended.

8. Section thirty-seven of the said Act is hereby amended by inserting immediately before the first word of the section the words "Except when otherwise specially provided;" and also by striking out the word "forty," in the fifth line, and inserting in lieu thereof the word "twenty."

Section 43 amended.

9. Section forty-three of the said Act is hereby amended by striking out the words "and with substantial handrails" and inserting in lieu thereof the words "protected at the sides in a suitable manner against danger from falling overboard;" and also by striking out the words "and wharf or landing place" in the fifth line.

Section 11 of 32-33 V. c. 53 amended.

10. Section eleven of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign (1869), chapter thirty-nine, intituled: "*An Act to amend the Act respecting the Inspection of Steamboats, and for the greater safety of passengers by them,*" is hereby amended by inserting immediately before the first word of the section the words "except when otherwise specially provided;" and also by striking out the word "forty," in the fifth line, and inserting in lieu thereof the word "twenty."

Section 2 of 36 V. c. 53 amended.

11. The second section of the Act passed in the thirty-sixth year of Her Majesty's reign (1873), chapter fifty-three, intituled: "*An Act to amend the Acts respecting the Inspection of Steamboats,*" is hereby amended by striking out the word "six," in the fifth line, and inserting in lieu thereof the word "twelve."

Section of 37 V. c. 30 amended.

12. The second section of the Act passed in the thirty-seventh year of Her Majesty's reign (1874), chapter thirty, intituled: "*An Act further to amend the Act respecting the Inspection of Steamboats,*" is hereby amended by striking out the words "the boats shall be covered with canvas or tar-

paulin covers, to protect them from the sun and weather," and inserting in lieu thereof the words "the boats shall be kept in good condition, water-tight and ready for immediate use;" and also by striking out the words "once a week," and inserting in lieu thereof "once a month."

13. This Act, and the Acts hereby amended, shall be known and may be cited as "*The Steamboat Inspection Acts*, 1868 *to* 1877." Short title.

No. 83.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

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

Received and read first time, Friday, 16th March, 1877.

Second reading, Tuesday, 20th March, 1877.

Mr. SMITH,
(Westmoreland.)

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

An Act for the relief of Walter Scott.

WHEREAS, Walter Scott, of the Village of Nottawa, in the Township of Nottawasaga, in the County of Simcoe, and Province of Ontario, Esquire, has by his petition humbly set forth that on the first day of May, One thousand eight hundred and sixty-six, he was lawfully married to Mary Jane Rowed, of the said Village of Nottawa, at the said Village of Nottawa, in the County of Simcoe, according to the rites of the Presbyterian Church of Scotland; that the said marriage was by license; that the said Walter Scott and Mary Jane Rowed lived and cohabited together as husband and wife from the date of such marriage up to the fifteenth day of October, One thousand eight hundred and sixty-six; that afterwards the said Mary Jane Rowed, although the wife of the said Walter Scott, did commit adultery with one Edward B. Wilson between the month of March, One thousand eight hundred and seventy-five and the month of December, One thousand eight hundred and seventy-six, at various times, and in various places, and especially at the Village of Norwich, in the Township of North Norwich, in the County of Oxford, on the first day of November, in the year of Our Lord One thousand eight hundred and seventy-five; hat the said Mary Jane Rowed being still the lawful wedded wife of the said Walter Scott, was married to the said Edward B. Wilson at the Town of Woodstock, in the County of Oxford, on the twenty-seventh day of July, One thousand eight hundred and seventy-five, according to the rites of the Methodist Church; that the said Walter Scott made discovery of the said marriage and of the said adultery about the month of August, A.D. One thousand eight hundred and seventy-five; that the said Walter Scott has, since the discovery of the said adultery so committed as aforesaid, refused to cohabit with his said wife, and has since lived apart from her; that the said Mary Jane Rowed, since the discovery of the said adultery, has lived at the Village of Norwich and also at the said Village of Nottawa, with the said Edward B. Wilson, and as his wife; that the said Walter Scott has, since the discovery of the said adultery, brought an action for criminal conversation in Her Majesty's Court of Queen's Bench for Ontario against the said Edward B. Wilson, and recovered a verdict in the said action against the said Edward B. Wilson, and entered judgment thereon, and the said Walter Scott has exhausted every lawful means for the recovery of the amount of the said judgment and costs without effect; that the said Walter Scott is desirous of having the said marriage dissolved, annulled, and put an

end to, so that he may be free from the same, and can contract matrimony with any other person whomsoever with whom it would have been lawful for him to contract matrimony, if they, the said Walter Scott and Mary Jane Rowed, had not intermarried; and whereas it is expedient that the prayer of the said petition should be granted:

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

1. The said marriage between the said Walter Scott and Mary Jane Rowed, his wife, is hereby dissolved, and shall henceforth be null and void to all intents and purposes whatsoever.

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

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

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

An Act for the relief of Mary Jane Bates.

WHEREAS Mary Jane Bates, of the Village of Mitchell, in the County of Perth, hath, by her petition, humbly set forth that on the seventh day of April, one thousand eight hundred and sixty-eight, she was lawfully married to Norman Adna Bates at the house of one Robert Keeler, in the Village of Mitchell, in the County of Perth, in the Province of Ontario, in accordance with the rites and ceremonies of the Wesleyan Methodist Church in Canada; that the said marriage was by license; that the said Mary Jane Bates and Norman Adna Bates lived and cohabited together as husband and wife from the date of such marriage up to about the month of August, in the year of Our Lord one thousand eight hundred and seventy; that the said Norman Adna Bates, although the lawful husband of the said Mary Jane Bates, did commit adultery with one Bertha Priscilla Goodman at various times and in various places, and especially at the times and in the places hereinafter mentioned, to wit: in the month of December, in the year of Our Lord one thousand eight hundred and seventy-four, at the Village of Oshawa, in the County of Ontario, and several places adjacent thereto; that on or about the second day of December last aforesaid, the said Norman Adna Bates, representing himself to be one George A. Wilson, an unmarried man, was married at the Village of Oshawa aforesaid, to the said Bertha Priscilla Goodman, according to the rites and ceremonies of the Baptist Church in Canada, and did live and cohabit with the said Bertha Priscilla Goodman as husband and wife until about the third day of September, one thousand eight hundred and seventy-five, when the said Norman Adna Bates was arrested and placed on his trial for bigamy before the Judge of the County Court of the County of Ontario, when he pleaded guilty to the charge of bigamy and was sentenced by the presiding Judge to penal servitude in the Provincial Penitentiary for the Province of Ontario, for the term of two years, and is now serving the term for which he was so sentenced; that the said Mary Jane Bates made the discovery of the said adultery about the month of September, one thousand eight hundred and seventy-five; that the said Mary Jane Bates has, since the discovery of the said adultery so committed, as aforesaid, refused to cohabit with her said husband, and has since lived apart from him; and that the said Mary Jane Bates is desirous of having the said marriage dissolved, annulled and put an end to, so that she may be free from the same and enabled to contract matrimony with

any other person or persons with whom it would have been lawful for her to contract matrimony if they, the said Mary Jane Bates and Norman Adna Bates, had not intermarried; And whereas it is expedient that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between the said Mary Jane Bates and Norman Adna Bates, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatever.

2. It shall and may be lawful for the said Mary Jane Bates at any time hereafter to contract matrimony and to marry with any other man whom she might lawfully marry in case the said marriage had not been solemnized.

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

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 86. **BILL.** [1877.

An Act to amend "An Act to impose License Dues on Compounders of Spirits, to amend the Act respecting the Inland Revenue, and to prevent the Adulteration of Food, Drink and Drugs."

IN amendment of the Act passed in the thirty-seventh year of Her Majesty's reign, intituled "*An Act to impose License Dues on Compounders of Spirits, to amend the Act respecting the Inland Revenue, and to prevent the Adulteration of Food, Drink and Drugs*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows : Preamble. 37 V. c. 8.

1. The first section of the said Act is hereby amended by adding to the definition of *Adulterated Food or Drink*, at the end thereof, the following words : Section 1 amended.

"Or from which any essential constituent part or ingre-
"dient has been in whole or in part abstracted."

No. 86.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend "An Act to impose License Dues on Compounders of Spirits, to amend the Act respecting the Inland Revenue, and to prevent the Adulteration of Food, Drink and Drugs."

Received and read first time, Tuesday, 20th March, 1877.

Second reading, Wednesday, 21st March, 1877.

Mr. LAFLAMME.

OTTAWA:
Printed by McLean, Roger & Co., Wellington Street.
1877.

No. 87] **BILL.** [1877.

An Act respecting the boundaries of the Province of Manitoba.

Preamble.

33 V. c. 3, cited.

Boundaries of Manitoba by that Act.

WHEREAS by Section one of the Act 33 Victoria, chapter 3, intituled "*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,*" the boundaries of the said Province are defined as follows, that is to say: "Commencing at 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 the 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; thence due north along the 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 the said parallel of fifty degrees and thirty minutes north latitude to its intersection with the before-mentioned meridian of ninety-six degrees of west longitude; thence due south along the said meridian of ninety-six degrees west longitude to the place of beginning:" And whereas, the boundaries of the Province, as above described, have never been surveyed or marked out on the ground; And whereas, it is expedient, in order to facilitate the correct registration of titles to real estate in the said Province, as also in the adjoining District of Keewatin and the North-West Territories respectively, that the limits of the Province should be more definitely fixed and described; And whereas, by the Act of the Imperial Parliament thirty-four and thirty-five Victoria, chapter twenty-eight, intituled: "*An Act respecting the establishment of Provinces in the Dominion of Canada,*" the Parliament of Canada is empowered with the consent of the Legislature of any Province to alter the limits thereof, and the Legislature of Manitoba has agreed with the Government of Canada, on the boundaries hereinafter mentioned; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Former boundaries repealed and new boundaries described.

1. All that portion of Section one of the above recited Act, 33 Victoria, chapter 3, setting forth, as therein described, the boundaries of the Province of Manitoba, is hereby repealed, and the following is substituted in lieu thereof, and is intended to describe the true boundaries of the Province, that is to say: Commencing at the intersection of the

International Boundary or forty-ninth parallel of north latitude, by the westerly boundary of township number one in the twelfth range west of the principal meridian in Manitoba; thence due north, following the westerly boundary, respectively, of townships one and two, to the intersection thereof by the southerly limit of the Road Allowance on the first correction line; thence due west along the latter to the intersection thereof by the westerly limit of township three in the aforesaid twelfth range west; thence due north following the westerly limit respectively, of townships three, four, five and six in the said twelfth range to the southerly limit of the Road Allowance on the second correction line; thence westerly upon the latter to the intersection thereof by the westerly limit of township seven in the aforesaid twelfth range; thence due north upon the westerly limit respectively of townships seven, eight, nine and ten, to the southerly limit of the Road Allowance on the third correction line; thence due west along the latter to the intersection thereof by the westerly limit of township eleven in the said twelfth range west of the principal meridian; thence due north along the westerly limit respectively, of townships eleven, twelve, thirteen and fourteen, to the southerly limit of the Road Allowance on the fourth correction line; thence westerly along the latter to the intersection thereof by the westerly limit of township fifteen in the said twelfth range west of the principal meridian; thence due north along the westerly limit respectively of townships fifteen, sixteen and seventeen, in the said twelfth range west to the southerly limit of the Road Allowance, the northerly boundary of the said township number seventeen; thence due east following the said southerly limit of Road Allowance between townships seventeen and eighteen in the system of Dominion land surveys, (the said line crossing Lakes Manitoba and Winnipeg) to the easterly boundary of township seventeen in the tenth range east of the principal meridian; thence due south along the easterly boundary, respectively, of townships seventeen, sixteen and fifteen to the southerly limit of the Road Allowance on the fourth correction line; thence due west along the latter to its intersection by the easterly limit of township fourteen in the aforesaid tenth range east; thence due south along the easterly limit, respectively, of townships fourteen, thirteen, twelve, and eleven, to its intersection with the southerly limit of the Road Allowance on the third correction line; thence due west along the latter to its intersection with the easterly limit of township ten in the said tenth range east; thence due south along the easterly limit, respectively of townships ten, nine, eight and seven, to the intersection thereof by the southerly limit of the Road Allowance on the second correction line, thence due west along the latter to its intersection with the easterly limit of township six in the said tenth range east of the principal meridian; thence due south along the easterly limit, respectively, of townships six, five, four and three, to the intersection thereof, by the southerly limit of the Road Allowance on the first correction line; thence due west along the latter to its intersection with the easterly limit of

township two in the said tenth range east; thence due south along the easterly limit, respectively, of townships two and one, to the intersection thereof, by the forty-ninth parallel of north latitude or the International Boundary line aforesaid; and thence due west following upon the said forty-ninth parallel of north latitude, or the International Boundary line, to the place of beginning.

2. The District of Keewatin shall be bounded on the west, and the Northwest Territories shall be bounded on the east, by the Province of Manitoba as hereinbefore defined. Keewatin and N. W. Territories how bounded.

No. 87.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act respecting the boundaries of the Province of Manitoba.

Received and read first time, Wednesday, 21st March, 1877.

Second reading, Thursday, 22nd March, 1877.

Mr. MILLS.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 88.] **BILL.** [1877.

An Act to regulate the floating of firewood in the River St. Francis.

WHEREAS the Legislature of the Province of Quebec, by the Act of the said Province, passed in the fortieth year of Her Majesty's reign, chapter sixty-seven, has made provision for remedying the abuses which exist in connection with the floating of firewood on the non-navigable portion of the River St. Francis; and whereas it is expedient to confirm the said Act; and whereas the floating of firewood, to allow of its convenient lading upon barges, must be continued over a small part of the navigable portion of the said river; and whereas it is necessary to make provision in that behalf: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. Act of Quebec 40 V., c. 67.

1. The said Act of the Province of Quebec, fortieth Victoria, chapter sixty-seven, intituled "*An Act to regulate the floating of cordwood in the unnavigable portion of the River St. Francis,*" is confirmed in so far as the powers of the Parliament of Canada extend to the matter, and all the provisions of the said Act within the purview of the powers thereof shall have the same force and effect as if the said Act had been passed by the Parliament of Canada. The said Act confirmed, as far as powers of Parliament of Canada extend.

2. The boom to stop the firewood brought down by drive on the River St. Francis, may be placed between the villages of St. François du Lac and Pierreville, which are situated a short distance below the spot where the river becomes navigable; and the Warden of the River St. Francis (or his deputy in the cases provided for in the said Act of the Province of Quebec) shall superintend the driving of the wood as far as the boom there placed, and the drawing out of the wood at the said boom. Where the boom may be placed. Duty of Warden of the river, or his deputy.

3. The firewood shall be drawn out, piled and measured, and the loss in bringing down the drive shall be established and ascertained, and the wood shall be delivered at the boom which shall be placed at the spot above mentioned, in conformity with the provisions of the said Act of the Province of Quebec. Measuring, piling, &c., of the firewood.

4. No person who has thrown firewood into the non-navigable part of the said river, before the same has been received by the Warden, or by his deputy or before he has been notified of the day when it is to be thrown in, shall be entitled to receive any wood at the boom placed as aforesaid, Delivery of firewood by Warden to the parties entitled to it

until the Warden, or his deputy in cases in which the latter is authorized to act, has delivered and distributed to each of the persons who have brought down wood in accordance with the provisions of the Act of the Province of Quebec hereinbefore mentioned, the quantity of wood to which the Warden or his deputy shall decide that such person is entitled; and persons contravening the provisions of the said Act shall take what wood is left, without being entitled to any compensatian for any loss to which they may claim to have been subjected.

Penalty for taking wood not so delivered.

5. Any person who shall remove or take wood from the boom placed as aforesaid, without the permission of the Warden or his deputy, in cases in which the latter is authorized to act, shall incur a penalty not exceeding *fifty dollars* for each contravention.

Recovery and application of penalty.

6. The penalty imposed by the next preceding section shall be recoverable and shall be applied as provided by the Act of the Province of Quebec hereinbefore cited.

No. 88.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to regulate the floating of firewood in the River St. Francis.

Received and read first time, Wednesday, 21st March, 1877.

Second reading, Thursday, 22nd March, 1877.

Mr GILL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 89.] **BILL.** [1877.

An Act to provide for the greater convenience and safety of passengers travelling on the Railways of Canada.

WHEREAS it is expedient to provide greater convenience and safety to passengers travelling on the public Railways of Canada: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:---- Preamble.

1. Hereafter, railway tickets sold by any officer, agent or servant of any railway company in Canada, for use on any regular train, may be used by the holder thereof for the trip specified thereon, at any time other than the day they may bear date, any notice to the contrary written or printed thereon or otherwise notwithstanding; provided always, that this Section shall not apply to tickets sold for use on special or other irregular excursion trains: The word "trip" in this Act means the distance between the places from and to which the passenger's ticket entitles him to be carried. Tickets to be good for the trip mentioned in them in any day. "Trip" defined.

2. The holder of any such ticket issued for a trip on any regular train, may remain over at any intermediate station without forfeiting his or her right to be afterwards carried to the place specified on the said ticket; provided always, that any person attempting to travel a second time or oftener with a ticket that has been used before on the same trip or portion of trip, shall be guilty of a misdemeanor, and shall be liable in a penalty of *fifty dollars* for each such offence. Holder may remain over at any Station. Proviso.

3. No passenger shall be required to produce a ticket or pay his or her fare on any regular train, if the Company fails to find him or her a seat, and any such passenger shall only be required to pay for the distance travelled after being furnished with a seat. Company must find seats for passengers.

4. No Company shall exact any extra charge from passengers who fail to provide themselves with tickets prior to entering any coach or carriage belonging to the Railway Company, any rule or custom to the contrary notwithstanding. No extra charge for paying on train.

5. Whenever it may happen that the seats in the regular passenger coaches or carriages are fully occupied, passengers may take vacant seats in any other coach or carriage that may be attached to and form part of the train, without extra Passengers may take seats in any carriage if regular car-

riages are full.

charge therefor, whether such coach or carriage do or do not belong to the Railway Company, or is destined for the use of any particular class of passengers, or directors or other officials of the Company, any rule or custom to the contrary notwithstanding.

Penalty for refusing to pay fare.

6. Any passenger who refuses or neglects to pay his or her fare when demanded, shall, if furnished with a seat, be liable to a penalty of not more than *twenty dollars* or imprisonment for not more than *ten* days, and may be placed under arrest by any officer of the Company, and carried to any station to be dealt with by any of Her Majesty's Justices of the Peace, but it shall not be lawful for the officers of the Company to force or permit any such passenger to leave the train except at a station of the railway.

As to stops at Stations.

7. Whenever a passenger train stops at any station it shall do so for a period of not less than three minutes, and timely warning shall in every case be given of the approach of the train to any such station.

Connection of carriages in trains.

8. The coaches or carriages comprising passenger trains shall hereafter be connected by a platform extending from door to door, and there shall also be such a connection or extension of the top of each coach or carriage as will shelter the said platform and also the steps from rain and snow.

Governor may appoint railway inspector.

His duties.

9. The Governor in Council may appoint a competent Civil Engineer as Railway Inspector, whose duty it shall be to inspect all bridges, culverts, crossings, viaducts, embankments and tracks belonging to and forming part of any Railway in Canada, and who shall have power to order the repairing or rebuilding of any portion of the roadway, including every such bridge, culvert, crossing, viaduct or embankment, if he shall deem such to be necessary for the safety of the passenger trains of the Company, such repairs to be effected within a reasonable time after notice to that effect in writing to the Manager or chief officer of the Company.

Commencement of Act.

10. This Act to come into force on the first day of July, anno domini one thousand eight hundred and seventy-seven.

No. 89.

4th Session, 3rd Parliament, 40 Victori

BILL

An Act to provide greater conve and safety for passengers on Ra in Canada

Received and read first time, Wednesd March, 1877.

Second reading, Thursday, 22nd Marc

Mr. T

OTTAWA:

Printed by MacLean, Roger & Co., Wellingt 1877

No. 90.] **BILL.** [1877.

An Act respecting Tolls in the Harbour of Montreal.

Preamble. IN amendment of the Acts hereinafter mentioned, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sect. 28 of 36 V. c. 61 repealed from 1st April, 1877. **1.** Upon, from and after the first day of May, in the present year, 1877, section twenty-eight of the Act passed in the thirty-sixth year of Her Majesty's reign, and intituled: "*An Act respecting the Trinity House and Harbour Commissioners of Montreal*," and the tariff of tolls, rates, duties and dues to be levied in the harbour of Montreal, under and by virtue of the said Act, and the Schedules A, B, C, D, E, F and G, fixing the said tolls, rates, duties and dues in each case, shall be repealed; except the proviso respecting vehicles, forming part of the said section twenty-eight, which shall remain in force and apply to the tariff under this Act.

Exception.

New Tariff of tolls. **2.** Upon, from and after the said first day of May, 1877, it shall be lawful for the corporation of "*The Harbour Commissioners of Montreal*," to levy upon all vessels entering or departing from the Harbour of Montreal, or being at anchor or otherwise moored therein, and upon all goods landed or shipped or deposited therein (except arms, ammunition and military accoutrements, and other munitions of war for the use of the Government or for the defence of the Dominion, and except also vessels laden therewith), the several rates and dues mentioned in the schedules appended to this Act; the whole subject to all and every of the provisions of the Act of the Legislature of the late Province of Canada, passed in the eighteenth year of Her Majesty's reign, chapter one hundred and forty-three, and intituled: "*An Act to provide for the Management and Improvement of the Harbour of Montreal, and the deepening of the Ship Channel between the said Harbour and the Port of Quebec, and to repeal the Act now in force for the said purposes*," or of the Act hereby amended, or any Act amending the same or either of them, in the same manner and to the same extent as if the schedules hereunto appended had originally formed part of and been appended to the Act first cited in this section; but subject to the provision hereinafter made for the modification of the rates and dues mentioned in the tariff and schedules appended to this Act.

Subject to Act of Province of Canada 18 V. c. 143.

Commissioners may alter Tariff with consent of Governor in Council.

3. The Harbour Commissioners of Montreal, with the approval and consent of the Governor in Council, may, from time to time, modify and alter, and again re-modify and re-alter, as occasion may in their judgment require, the tolls, rates, duties and dues mentioned in the schedules to this Act; and such modifications and alterations, being published in the *Canada Gazette* (which shall be evidence thereof, and of such approval and consent), shall have the same force and effect as if made by Act of the Parliament of Canada.

TARIFF.

Rates and Dues to be levied in the Harbour of Montreal, under and by virtue of the foregoing provisions of this Act on and after the first day of April, 1877

DUES TO BE LEVIED ON ALL VESSELS IN THE HARBOUR.

On steamboats measuring fifty tons and upwards, per ton register, for each day of twenty-four hours they remain in the harbour, reckoned from the hour of their arrival to that of their departure	1½c.
On all other vessels measuring fifty tons and upwards, per ton register and per day, as aforesaid	¾c.
On steamboats measuring under fifty tons register for each day reckoned as aforesaid, each	40c.
On all other vessels, measuring from twenty-five to fifty tons register, per day, reckoned as aforesaid, each	25c.
On all vessels of less than twenty-five tons register, each, per day, as aforesaid, each	10c.

RATES TO BE LEVIED ON ALL MERCHANDISE, ANIMALS AND THINGS WHATSOEVER LANDED OR SHIPPED IN THE HARBOUR.

Articles.	Per	Rate.	Ton Weight.	Ton Measurement.
A		Cts.	Cts.	Cts.
Ashes, Pot or Pearl	barrel	7		
Axes	dozen	2		
Animals, undescribed	each	2		
Apples	barrel.	2		
Alum			25	
Anchors			25	
Anvils			25	
Arrowroot			30	
Ale, Beer and Porter, in bottles				25
B				
Beef	barrel	2		
Bark	cord	5		
Baskets	dozen	2		
Brooms, Corn	do	2		
Buckets	do	2		
Batteaux	each	10		
Boats, undescribed	do	4		
Burrstones	do	2		
Bottles, empty				15
Ballast			10	
Bones			25	
Bran			25	
Barrels, empty	100	20		
Billets	100	15		
Boxes, empty	100	20		
Bricks	1,000	10		
Barley, Pot or Pearl			30	
Batting				15
Biscuit			30	
Blue			30	
Bread			30	
Brimstone			30	
Butter			30	
Bleaching Powder			30	
C				
Cinders			10	
Coal			10	
Coke			10	
Canoes	each	2		
Carriages on wheels	do	10		
Carts	do	2		
Cask, empty, undescribed	do	1		
Cattle, Neat	head	4		
Cement			25	
Chains			25	
Chalk			25	
Chinaware, in packages				20
Copperas			25	
Clay, in natural state			10	
Corks				15
Crockery, in crates				15

RATES to be levied on all Merchandise, &c.—*Continued.*

Articles.	Per	Rate.	Ton Weight.	Ton Measurement.
		Cts.	Cts.	Cts.
Corn, Indian	100 bushels	25		
Candles			30	
Cheese			30	
Chocolate			30	
Cocoa			30	
Coffee			30	
Cordage			30	
Cork, unmanufactured			30	
Cotton			30	20
Crackers			30	30
Cider			30	25
Currants			30	
Cotton Waste			30	15
D				
Dusters, Corn	dozen	1		
Drugs, not otherwise enumerated			40	30
Dry Goods do do			50	50
E				
Earthenware, in crates				15
do loose			25	15
Eggs	1,000	4		
Earth			30	
F				
Fish	barrel	2		
Flour	do	2		
Fish, Shell	do	3		
Fruit, Green	bushel	1		
Fluids, unenumerated			40	30
Feathers			50	
Flax			30	
Fruits, dried			30	
Fish, dry or green			25	
do in oil			40	30
Furniture			40	30
G				
Game	dozen	2		
Gear, Raft			25	
Gypsum			25	
Grindstones			25	
Glass, Window		2		
Glassware, in packages				20
Grain (oats excepted)	100 bushels	25		
Ginger			30	
Glue			30	
Grease			30	
Gunpowder			30	
Gold or Bullion	free			
Groceries, not otherwise enumerated			40	30

RATES to be levied on all Merchandise, &c.—*Continued.*

Articles.	Per	Rate.	Ton Weight.	Ton Measurement.
		Cts.	Cts.	Cts.
H				
Hides	dozen	5		
Horses	each	4		
Horns			25	
Hoofs			25	
Hay			20	
Handspikes	100 pieces	15		
Hemp			30	
Honey			30	
Hops			30	
Hardware, Manufactured			40	30
Hollow Ware				20
I				
Iron			25	
Junk			30	
Iron Pipes			30	
L				
Lemons				20
Lime			10	
Luggage			25	
Liquors			40	30
Laths	1,000	4		
Lumber (board measure)	1,000 feet	10		
Lampblack			30	
Lard			30	
Leather			40	30
Lead (ground) White or Red			30	
Liquorice Paste			30	
M				
Meal	barrel	2		
Meats	do	2		
Metals of all kinds, in pig, bar, bolts, rods or sheets			30 (when in lots of five tons and over, 25 cts.)	
Millstones			25	
Moulds, Plough			25	
Matches	12 gross	2		
Malt	100 bushels	25		
Marble, unmanufactured	100 cubic ft.	20		
do manufactured, Granite, &c			30	
Meats, dry, salted			20	15
do Preserved			25	
Molasses			30	
Machinery			30	30

RATES to be levied on all Merchandise, &c.—*Contiuued.*

Articles.	Per	Rate.	Ton Weight.	Ton Measurement.
		Cts.	Cts.	Cts.
N				
Nails			25	
Nuts of all kinds			30	
O				
Oars	100	15		
Oranges				20
Onions	bushel	1		
Oysters	do	1		
Ores of all kinds			25	
Oil			30	
Oakum			30	
Ochres			30	
Oilcake			30	
Oats	100 bushels	15		
P				
Pitch	barrel	2		
Pork	do	2		
Plates, Canada	box	2		
Plates, Tin	do	2		
Pails	dozen	2		
Poultry	do	2		
Puncheon Packs	each	2		
Pipes, empty	do	2		
Puncheons, empty	do	2		
Pipes, Clay				20
Potatoes	bushel	1		
Plaster of Paris			25	
Poles, Hop	100	5		
Pulse	100 bushels	25		
Paint			30	25
Paper (Wrapping)			30	25
Putty			30	25
Phosphate of Lime, unmanufactured			10	
Plaster of Paris do			10	
Petroleum (four barrels to the ton)			20	
Pickles and Sauces			30	25
R				
Rosin	barrel.	2		
Rags			30	25
Rice			30	25
Rope			30	25

RATES to be levied on all Merchandise, &c.—*Continued*

Articles.	Per	Rate.	Ton Weight.	Ton Measurement.
		Cts.	Cts.	Cts.
Shovels	dozen.	2		
Skins, Buffalo	do	10		
Skins, untanned and uncured			40	30
Spades	dozen.	2		
Shooks, puncheon	each	2		
Staves, barrel	mille.	15		
Staves, puncheon	do	20		
Staves, standard	do	60		
Sand			10	
Shorts			25	
Shot			25	
Soda Ash, Caustic Soda, Sal Soda, Silicate Soda			25	
Spikes			25	
Stoves			25	
Straw			20	
Stone (except ballast)	100 cubic ft.	20		
Salt	100 bushels	25		
Seed	do	25		
Sleepers, Railroad	100	25		
Shingles	1,000	4		
Slates for roofing	1,000	10		
Sago			30	
Saleratus			30	
Sulphur			30	
Saltpetre			30	
Snuff			30	
Soap			30	
Spices			30	
Starch			30	
Stoneware, in crates				15
Sugar			30	
Sewing machines			30	30
Steel			40	30
T				
Tar	barrel	2		
Tiles for roofing	1,000	10		
Timber	100 cubic ft.	10		
Tallow			30	
Teas			40	30
Tobacco			30	
Tow			30	
V				
Vehicles, undescribed	each	4		
Vegetables, green	bushel	1		
do preserved			25	
Vinegar			40	30

RATES to be levied on all Merchandise, &c.—*Continued.*

Articles.	Per	Rate.	Ton Weight.	Ton Measurement.
		Cts.	Cts.	Cts.
W				
Wood, fire	cord	5		
Wood, lath	do	10		
Whiting			25	
Wine			40	30
Wadding				15
Wax			30	
Wire			30	
Wool				25
Whetstones			30	
Whisks, corn	dozen.	1		
Wood, manufactured				20
Waters, aerated and mineral				20

On all goods, wares and merchandise whatsoever, the quantity of which by weight, measurement or other mode of estimate provided for in the Tariff, cannot be conveniently ascertained, it shall be lawful for the Harbour Commissioners to levy a rate of ¼ of 1 per cent. on the value thereof.

Goods not coming under any class enumerated in the Tariff, shall be charged the same rate as the class to which they are most nearly assimilated.

Each entry shall pay not less than 5 cents.

All property landed on the wharves for re-shipment, shall only pay one wharfage.

The ton weight mentioned in the Tariff shall be 2,000 lbs.

No. 90.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act respecting Tolls in the Harbour of Montreal.

Received and read first time, Thursday, 22nd March, 1877.

Second reading, Friday, 23nd March, 1877.

Mr. SMITH,
(Westmoreland.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.,
1877.

No. 91] **BILL.** [1877.

An Act to amend an "Act respecting the Inland Revenue."

(*The provisions in Italics are new.*)

IN amendment of the Act passed in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting the Inland Revenue*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :---- Preamble. 31 Vic., c. 8.

AMENDMENTS AFFECTING DISTILLERS AND MANUFACTURERS OF STILLS.

1. Section two of the said Act is hereby amended as follows : Sec. 2 amended Interpretation.

1. By adding to the definition of a *distillery* the following paragraph, after the word "whatever" where it occurs the second time in the 13th line of the said definition : "Distillery."

"*Where any still, distillers' rectifier or other apparatus, suitable for the manufacture of distillers' wash, beer or spirits, is in whole or in part manufactured, made or kept.*"

2. By adding to the definition of a *distiller*, at the end thereof, the following paragraph :

"*Or who has in his possession, complete or partially completed, or who imports, makes or manufactures, in whole or in part, any still, worm, distillers' rectifying or other apparatus suitable for the manufacture of distillers' wash, beer or spirits.*"

2. Section three of the said Act is repealed, and the following substituted therefor : Sec. 3 repealed New section.

"3. From and after the passing of this Act, no person, except such as shall have been licensed as herein provided, shall carry on the business or trade of a distiller, or brewer or maltster, or of a manufacturer of tobacco, or use any utensil, machinery or apparatus suitable for carrying on any such trade or business, or any business subject to excise ; *or import or make any still, distillers' rectifier or other apparatus suitable for the manufacture of distillers' wash, beer or spirits, or for the rectification of spirits*" Business not to be carried on without license.

"2. Neither shall it be lawful for any person or persons to *import, make* or have in his or their possession, or keep any still, worm, mash-tub, fermenting-tun, distilling, rectifying or brewing apparatus, or any malt-kiln or malt-floor, nor any Notice to be given of making and having possession of apparatus.

apparatus for the manufacture or production of malt, nor any tobacco press or mill for cutting or grinding tobacco, without having given, when such articles come into his possession, and on or before the tenth day of July in each subsequent year, a full and particular list, description and return thereof to the Collector of Inland Revenue, of the same nature and in the same form as is hereby required in an application for a license to use similar apparatus or machinery;

Exception as to beer brewed for private use.

"3. Except that utensils used by any person solely for the purpose of brewing beer for the use of himself and family, and not for sale, are exempt from the provisions of this Act; and beer so brewed shall not be liable to any duty under this Act, nor shall any license be required by any person so brewing for his own private use;

Or growing tobacco for private use.

"4 Nor shall any person growing tobacco on his own lands or property and manufacturing the same for his own private use and not for sale, require a license for so doing, nor shall the tobacco so manufactured be subject to excise duty;

Importation or making of apparatus to be reported.

"5. *Every person who is about to import or make any still, worm, distillers' fermenting-tun, rectifying or other apparatus suitable for the manufacture of distillers' wash, beer or spirits, or for the rectification of spirits shall, before the importation or making thereof is commenced, report in writing his intention in relation thereto, to the nearest officer of Inland Revenue, stating:*

(a.) *The name and residence of the person for whom or for whose account he is about to import or make such still, worm, distillers' fermenting-tun, rectifier or other apparatus;*

(b.) *The material of which it is to be made;*

(c) *The capacity of any such still, worm, distillers' rectifier or other apparatus.*"

Sec. 14 amended.

3. The following sub-section is hereby added to the fourteenth section of the said Act, at the end thereof:

Conditions of license and security to be given by an importer or manufacturer of apparatus.

"2. *A license to import or make, apart from the manufacture of beer, wash or spirits, and from the rectification of spirits, stills, worms, distillers' rectifying or other apparatus suitable for the manufacture of distillers wash, beer or spirits, or for the rectification of spirits, may be granted to any person who has complied with the provisions of this Act, provided that the granting of such license has been approved by the District Inspector, and that the party has, jointly and severally, with two good and sufficient sureties, entered into a bond to Her Majesty, Her heirs and successors in the sum of one thousand dollars; and such bond shall be taken before the Collector of Inland Revenue, who shall cause such sureties to justify as to their sufficiency before him by affidavit endorsed upon such bond, and shall be conditioned for the rendering of all accounts, and the payment of all duties and penalties with which the party to whom the license is to be granted will become*

liable to render or pay under the provisions of this Act, and that such party will faithfully comply with the requirements thereof, according to their true intent amd meaning, as well with regard to such accounts, duties and penalties as to all other matters and things whatsoever."

4. The following sub-section is hereby added to the twenty-fifth section of the said Act, at the end thereof : Sec. 25 amended.

"2. *Every person who applies for a license to import or manufacture, apart from the manufacture of beer, wash or spirits, and from the rectification of spirits, stills, worms distillers' or other apparatus suitable for the manufacture of distillers' wash, beer or spirits, shall, when applying for such license, pay to the Collector of Inland Revenue the sum of thirty dollars.* License dues for importation or manufacture of apparatus.

5. Sub-section two of the thirty-third section of the said Act is hereby repealed, and the following substituted in lieu thereof : Sub-sec. 2 of sec. 33 repealed. New sub-section.

"2. Any use made of any still, worm, mash-tub, or fermenting-tun, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, or for the distillation or rectification of any spirits, or for fermenting any beer or wash, *or the making or commencing to make, or the importation of any such still, worm, distillers' rectifying or other apparatus* shall be deemed to be a working of a distillery, and acting as a distiller, within the meaning of this Act." What shall be working of a distillery.

6. Section eighty of the said Act is hereby amended by inserting after sub-section 11, as to distilling, thefollowing : Sec. 80 amended.

"12. *The number of stills, worms, distillers' rectifying or other apparatus, or part thereof suitable for the manufacture of distillers' wash beer or spirits, or for the rectification of spirits, imported made or in process of manufacture in such distillery, or by such distiller, showing with reference to each :* Further details at to distilleries.

"(a.) *The capacity of each apparatus or part thereof ;*

"(b.) *The name and residence of the person for whom such apparatus or part thereof is imported or made, or in process of being imported or made ;*

"(c.) *The time at which every such apparatus or part thereof is to be imported or made ;*

"(d.) *The date at which such apparatus or part thereof has been or is to be removed from the distillery ;*

"(e.) *The material of which such apparatus is or is to be made.*"

Sec. 127 repealed. New section.

7. Section one hundred and twenty-seven of the said Act is hereby repealed, and the following substituted in lieu thereof:

Penalty for carrying on any business subject to excise without license.

"**127.** Any person who, after the passing of this Act, and without having a license under it then in force, shall

"(*a.*) Distil or rectify any spirits, or make or ferment any beer; or

"(b.) *Assist in distilling or rectifying any spirits, or in making or fermenting any beer or wash in any unlicensed place; or*

"(c.) *Import, make, commence to make, sell, offer for sale or deliver any still, worm, distillers' rectifying or other apparatus suitable for the manufacture of distillers' wash, beer or spirits, or for the rectification of spirits, or any part of such apparatus; or*

"(d.) *Who completely or partially sets up or assists in setting up, or prepares or partially prepares for working, any such still, worm, distillers' rectifying or other apparatus, or*

"(e.) *Who has in his possession any such still, worm, distillers' fermenting-tun, rectifying or other apparatus, or any part or parts thereof, partially or completely set up, or ready or partly ready for work in any place or premises owned by him or under his control without having given notice thereof as required by this Act; or*

"(f.) *Who conceals or allows to be concealed in or about any place or premises owned or controlled by him, any such still, worm, distillers' rectifier or other apparatus, orpart thereof; or*

"(g.) *Who conceals by removing, or assists in concealing by removing or otherwise, any such still, worm, distillers' rectifying or other apparatus.*

"Shall be guilty of a misdemeanor, and on conviction thereof shall pay a penalty of *five hundred dollars*, and shall be imprisoned with hard labour for a period of not less than *six, and not exceeding twelve months;* and

Apparatus may be seized.

"All such stills, worms, fermenting-tuns, rectifying or other apparatus suitable for the manufacture of wash, beer or spirits, or for the rectification of spirits, or parts thereof, and all beer, wash, or spirits that may be found in the possession of any unlicensed person, or in any unlicensed place, shall be seized by any Officer of Inland Revenue having a knowledge thereof, and shall be and remain forfeited to the Crown, *and may either be destroyed when and where found, or removed to some place of safe-keeping at the discretion of the seizing officer;*

"2. Any person who, after the passing of this Act, and without having a license under it then in force, shall :

"(*a.*) Make any malt or steep any grain for the purpose of malting ; or

"(*b.*) Brew any beer or any fermented liquor, except for the use of himself or family ; or

"(*c.*) Manufacture or prepare for sale or consumption any tobacco or snuff, except tobacco grown by himself, and manufactured by him for his own private use ; or

"(*d.*) Who, claiming to have grown any tobacco, and manufactured it solely for his own use, shall sell or barter away any tobacco so manufactured

"Shall forfeit and pay a penalty of two hundred dollars.'

8. Section one hundred and twenty-nine of the said Act is hereby repealed, and the following substituted in lieu thereof : Sec. 129 repealed. New section.

"**129.** All grain, malt, raw tobacco, and all other material in stock ; and Goods and apparatus may be seized when no license has been taken out.

"2. All engines, machinery, utensils, worms, stills, mash-tubs, fermenting tuns, tobacco-presses or knives ; and

"3. *All tools or materials suitable for the making of stills, worms, distillers' or similar apparatus ; and*

"4. All spirits, malt, tobacco, snuff, cigars, and other manufactured or partly manufactured articles :—

"Which may at any time be found in any distillery, malt house, brewery, tobacco manufactory, bonded manufactory, or other premises or place where anything is being done or any working carried on which is subject to excise, and for which a license is required under this Act, but in respect of which no such license has been taken out ; and

"5. *All horses, vehicles, and other appliances which have been, or are being, used for the purpose of removing any spirits, malt, tobacco, or apparatus used in the production of any article subject to excise in contravention of this Act.* Seizure of horses, vehicles, &c.

"Shall be seized by any officer of the Inland Revenue having a knowledge thereof, and shall be and remain forfeited to the Crown, *and may either be destroyed when and where found, or removed to some place for safe-keeping at the discretion of the seizing officer.*"

9. Section one hundred and thirty of the said Act is amended by striking out the words "still," "worm," "mash tub," "fermenting tun," "distilling," "rectifying," wherever they occur in the said section. Section 130 amended.

Sec. 147 amended as to penalty.

10. Section one hundred and forty-seven of the said Act is amended by striking out all after the word "felony," and inserting the following in lieu thereof: "and shall on conviction *be imprisoned with hard labour for a period of not less than twelve months nor more than three years.*"

AMENDMENTS AFFECTING MALTSTERS.

11. Section twenty-seven of the said Act is hereby repealed, and the following substituted:—

"27. *The party in whose favour a license for malting is granted shall, upon receiving such license, pay to the Collector of Inland Revenue:—*

(a) *For a first-class license, which shall entitle him to work a malt house having a capacity to produce* 2,000 *centals and upwards of malt during one month's working,* $200 (*two hundred dollars*).

(b) *For a second-class license, which shall entitle him to work a malt house having a capacity to produce* 1,500 *and not more than* 2,000 *centals of malt during one month's working,* $150 (*one hundred and fifty dollars*).

(c) *For a third-class license, which shall entitle him to work a malt house having a capacity to produce* 1,000 *centals and not more than* 1,500 *centals of malt during one month's working,* $100 (*one hundred dollars*).

(d) *For a fourth-class license, which shall entitle him to work a malt house having a capacity to produce* 500 *and not more than* 1,000 *centals of malt during one month's malting,* $50 (*fifty dollars*).

The capacity in each case to be as computed by the Collector of Inland Revenue upon a survey of the premises for which a license is required.

Sec. 39 amended Sec. 57

12. Section thirty-nine of the said Act is hereby amended by inserting after the words "by gauge" in sub-section one the words "*and by weight.*"

repealed. New section.

13. Section fifty-seven of the said Act is hereby repealed, and the following substituted:—

Weighing of grain.

"**57.** *All grain brought into any malt house shall be weighed and the qnantity shall be stated in all book returns and accounts made under this Act in centals and parts of a cental.*

Malt measure established.

"2. *For the purpose of comparing the several gauges of grain required by this Act, a "malt measure" is hereby established, which shall be a vessel whose capacity is one thousand cubic inches.*

"3. *The quantity of grain placed in steep in any malt house shall be stated in centals and in malt measures.*

"4. All the quantities of grain in process of conversion into malt, as determined by gauging, shall, until the process of malting is completed, be stated *in malt measures.* Grain to be stated in malt measures.

"5. The quantity of malt removed from any kiln and chargeable with duty, shall be the quantity determined by gauging and weighing, and shall be stated in all books and returns made under this Act in *malt measures and centals.* Quantity of malt removed from kiln.

14. Sub-section four of section sixty-six of the said Act is hereby amended by adding the following thereto after the word "malt":---- Sub-sec. 4 of sec. 66 amended.

"(a) *One hundred pounds of barley or other grain weighed into the cistern shall be held to be equal to not less than seventy-five pounds of malt taken from the kiln.*" Proportions of grain and malt.

And sub-section five of the said section is hereby repealed and the following substituted therefor:---- Sub-sec. 5 repealed. New sub-section.

"5. The principal gauge *and weight* whereby the duty shall be computed, shall be that of the malt on its removal from the kiln; but whenever the quantity computed from any other gauging *or weighings*, or series of gaugings *or weighings*, is greater than the final gauge of the malt, then that computation which yields the largest quantity shall be the quantity for duty; and whenever the difference between the results of any two sets of gaugings or weighings, taken as aforesaid, exceeds seven per cent., the return of the quantity of grain placed in steep shall be deemed to have been a fraudulent return, and the maltster shall be liable to all the penalties for making fraudulent or false returns." Principal gauge and weight for duty.

No. 91.

4th Session, 3rd Parliament, 40 Victoria, 1877

BILL.

An Act to amend an "Act respecting the Inland Revenue."

Received and read first time, Thursday, 22nd March, 1877.

Second reading, Friday, 23rd March, 1877.

Mr. LAFLAMME.

OTTAWA:
Printed by McLean, Roger & Co., Wellington Street.
1877.

No. 92] **BILL.** [1877.

An Act further to amend "An Act to provide for the Inspection of Gas and Gas Meters."

Preamble. 36 V. c. 48.

IN amendment of the Act passed in the thirty-sixth year of Her Majesty's reign, intituled "*An Act to provide for the Inspection of Gas and Gas Meters*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Section 25 repealed. New section.

1. Section twenty-five of the said Act is hereby repealed, and the following substituted in lieu thereof :

Removal and testing of meters.

"**25.** It shall be lawful for the inspector appointed under this Act, at the request of any purchaser or undertaker, who shall give twenty-four hours notice, in writing, to the other party to the contract, at all reasonable times to enter any house or shop, store, yard, or other place whatsoever within his district, where any meter, stamped or unstamped, is fixed or used, and to remove such meter, doing as little damage thereby as may be ; and if, upon examination and testing, it shall appear that any such meter is incorrect or fraudulent, such meter shall not be refixed or used again, unless and until altered and repaired so as to measure and register correctly, and stamped.

Payment of costs.

"2. And the cost of such removal, alteration, repairs and stamping shall be paid by, and may be recovered from the party against whom the decision is given."

Sect. 31 amended.

2. Section thirty-one of the said Act is hereby amended by adding the following sub-section at the end thereof:

Tests to be at least weekly.

"2. Such tests shall be made at least once in each week, and in addition to such weekly tests, additional tests may be made when the quantity of gas made by any undertaker may be deemed sufficiently large to render such additional tests necessary ; such necessity being determined by departmental regulations or order in that behalf."

Sect. 35 amended.

3. Section thirty-five of the said Act is hereby amended by adding the following sub-sections at the end thereof :

Ordinary fees payable by the undertaker.

"2. The fees so determined as payable for testing the illuminating power and purity of gas, when such tests are made in pursuance of any general regulations in that behalf, shall be paid by the undertaker."

4th Session, 3rd Parliament, 40 Vict., 1877.

BILL.

An Act further to amend "An Act to provide for the Inspection of Gas and and Gas Meters."

Received and read first time, Thursday, 22nd March, 1877.

Second reading, Friday, 23rd March, 1877.

Mr. LAFLAMME.

OTTAWA
Printed by MacLean, Roger & Co., Wellington Street.
1877.

Other fees.

"3. When any purchaser requires to have a special test made as to the illuminating power or purity of gas, the fees chargeable for such test, shall be paid by the party who requires it to be made."

This Act to be one with Act amended.

4. This Act shall be read and construed as one with the Act above cited.

ander: That the said Charles Edwin Holiwell and Frances Maria Alexander have, since the date last aforesaid, lived and cohabited together at Quebec aforesaid, in open and continuous adultery, and issue has been born of such bigamous marriage; And whereas it is proper and expedient that the prayer of the said petition should be granted;

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

1. The marriage between the said Martha Jemima Hawkshaw Holiwell and Charles Edwin Holiwell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

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

3. The said Charles Edwin Holiwell is hereby barred of all claim or demand, right, title or interest of, in or to the estate, goods, chattels, property or effects of the said Martha Jemima Hawkshaw Holiwell, which she now has in posession or expectancy, or which she may hereafter in anywise acquire.

An Act for the Relief of Martha Jemima Hawkshaw Holiwell.

WHEREAS, Martha Jemima Hawkshaw Holiwell, of the City of Toronto, in the County of York and Province of Ontario, wife of Charles Edwin Holiwell, of the City of Quebec, army stationer, hath, by her petition, humbly set forth that on the twenty-seventh day of July, one thousand eight hundred and fifty-one, she was lawfully married to the said Charles Edwin Holiwell, at St. Pancras Church, in London, England, by the Reverend F. J. Stainforth, in accordance with the rites and ceremonies of the Established Church of England: That immediately thereafter the said Charles Edwin Holiwell and Martha Jemima Hawkshaw Holiwell sailed for Canada, and shortly thereafter arrived in Toronto, aforesaid, where they resided until the month of September next hereinafter mentioned: That issue was born of the said marriage, of which one child survives: That the said Charles Edwin Holiwell and Martha Jemima Hawkshaw Holiwell lived and cohabited together as husband and wife from the date of such marriage until the month of September, one thousand eight hundred and fifty-nine: That during the period of such cohabitation the said Charles Edwin Holiwell, by neglecting to provide for the support of the said Martha Jemima Hawkshaw Holiwell and the said child, and by cruelty to her, and by infidelity, misconducted himself: That in the said month of September the said Charles Edwin Holiwell, without any just cause or provocation, deserted the said Martha Jemima Hawkshaw Holiwell and went to Quebec aforesaid, and has since in no manner aided in or contributed to the maintenance or support of the said Martha Jemima Hawkshaw Holiwell, or the maintenance, support or education of his said child: That since such date he has never cohabited with the said Martha Jemima Hawkshaw Holiwell, but has continued his said desertion: That shortly after the said Charles Edwin Holiwell went to Quebec, as aforesaid, he formed an adulterous connection with one Frances Maria Alexander, an unmarried woman, which has continued to the present time: That on or about the twenty-eighth day of January, one thousand eight hundred and seventy-six, the said Charles Edwin Holiwell, at Detroit, in the State of Michigan, committed bigamy with the said Frances Maria Alexander, an unmarried woman, whilst he was a resident of and domiciled in Quebec aforesaid, by marrying, while he was the lawful husband of the said Martha Jemima Hawkshaw Holiwell, the said Frances Maria Alex-

OTTAWA
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No 94.] **BILL.** [1877.

An Act to provide for the employment without the walls of Common Gaols, of prisoners sentenced to imprisonment therein.

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

1. The Lieutenant-Governor of any Province in Council may from time to time make and alter regulations for the purpose of preventing escapes and preserving discipline in the case of prisoners in any common gaol employed beyond the limits thereof. Lt.-Governor in Council may make regulations under this Act.

2. After such regulations are made, the Lieutenant-Governor of the Province in Council may, from time to time, direct or authorize the employment upon any specific work or duty beyond the limits of any common gaol, of any prisoner who, after a prior sentence of imprisonment for any breach of any law of Canada or of any Province, is sentenced to be imprisoned with hard labor in such gaol, for any crime against any law of Canada. And may then authorize employment of prisoners outside of gaols.

3. Every such prisoner shall, during such employment, be subject to all the rules, regulations and discipline of the gaol, so far as applicable, and to any regulations made under the first section of this Act. Discipline of gaol to be observed.

4. No such prisoner shall be so employed, save under the strictest care and supervision of officers appointed to that duty. Supervision.

5. Every street, highway or public thoroughfare of any kind along or across which prisoners may pass in going to or returning from their work, and every place where they may be employed under this Act, shall, while so used, be considered as a portion of the gaol, and any escape or attempt at escape, and any rescue or attempt at rescue, shall be held as if such escape or attempt at escape, or rescue or attempt at rescue, had taken place within or from the gaol. Place of work, &c., to be deemed part of gaol.

No. 94.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to provide for the employment without the walls of Common Gaols, of prisoners sentenced to imprisonment therein.

Received and read first time, Monday, 26th March, 1877.

Second reading, Tuesday, 27th March, 1877.

Mr. Blake.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 95.] **BILL.** [1877

An Act for the repression of Betting and Pool-selling.

Preamble.

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

Any person keeping a place for recording bets or selling pools, &c.

1. In case any person uses or knowingly allows any part of any premises under his control to be used for the purpose of recording or registering any bet or wager, or selling any pool, or—

(2.) Keeps, exhibits, or employs, or knowingly allows to be kept, exhibited, or employed, in any part of any premises under his control, any device or apparatus, for the purpose of recording or registering any bet or wager or selling any pool, or—

(3.) Becomes the custodian or depositary of any money, property, or valuable thing staked, wagered, or pledged, or—

(4.) Records or registers any bet or wager, or sells any pool;—

Upon the result (*a*) of any political or municipal election, or (*b*) of any race, or (*c*) of any contest or trial of skill or endurance of man or beast;—

Is guilty of misdemeanor: Punishment.

Such person is guilty of a misdemeanor, and shall be liable to be imprisoned in any common gaol for any term less than one year, with or without hard labour, and to a fine not exceeding *one thousand dollars*.

Act not to extend to holders of stakes in certain cases.

2 Provided always, that this Act shall not extend to any person by reason of his becoming the custodian or depositary of any money, property or valuable thing staked, to be paid to the winner of any lawful race, sport, game, or exercise, or to the owner of any horse engaged in any lawful race.

Act 32, 33 V., c. 32 to apply to cases under this Act.

3. The provisions of the Act thirty-two and thirty-three Victoria, chapter thirty-two, intituled: "*An Act respecting the prompt and summary administration of Justice in certain cases,*" shall apply to cases arising under this Act.

No. 95.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act for the repression of Betting and Pool-selling.

Received and read first time, Monday, 26th March, 1877.

Second reading, Tuesday, 27th March, 1877.

Mr. BLAKE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 96.] **BILL.** 1877.

An Act to amend the Post Office Act, 1875.

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

1. Sub-section seventeen of section seventy-two of the Act thirty-eight Victoria, chapter seven, known as "*The Post Office Act*, 1875," is hereby repealed and the following sub-stituted therefor :— Sub-section 17 of s. 72 of 38 V. c. 7 repealed, and new one substituted.

"17. To abandon, or to obstruct or wilfully delay the "passing or progress of any mail, or any car, train, locomo- "tive engine, tender, carriage, vessel, horse, or animal "employed in conveying any mail on any railway, public "highway, river, canal, or water communication, shall be a "misdemeanor;" Abandoning or obstructing Mail, &c., to be misdemeanor.

2. Nothing in the foregoing sub-section contained shall prevent any person from being liable, under any other Act or otherwise, to any other or greater punishment than is provided for any offence under the said sub-section : so, however, that no person be punished twice for the same offence. Not to prevent greater punishment if incurred. Proviso.

No. 96.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL

An Act to amend the Post Office Act, 1875.

Received and read first time, Monday, 26th March, 1877.

Second reading, Tuesday, 27th March, 1877.

Mr. BLAKE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877

An Act to amend the Act to Incorporate the National Investment Company of Canada (Limited.)

WHEREAS, the National Investment Company of Canada (Limited) have petitioned for amendments to their Act of Incorporation; and, whereas, it is expedient to grant the prayer of such petition:

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

1. The ninth section of the said Act is hereby amended by striking thereout the words "moneys deposited," and the words "and shall be lawful or may lawfully be taken, received, reserved or exacted, either by individuals or bodies corporate, in the place where the contract is made or is executory, but not exceeding eight per centum per annum," and by substituting in lieu of the words so last struck out the words "and shall be lawful or may lawfully be taken, received, reserved or exacted, by individuals in the Province of Ontario or by any corporation in any other of the Provinces of the Dominion, according to the place where the contract is made or is executory."

2. The tenth section of the said Act is hereby amended by striking thereout the words "together with the deposits held by the Company (if any)," and by striking thereout the words "a sum equal to the amount of the paid-up capital "and thirty-three and one-third per cent. added thereto," and substituting in lieu thereof the words "eighty per "cent. of the subscribed capital of the said Company, upon "which twenty per cent. has first been paid up."

3. The fourteenth section of the said Act is hereby amended by striking thereout the words "provided always "that the Directors, including the President and Vice-Presi- "dent, shall not exceed seven in number."

4. It shall be sufficient in all instruments, documents, and papers made, signed, executed or entered into by, for or on behalf of or with the said Company, or relating to or affecting the said Company, after first designating the said Company by their full corporate name to make use of the word "Company," instead of repeating the corporate name in full, and in all such instruments, documents, and papers the word "Company," so used, and wheresover the same shall so occur shall mean and be read and construed as the

OTTAWA:
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1877

An Act to amend the "Coteau and Province Line Railway and Bridge Act."

WHEREAS the Coteau and Province Line Railway and Bridge Company, have, by their petition, prayed that they may be permitted to change their present south-easterly terminus to some point adjacent to the north-easterly boundary of the State of New York, or the north-westerly boundary of the State of Vermont, crossing the River Richelieu at some convenient locality, or to the town of St. Johns, in the county of St. Johns, in the Province of Quebec, and have also requested an extension of time for the completion of the same, and it is expedient to grant the prayer of their petition ;

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

1. Notwithstanding anything contained in the Act incorporating the said Company, intituled an Act to incorporate the Coteau andProvince Line Railway and Bridge Company, passed in the thirty-fifth year of Her Majesty's reign, chapter eighty-three, it shall and may be lawful to and for the said Coteau and Province Line Railway and Bridge Company to lay out, construct and finish their Railway, by such course as they shall deem most expedient, to the town of St. Johns aforesaid, or to some point on the north-easterly boundary of the State of New York, or on the north-westerly boundary of the State of Vermont, crossing the River Richelieu at some convenient locality for bridging the same, subject to the provisions of the fifty-fifth section of *The Railway Act*, 1868.

2. The time specified in section nineteen of the said Act is hereby extended to eight years for the completion of the works of the said Company, from the passing of this Act.

3. Notwithstanding anything contained in the said Act, it shall not be lawful for the said Company to construct any bridge or bridges across the navigable parts of the river St. Lawrence ; but the Company shall and may, in connection with their Railway, and for the purpose of carrying goods, freight, and passengers over the same, (but for no other purpose,) construct, maintain and employ steam ferry boats to be used and employed by them to ply across the navigable parts of the said river.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877

An Act to amend the "Act respecting the Canadian Engine and Machinery Company."

WHEREAS the Canadian Engine and Machinery Company have, by their petition, prayed that they may be authorized to exercise the powers conferred on them by their Act of incorporation at any place or places in Canada, and also that the shareholders may be authorized to reduce the capital stock of the said Company; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The said Company are authorized to exercise the powers conferred upon them in and by their Act of incorporation at any place or places in Canada.

2. It shall be lawful for the shareholders, at any meeting specially called for that purpose, to reduce the capital of the Company to such amount as they shall see fit, provided that the amount of each share shall continue to be one hundred dollars.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877

An Act to incorporate The Canada Traffic Company.

WHEREAS Joseph Gibb Robertson, Andrew Robertson, Edward C. Bowen, James R. Woodward and others, have by their petition represented that they are desirous of organizing a Company for the purpose of undertaking the carrying of traffic of various kinds throughout the Dominion of Canada, and into the United States, and elsewhere, and it is expedient to grant the prayer of their petition:

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

1. Joseph Gibb Robertson, Andrew Robertson, Edward C. Bowen, James R. Woodward, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and they are hereby constituted a body corporate and politic, by the name of the "Canada Traffic Company," and the words "the Company," when used in this Act, shall mean the Canada Traffic Company hereby incorporated.

2. The Company shall have power to contract with any person, firm, company or corporation, to carry by land or water any goods, chattels or freight of any nature or kind whatsoever in any part of the Dominion of Canada, and into or from any foreign country; and for such purposes the said Company may lease, charter, purchase, run and navigate any railway, steamers or vessels required to perfect their traffic arrangements.

3. The Company may acquire and hold real estate for its own purposes of an annual value not exceeding four thousand dollars.

4. The capital stock of the Company shall be five hundred thousand dollars, divided into shares of one hundred dollars each, which amount may be raised by the parties herein named, and such other persons as may become shareholders in the said stock; and such stock may be increased from time to time by the shareholders under the by-laws of the Company as the business of the Company may require: Provided always that no such increase shall take place until the stock previously subscribed for shall be paid in full.

5. So soon as fifty per cent. of the capital stock of the Company shall have been subscribed, and ten per cent. paid thereon, and deposited in some chartered bank of Canada to the credit of the Company, the Provisional Directors, or a majority of them, shall call a meeting of the shareholders at such time and place in the City of Montreal as they may think proper, giving at least two weeks' notice in one English and one French newspaper in the said city: at which general meeting, and at the annual general meetings, the shareholders present, either in person or by proxy, shall elect by ballot such number of Directors, not less than five nor more than nine, as shall then be decided by the shareholders.

6. The Company may become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, to be executed as provided by the by-laws.

7. Joseph Gibb Robertson, Andrew Robertson, Edward C. Bowen and James R. Woodward shall be the Provisional Directors of the Company, and shall hold office as such until other Directors shall be appointed, under the provisions of this Act, by the shareholders; and it shall be their duty to open stock books and procure subscriptions for the undertaking; to allot stock to the subscribers thereof; to call a general meeting of shareholders for the election of other Directors, as herein provided, and generally to do all such other acts as shall be necessary for the complete organization of the Company.

8. The office or chief place of business of the Company shall be in the city of Montreal.

9. Unless the general meeting for the election of Directors, is held within three years from the passing of this Act, the Company shall forfeit its corporate rights.

10. The provisions of "The Canada Joint Stock Companies Clauses Act, 1869," shall apply to this Act, except in so far as they may be inconsistent with the provisions thereof.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877

An Act to amend the "*Act to make further provision for the management of Permanent Building Societies carrying on business in the Province of Ontario.*"

WHEREAS by section six of the Act passed in the thirty-seventh year of Her Majesty's reign, chapter fifty, as applied by section twelve of the said Act, it is in effect amongst other things enacted, that it shall be lawful for any Permanent Building Society carrying on business in the Province of Ontario and having a paid-up capital of not less than two hundred thousand dollars in fixed and permanent stock, not liable to be withdrawn therefrom, to receive deposits, and also for the Board of Directors of any such Society to issue debentures of such Society ; provided always, among other conditions, that the aggregate amount of money deposits in the hands of such Society, together with the amount of debentures issued and remaining unpaid, shall not at any time exceed the amount of capitalized, fixed and permanent stock in such Society, not liable to be withdrawn therefrom, by more than one-third of the total amount of the said capitalized stock ; And whereas it is expedient that such limitation should be enlarged ; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The aggregate amount of money deposits in the hands of any such Society, together with the amount of its debentures issued and remaining unpaid may be equal to but shall not at any time exceed double the amount of the unimpaired, capitalized, fixed and permanent stock in such Society, not liable to be withdrawn therefrom ; Provided always, that the amount held by any Socieiy on deposit shall not exceed the amount of the paid-up and unimpaired capital of such Society, and that the total liabilities of any such Society shall not at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by such Society ; and that in estimating the liabilities of any such Society the amount of cash actually in the hands of such Society, or deposited to its credit in any chartered bank, shall be deducted therefrom ; and that in estimating the unimpaired, capitalized, fixed and permanent stock of any such Society the amount of all loans or advances made by it to its shareholders upon the security of their stock shall be deducted therefrom.

2. In case any such society having heretofore issued debentures, desires to avail itself of the increased borrowing powers conferred by this Act, it shall be the duty of the

Board of Directors of such society to leave at the place where such debentures are payable a copy of this Act and a printed notice directed to the holders of such debentures, that such society intends to avail itself of the provisions of this Act; and thereupon any such debenture holder shall at any time within six months after the leaving of such notice, as aforesaid, have the right, after giving six months' notice in writing, to demand, and on presentation of his debeutures and coupons to receive, payment of such debentures with interest up to the time of payment—such notice in writing to be left, and presentation for payment to be made at the place where such debentures are payable.

3. The nineteenth section of the said Act is hereby amended by adding thereto, immediately after the word "instalments" therein, the figure and words following, that is to say:

"8th. The rate or rates of interest at which the mortgages held by the society have been computed or discounted to ascertain the amount of the principal remaining unpaid thereon.

4. The word "Society" in this Act shall also include and mean "Company."

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877

No. 102.] **BILL.** [1877.

An Act to make further provision for the payment of the Active Militia when called out in certain cases in aid of the Civil Power.

WHEREAS by the Act thirty-one Victoria, chapter 40, intituled: "*An Act respecting the Militia and Defence of the Dominion of Canada*," as amended by the Act thirty-six Victoria, chapter forty-six, intituled: "*An Act to amend An Act respecting the Militia and Defence of the Dominion of Canada*," it is provided that the Active Militia or any corps thereof, may be called out for active service in aid of the civil power in any case in which a riot, disturbance of the peace, or other emergency requiring such service, and beyond the power of the civil authorities to deal with, occurs or is anticipated; and that officers and men so called out shall receive from the municipality in which their services are required, pay and allowances. Preamble. 31 V. c. 40. 36 V. c. 46.

(2.) And whereas it is necessary to provide for the payment of the cost of transport of officers and men so called out, and not residing within the municipality in which their services are required;

(3.) And whereas in the case of a municipality within which passes a railway whereon Her Majesty's mails are conveyed, the conveyance of such mails may be obstructed by a riot or disturbance of the peace beyond the power of the civil authorities to deal with, and not local or provincial in its origin;

And whereas it may be unjust that the municipality should bear the whole expense of preventing or repressing such a riot or disturbance of the peace;

And whereas the circumstance that the whole of such expense must be borne by the municipality is calculated to hinder the local civil authorities from taking the proper action;

And whereas it may be just and expedient that some part of such expense should be borne by Canada;

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

1. In any such case as is referred to in the second clause of the preamble; the officers and men called out shall receive from the municipality the reasonable cost of transport in Cost of transport of Militia to be paid by municipality.

going and returning from and to the place where they reside, to and from the place where their services are required, and such cost may be recovered in like manner as the sums payable by the municipality under the first recited Act.

Case in which part may be refunded by Canada.

2. In any such case as is referred to in the third clause of the preamble, it shall be lawful for the Governor in Council to pay or reimburse out of any monies which may be provided by Parliament for the purpose, such part as may seem just of the proper expenses incurred by any municipality, by reason of any part of the active militia being called out in aid of the civil power under the provisions of the Acts hereinbefore recited;

Account to Parliament.

(2.) An account of any expenditure made under this section shall be laid before Parliament as soon as may be thereafter.

No. 102

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL

An Act to make further provision for the payment of the Active Militia when called out in certain cases in aid of the Civil Power.

Received and read first time, Thursday, 29th March, 1877.

Second reading, Tuesday, 3rd April, 1877.

MR. BLAKE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 103.] **BILL.** [1877.

An Act to amend the Act respecting the Culling and Measuring of Timber.

(The Section in brackets will be moved in Committee of the Whole)

Preamble. 38 V. c 46.

IN Amendment to the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act to amend the Act, chapter forty-six, of the Consolidated Statutes of Canada, intituled 'An Act respecting the Culling and Measuring of Timber,'*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain offices consolidated.

1. The office of Collector of slide dues at Quebec, and the office of Supervisor of Cullers shall be held by the same person.

Section 12 repealed.

2. Section twelve of the said Act is hereby repealed, and the following substituted in lieu thereof:—

New section substituted.

Governor in Council may make regulations for certain purposes.

Superannuation allowance of cullers.

"12. The Governor in Council may make such regulations as may be from time to time necessary; 1, For giving effect to the provisions of this Act, and the Act hereby amended; 2, for determining the number of cullers to be employed in each department of the supervisor's office; provided always, that the number of cullers employed in the square timber department shall not at any time exceed eighteen who shall be employed regularly by rotation; 3, for granting annuities not exceeding *two hundred dollars* per annum, in each case, to such of the cullers who were employed on the first day of May, one thousand eight hundred and seventy-six, as are incapable, by reason of age, infirmity or otherwise from pursuing their business of culling, or whose services may no longer be required; 4, for the payment of such annuities as may be granted, as herein provided, out of such funds as have been collected or as may hereafter be collected, over and above the cost of the Culling office."

Payment from surplus funds.

If surplus is insufficient.

[**3.** In the event of there being no such surplus funds, out of which the annuities granted as herein provided can be paid, then such annuities shall be paid out of the Consolidated Revenue Fund of Canada.]

Certain charges reduced.

Power of Governor in Council.

4. The charges for measuring and making out specifications for white and red pine timber is hereby reduced to three cents per ton; but the Governor in Council may from time to time increase or diminish such charges, if found necessary for equalizing the fees collected with the cost of

culling, making specifications and other necessary charges incident thereto, so as to give the cullers employed yearly average earnings of seven hundred dollars each.]

Duties of cullers.

Penalty for neglect, &c.

Suspension in certain cases.

5. All cullers employed by the Supervisor shall obey his lawful commands, and shall respectively hold themselves in readiness, on all lawful days, to execute the duties of their office from daylight until dark ; and for each neglect, refusal or delay, when not otherwise employed about the duties of his office, the culler shall forfeit eighty dollars to the use of the person injured by such neglect, refusal or delay ; and any culler so employed, guilty of impropriety of conduct or disobedience of orders, or incapacity, may be suspended from office by the Supervisor, subject to an appeal to the Board of Examiners.

Act how construed.

6. This Act shall be read and construed as one Act with the Act hereby amended, and the Act amended by that Act.

No. 103.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Act respecting the Culling and Measuring of Timber.

Received and read first time, Monday, 2nd April, 1877.

Second reading, Tuesday, 3rd April, 1877.

Mr. LAFLAMME.

OTTAWA :
Printed by MacLean, Roger & Co., Wellington Street
1877.

No. 104.] **BILL.** [1877.

An Act to provide for the admission of fish and fish oil inspected in Newfoundland, to the markets of Canada without further inspection.

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

Fish and fish oil inspected in Newfoundland, may under certain conditions be dealt with as if inspected in Canada.

1. Whenever it shall appear to the satisfaction of the Governor in Council that the laws of the Province of Newfoundland, respecting the inspection of fish and fish oils, are such as will ensure that the quality of fish and fish oils inspected under them is equal to that required in like articles branded or marked of the same grade under the inspection laws of Canada, he may, by proclamation, declare the same, and such articles, being certified in such manner as may be required by such proclamation, to be products of the fisheries of Newfoundland, shall, while such proclamation remains in force, be admitted to the markets of Canada without further inspection therein, and may be exported and dealt with in all respects as if inspected, branded or marked as aforesaid in Canada; Provided, that such proclamation may be revoked in like manner if, at any time after its issue, the Governor in Council shall be satisfied that the standard of inspection of the articles aforesaid in Newfoundland is not equal to that of Canada. Proviso.

No. 104.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to provide for the admission of fish and fish oil inspected in Newfoundland, to the markets of Canada without further inspection.

Received and read first time, Monday, 2nd April, 1877.

Second reading, Tuesday, 3rd April, 1877.

Mr. Laflamme.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 105.] **BILL.** [1877.

An Act further to amend the Acts to provide for the management and improvement of the Harbour of Quebec, and "The Pilotage Act of 1873."

Preamble.

WHEREAS it is expedient to make further and better provision for the management and improvement of the Harbour of Quebec, and to amend certain parts of the Acts now in force respecting the same; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 3 of the Act of the Province of Canada 25 V. c. 46 amended.

1. The third section of the Act of the Legislature of the late Province of Canada, passed in the twenty-fifth year of Her Majesty's reign, and intituled: "*An Act to amend the Act to provide for the Improvement and Management of the Harbour of Quebec,*" is hereby amended by striking out the following words: "parts beyond the seas," and substituting therefor the words "parts outside of the Dominion of Canada."

Part of sect. 18 of 36 V. c. 62 repealed.

2. So much of the eighteenth section of the Act passed in the thirty-sixth year of Her Majesty's reign, intituled: "*An Act further to amend the Act to provide for the Management and Improvement of the Harbour of Quebec,*" as is in the following words:

"On tow-boats and steamers of twelve tons and under, plying in the Harbour and Port of Quebec, for the season, ten dollars each;"

"On tow-boats and steamers over twelve tons, plying in or to the Harbour of Quebec, for the season, fifteen dollars each;"

is hereby repealed, and the following substituted therefor:

New provision made.

'On all towboats and steamers of twenty-five tons register or under, plying in or to the Harbour of Quebec, for the season, *fifteen dollar* each; and on all such tow-boats and steamers over *twentsy-five* tons register an additional ***twenty cents*** over and above the said *fifteen dollars*, for each additional ton register over the said twenty-five tons."

Section 19 repealed.

3. The nineteenth section of the last-mentioned Act is hereby repealed.

Duty of master of a vesse arriving at Quebec.

4. The master or person in charge of any vessel arriving in the Port of Quebec and discharging cargo thereat, from any port within the Dominion of Canada, the Province of Newfoundland or the United States, shall be bound, within forty-eight hours after the arrival of such vessel in the Harbour of Quebec, to furnish the Secretary of the said Corporation with a true statement of the cargo of his said vessel; and he shall, within the said forty-eight hours, pay

the rates or tolls due on such vessel to the Quebec Harbour Commissioners, through their Secretary-Treasurer; and in default of such master or person in charge of any such vessel so doing, he shall be liable to a penalty not exceeding *fifty dollars*, or to imprisonment not exceeding one month.

Sect. 18 of 36 V. c. 62 amended.

5. Section eighteen of the said last-mentioned Act is amended by striking out the words "by sea," where they occur therein after the words "Port of Quebec."

Power to impose penalties or imprisonment.

6. The Quebec Harbour Commissioners shall have power, by any by-law to be hereafter made by them, to impose penalties not exceeding *one hundred dollars currency*, or *sixty days' imprisonment*, upon persons infringing or contravening the provisions of any by-law passed or to be passed by the said Quebec Harbour Commissioners.

How recoverable.

7. All penalties incurred under the Acts to provide for the management and improvement of the Harbour of Quebec, and "*The Pilotage Act*, 1873," or under any Act or Acts amending the same, shall, within the limits of the pilotage authority of Quebec, be sued for and recovered before the Quebec Harbour Commissioners, in the same manner as penalties were heretofore recovered and suits brought before the late Trinity House of Quebec.

Power to substitute fine for suspension.

8. In all cases where the Harbour Commissioners of Quebec have power to dismiss or suspend a branch pilot for and below the Harbour of Quebec, they shall, instead of such punishment, have the right to fine such pilot in a sum not exceeding *one hundred dollars*, if they deem it advisable to do so in lieu of dismissing or suspending him.

Commissioners may alter tariff with conseent of the Governor in Council.

9. The Quebec Harbour Commissioners, with the approval and consent of the Governor in Council, may, from time to time, modify and alter, and again re-modify and re-alter, as occasion may, in their judgments, require, the tolls, rates, duties and dues payable in the said harbour; and such modifications and alterations, being published in the *Canada Gazette* (which shall be evidence thereof and of such approval and consent), shall have the same force and effect as if made by Act of the Parliament of Canada.

No. 105.

4th Session, 3rd Parliament, 40 V

BILL.

An Act further to amend t
provide for the manageme
provement of the Harbour
and "The Pilotage Act of

Received and read first time,
April, 1877.
Second reading, Tuesday, 3rd A

Mr. SMI
West

OTTAWA:
Printed by MacLean, Ro
1877.

No. 106] **BILL.** [1877.]

An Act respecting the Measurement of Steam Ships registered under the repealed Act of the late Province of Canada.

Preamble.

WHEREAS by the Act passed in the thirty-sixth year of Her Majesty's Reign, intituled "*An Act relating to Shipping, and for the registration, inspection and classification thereof,*" which came into force by proclamation on the twenty-seventh day of March, 1874, the Act chapter forty-one of the Consolidated Statutes of the late Province of Canada, intituled, "*An Act respecting the registration of Inland Vessels,*" was repealed, but ships registered under it were not required to be re-registered or re-measured; and whereas steamships registered in Canada on or after the said day were and are under the Act first above cited, to be measured for registration in the manner prescribed by the Act of the Imperial Parliament, known as "*The Merchant Shipping Act*, 1854," and such measurement is made by different rules and gives a tonnage different from that given by the rules prescribed by the said Imperial Act; and whereas this difference is found to be inconvenient and unfair, and it is expedient that the same rules of measurement should be used in both cases: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

36 V. c. 128.

Con. Stat. Can. c. 41.

Imp. Act, 17, 18 V. c. 104.

Steamships registered in Canada before 27th March, 1874, to be re-measured.

1. Every steamship registered in Canada before the said twenty-seventh day of March, one thousand eight hundred and seventy-four, and measured for registration by any other rules than those prescribed by "*The Merchant Shipping Act*, 1854," shall, after the passing of this Act, be re-measured for tonnage in the manner and according to the rules prescribed by "*The Merchant Shipping Act*, 1854," and for the purpose of making such re-measurement the Surveyor at any Canadian Port, or any Surveyor appointed for the purpose by the Governor, is hereby authorized to go on board such steamship at any seasonable time, and the owner, master or officers of the ship shall afford him the proper facilities and assistance in making the same, and the ship's tonnage ascertained by such re-measurement shall be marked as the law requires, and entered on her register and certificate of registry by the registrar of her port of registry, and shall thereafter be deemed to be her tonnage; and on or after the first day of July next, no clearance shall be granted to any such steamship at any port in Canada, nor shall she exercise any privilege of a British ship, or be considered as being so, until she has been re-measured and the tonnage so ascertained has been entered on her register,

Provisions as to such re-measurement.

No clearance after 1st July, 1877, to steamships not re-measured.

and certificate of registry, and marked as hereby required; Provided always, that the tonnage dues on any such steamship shall be payable according to her present registered tonnage until the first of July next (1877), on and after which day they shall be payable according to her registered tonnage under this Act.

Proviso; as to tonnage dues up to 1st July, 1877.

Penalty for not assisting Surveyor, or wilfully obstructing him.

2. Any owner, master or officer of a ship refusing or neglecting when called upon by a duly appointed surveyor so to do, to afford him the proper facilities and assistance for the measurement of the ship under this Act, or any peson wilfully obstructing such surveyor in making such measurement, shall thereby incur a penalty of *forty dollars*, recoverable in a summary manner before any Justice of the Peace; and such penalty shall belong to the Crown for the public uses of the Dominion.

No fee for re-measurement.

3. No fee shall be payable to the surveyor by the owner or master of any steamship for the re-measurement thereof under this Act.

Construction of this Act.

4. This Act shall be construed as one Act with that herein first cited and hereby amended.

No. 106.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act respecting the Measurement of Ships registered under the repealed Act of the late Province of Canada.

Received and read first time, Thursday, 5th April, 1877.

Second reading, Friday, 6th April, 1877.

Mr. SMITH,
Westmoreland.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

An Act to remove doubts as to the right to vote of shareholders in certain Banks.

WHEREAS doubts have arisen as to the right of shareholders in banks to which the twenty-seventh, twenty-ninth and thirtieth sections of the Act relating to banks and banking apply, to vote as such without having paid all matured calls made by the Directors; and whereas it is expedient that such doubts should be removed: 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. It is the true intent and meaning of sections twenty-seven, twenty-nine and thirty of the Act passed in the thirty-fourth year of Her Majesty's reign, chapter five, intituled "*An Act relating to Banks and Banking*," that no shareholder in any bank to which those sections of the said Act apply has any right to vote, either in person or by proxy, on any question proposed for the consideration of the shareholders of such bank, at any meeting of such shareholders, or in any case where the votes of the shareholders of such bank are taken, without having paid all calls made by the Directors which have then become due and payable.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 108.] **BILL.** [1877.

An Act to amend the Pilotage Act of 1875.

Preamble. 38 V. c. 28.

WHEREAS it is expedient to amend the Act passed in the thirty-eighth year of Her Majesty's reign and intituled: "*An Act further to amend The Pilotage Act*, 1873," as respects exemption from the payment of pilotage dues, and to provide for the more certain collection of pilotage dues: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sub-section 3 of section 1 repealed.

1. Sub-section three of the first section of the said Act is repealed and the following substituted therefor:—

What steamships shall be exempt from pilotage dues.

"(3.) Ships propelled wholly or in part by steam employed in trading from port to port in the same province, or between any one or more of the Provinces of Quebec, New Brunswick, Nova Scotia or Prince Edward Island, and any other or others of them, or employed on voyages between any port or ports in the said provinces or any of them and the port of New York or any port of the United States of America on the Atlantic, north of New York, shall be exempt from the compulsory payment of pilotage dues; except only in the ports of Halifax and Pictou, as respects each of which ports the Pilotage authorities of the district may from time to time determine, with the approval of the Governor in Council, whether any, and which, if any, of the steamships so employed shall or shall not be wholly or partially, and, if partially, to what extent and under what circumstances, exempt from the compulsory payment of pilotage dues."

Exception as to Halifax and Pictou.

No clearance until such dues, if payable, are paid or settled for.

2. No clearance shall be granted to any ship at any port in Canada where there is a duly constituted pilotage authority, and at which pilotage dues are payable, unless and until a certificate from the Pilotage authorities of the district, or some officer or person authorized by such authority to grant the same, that all pilotage dues in respect of such ship have been paid or settled for to the satisfaction of such authority, has been produced to the Customs officer granting such clearance.

Construction and short title.

3. This Act shall be construed as one Act with that amended by it; and "*The Pilotage Act*, 1873," and the Acts of 1874 and 1875 amending it, and this Act, may be cited as "*The Pilotage Acts of Canada*."

No. 108.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Pilotage Act of 1875.

Received and read first time, Thursday, 5th April, 1877.
Second reading, Friday, 6th April, 1877.

Mr. SMITH,
Westmoreland.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.,
1877.

No. 109.] **BILL.** [1877.

An Act to amend certain Acts respecting duties of Customs and Excise.

Preamble

IN amendment of the several Acts hereinafter mentioned, respecting duties of Customs and Excise, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain Duties of Excise altered.

1. In lieu and stead of the duties of Excise imposed on the articles hereinafter mentioned by the Act thirty-one Victoria, chapter eight, intituled "*An Act respecting the Inland Revenue*," the following duties of Excise shall be raised, levied, collected and paid, viz:—

Malt.

On every pound of malt, two cents.

Malt liquor.

On every gallon of any fermented beverage made in imitation of beer or malt liquor, and brewed in whole or in part from any other substance than malt, eight cents.

Proviso.

Provided that brewers using sugar in the manufacture of beer, and paying the above mentioned duty on the beer made therewith, may receive a drawback equal to the duty of excise paid by them on the malt used with such sugar in making such beer.

Certain specific duties under 31 V., c. 44, and other Acts, repealed and new imposed.

2. So much of Schedule A of the Act thirty-one Victoria, chapter forty-four, 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,'*" or of any Act amending it, or of any other Act, as imposes any specific duty of Customs on any of the goods or articles hereafter mentioned, is hereby repealed, and in lieu of the duties thereby imposed, the following duties of Customs shall be raised, levied, collected and paid, viz:

On Cigars, including Cigarettes, 50 cents per pound, and 20 per centum *ad valorem*.

On Tea—Green or Japan.....per lb., 6 cents.

On Tea—Black..... " 5 cents.

On Cologne Water and Perfumed Spirits, when in flasks or bottles not weighing more than 4 oz.....25 per centum *ad valorem*.

On Malt.....per lb., 2½ cents.

On Oils, viz.:—Coal and Kerosene, distilled, purified and refined, Naptha, Benzole and Petroleum, Products of Petroleum, Coal, Shale and Lignite, not otherwise specified, and Crude Petroleum, per wine gallon..... 6 cents.

And so of certain other duties altered.

3. So much of Schedule B of the Act last mentioned, or any Act amending it, as imposes any duties of Customs upon ale, beer and porter is hereby repealed, and in lieu of the duties thereby imposed, the following specific duties of Customs shall be raised, levied, collected and paid thereon, viz :—

On Ale, Beer and Porter, when imported in bottle (6 quart and 12 pint bottles to be held to contain an Imperial gallon) per Imperial gallon..... 18 cents.

On Ale, Beer and Porter, when imported otherwise than in bottle, per Imperial gallon..... 12 cents.

Certain duties under 37 V., c. 6, altered.

4. So much of the Act thirty-seven Victoria, chapter six, intituled "*An Act to amend the Act thirty-first Victoria, chapter forty-four, and other Acts amending the same, and the tariff of duties of Customs imposed by the said Acts, and to alter certain duties of Excise*," or of any Act amending it, as imposes a duty of Customs of ten per centum *ad valorem* upon the following goods, viz.:—

Cotton Thread, in hanks, coloured and unfinished, numbers three and four ply—white—not under number twenty yarn;
Cotton Warp, not coarser than number forty;
Cotton Thread on spools;
Machine Twist and SilkTwist;
Linen Machine Thread;

is hereby repealed, and the said goods be held to be and shall be dealt with as non-enumerated articles, subject to a duty of Customs of seventeen and one-half per centum *ad valorem*.

Certain goods now free, subjected to duty.

5. So much of Schedule C of the said Act thirty-one Victoria, chapter forty-four, or of any Act amending it, or of any Order in Council, as admits the following goods free of duty, viz :—

Tubes and Piping, of brass, copper and iron, drawn.
Cotton Thread in hanks, coloured and unfinished, number six ply—white—not under number twenty yarn,

is hereby repealed; and the following duties of Customs shall be raised, levied, collected and paid on the same, viz :----

On Tubes and Piping, of brass, copper or iron, drawn, seventeen and one-half per centum *ad valorem*.
On Cotton Thread in hanks, coloured and unfinished, number six ply---white---not under number twenty yarn, ten per centum *ad valorem*.

Act 37 V., c 6, amended as to computation of value of wines for duty

6. So much of the said Act thirty-seven Victoria, chapter six, as imposes a specific duty of Customs on wines is hereby amended, and shall be subject to the following provision :---- In computing the worth of all wines there shall be included

the cost of bottling, corking, wiring, labelling, and of the materials used therein, and all other expenses incurred prior to actual shipment,---except the cost of bottles and packages which shall remain subject to the duty of seventeen and one-half per centum *ad valorem*, provided by the next following section.

Duties on non-enumerated goods and packages repealed.

7. So much of any Act or Schedule as imposes any duty of Customs on non-enumerated goods and packages is hereby repealed, and the following provisions substituted therefor, that is to say:—

And other duties substituted.

The value of all bottles, flasks, jars, demijohns, carboys, casks, hogsheads, pipes, barrels, and all other vessels or packages manufactured of tin, iron, lead, zinc, glass or any other material, and capable of holding liquids; crates containing glass, china, crockery or earthenware, and all packages in which goods are commonly placed for home consumption, including cases in which bottled spirits, wines or malt liquors are contained, and every package, being the first receptacle or covering enclosing goods for purposes of sale, shall, in all cases in which they contain goods subject to an *ad valorem* duty be taken and held to be a part of the fair market value of such goods for duty, and when they contain goods subject to specific duty only, such packages shall be charged with a duty of Customs of seventeen and one half per centum *ad valorem*, to be computed upon their original cost or value; and all goods not enumerated in this Act or any other Act as charged with any duty of Customs, and not declared free of duty by some unrepealed Act or provision, shall be charged with a duty of Customs of seventeen and one half per centum *ad valorem* when imported into Canada or taken out of warehouse for consumption therein; but all packages not hereinbefore specified, and not specially charged with duty by any unrepealed enactment, and being the usual and ordinary packages in which goods are packed for exportation, according to the general usage and custom of trade, shall be free of duty.

Proviso.

Act 31 V., c. 50, repealed.

8. The Act thirty-first Victoria, chapter fifty, intituled "*An Act to increase the Excise Duty on Spirits, to impose an Excise Duty on Refined Petroleum, and to provide for the inspection thereof*," is hereby repealed.

From what time the foregoing provisions have had effect.

9. The foregoing sections of this Act shall be held to have come into force, and the duties therein mentioned and imposed shall be held to have been imposed and substituted for those imposed by the enactments thereby repealed, on the twentieth day of February in the present year of our Lord one thousand eight hundred and seventy-seven, and to have been and to be payable on all goods imported or taken out of warehouse for consumption upon or after the said day.

No. 109.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend certain Acts respecting Duties of Customs and Excise.

Received and read first time, Thursday, 6th April, 1877.

Second reading, Friday, 7th April, 1877.

MR. CARTWRIGHT.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Stree
1877.

No. 110] **BILL.** [1877.]

An Act to transfer the management of certain Harbours, Piers and Breakwaters from the Department of Public Works to the Department of Marine and Fisheries.

Preamble. 31 V. c. 57.

WHEREAS the administration of the law relating to Harbours, Piers and Wharves belonging to the Government of Canada, is by the Act passed in the thirty-first year of Her Majesty's Reign, intituled: "*An Act for the organization of the Department of Marine and Fisheries*," assigned to the Department thereby constituted, and it is expedient to make more definite provision in that behalf; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain works transferred from Public Works Department to Marine and Fisheries Department. 31 V. c. 12.

1. Notwithstanding anything to the contrary in the fourteeenth or any other section of the Act passed in the thirty-first year of Her Majesty's Reign, intituled: "*An Act respecting the Public Works of Canada*," or in any other Act, all harbours, wharves, piers and breakwaters now or hereafter constructed or completed at the expense of Canada, or being otherwise the property of the Dominion, except only such as are on or connected with canals, shall be under the control and management of the Minister of Marine and Fisheries as respects the use thereof, the making and enforcing of regulations respecting such use, and the collection of tolls and dues for the same; the construction and repairs, (except maintenance and ordinary repairs) and the works connected therewith, remaining as at present under the control and direction of the Minister of Public Works.

Appointment of officers to collect tolls, &c.

2. The Governor may appoint or direct such officers or persons as he may think proper to have under the direction of the Minister of Marine and Fisheries, the charge of the works thereby placed under the management and control of the said Minister, and to collect the tolls and dues thereon, and to fix the remuneration to be allowed them respectively for such services.

Governor in Council may make regulations for use of works: and tariff of tolls: and impose penalties for contravention.

3. The Governor in Council may, from time to time, on the recommendation of the Minister of Marine and Fisheries, make, rescind, modify or alter rules and regulations for the use and management of such harbours, wharves, piers and breakwaters, and a tariff or tariffs of the tolls and dues to be paid for the use of the same, and levied on persons, or vessels using them, and on goods, wares or merchandize landed or

shipped on or from off them, and may by such rules and regulations impose penalties not exceeding *two hundred* dollars, and punishment by imprisonment not exceeding sixty days for any violation thereof; and such tolls, dues and penalties shall be a lien on the goods and on the vessels (with their tackle) in respect of which they are payable or incurred; and the officer or person appointed to collect the same may detain such vessel or goods until they are paid, and no vessel leaving any port at which any such tolls or dues are payable shall receive a clearance at the Custom House thereat, unless the Master produces to the Collector or proper officer of the Customs a certificate that the tolls or dues on such vessel have been paid, or that more are payable thereon: Provided always that such regulations shall not be in force until published in the *Canada Gazette*.

Collection of tolls, &c., how enforced.

Proviso.

Penalties how to be recovered and applied.

4. All pecuniary penalties imposed under the authority of this Act may be recovered with costs, by summary proceedings before any Justice of the Peace for the place in which they are incurred, under the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's Reign, intituled, "*An Act respecting the duties of Justices of the Peace out of Sessions, in relation to Summary Convictions and Orders*," and shall belong to Her Majesty for the public uses of the Dominion.

32, 33 V. c. 31.

How unpaid tolls may be levied.

5. If any tolls or dues imposed, and payable on any goods under this Act remain unpaid during *four* weeks after they are due, the officer or person to whom they are payable may apply to any such Justice of the Peace for an order to levy the same, and upon such application and accompanied by the oath or solemn affirmation of the applicant, made before such Justice, that such tolls or dues, stating the amount thereof, are due on such goods, describing them sufficiently to identify them, and have remained unpaid during *twenty-eight* days (or more as the case may be), the said Justice shall issue his warrant to some constable to sell such goods or so much thereof as may be sufficient to pay the sum due with reasonable costs, not exceeding *five dollars*, which such constable shall accordingly do, and shall pay over the amount made, less the costs, to the officer or person authorized to collect such tolls or dues.

Appropriation of tolls.

6. All tolls and dues received under this Act shall belong to Her Majesty for the public uses of the Dominion, and shall be paid over by the person receiving them to the Receiver-General, at such times and in such manner as the Governor in Council may direct; but an account thereof shall also be rendered to the Minister of Marine and Fisheries at such times and in such manner as he may direct; and an account of all such monies, and of all expenditure incurred in the collection thereof, or otherwise under this Act, shall be laid before Parliament at the Session next after the close of the fiscal year in which the same shall have been received or incurred.

Accounts to be rendered.

Certain powers of Minister of Public Works not to be impaired: nor that of Governor in Council to make regulations.

7. Nothing in this Act shall be construed to impair or affect any of the powers or duties of the Minister or Department of Public Works, under the Act herein first cited, or any other Act, as regards the construction, improvement, repair or maintenance of the works hereinbefore mentioned, or the power of the Governor in Council to make regulations for the proper use of the said works, as respects their safety and protection from injury, and the prevention of, or liability for, damages done to them, or to avoid or impair the effect of any Order in Council made under the said Act or Acts imposing or providing for the collection of tolls or dues for the use of such works, unless and until such order is revoked, as it may be, or other provisions made for the same purpose under this Act.

Act not to apply to certain harbours.

8. Nothing in this Act shall apply to the Harbour of Quebec, Montreal, Toronto, St. John, N.B,, or Pictou, or any Harbour under the management of Commissioners appointed under any Act of the Parliament of Canada.

No. 110.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to transfer the management of certain Harbours, Piers, and Breakwaters from the Department of Public Works to the Department of Marine and Fisheries.

Received and read first time, Friday, 6th April, 1877.

Second reading, Monday, 9th April, 1877.

Mr. SMITH,
Westmoreland.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 111.] **BILL.** [1877.

An Act respecting certain Ordnance and Admiralty Lands in the Provinces of Ontario and Quebec.

Preamble. Con. Stat. Can. c. 24.

WHEREAS, under the provisions of Chapter twenty-four of the Consolidated Statutes of the late Province of Canada, and of the Statutes by that Act consolidated, certain lands mentioned in the first schedule to that Act were vested in her Majesty's Principal Secretary of State for the War Department, and other lands mentioned in the second schedule to that Act were vested in her Majesty for the purposes of the late Province of Canada, subject to the provisions of that Act; And whereas, it was agreed between Her Majesty's Government and the Government of Canada, that the lands so vested in Her Majesty's Principal Secretary of State for the War Department, should be transferred to Canada, and, in pursuance of that agreement, the possession and control of such lands have been transferred to the Government of Canada; And whereas, in order to the execution of that agreement, it is necessary that the legal title to the said lands should be re-vested in Her Majesty for the purposes of Canada; And whereas, the said lands are comprised in those described in the schedule to this Act,--- and it is expedient to make provision for the management and disposition of all the lands mentioned in such schedule: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Lands in the Schedule vested in H. M. for Canada.

1. All the lands comprised in the Schedule to this Act, by whatever mode of conveyance the same may have been acquired or taken, whether in fee, for life, for years, or otherwise, and all the appurtenances thereof, are and shall be and continue absolutely vested in Her Majesty for the purposes of Canada, and shall be subject to the provisions of the laws relating to public lands, so far as applicable to the same, and shall be held, used, alienated and dealt with accordingly; but subject, nevertheless, to any sales, agreements, leases or agreeements to lease, heretofore lawfully entered into respecting the same.

Subject to agreements, &c.

Proviso.

2. Nothing in this Act shall affect any right of any party claiming any of the said lands.

To be divided into 2 classes.

3. The said lands shall be divided by the Governor in Council into two classes, to be denominated respectively, Class *one* and Class *two*.

From time to time.

2. Lands in either class, may from time to time be placed or replaced in the other class by the Governor in Council.

Class 1.

4. Class *one* shall consist of such parts of the said lands as may from time to time be placed in that class, by order of the Governor in Council.

Lands retained for defence.

2. Lands in Class *one* shall be retained by the Government of Canada for the defence of Canada.

How to be occupied if necessary for defence.

3. Such of the lands in Class *one* as it is deemed necessary by the Governor in Council to occupy for the defence of Canada in time of peace, may be so occupied by such force as shall be lawfully directed by the Governor in Council.

If not necessary.

4. Such of the lands in Class *one* as it is not deemed necessary so to occupy, may be leased or otherwise used, as the Governor in Council may think best for the advantage of Canada.

Class 2.

5. Class *two* shall consist of such parts of the said lands as may not be in Class *one*.

How to be dealt with.

2. Lands in Class *two* may be sold, leased or otherwise used as the Governor in Council from time to time may think meet.

And moneys arising therefrom.

6. The moneys arising from the sale or lease of any of the said lands shall be paid over to the Receiver-General, and shall form part of the Consolidated Revenue Fund of Canada,

Separate account.

and a separate account shall be kept thereof.

Inconsistent enactments repealed.

7. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SCHEDULE

REFERRED TO IN THE FIRST SECTION OF THIS ACT.

ONTARIO.

WAR DEPARTMENT property, as per Schedule, Consolidated Statutes, (22 Vict.) Cap. 36.

Local name of the Property, &c.	Origin of the Title.	Contents. (nearly.) A.	R.	P.
NIAGARA.				
Fort Mississagua and land attached...	Partly by Crown reservation in 1784 or 1796, and partly by exchange with Mr. Crooks	66	2	14
KINGSTON.				
Land at the Little Cataraqui	Purchased by Imperial Government in 1812	142	1	31
Murney Tower and Redoubt, land, &c	Crown reservation and partly by deed of Exchange	6	3	13
Market Battery and enclosure	Crown reservation and partly by deed of Exchange	1	2	39
Shoal Tower and submerged land in front of Market Battery	Granted by Order in Council, 18th Nov., 1845, and 26th June, 1846, but no letters patent issued	11	1	16
		12	0	10
Tête de Pont Barracks, stables, &c...	By right of conquest, &c.; military appropriation; the site of Fort Frontenac and works attached	12	3	3¾
		4	3	1 3
Fuel yards, Nos. 1, 2, barrack office and lot 19, Place d'Armes, on site of works of old Fort Frontenac.....	By patent—Provincial Government in exchange for other lots, 28th January, 1861	1	2	14
Fuel yard, No 3, on site of advanced work of old Fort Frontenac	Held by military occupation since the conquest. No written title yet found...	0	3	8
Artillery Park, with barracks, stables &c., workshops, &c., &c., attached	Crown reservation as delineated on a plan of Kingston in the Crown Lands Department, signed by Alex. Aitken, D.P.S., but no date	5	2	25
The water lot, being a portion of Cataraqui Bay, north-east of the city	By letters patent from the Crown to the Hon. Board of Ordnance, on condition the navigation of the river should not be obstructed, nor the rights of private individuals be interfered with, dated 22nd Nov., 1845	71	0	0
Military Burial Ground section G, in Cataraqui Cemetery	Deed of Donation from the Trustees to the War Department, dated 31st January, 1865	2	0	14
Point Frederick Naval Reserve, dockyard, &c.	Crown Reserve, set apart by letters dated 11th September, 1783, and 22nd May, 1785, by General Haldimand and Lieut.-Governor Hamilton	57	0	0

WAR DEPARTMENT Property as per Schedule, Consolidated Statutes of Canada (22 Vict.) cap. 36.

NAVAL RESERVE.

Re POINT FREDERICK.

Vide Consolidated Statutes, Canada, (22 Vict., cap. 37.)
Extract from Schedule.

Thirdly—Reserves situate near the city of Kingston, to wit: So much of Point Frederick, in the township of Pittsburgh, in the county of Frontenac, now in the possession of the Naval Authorities at Kingston, and included between a fence or fences on the south side of the road leading from the east end of the Cataraqui Bridge to the village of Barriefield, and another fence at the south-west end of the Naval Yard separating it from the Tower on the extremity of Point Frederick; and also Point Frederick, the inlets designated as Haldimand Cove and Hamilton Cove.

Local name of the Property, &c.	Origin of the Title.	Contents. (nearly.		
KINGSTON.—Con.		A.	B.	P.
Fort Frederick—Glacis and land attached at Point Frederick	Crown Reserve as above quoted	8	2	0
Fort Henry and advanced battery, with ordnance store, buildings, hospital and accessories, &c. Known also as "Barriefield Common."	do do dated 11th September, 1783, and 22nd May, 1785	556	0	0
Cedar Island Tower and glacis	do do do	23	0	0
Pittsburgh, western addition of lot No. 20, Barriefield	Purchased from Robert McDonald and wife, 6th July, 1844	125	2	1
Pittsburgh, western addition of lot No. 21, Barriefield	Acquired from Robert David Cartwright, and Harriet his wife, by deed of exchange 20th March, 1840	102	0	0
Pittsburgh, western addition, front part of lot No. 16, on the River Cataraqui north of Barriefield	Purchased by the Admiralty from Richard O'Connor, Captain R.N., represented by his Attorney, J. B. Marks, R.N., 23rd August, 1819	4	2	0

QUEBEC CITY AND DISTRICT.

WAR DEPARTMENT Property as per Schedule, Consolidated Statutes of Canada (22 Vict.) cap. 36.

Local name of the property.	Origin of the Title.	Contents. (nearly).		
		A.	R.	P.
Exercising Ground, Plains of Abraham	Leasehold from the Ursuline Nuns, 99 years from 1st May, 1802	71	3	1
No. 3, Towerfield, N. W. of the Grand Allée, Plains of Abraham	Leasehold from the Nuns of the Hotel Dieu, 99 years from 1st May, 1790; space covered by the tower is freehold	37	0	12
No. 4, Tower Field, N. W. of St. John's Road	Leasehold from the Nuns of the Hotel Dieu; 99 years from 1st May, 1790, including a freehold strip of 0*a*. 1*r*. 0½*p*.	18	1	24½
Land surrounding Nos. 1 & 2, Towers, S. E. side of the Grand Allée, Plains of Abraham	Acquired by purchase from the Ursuline Nuns, 15th June, 1811, Joseph Plante, N.P., Quebec	7	2	02
Land S. E. of the Grand Allée to the Cime du Cap and between Nos. 1 & 2, Towers property, and counterscarp of the Citadel and Works adjacent	The greater part acquired by purchase from various individuals, and partly by conquest, of the old French Works, &c., an annual ground rent of £1 17s. 0d., is payable on part of this land to the Fief de Vilieray	100	0	0
The Esplanade, Town Works—Glacis, cricketfield, ditches, ravelin, &c., in front, lying between St. Louis and St. John's Gates	Acquired partly by conquest and partly by purchase from various individuals (Cricketfield, 5*a*. 3*r*. 22*p*.)	24	2	35
Citadel—Glacis and Town Works, as far as St. Louis' Gate, Engineer Yard, &c	Chiefly by right of conquest and Military appropriation	45	0	0
Town Works, Artillery Barracks, Glacis, &c., between St. John's Gate, Palace Gate and St. Valier Street	Chiefly by conquest and military appropriation. Lots in St. Valier Street, purchased in 1846-7	13	3	2
Mount Carmel, a commanding eminence, and site of the Windmill Redoubt, or Cavalier, formerly a portion of the defences of Quebec	Acquired by purchase, 25th Nov., 1780. J. Pinguêt, N. P.	0	2	0
Officers Barracks, Garrison Hospital, &c., fronting on St. Louis Street, and in rear by St. Geneviève St.	By purchase, 5th April, 1811	1	2	0
Commissariat Premises, opposite old Court House, on St. Louis Street, and in rear by Mount Carmel St.	Acquired by purchase, 11th August, 1815.	0	2	30

QUEBEC CITY AND DISTRICT.

WAR DEPARTMENT Property as per Schedule, Consolidated Statutes of Canada (22 Vict.) cap. 36.

Local name of the property.	Origin of the Title.	Contents. (nearly.)		
		A.	R.	P.
Jesuit Barracks, with other buildings and land attached, fronting on St. Anne Street, and Upper Town Market Square	By right of conquest and military appropriation, occupied as Infantry Barracks, &c	5	1	10
The Town Works, along the top of the Cape (Cime du Cap), between the King's Bastion of the Citadel and Prescott Gate, Mountain Hill, including site of old Fort St. Louis, Government Garden, &c	Part of the Crown Domain by conquest and military appropriation, with small portions at either end acquired by purchase in 1781, and about 1827-29	5	1	0
Near Grand Battery, east end of St. George's Street. Magazine F. and Ordnance Stores, &c	By right of conquest and military appropriation	0	0	12
Magazine E., Hotel Dieu, on Rampart Street, between Palace and Hope Gates	Acquired by purchase, 17th June, 1809	0	1	22
The defences along the Ramparts between Prescott Gate, Grand Battery, Hope Gate and Palace Gate (Upper Town)	By right of conquest and military appropriation (including Rampart Street and cliff underneath) *	.....	.....	.....
Inclined Plain Wharf and land to the Cime du Cap (top of the cliff) on Champlain Street, S. E. of the Citadel	Acquired by purchase, 24th Sept, 1781, afterwards used in connection with the Citadel	2	2	0
Queen's Wharf premises, and small lot opposite, on Cul de Sac Street	Formerly a part of the defences of Quebec, site of a battery. Acquired by right of conquest, &c	1	3	8
Land at the foot of the Cliff in La Canoterie and St. Charles Streets, as a Glacis in front of the Town Works	Acquired by purchase in 1846-7, to prevent buildings against the defences	2	3	0
Commissariat Fuel, Yard, &c., on Palace Harbour, St. Roch's	Part of the Intendant's Palace property, held by conquest	4	3	28

SEIGNIORY OF NEUVILLE, COUNTY PORTNEUF.

A strong defensive position, on the right bank of the River Jacques Cartier, about 30 miles above Quebec	Acquired by purchase from the Seignior, 26th June, 1818	38	0	3

* Contents never given.

SEIGNIORY of Lauzon, &c., Lands acquired under the provisions of the Consolidated Statutes of Canada (22 Vict.) cap. 36.

Local Name of the Property.	Origin of the Title.	Contents. (nearly.)		
POINT LEVIS.	*Freehold.*	A.	R.	P.
Point Levis; Forts Nos. 1, 2, 3; Seigniory of Lauzon; County of Levis; District of Quebec	Lands acquired by purchase in 1865, 1866, 1867 and 1868, under the provisions of the Consolidated Statutes of Canada, cap. 36. J. Greaves Clapham, N. P., Quebec	1252	2	7
do do as above, to prevent erection of buildings near the rear line or covered way, between Nos. 2 and 3 forts.....	*Copyhold.* Assignment of clearance rights acquired in 1867 and 1868; a servitude in perpetuity. J. Greaves Clapham, N. P., Quebec.	69	1	35

LANDS, &c., of the War Department, as per Schedule, Consolidated Statutes of Canada (22 Vict.) cap. 36.

Local Name of the Property.	Origin of the Title.	Contents. (nearly.)		
MONTREAL CITY.		A.	R.	P.
Quebec Gate and Artillery Barracks, cavalry stables, fuel yard, commissariat store buildings, and the beach in front—all on Water street.	Principally by right of conquest and military appropriation; a few perches only purchased in 1834.....	8	0	36
Garrison hospital surgeons' headquarters, land and other buildings attached.....	Acquired by purchase in 1836, and by Deed of Exchange, 19th September, 1870	1	0	26
North-west side of Dalhousie Square, building lots, site of Old Citadel Hill.....	By deed of purchase, 25th May, 1838	0	0	25
Champ de Mars or parade ground for the troops.....	Held since the conquest in 1760, as a part of the old fortifications, fronting on Craig Street.....	4	1	28
Military burial ground on the Papineau Road.....	By purchase, 30th December, 1814.....	1	1	24
St. Helen's Island	By Deed of Exchange, 8th April, 1818, (Being in the St. Lawrence River, and lying contiguous.	123	3	20
Ile Ronde.....		28	1	10
Ile aux Fraises.....		1	2	19

ADMIRALTY LANDS or Naval Reserves as per Schedule, Consolidated Statutes of Canada (22 Vict.) Cap. 37.

Local Name of the Property, &c.	Origin of the Title.	Contents (nearly).		
		A.	R.	P.
ONTARIO.	*Naval Reserves.*			
County of Haldimand	Grand River	219	0	0
	Barbet Point	48	2	32
	Mohawk Bay	20	0	0
do Simcoe	Reserve Townships, Tiny and Tay, south-east side Penetanguishene Harbour	389	0	0
	Reserve, east branch of Holland River, in town plot of Gwillimbury; lots 49, 50, 51 and 52. West side of Meadow Street	4	0	0
	Reserve Lot 13, in the Township of Vespra, 11th concession	200	0	0
do Essex	Reserves at Point Pelée, in the Township of Mersea	3000	0	0
Lake Huron	Lot 1, in 1st and 2nd concessions of the Island St. Joseph, with broken point to south of same	500	0	0
	South-half lot 6, in the 9th concession in Milford Haven	106	0	0

LANDS, &c., of the War Department, as per Schedule, Consolidated Statutes of Canada (22 Vict.) cap. 36.

Local Name of the Property, &c.	Origin of the Title.	Contents. (nearly.)		
		A.	R.	P.
QUEBEC.	*Naval Rererves.*			
Montreal.				
The Hochelaga Barracks and Military Prison		2	3	8½
Logan's Farm		121	3	12
Farm at Longueuil		190	0	14
Sorel.				
Government Farm and Cottage east of the Richelieu, being lots 26, 27, and 28 by survey of Hayden, P.L.S., April, 1867; leased to Parsons as containing		116*	.....	.....

* 116 English Acres=137 Arpents, 30½ Perches, French.

LADNS, &c., of the War Department, as per Schedule, Consolidated Statutes of Canada (22 Vict.) cap. 36.

Local Name of the Property, &c.	Origin of the Title.	Contents. (nearly.)		
		A.	R.	P.
QUEBEEC.—*Con.*	*Naval Reserves.*			
Sorel.				
The Military Reserve or Domaine, South-east of the Town of Sorel, and lying between the town and lot 25. Quantity unknown. Part under lease and part patented. Shown on plan signed W. Hamilton, Colonel Commanding Royal Engineers, 2nd August, 1870. Coloured pink				
The Barracks and divers lots of land, being a Military Reserve at the mouth of the Richelieu, on the eastern shore, held on lease, as shown in pink on plan signed Hamilton, Col. C.R.E., 2nd August, 1870. Quantity unknown. Called also Reserve South of Victoria Street by said plan				
Land lying on the west shore of the River Richelieu, on the point at its mouth, bounded on the south by the Chemin de Ligne à la Grand Rivière, and round its front and sides by the Richelieu and St. Lawrence Rivers, from the eastern to the western extremities of the said "Chemin de Ligne" as shown on plan by Hayden, P. L. S., April, 1867; and, in pink, on plan by W. Hamilton, Col. C.R.E., 2nd August, 1870. Quantities not given				
Isle aux Cochons and part of Isle St. Ignace. Contents not given. Shown in pink on plan by Hamilton, Col. C.R.E., 2nd August, 1870.				
Isle Ronde	River St. Lawrence			
Isle de Grace	do			
Isle aux Corbeaux	do			

No. 111.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act respecting certain Ordnance and Admiralty Lands in the Provinces of Ontario and Quebec.

Received and read first time, Thursday, 12th April, 1877.

Second reading, Friday, 13th April, 1877.

Mr. MILLS.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 112] **BILL.** [1877.

An Act to provide for the Inspection of Petroleum.

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

1. The word "petroleum" means in this Act every description of refined petroleum, or other product of crude petroleum, sold or used for illuminating purposes. Definition of Petroleum.

2. From and after the passing of this Act, it shall not be lawful to sell, offer for sale or have in possession any petroleum not herein exempted for inspection which has not been inspected or offered for inspection under this Act. Cases for inspection.

3. The inspection of petroleum under this Act shall be performed by officers of the Inland Revenue, or of the Customs, duly authorized thereto by regulation of their respective departments, or by such other persons as may be designated for that purpose by the Governor in Council. Inspection how performed.

4. The standard fire test shall be one hundred and five degrees of Fahrenheit's thermometer, and any petroleum which, at a temperature below the standard, gives off a vapour that will ignite or explode on the application of flame, shall be deemed to be explosive, and the package in which it is containcd shall be branded accordingly. Fire-test 105° Farenheit.

5. The test for determining the temperature at which petroleum will give off a vapour that will ignite on the application of flame, shall be applied in such manner, under such regulations, and by means of such pyrometers or other instruments as may be from time to time determined by departmental regulations in that behalf. How applied.

6. Every package containing petroleum shall, so soon as it has been inspected, have legibly branded or marked thereon, the word INSPECTED, and the word EXPLOSIVE, if found to be so, and the name of the Inspector. Packages inspected how marked.

7. Packages containing petroleum which is to be exported out of Canada direct from the refinery in which it is made and packed, shall only be inspected and branded as hereinbefore prescribed, upon the request of the owner thereof; but if any petroleum for which exemption from inspection is claimed under this section, is thereafter sold or offered for sale for consumption in Canada, or removed from the refinery otherwise than for exportation, it shall thereupon become liable to inspection. Petroleum for exportation exempted. Proviso.

Seizure and forfeiture in certain cases.

8. All petroleum liable to inspection, sold, or offered for sale without having been, immediately after being manufactured or imported into Canada, inspected, shall be subject to seizure by any officer of Customs or Inland Revenue, and forfeited unless proved to be held for exportation.

As to contravention of this Act.

9. Any person who neglects or refuses to procure the inspection of any petroleum liable to inspection in his possession or under his control; or

2. Who has in his possession any such petroleum which has not been inspected, or which is contained in packages which have not been branded as herein required; or

3. Who has in his possession or under his control any petroleum in respect of which any requirements of this Act have not been complied with;

Penalty.

4. Shall be held guilty of an offence against this Act, and, upon conviction, shall incur a penalty not exceeding *five* dollars for every package in respect of which such offence has been committed.

Fees.

10. The following fees shall be levied or collected for the inspection of petroleum, which fees shall be paid to the inspecting officer at the time the inspection is made, namely:

For every package containing more than ten but not more than forty gallons..... 5 cents.
For every package containing not more than ten gallons ..... 3 "

For every package containing more than forty gallons, five cents for each additional forty gallons or fraction of forty gallons.

How to be paid or recovered.

11. All fees payable under this Act shall be payable before any certificate or bill of inspection is delivered, and if not so paid shall be recoverable with costs before any Justice of the Peace.

Penalties for effacing, altering or counterfeiting inspection marks, &c.

12. Whosoever, with a fraudulent intention, alters, effaces or obliterates, wholly or partially, or causes to be altered, effaced or obliterated, any Inspector's brands or marks on any petroleum having undergone inspection, or on any package containing any petroleum, or counterfeits any such brand or mark, or brands, impresses or otherwise marks thereon any mark purporting to be the mark of any Inspector, either with the proper marking instruments of such Inspector, or with counterfeit imitations thereof, or empties or partially empties any such package marked, after inspection, in order to put into the same any other article not contained therein at the time of such inspection, or uses for the purpose of packing any petroleum, any old package bearing inspection marks,—or (not being an Inspector of petroleum) brands or marks any package containing it, with the Inspector's marks, or gives any certificate purporting to be a certificate of inspection of any petroleum, and any

Or being privy to any such offence, &c.

person who, being in the employ of any Inspector, hires or lends the marks or marking instruments of his employer to any person whatever, or connives at or is privy to any fraudulent evasion of this Act with respect to any such marks as aforesaid, shall, for such offence, incur a penalty of *forty dollars;* and any Inspector who inspects or brands, or marks any petroleum out of the local limits for which he is appointed, or hires out or lends his marking instruments to any person whomsoever, or gives any certificate of inspection without having personally performed the inspection, or any wilfully false or untrue certificate, or connives at or is privy to any fraudulent evasion of this Act shall, for each such offence, incur a penalty of *one hundred dollars.* The penalty.

13. Any person not thereunto duly authorized under this Act, who in any manner whatever assumes the title or office of Inspector, or issues any bill, certificate or declaration purporting to establish the quality of any petroleum, shall, for every such offence, incur a penalty not exceeding *one hundred dollars.* Penalty for assuming to be Inspector without authority.

14. Every penalty and forfeiture imposed by this Act, or by any regulation made under it, not exceeding forty dollars, shall, except when it is otherwise herein provided, be recoverable by any Inspector in a summary way before any two Justices of the Peace for the place, in their ordinary or other sessions, and shall, in default of payment, be levied by warrant of distress, to be issued by such Justices, against the goods and chattels of the offender; Recovery of penalties up to $40.

2. And where such penalty or forfeiture exceeds forty dollars, it may be sued for and recovered by any such Inspector, by bill, plaint, information or civil action, in any Recorder's Court, or in any other Court having jurisdiction in civil cases to the amount, and may be levied by execution as in case of debt; Penalties above $40.

3. And all such penalties, when recovered, shall belong to the Crown for the public uses of the Dominion. Application.

15. Any action or suit against any person for anything done in pursuance of this Act, or contrary to its provisions, shall be commenced within six months next after the matter or thing done or omitted to be done, and not afterwards; and the defendant therein may plead the general issue, and give this Act and the special matter in evidence, at any trial therein, and that the same was done under this Act; and if it appears so to have been done, then the judgment shall be for the defendant, and if the plaintiff is nonsuited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover treble costs and have the like remedy for the same as defendants have in other cases. Limitation of suits under this Act. Costs.

16. In all cases where any petroleum is sold subject to inspection, the person applying to the Inspector shall be entitled to re-imbursement of the cost of inspection from Provision where Petroleum is sold subject to inspection.

the vendor, if such applicant be not himself the vendor, unless an express stipulation to the contrary is made at the time of the sale or of the agreement to submit to inspection; and such agreement to submit to inspection shall imply a warranty that the petroleum in question is of the quality for which it is sold, and that all the requirements of this Act have been complied with as to such petroleum and the packages in which it is contained, unless it be otherwise expressly stipulated.

No. 112.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to provide for the Inspection of Petroleum.

Received and read first time, Thursday, 12th April, 1877.

Second reading, Friday, 18th April, 1877.

Mr. LAFLAMME.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 113] **BILL.** [1877

An Act to provide for the payment of travelling allowances to the District or County Court Judges in the Province of British Columbia.

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 in Council may, from time to time, fix the travelling allowances of the Judges of the District or County Courts in the Province of British Columbia, and such travelling allowances may be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada. Governor in Council may fix the allowances. How paid.

No. 113.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to provide for the payment of travelling allowances to certain Judges in British Columbia.

Received and read first time, Thursday, 12th April, 1877.

Second reading, Friday, 13th April, 1877.

Mr. BLAKE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 114.] **BILL.** [1877.

An Act for defining and rendering uniform the powers of certain Loan Companies in the matters therein mentioned.

Preamble.

WHEREAS by the "*Interpretation Act*" of the Parliament of Canada, thirty-seven Victoria, chapter one, and by the provisions of the Act of the Legislature of the late Province of Canada, passed in the twelfth year of Her Majesty's reign, chapter ten, and embodied in chapter five of the Consolidated Statutes of Canada, it is in effect enacted,— that every Act of the said Parliament, and every Act of the said Legislature passed in the session held in the twelfth year of Her Majesty's reign or in any later session, shall be so construed as to reserve to the Parliament or Legislature the power of repealing or amending it, and of revoking, restricting or modifying any power, privilege or advantage thereby vested in or granted to any person or party, whenever such repeal, amendment, revocation, restriction or modification is deemed by the Parliament or Legislature to be required for the public good; And whereas, in the Act of the Parliament of Canada passed in the present session, and intituled "*An Act to amend the law respecting the incorporation of Joint Stock Companies by Letters Patent*," the provisions hereinafter contained or referred to, have been made with respect to Loan Companies, and it is deemed to be required for the public good that they should, subject to the conditions also hereinafter contained, be extended and made applicable to all existing Loan Companies coming within the description hereinafter mentioned; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

37 V., c. 1. 12 V., c. 10. Con. Stat. Can. c. 5. 40 V. c. 1.

Companies incorporated or doing business as loan companies by or under certain Acts, to be subject to this Act and to certain provisions of the Joint Stock Companies' Act.

1. Every Company mentioned in the Schedule to this Act, and every other Loan Company, that is to say, every Company whose business it is to lend money on real property or other securities, whether their own capital or borrowed by or deposited with, or entrusted to them for investment or otherwise, incorporated by special Act, or by charter or otherwise under any general Act of the Parliament of Canada, in Canada, or under any special Act of the late Province of Canada passed in any session held in or after the twelfth year of Her Majesty's reign, or by charter or otherwise under any general Act of the said Legislature so passed, or by or under any Act of the said Legislature passed before the said session but containing a provision to the effect recited in the Preamble, or doing

When they may or shall become so subject, and their rights and liabilities

business in Canada under any such Act as last aforesaid, if the powers of such Company extend into both the Provinces of Ontario and Quebec, then forming together the Province of Canada,– *may*, at any time after the passing of this Act, by declaring its intention of conforming thereto, and *shall*, compulsorily, from and after the——day of———in the year,————become subject to the provisions hereinafter made and have all the advantages thereof and of the rights thereby conferred, and such Company and the Directors and officers thereof shall also be subject to all the provisions of the said Act of the present Session, for ensuring compliance with those incorporated in this Act, the safety of the public and of persons lending or entrusting money to the Company, or the due information of the shareholders of and the Government; Provided always, that nothing in this Act shall impair or affect any contract made by any such Company with any person or party before the passing of this Act, but no contract shall be made by any such Company after the passing of this Act the performance of which would entail a contravention of this Act; and this Act shall not apply to any *Building Society not borrowing* money, nor receiving money on deposit, nor lending money on any security except mortgage or hypothec of real property, or to any Bank *or Insurance Company*.

Proviso as to existing contracts.

Certain companies excepted.

Declaration of conformity to this Act.

(2.) The declaration above mentioned of conformity to this Act, shall be made in writing to the Secretary of State for Canada, under the seal of the Company and the signature of the President or Vice-President, and of the Secretary, Manager or other officers of the Company performing the duties of the said offices respectively, and thereunto authorized at a general meeting of the Company, and being so made shall bind the Company.

(3.) The expression "The Company" in the following sections, means any Company subject to the provisions of this Act.

Powers and business of the Company.

Making loans and on what security.

2. The Company may from time to time, lend and advance money, by way of loan or otherwise, for such periods as they may deem expedient, on any real security, or on the public securities of the Dominion, or of any of the Provinces thereof, or on the security of the debentures of any municipal or other corporation, issued under or in pursuance of any statutory authority, and upon such terms and conditions as to the Company shall seem satisfactory or expedient, and may acquire, by purchase or otherwise, any security upon which they are authorized to lend or advance money, and may resell the same as they may deem advisable, with power to do all acts that may be necessary for advancing such sums of money and for receiving and obtaining repayment thereof,

Powers incident to such loans, and enforcing payment thereof.

and for compelling the payment of all interest (if any) accruing from such sums so advanced, and the observance and fulfilment of any conditions annexed to such advance, and the forfeiture of any term or property consequent on the non-fulfilment of such conditions, or of conditions entered into for delay of payment, and to give receipts, acquittances and dis-

charges for the same, either absolutely and wholly or partially, and to execute such deeds, assignments or other instruments as may be necessary for carrying any such purchase or re-sale into effect; and for all and every, and any of the foregoing purposes, and for every and any other purpose in this Act mentioned or referred to, the Company may lay out and apply the capital and property, for the time being, of the Company, or any part thereof, or any of the moneys authorized to be raised or received by the Company in addition to their capital for the time being, with power to do, authorize and exercise all acts and powers whatsoever, in the opinion of the Directors of the Company requisite or expedient to be done or exercised in relation thereto.

Capital may be employed for such purposes.

3. The Company are hereby empowered to act as an Agency Association, and for the interest and on behalf of others who may entrust them with money for that purpose, and either in the name of the Company or of such others, to lend and advance money to any person or persons, upon such securities as are mentioned in the last preceding section, or to any body or bodies corporate whomsoever, or to any municipal or other authority, or any Board or body of Trustees or Commissioners whatsoever, upon such terms and upon such security as to the Company shall appear satisfactory, and to purchase and acquire any securities on which they are authorized to advance money, and again to re-sell the same, and the conditions and terms of such loans and advances, and of such purchases and re-sales, may be enforced by the Company for their benefit, and for the benefit of the person or persons or corporation for whom such money has been lent and advanced, or such purchase and re-sale made; and the Company shall have the same power in respect of such loans, advances, purchases and sales as are conferred upon them in respect of loans, advances, purchases, and sales made from their own capital; and they may also guarantee either the repayment of the principal or the payment of the interest, or both, of any moneys entrusted to the Company for investment, and for all and every or any of the foregoing purposes, may lay out and employ the capital and property, for the time being of the Company, or any part of the moneys authorized to be raised by the Company, in addition to their capital for the time being, or any moneys so entrusted to them as aforesaid, and may do, assent to, and exercise all acts whatsoever, in the opinion of the Directors of the Company for the time being requisite or expedient to be done in regard thereto; and moneys of which the repayment of the principal or the payment of the interest, is guaranteed by the Company, shall, for the purposes of this Act, be deemed to be money borrowed by the Company.

Company may lend money and recover the same either on their own behalf or as agents for others.

Powers as agents.

May guarantee repayment if they see fit.

Money of which repayment is guaracteed to be deemed borrowed.

4. Subject to the conditions and provisions hereinafter made, the Directors may from time to time, with the consent of the Company in general meeting, borrow money on behalf of the Company, at such rates of interest as may be lawful under section *ten* of this Act, and upon such terms as they may from time to time think proper; and the Directors may, for that purpose, execute any debentures, mortgages,

Borrowing powers of company; security to be given by it.

May issue bonds for not less than $100 each.

bonds or other instruments, under the common seal of the Company, for sums of not less than one hundred dollars, or twenty pounds sterling, each, or assign, transfer or deposit, by way of equitable mortgage or otherwise, for the sums so borrowed, any of the documents of title, deeds, muniments, securities or property of the Company, and either with or without power of sale or other special provisions, as the Directors deem expedient.

May receive money on deposit.

5. Subject to the conditions and provisions hereinafter made, the Directors may, from time to time, with the consent of the Company at a general meeting, receive money on behalf of the Company on deposit, for such periods and at such rate of interest as may be agreed upon; and money so received on deposit, shall, for the purposes of this Act, be deemed to be money borrowed by the Company.

To be deemed borrowed.

Provisions limiting borrowing powers.

6. Provided always:

1. That the Company shall not borrow money unless at least one hundred thousand dollars of its subscribed capital stock has been paid up;

Must pay up 20 per cent of capital.

2. That the Company shall not borrow money unless at least twenty per cent. of its subscribed capital stock has been paid up;

Limitation of borrowing under s. 45.

3. That if the Company borrows by way of deposit under the *fifth* section, the aggregate amount of the sums so borrowed by way of deposit, (whether the Company borrow solely by way of deposit or also in other ways,) shall not exceed the aggregate amount of its paid-up capital and of its other cash actually in hand or deposited by it in any chartered bank or banks of Canada:

And under s. 4.

4. That if the Company borrow money solely on such debentures or other securities or by guarantee, as may be allowed by its charter or Act of incorporation, the aggregate amount of the sums so borrowed shall not at any time exceed four times the amount of its paid-up and unimpaired capital, or the nominal amount of its subscribed capital, at the option of the Company.

If they borrow under ss. 4 and 5.

5. That if the Company borrow money both by way of debentures or other securities or by guarantee, as aforesaid, and also by way of deposit, then the aggregate amount of money so borrowed shall not at any time exceed the amount of the principal moneys remaining unpaid on securities then held by the Company, nor shall it exceed the then actually paid up and unimpaired capital of the Company by more than one-third of such capital; but the amount of cash then actually in the hands of the Company, or deposited by them in any chartered bank, or both, shall be deducted from the aggregate amount of the liabilities which the Company has then incurred, as above mentioned, in calculating such aggregate amount for the purposes of this sub-section.

Cash in hand how reckoned

7. The Company shall not use any of its funds in the purchase of stock in any other incorporated Company. Not to buy stock of oth companies.

8. The Company may hold such real estate as may be necessary for the transaction of their business, not exceeding in value the sum of two thousand dollars in all, or as being mortgaged or hypothecated to them, may be acquired by them for the protection of their investment, and may from time to time sell, mortgage, lease or otherwise dispose of the same: Provided always that it shall be incumbent upon the Company to sell any real estate acquired in satisfaction of any debt, within seven years after it shall have been so acquired, otherwise it shall revert to the previous owner or his heirs or assigns. Power to hold real estate. Proviso as to realty not held for their own use.

9. The Company when acting as an agency association may charge such commission to the lender or borrower, or both, upon the moneys invested on their behalf as may be agreed upon, or as may be reasonable in that behalf. Company may charge commission to both parties.

10. The Company may stipulate for, take, reserve and exact any rate of interest or discount that may be lawfully taken by individuals under like circumstances, and may also receive an annual payment on any loan, by way of a sinking fund for the gradual extinction of such loan, upon such terms and in such manner as may be regulated by the by-laws of the Company; Provided always that no fine or penalty shall be stipulated for, taken, reserved or exacted in respect of arrears of principal or interest, which shall have the effect of increasing the charge in respect of arrears beyond the rate of interest or discount on the loan. What interest company may take. Proviso: fines for arrears not to exceed compound interest.

11. A register of all securities held by the Company shall be kept; and within fourteen days after the taking of any security an entry or memorial specifying the nature and amount of such security, and the names of the parties thereto, with their proper additions, shall be made in such register. Register of securities.

12. The Company shall transmit, on or before the first day of March in each year, to the Minister of Finance, a statement in duplicate to the thirty-first day of December next preceding, verified by the oath of their President or Vice-President and manager, or other officers of the Company performing the duties of such offices respectively, setting out the capital stock of the Company, and the proportion thereof paid up, the assets and liabilities of the Company, the amount and nature of the investments made by the Company, both on their own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities, and, also, the extent and value of the lands held by them under section *eight;* and such other details as to the nature and extent of the business of the Company as may be required by the Minister of Finance: and in such form and with such details as the said Minister may from time to time require and prescribe: Provided always, that in no case shall the Company be bound to disclose the names or private affairs of any person who may have dealings with them. Yearly statement to Minister of Finance and what it must show. Proviso.

Inconsistent enactments repealed.

13. So much of the Charter or Act of incorporation or other Act, applying to any Company subject to the provisions of this Act, as may be inconsistent with any enactment herein contained, is hereby repealed.

SCHEDULE.

COMPANIES TO WHICH, UNDER THE CIRCUMSTANCES AND CONDITIONS MENTIONED IN THE FIRST SECTION, THIS ACT WILL APPLY AS THEREIN PROVIDED.

Companies incorporated by or under Acts of the Parliament of Canada, or whose charters are amended or affected by such Acts:

32, 33 *Victoria*, 1869.

Companies incorporated by letters patent, under "*An Act respecting Joint Stock Companies incorporated by Letters Patent*," and being Loan Companies within the meaning of the said first section of this Act, c. 13.

35 *Victoria*, 1872.

The Dominion Trust Company, c. 106.
The Imperial Guarantee and Loan Society, c. 107.
The London and Canadian Loan and Agency Company (Limited), c. 108; 39 V., c. 60.
The Loan and Landed Credit Company, c. 109.
The Canada Improvement Company, c. 110.

36 *Victoria*, 1873.

The Canada Guarantee Company, c. 22.
The Maritime Improvement Company of Canada, c. 23.
Le Crédit Foncier du Bas Canada, c. 102; 37 V., c. 97.
The Montreal Investment Association, c. 103; 28 V., c. 42.
The Freehold Loan and Savings Company, c. 104.
The Glasgow Canadian Land and Trust Company, c. 105.
The Canada Investment and Guarantee Agency, c. 106.

37 *Victoria*, 1874.

Companies acting as loan companies under "*An Act to authorize Corporations and Institutions without the limits of Canada to lend and invest moneys therein*," c. 49.
Companies incorporated under "*An Act to make further provision for the management of Permanent Building Societies carrying on business in the Province of Ontario*," c. 50.
The Montreal Credit Company, c. 98.
The Lower Canada Investment and Agency Company (Limited), c. 99.
The Canada Permanent Loan and Savings Company, c. 100.
The Western Canada Loan and Savings Company, c. 101.
The Farmers' Loan and Savings Company, c. 102.

The Colonial Building and Investment Association, c. 103.
The Ottawa Loan and Investment Company, c. 104.
The Anglo-Canadian Mortgage and Investment Company (Limited), c. 105.

38 *Victoria*, 1875.

The Imperial Loan and Investment Company, c. 62.
The Canada Land Investment and Guarantee Company, c. 63.
The Dominion Railways Equipment Company, c. 75.

39 *Victoria*, 1876.

The British Canadian Loan and Investment Company, c. 57.
The England and Canada Mortgage Security Company, c. 58.
The Scottish Canadian Loan Company, c. 59.
The National Investment Company of Canada, c. 61.
The London and Ontario Investment Company (Limited), c. 62.
The Union Loan and Savings Company, c. 63.
The Security Loan and Savings Company, c. 64.
The Provincial Loan and Savings Company, c. 65.
The Maritime Savings and Loan Society, c. 66.
The National Exchange Company, c. 67.

Companies incorporated by or under Acts of the Legislature of the late Province of Canada, or whose charters are amended or affected by such Acts :

Companies incorporated under "*An Act respecting Building Societies*" (being chapter fifty-three of the Consolidated Statutes for Upper Canada), or the Acts amending it or consolidated by it, and being Loan Companies within the meaning of the said first section of this Act.
Companies incorporated under "*An Act respecting Building Societies*" (being chapter sixty-nine of the Consolidated Statutes for Lower Canada), or the Acts amending it or consolidated by it, and being Loan Companies within the meaning of the first section of this Act.

14, 15 *Victoria*, 1851.

The Welland Canal Loan Company, c. 152.

16 *Victoria*, 1853.

The Canadian Loan Company, c. 238.

19, 20 *Victoria*, 1856.

The Canadian Loan and Investment Company, c. 126; 29, 30 V., c. 126, and the Imp. Act 25, 26 V., c. 89.

20 *Victoria*, 1857.

The Western Canada Loan Company, 10 V., c. 166.

22 *Victoria*, 1858.

The Canada Landed Credit Company, c. 133.

23 *Victoria*, 1858.

The British American Investment Company, c. 129.
The Agricultural Loan Association of Canada, c. 130.

27 *Victoria*, 1863.

Le Crédit Foncier du Canada, c. 46.
The London and Canadian Loan and Agency Company, c. 50.

This Act shall not apply to the *Upper Canada Trust and Loan Company*, or to the *British American Land Company*.

No. 114.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act for defining and rendering uniform the powers of certain Loan Companies in the matters therein mentioned.

Received and read first time, Friday, 13th April, 1877.

Second reading, Saturday, 14th April, 1877.

Mr. CARTWRIGHT.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 115.] **BILL.** [1877.

An Act respecting the Great Seals of the Provinces of Canada other than Ontario and Quebec.

Preamble.

WHEREAS doubts have arisen as to the power of appointing and altering the Great Seals of the Provinces other than Ontario and Quebec, and also as to the validity of instruments sealed with the Seal heretofore used as the Great Seal of the Province of Nova Scotia; and whereas it is right that all the Provinces should be upon the same footing with respect to their Great Seals; And whereas the Legislature of the Province of Nova Scotia has passed an Act empowering the Lieutenant-Governor in Council to alter the Great Seal, and also an Act validating all instruments sealed with the seal heretofore used as the Great Seal; and whereas the Legislative Council and Assembly of of Nova Scotia have passed Addresses to Her Majesty, praying for legislation in the Parliament of the United Kingdom to the same intent; and whereas it is expedient, so far as the Parliament of Canada may have power to act in the premises, to remove the said doubts; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts and declares as follows:—

Lt.-Governor in Council may appoint and alter Great Seals.

1. The Lieutenant-Governor of each Province in Council has the power of appointing and of altering from time to time the Great Seal of the Province.

Instruments bearing former Great Seal of Nova Scotia valid.

2. All instruments sealed with the seal heretofore used as the Great Seal of the Province of Nova Scotia are hereby declared to have been and legal and valid, notwithstanding any doubt which may exist as to such seal being the Great Seal.

No. 115.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act respecting the Great Seals of the Provinces of Canada other than Ontario and Quebec.

Received and read first time, Friday, 13th April, 1877.

Second reading, Saturday, 14th April, 1877.

Mr. BLAKE.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 116.] **BILL.** [1877.

An Act to make provision for the more effectual securing the observance by Railway Companies of the law requiring Equality of Treatment in the management of Traffic and Imposition of Rates and Tolls.

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

PRELIMINARY.

1. This Act may be cited as "*The Railways Regulation Act*, 1877." Short title.

2. This Act shall come into operation on the first day of July, one thousand eight hundred and seventy-seven, which date is in this Act referred to as the commencement of this Act. Commencement of Act.

3. In this Act the term "Railway Company" includes any person being the owner or lessee of or working any railway in Canada. Definition of terms. "Railway Company."

The term "Railway" includes every station, siding, wharf or dock of or belonging to such railway, and used for the purpose of public traffic. "Railway."

The term "Traffic" includes not only passengers and their baggage, goods, animals and other things conveyed by any railway company, but also cars, trucks and vehicles of any description adapted for running over any railway; and a railway shall be deemed to come near another when some part of the one is within one mile of some part of the other. "Traffic." "Railways near each other."

The term "the Court" shall, for the purposes of this Act, mean the Exchequer Court of Canada, and such Court shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority with reference to the complaints, differences and omissions in the matters hereinafter named, and in reference to the proceedings thereon, as it would if such complaints, differences and omissions were those of an ordinary cause within its jurisdiction and conferred on the Exchequer Court by the fifty-eighth section of the Supreme and Exchequer Court Act. "The Court

EXPLANATION AND AMENDMENT OF LAW.

Subs. 2 of s. 48, of 37 V., c. 68 cited.

4. Whereas by sub-section two of section forty-eight of the Railway Act, 1868, "it is enacted that every railway company shall, according to their respective powers, afford all reasonable facilities to any other railway company, for the receiving and forwarding, and delivering of traffic upon and from the several railways belonging to or worked by such companies respectively, and for the return of carriages, trucks and other vehicles; and no company shall give or continue any preference or advantage to or in favour of any particular company or any particular description of traffic, in any respect whatsoever; nor shall any company subject any particular company, or any particular description of traffic, to any prejudice or disadvantage in any respect whatsoever; and every railway company having or working a railway which forms part of a continuous line of railway, or which intersects any other railway, or which has any terminus, station or wharf of the one, near any terminus, station or wharf of the other, shall afford all reasonable facilities for receiving and forwarding by the one railway all the traffic arriving by the other, without any unreasonable delay, and without any preference or advantage, or prejudice or disadvantage, and so that no obstruction may be offered in the using of such railway, as a continuous line of communication, and so that all reasonable accommodation may at all times, by the means aforesaid, be mutually afforded by and to the said railway companies; and any agreement made between any two or more railway companies contrary to the foregoing provisions, shall be unlawful, null and void:" And whereas it is expedient to explain and amend the said enactment; therefore,

Facilities defined. Forwarding traffic of other companies. See Imperial Regulation of Railways Act, 1873, 36 and 37 V., c. 48, s. 11.

Subject as hereinafter mentioned, the facilities to be so afforded are hereby declared to and shall include the due and reasonable receiving, forwarding and delivering by every railway company, at the request of any other such company, of through traffic to and from the railway of any other such company, at through rates, tolls or fares (in this Act referred to as "through rates");

Provided as follows:

Conditions. Notice of rate.

(1.) The Company requiring traffic to be forwarded shall give written notice of the proposed through rate to each forwarding company, stating both its amount and its apportionment, and the route by which the traffic is proposed to be forwarded;

Of traffic to be forwarded, etc.

(2.) Each forwarding company shall, within the prescribed period after the receipt of such notice, by written notice, inform the company requiring the traffic to be forwarded, whether they agree to the rate and route, and, if they object to either, the grounds of the objection;

If no objection is made.

(3) If, at the expiration of the prescribed period, no such objection has been sent by any forwarding company, the rate shall come into operation at such expiration;

(4.) If an objection to the rate or route has been sent within the prescribed period, the matter shall be referred to the Court for their decision; If objection is made, reference to Court

(5.) If an objection be made to the granting of the rate or to the route, the Court shall consider whether the granting of the rate is a due and reasonable facility in the interest of the public, and whether, having regard to the circumstances, the route proposed is a reasonable route, and shall allow or refuse the rate accordingly; Duty of Court as to rate.

(6.) If the objection be only to the apportionment of the rate, the rate shall come into operation at the expiration of the prescribed period, but the decision of the Court as to its apportionment shall be retrospective; in any other case the operation of the rate shall be suspended until the decision is given; As to apportionment of rate.

(7.) The Court, in apportioning the through rate, shall take into consideration all the circumstances of the case, including any special expense incurred in respect of the construction, maintenance or working of the route, as well as any special charges which any company may have been entitled to make in respect thereof; Circumstances to be considered.

(8.) It shall not be lawful for the Court in any case to compel any company to accept lower mileage rates than the mileage rates which such company may for the time being legally be charging for like traffic, carried by a like mode of transit, on any other line of communication between the same points, being the points of departure and arrival of the through route; Power of Court restricted as to rates.

(9.) The prescribed period mentioned in this section shall be ten days or such longer period as the Court may from time to time by general order prescribe; Prescribed period.

Where a railway company use, maintain or work, or are party to an arrangement for using, maintaining or working steam vessels for the purpose of carrying on a communication between any towns or ports, the provisions of this section shall extend to such steam vessels and to the traffic carried thereby. Where a company has steamers at its disposal.

5. Subject to the provisions in the last preceding section contained, the Court shall have full power to decide that any proposed through rate is due and reasonable, notwithstanding that a less amount may be allotted to any forwarding company out of such through rate than the maximum rate such company is entitled to charge, and to allow and apportion such through rates accordingly. Powers of the Court in certain cases. Imp. Act, 36 and 37 V., c. 48, s. 12.

6. A complaint of a contravention of section forty-eight of the Railway Act, 1868, as amended by this Act, with respect to any town or locality, may be made to the Court by a municipal or other public corporation, or by not less than ten persons being inhabitant traders, or whose business Complaint of contravention of s. 48 of 37 V., c. 63. Imp. Act, s.13

including the forwarding of goods to such town or locality, without proof that the complainants are aggrieved by the contravention ;

Proviso :

Requisites to accompany such complaint.

Provided that a complaint shall not be entertained by the Court, in pursuance of this section, unless such complaint is accompanied by a certificate of a Judge of the Court, or of any of the Superior Courts of the Provinces; and such Judge is hereby required and authorized to grant the same to the effect that in his opinion the case, if such be the fact, in respect of which the complaint is made is a proper one to be submitted for adjudication to the Court by such municipal or other public corporation or inhabitant traders.

Certain books of rates to be kept by company. Imp. Act. See 36 and 37 V., c. 48, s. 14.

Publication of rates.

7. Every railway company shall keep at each of their stations and wharves a book or books showing every rate, for the time being, charged for the carriage of traffic, other than passengers and their luggage, from that station or wharf to any place to which they book, including any rates charged under any special contract, and stating the distance from that station or wharf of every station, wharf, siding or place to which any such rate is charged.

Open to inspection.

(2.) Every such book shall, during all reasonable hours, be open to the inspection of any person without the payment of any fee ;

Court may order certain particulars to be included in such book.

(3.) The Court may, from time to time, on the application of any person interested, make orders with respect to any particular description of traffic, requiring a railway company to distinguish in such book, how much of each rate is for the conveyance of the traffic on the railway, including therein tolls for the use of the railway, for the use of carriages or vessels, or for locomotive power, and how much is for other expenses, specifying the nature and detail of such other expenses ;

Penalty for non-compliance with this section.

(4) Any company failing to comply with the provisions of this section shall, for each offence, and in the case of a continuing offence, for every day during which the offence continues, be liable to a penalty not exceeding twenty-five dollars, and the said penalty, with costs of suit, shall be recoverable in any Court having jurisdiction in civil cases, to the amount sought to be recovered, and shall be applied in the same manner as penalties imposed by the eightieth section of the Railway Act, 1868, are recoverable and applicable.

Power of Court as to terminal charges.

Imp. Act, s.15

8. The Court shall have power to hear and determine any question or dispute which may arise with respect to the terminal charges of any railway company, and to decide what is a reasonable sum to be paid to any company for loading and unloading, covering collection, delivery and other services of a like nature; any decision of the Court under this section shall be binding on all Courts, and in all legal proceedings whatsoever ;

(2.) The Court shall also have power to hear and determine any question or dispute which may arise between any person or trader, in respect of any complaints which may be preferred for the non-observance or infraction of that part of sub-section six of section twelve of the Railway Act, 1868, which declares that the same tolls shall be payable at the same time and under the same circumstances, upon all goods and by all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any by-laws relating to the tolls. As to complaints for infraction of subs. 6 of s. 12 of 37 V., c. 68.

9. Any notice required or authorized to be given under this Act, may be in writing or in print, or partly in writing and partly in print, and may be sent by post, and, if sent by post, shall be deemed to have been received at the time when the letter containing the same would have been delivered in the ordinary course of the post; and in proving such sending, it shall be sufficient to prove that the letter containing the notice was prepared and properly addressed, and put into a post-office. Notices—how to be given. Imp. Act, s.35

10. The Court shall, once in every year, make a report to the Governor of its proceedings under this Act, during the past year, and such report shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament is then sitting, and, if not, then within fourteen days after the next meeting of Parliament. Yearly report by the Court. Imp. Act, s.31

PROCEDURE.

11. It shall be lawful for any company or person complaining against any such companies or company of anything done, or of any omissions made in violation or contravention of section forty-eight, or of sub-section six of section twelve of the Railway Act, 1868, or of this Act, or of any enactment amending or applying the said enactments respectively, to apply in a summary way, by motion or summons, to the Court, to hear and determine the matter of such complaint, and for that purpose, if the Court should think fit, to direct and prosecute in such mode, and by such engineers, barristers or other persons as they shall think proper, all such inquiries as may be deemed necessary to enable such Court to form a just judgment on the matter of such complaint; and if it be made to appear to such Court on such hearing or on the report of any such person, that anything has been done, or omissions made in violation or contravention of section forty-eight of the Railway Act or this Act, or of any amendments of the same respectively, as aforesaid, by such company or companies, it shall be lawful for such Court to issue a writ of injunction, restraining such company or companies from further continuing such violation or contravention of the said enactments, and enjoining obedience to the same; and in case of disobedience of any such writ of injunction, it shall be lawful for such Court to order that a writ or writs of attachment, or any other process of such Court incident or applicable to writs of injunction shall issue against any one or more of In case of complaint under s. 48, or subs. 6 of s. 12 of 37 V., c. 68. Court may direct inquiries. If infractions of the Act are shown. Injunctions. How enforced by attachment.

By fine.

the directors of any company, or against any owner, lessee, contractor or other person failing to obey such writ of injunction; and such Court may also, if they think fit, make an order directing the payment, by one or more of such companies, of such sum of money as such Court shall determine, not exceeding, for each company, the sum of one thousand dollars for every day after a day to be named in the order that such company or companies shall fail to obey such injunction, and such moneys shall be payable as the Court may direct, either to the party complaining or into Court, to abide the ultimate decision of the Court, or to Her Majesty, and payment thereof may, without prejudice to any other mode of recovering the same, be enforced by attachment or order, in the nature of a writ of execution, in like manner as if the same had been recovered by decree or judgment of the Court.

Enforcing fine, and application thereof. For language see Imp. Act, 17 and 18 V., c. 31, s. 3.

Costs.

(2.) And in any such proceeding as aforesaid, such Court may order and determine that all or any cost thereof, or thereon incurred, shall and may be paid by or to the one party, or to the other, as such Court shall think fit; and it shall be lawful for any such engineer, barrister or other person, if directed so to do by such Court, to receive evidence on oath relating to the matter of any such enquiry, and to administer such oath.

Evidence on inquiry.

General rules to be made.

12. It shall be lawful for the Court, from time to time, to make all such general rules and orders as to the forms of proceedings and process, and all other matters and things touching the practice and otherwise in carrying this Act into execution before such Court, as they may think fit.

Re-hearing may be ordered.

17 and 18 V., c. 31, s. 5.

13. Upon the application of any party aggrieved by the order made upon any such motion or summons as aforesaid, it shall be lawful for the Court by whom such order was made, to direct, if they think fit to do so, such motion or application on summons to be re-heard before such Court, and upon such re-hearing to rescind or vary such order.

Rights under other enactments not impaired.

17 and 18 V., c. 31, s. 6.

14. No proceeding shall be taken for any violation or contravention of the above enactments, except in the matter hereinbefore provided; but nothing herein contained shall take away or diminish any rights, remedies or privileges of any person or company against any railway company under the existing law.

No. 116.

4th Session, 3rd Parliament, 40 Vi

BILL.

An Act to make provision fo effectual securing the obs Railway Companies of th quiring Equality of Treatr management of Traffic a tion of Rates and Tolls.

Received and read first time, M April, 1877.

Second reading, Tuesday, 17th A

Mr

OTTAWA:
PRINTED BY MACLEAN, RO
1877.

No. 117.] **BILL.** [1877

An Act to amend the Act to incorporate "The Manitoba Junction Railway Company."

WHEREAS certain persons hereinafter named have, by their petition, prayed that the Act passed in the thirty-fifth year of Her Majesty's reign, and intituled "*An Act to incorporate the Manitoba Junction Railway Company*," may be amended as hereinafter 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:— Preamble. 35 V., c. 75.

1. Section five of the said Act is hereby amended by striking out the words "Donald McInnes," and the words "Sir Alexander T. Galt, K.C.M.G., Daniel Torrance, of the City of New York, in the United States of America, Esquire; George Laidlaw, of Toronto, Esquire, and Thomas Howard and Molyneux St. John, of the Province of Manitoba, Esquires;" and inserting in lieu thereof the words "William A. Thomson, Thomas W. Ritchie and A. McLachlin." S. 5 amended.

2. Section six of the said Act is hereby repealed, and the following substituted therefor: S. 6 repealed.

"**6.** The Company shall have full power and authority to lay out, construct, work and maintain a double or single railway of iron or steel, of such gauge as they see fit, from the frontier or boundary line between the United States and Canada, at or near St. Vincent, in the State of Minnesota, or Pembina, in the Territory of Dacotah, in the United States of America; thence through the Province of Manitoba and the North-West Territories, to Battleford, in the said North-West Territories; and also from a point at or near Winnipeg, or from a point at or near Selkirk, through the Province of Manitoba, to such point on the main line of railway as above defined, as may be found most advantageous." New section.

3. Section seven of the said Act is hereby repealed. S. 7 repealed.

4. Section eight of the said Act is hereby amended by striking out all the words after the word "railway," in the fifth line thereof. S. 8 amended

5. Section eleven of the said Act is hereby amended by striking out the words "Donald McInnes," and the words "Sir A. T. Galt, Daniel Torrance, George Laidlaw, Thomas S. 11 amended

Howard and Molyneux St. John," and inserting in lieu thereof the words "William A. Thomson, Thomas W. Ritchie and A. McLachlin."

Powers of the Company as to lands.

6. The Company may, in addition to the powers conferred upon them by the tenth section of the said Act, purchase and acquire from any authority, corporation or individual entitled to dispose of the same, any lands or real estate in the Province of Manitoba or the North-West Territories, and may pay for the same either in cash or in bonds of the Company, or in such other way as may be agreed upon, and may sell, alienate or otherwise dispose of the same.

Notices, how given.

7. Notwithstanding anything in the twelfth and thirteenth sections of the said Act contained, any and every notice by the said sections required to be given shall be and be deemed to be validly and sufficiently given if such notices are published for the prescribed time in the *Canada Gazette* only.

Sections 25 and 26 repealed. Time limited.

8. Sections twenty-five and twenty-six of the said Act are hereby repealed, and the powers conferred upon the Company by the said Act, as amended by this Act, shall be exercised by the commencement of the said railway within three years, and its completion within eight years from the passing of this Act.

No. 117.

4th Session, 3rd Parliament, 40 Vic

BILL.

An Act to amend the Act to in
"The Manitoba Junction
Company."

Received and read first time, Mo
April, 1877.

Second reading, Tuesday, 17th Ap

(PRIVATE BILL.)

Mr. THOM
(H

OTTAWA:
Printed by MacLean, Roger & Co., We
1877.

No. 118.] **BILL.** [1877.

An Act to amend the Act thirty-first Victoria, chapter five, intituled "An Act respecting the Auditing of the Public Accounts."

Preamble.

WHEREAS the season of active business in Canada is during the summer months, and the great bulk both of the receipts and expenditure of the Government, takes place during these months; and whereas great inconvenience has been experienced in the preparation both of the Estimates and of the Public Accounts from the transactions of one such season being divided between two financial years: For remedy thereof, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Financial Year altered.

1. The financial year shall hereafter commence on the first of April and end on the thirty-first of March in each year, and this arrangement shall take effect from the thirty-first of March in the present year 1877.

Times for returns to be altered accordingly.

2. The Governor in Council may alter the period at or to which any accountant for public moneys, public officer, corporation or institution, is required to render any account or make any return, whenever in his opinion such alteration will facilitate the correct preparation of the Public Accounts or Estimates for the financial year, anything in any Act to the contrary notwithstanding.

As to balances of appropriations.

3. The balances of the appropriations made by Parliament for the financial year 1876-7, shall not lapse on the thirty-first of March, 1877, but shall be carried on and form part of the appropriations for the financial year 1877-8; but the balances of appropriations made or to be made for the financial year 1877-8, shall lapse on the thirty-first of March, 1878, unless specially carried forward by Parliament in its now next session.

Certain statements to be laid before Parliament in each Session.

(2.) A statement shall be submitted to Parliament during the first ten days of each session, shewing the receipts and expenditure, classified under the several heads of revenue and service, down to the last day (inclusive) of the month of December, March, June or September, immediately preceding such session, and the statement of expenditure shall show the several appropriations made by Parliament for each service, the expenditure which has taken place against each, and the balances available.

No. 118.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Act thirty-first Victoria, chapter five, intituled "*An Act respecting the Auditing of the Public Accounts*"

Received and read first time, Thursday, 19th April, 1877.

Second reading, Friday, 20th April, 1877.

Mr CARTWRIGHT.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 119.] **BILL.** [1877.

An Act to amend the Act respecting Weights and Measures.

Preamble. 36 V., c. 47.

IN amendment to the Act passed in the thirty-sixth year of Her Majesty's reign, intituled, "*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:—

S. 5 repealed. New section.

1. The fifth section of the said Act is hereby repealed, and the following section substituted in lieu thereof:—

Standard of capacity; dry measure.

"5. The bushel measure known as the "Imperial bushel," containing eight Imperial or standard gallons, shall be the standard measure of capacity for commodities sold by dry measure, from which all other measures of capacity in respect of such commodities shall be derived, computed and ascertained; and all such measures shall be taken in parts or multiples or certain proportions of the standard bushel. The standard bushel shall be held to be the measure agreed to, unless otherwise stipulated, agreed to or understood between the parties to any sale of goods sold by dry measure.

"1. The hundred weight for weighing all goods, wares and commodities whatsoever sold by the hundred weight or ton weight, shall consist of one hundred pounds avoirdupois, and not of one hundred and twelve pounds, and the ton weight used for the said purposes shall consist of twenty hundred weight, as herein established, or of two thousand pounds avoirdupois, and not of two thousand two hundred and forty pounds; and the said hundred weight and ton weight as herein established, with their parts, multiples and proportions, shall be the standard weights for the weighing of all goods, wares and commodities. And in all cases in which a duty or toll is imposed by law upon and by the hundred weight or the ton, such duty or toll shall be chargeable on the hundred weight or ton as herein established

"2. All public weighers and measurers shall be bound to use the aforesaid standard of hundred weights and tons, and certify the weighing of any such goods, wares and commodities, according to such standard, and in default of so doing shall incur a penalty of twenty dollars for the violation of the aforesaid disposition.

"3. And in all contracts for the purchase of goods, wares and other commodities whatsoever, sold by weight, the same shall be regulated by and according to the aforesaid standards, and the amount shall be specified by cental and parts of the cental.

Bushel by weight for certain articles.

"4. But in contracts for the sale or delivery of any of the articles in this sub-section mentioned, the standard bushel shall be taken and intended to mean the weight of a bushel, as hereinafter mentioned, and not a bushel in measure, or according to any greater or less weight, unless the contrary appears to have been agreed upon by the parties:—

Wheat, sixty pounds.
Indian Corn, fifty-six pounds.
Rye, fifty-six pounds.
Peas, sixty pounds.
Barley, forty-eight pounds.
Oats, thirty-four pounds.
Beans, sixty pounds.
Clover Seed, sixty pounds.
Timothy Seed, forty-eight pounds.
Buckwheat, forty-eight pounds.
Flax Seed, fifty pounds.
Hemp Seed, forty-four pounds.
Blue Grass Seed, fourteen pounds.
Castor Beans, forty pounds.
Potatoes, Turnips, Carrots, Parsnips, Beets and Onions, sixty pounds.
Salt, fifty-six pounds.
Dried Apples, twenty-two pounds.
Dried Peaches, thirty-three pounds.
Malt, thirty-six pounds

Proviso as to use of wine gallon in certain cases.

"5. Provided that the wine gallon of 231 cubic inches, and the Winchester bushel of 2150 $\frac{42}{100}$ cubic inches, may be used in any case by special understanding between the parties to any contract or agreement, and the ratio or proportion which such measures shall bear to the standard measures shall be as follows:—six wine gallons shall be equal to five standard gallons; one Winchester bushel and thirty-one thousandth parts thereof shall be equal to one standard bushel:

Verification of multiples and sub-multiples.

"6. Provided also that the Governor in Council may make such provisions, not inconsistent with this Act, for the inspection and verification of the measures authorized in the foregoing proviso and their multiples and sub-multiples, as may be deemed necessary for the protection of the public."

S.26 repealed. New section.

2. The twenty-sixth section of the said Act is hereby repealed, and the following substituted in lieu thereof:—

Yearly re-verification.

"**26.** Within two months of the expiration of one year from the first verification and stamping, and of each period of one year after each subsequent verification, every weight, measure and weighing-machine shall be again inspected and verified, and a new certificate of such inspection and verification obtained from the proper Deputy Inspector, and the production of the certificate shall be *primâ facie* evidence of the verification and stamping or re-verification having taken place within the period prescribed by law.

"2. But on any subsequent verification of the said weights, measures, or weighing-machines, the party having them in his possession shall be liable to pay the full fees for such verification and stamping only when such weights, measures and weighing-machines shall be found deficient or incorrect, otherwise he shall be bound to pay only one-fourth of such fees and charges." Fees payable therefor.

3. The twenty-seventh section of the said Act is hereby repealed, and the following substituted in lieu thereof:--- S.27 repealed. New section.

PENALTIES.

"27. Every trader, manufacturer, carrier, public weigher, gauger, measurer, surveyor, or other person, who, after the expiration of the time appointed under this Act for the first inspection in the inspection division in which he carries on his business, uses, for any purpose of buying, selling or charging for the carriage of any goods, wares, merchandise or thing, or of measuring any land, goods, materials, or other thing, for the purpose of charging for or ascertaining the price to be paid or the charge to be made therefor, any weight or measure, or weighing machine which has not been duly inspected and stamped according to this Act, or which may be found light, deficient or otherwise unjust, shall be guilty of an offence against this Act, and shall, on conviction, incur a penalty of not more than fifty or less than five dollars for each such offence; and every such unstamped, light, deficient or unjust weight, weighing-machine or measure so used, found in his possession, shall, on being discovered by the Deputy Inspector, be forfeited and forthwith seized and broken by him, without suit or other authority than this Act. Penalties for using uncertified weights or measures.

"2. But the manufacturer of or wholesale dealer in weights, measures or weighing-machines, who has in his possession for sale, any weight, measure or weighing-machine shall not be bound to have the same inspected and stamped according to this Act so long as the same remain in his manufactory or warehouse. Exception in certain cases.

"3. Any trader, not being a manufacturer or wholesale dealer in weights, measures, or weighing-machines, having in his possession such weights, measures or weighing-machines unstamped, shall be liable to a penalty of *fifty dollars* for the first offence, and for each subsequent offence to a penalty of one hundred dollars, and the Deputy Inspector shall forthwith seize such weights, measures, or weighing-machines, and keep the same until such penalty shall be paid, together with the fees chargeable for the stamping thereof; and in default of payment of the penalty and fees within the time specified by the conviction, the said weights, measures and weighing-machines shall be forfeited." Parties not manufacturers or wholesale dealers to be liable to the penalty.

4. Section thirty of the said Act is hereby repealed and the following substituted in lieu thereof:— Section 4 repealed new section.

Penalty for refusing to produce weights, &c., for inspection.

"**30**. Any person, not being a manufacturer or wholesale dealer in weights, measures and weighing machines, who refuses to produce for inspection when required to do so by any Inspector or Deputy Inspector appointed under this Act, all weights, measures and weighing machines in his possession and used, or capable of being used, for any purpose of buying, selling or charging for the carriage of any goods, wares, merchandize, or thing, or for the purpose of charging for or ascertaining the price to be paid, or the charge to be made for any goods, or any work or service rendered, or—

Or refusing to permit inspection.

"2. Any person, except the manufacturer and wholesale dealer, who refuses to permit the inspection when required in the manner herein provided, of any weights, measures or weighing machines sold or offered for sale by him,—

Shall, on conviction, forfeit and pay a sum not exceeding *twenty dollars* for the first, and *forty dollars* for the second or any subsequent offence.

S.34 repealed. New section.

5. Section thirty-four of the said Act is hereby repealed and the following substituted in lieu thereof:

Recovery of penalties.

"**34**. All forfeitures and penalties imposed by this Act, or by any regulation made under its authority, shall be recoverable, with costs, before any civil court of competent jurisdiction, or any Justice of the Peace for the district, county or place in which the offence was committed, if such forfeiture or penalty does not exceed fifty dollars, and before any two such Justices, or any Magistrate having, by law, the power of two such Justices, if it exceeds fifty dollars, upon proof by confession, or by the oath of one credible witness, and may, if not forthwith paid, be levied by execution or distress and sale of the goods and chattels of the offender, by warrant, under the hand and seal of such Justice, Justices or Magistrate, by whom also any imprisonment to which the offender is liable may be awarded; and to all such cases the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled, "*An Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders*," shall apply, subject to the provisions of this Act.

32, 33 V., c.31.

Appropriation of penalties.

"2. One-half of any penalty so recovered shall belong to the party suing for the same, not being a Deputy Inspector, or any officer acting in pursuance of this Act, and the other half, or, if the party suing is an officer acting in pursuance of this Act, the whole penalty, shall belong to Her Majesty, for the uses of the Dominion.

Custody of forfeited weights.

"3. All false weights, beams, balances and weighing-machines seized as forfeited under this Act, shall be delivered to the District Inspector, in whose custody they shall remain, subject to the order of the Department of Inland Revenue.

"4. Every such suit shall be instituted in the name of the Inspector or Deputy Inspector, acting in pursuance of this Act, who shall account for the same to the Department of Inland Revenue. In whose name suit shall be brought.

"5. Any party agrieved by the use of any weight or measure, or weighing machine, which has not been duly inspected and stamped according to this Act, or which may be found light, deficient or otherwise unjust, may recover treble damages and costs."

6. The section 41 is hereby repealed, and the following substituted in lieu thereof:

"41. No officer appointed under this Act shall be a maker or seller of weights, measures or weighing machines, but he shall be allowed to adjust or alter, or cause to be adjusted or altered, any weight, measure or weighing machine verified by him or submitted to him for verification, upon compensation for the value of such adjustment or alteration."

7. This Act shall be read and construed as one and the same Act with the Act hereby amended. Act to be one with Act amended.

No. 119.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Acts respecting Weights and Measures.

Received and read first time, Thursday, 19th April, 1877.

Second reading, Friday, 20th April, 1877.

Mr. LAFLAMME.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 120] **BILL.** [1877

An Act to amend "The Indian Act, 1876."

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 39 V. c. 18.

1. Section sixteen of "*The Indian Act*, 1876," is hereby repealed, and the following section substituted in lieu thereof: Section 16 repealed.

"16. If any person or Indian, other than an Indian of the Band to which the Reserve belongs, without the license in writing of the Superintendent General, or of some officer or person deputed by him for that purpose, trespasses upon any of the said land, roads, or allowances for roads in the said Reserve, by cutting, carrying away, or removing therefrom any of the trees, saplings, shrubs, underwood, timber, or hay thereon, or by removing any of the stone, soil, minerals, metals, or other valuables, off the said land, roads, or allowances for roads, the person or Indian so trespassing shall, on conviction thereof before any Stipendiary Magistrate, Police Magistrate or Justice of the Peace, for every tree he cuts, carries away, or removes, forfeit and pay the sum of *twenty dollars;* and for cutting, carrying away, or removing any of the saplings, shrubs, underwood, timber or hay, if under the value of one dollar, the sum of *four dollars;* but if over the value of one dollar, then the sum of *twenty dollars;* and for removing any of the stone, soil, minerals, metals, or other valuables aforesaid, the sum of *twenty dollars*, with costs of prosecution in all cases; and in default of immediate payment of the said penalties and costs, the Superintendent-General, or such other person as he may have authorized in that behalf, may issue a warrant, directed to any person or persons by him named therein, to levy the amount of the said penalties and costs by distress and sale of the goods and chattels of the person liable to pay the same, and similar proceedings may be had upon said warrant as if it had been issued by the Magistrate or Justice of the Peace before whom the person was convicted, or the Superintendent General, or such other person as aforesaid, without proceeding by distress or sale, may, upon non-payment of the said penalties and costs, order the person liable therefor to be imprisoned in the common gaol of the County or District in which the said Reserve or any part thereof lies, for a period not exceeding thirty days when the penalty does not exceed twenty dollars, or for a period not exceeding three months when the penalty does exceed twenty dollars; and upon the return of any warrant for dis-

New section substituted.

Punishment of persons trespassing on Indian Reserves.

Penalties for offences by trespassers.

Levying penalties for such offences.

Special power of Superintendent or person authorized by him.

Imprisonment of offender.

tress or sale, if the amount thereof has not been made, or if any part of it remains unpaid, the said Superintendent-General, or such other person as aforesaid, may commit the person in default, to the common gaol, as aforesaid, for a period not exceeding thirty days, if the sum claimed upon the said warrant does not exceed twenty dollars, or for a time not exceeding three months if the sum does exceed twenty twenty dollars. All such penalties shall be paid to the Receiver-General to be disposed for the use and benefit of the band of Indians for whose benefit the Reserve is held, in such manner as the Governor in Council may direct."

Proceedings on return of warrant unsatisfied.

Application of pecuniary penalties.

Section 17 amended. Additional provision.

2. Section seventeen of the said Act is hereby amended by adding thereto the words "And similar proceedings may be had for the recovery thereof as are provided for in the next preceding section."

Section 69 amended.

Additional provision as to presents to Indians, &c., unlawfully in the possession of others.

3. Section sixty-nine of the said Act is hereby amended by striking out the words "or otherwise, howsoever," in the fourth line thereof, and by adding at the end of said section the words "If any presents given to Indians or non-treaty Indians, or any property purchased or acquired with or by means of any annuities granted to Indians, be unlawfully in the possession of any person, within the true intent and meaning of this section, any person acting under the authority (either general or special) of the Superintendent-General, may, with such assistance in that behalf as he may think necessary, seize and take possession of the same, and shall deal therewith as the Superintendent-General may direct."

Punishment of keepers of disorderly houses, allowing Indian women to be therein for purposes of prostitution.

4. If any person, being the keeper of any bawdy-house, dance-house, gaming-house or other disorderly house, allows or suffers any Indian woman to be or remain in any such house, knowing, or having probable cause for believing, that such Indian woman is in or remains in such house with the intention of prostituting herself therein, such person shall be deemed guilty of an offence against this Act, and shall, on conviction thereof, in a summary way, before any Stipendiary Magistrate, Police Magistrate or Justice of the Peace, be liable to a fine of not less than dollars, or more than dollars, or to imprisonment in any gaol or place of confinement other than a penitentiary, for a term not exceeding months.

Who shall be deemed the keeper of such disorderly house.

5. Any person who appears, acts or behaves as master or mistress, or as the person having the care, government or management of any bawdy-house, dance-house, gaming-house or other disorderly house, shall be deemed and taken to be the keeper thereof, notwithstanding he or she may not in fact be the real keeper thereof.

No. 120.

4th Session, 3rd Parliament, 40 Victoria

BILL.

An Act to amend "*The Indian* 1876."

Received and read first time, Friday, April, 1877.

Second reading, Saturday, 21st April, 18

Mr. MIL

OTTAWA:

PRINTED BY MACLEAN, ROGER & C

1877.

An Act for the Relief of Robert Campbell and Eliza Maria Campbell.

WHEREAS Robert Campbell, of the town of Whitby, in the County of Ontario, in the Province of Ontario and Dominion of Canada, merchant, hath by his petition humbly set forth, that on the sixth day of April, in the year of Our Lord, one thousand eight hundred and sixty-three, he was lawfully married to Eliza Maria Byrne, at Whitby, in the county of Ontario, in accordance with the rites and ceremonies of the Congregational Church of Canada; that the said marriage was duly authorized by license duly issued; that the said Robert Campbell and Eliza Maria Byrne lived and cohabited together as husband and wife from the date of such marriage up to the twenty-fifth day of August, in the year of Our Lord, one thousand eight hundred and seventy-three; that the said Eliza Maria Byrne, although the lawful wife of the said Robert Campbell, did commit adultery with one George Gordon, at various times and in various places, and especially at the places and about the times hereinafter mentioned, that is to say: at the town of Whitby, in the said County of Ontario, in the said Province of Ontario, on various occasions previous to and during the month of August, in the year of Our Lord, one thousand eight hundred and seventy three, in particular on the twenty-sixth day of August, in the year of Our Lord, one thousand eight hundred and seventy-three, in the said town of Whitby; that the said Robert Campbell made discovery of the said adultery on or about the twenty-eighth day of August, in the year of Our Lord, one thousand eight hundred and seventy-three; that the said Robert Campbell has, since the discovery of the said adultery so committed as aforesaid, refused to cohabit, and has not since cohabited with his said wife, and has since lived apart from her; that the said Eliza Maria Byrne has, since the discovery of the said adultery, lived at the town of Whitby aforesaid separate and apart from the said Robert Campbell; that the said Robert Campbell hath, subsequently to the discovery of the said criminality, brought an action for criminal conversation in Her Majesty's Court of Queen's Bench for Ontario, against the said George Gordon, and recovered a verdict in the said action against the said George Gordon for one thousand five hundred dollars, and entered judgment thereon; and the said Robert Campbell has exhausted every lawful means for the recovery of the amount of the said judgment without effect; that the said Robert Campbell and the said Eliza Maria Byrne so living apart as aforesaid, the said Eliza Ma-

ria Byrne brought a suit against the said Robert Campbell in Her Majesty's Court of Chancery for Ontario, seeking to recover and obtain an allowance for alimony from the said Robert Campbell, which said suit was defended by the said Robert Campbell on the ground of said adultery hereinbefore mentioned having been committed by the said Eliza Maria Byrne, and which said suit was, on the twenty-first day of April, in the year of Our Lord, one thousand eight hundred and seventy-four, tried at the said town of Whitby before the Honorable Vice Chancellor Blake, who directed that the said cause should stand for further argument, and the same having come on for argument before the said court, at Toronto, on the fourteenth day of May, in the year of Our Lord, one thousand eight hundred and seventy-five, the said court directed that the said cause should stand for judgment, and on the fifteenth day of September, in the year of Our Lord, one thousand eight hundred and seventy-five, the said court did order and decree that the said Bill of Complaint of the said Eliza Maria Byrne be, and the same was thereby, dismissed out of the said court; that the said Robert Campbell is desirous of having the said marriage dissolved, annulled, and put an end to, so that he may be free from the same, and can contract matrimony with any other person or persons with whom it would have been lawful for him to contract matrimony, if the said Robert Campbell and Eliza Maria Byrne had not intermarried; and that there are four children issue of the said marriage; and the said Robert Campbell prayed that the said marriage might be dissolved, annulled, and put an end to, and that the issue of his marriage with the said Eliza Maria Byrne, and also the issue of any such future marriage, might be declared legitimate; And whereas the said Eliza Maria Campbell hath, by her petition, humbly set forth that she was lawfully married to the said Robert Campbell, in her father's house, at Whitby, on the sixth day of April, in the year of Our Lord one thousand eight hundred and sixty-three; that on the twenty-fifth day of August, in the year of Our Lord one thousand eight hundred and seventy-three, about four months before the birth of the fourth and last child, issue of the said marriage, the said Robert Campbell, without sufficient cause, treacherously deserted her, took away from her their three children, and has since lived and kept the said children apart from her; that on the twenty-fourth day of September, in the year of Our Lord one thousand eight hundred and seventy-three, the said Robert Campbell, with force and violence and with two constables, but without warrant, removed her from his house, and has ever since refused to receive her or their youngest child therein; that he has since refused to maintain her or their child, or to furnish them with necessaries according to his means and condition; that he has repeatedly accused her of adultery, and endeavoured to prove her guilty; that she has not been

No. 120.

rd Parliament, 40 Vict.

BILL.

amend "*The Indi*
1876."

read first time, Frid

5, Saturday, 21st April

Mr. M

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1877.

guilty of adultery; that he has petitioned Parliament for the dissolution of his marriage with her; that the said Robert Campbell has treated her with cruelty, and ill-used and insulted her; that there is no prospect of reconciliation; that she, the petitioner, desires to be divorced *a menso et thoro;* that there is no Court in Ontario by whose decree such divorce can be effected; that she is without means for her own or for her child or children's support; that the Court of Chancery of Ontario having refused her petition for alimony, she is without means to secure a revision of that judgment, and that she desires to have the care and custody of her youngest child and of her only daughter; and the said Eliza Maria Campbell prayed that the Bill might not be passed without amendments which would make it an Act providing for such a separation between her and the said Robert Campbell as would be effected in England by a decree for "judicial separation," and compelling the said Robert Campbell to make adequate provision for her support and the support of her children, and giving her the care and custody of at least the two youngest of her children; And whereas the evidence produced by the said Robert Campbell did not prove that his wife, the said Eliza Maria Campbell had ever committed adultery with the said George Gordon, or with any other person; And whereas the evidence produced, as well by the petitioner as by the respondent, proved that the said Robert Campbell treated his wife, the said Maria Campbell, with cruelty; that he deserted her on the twenty-fifth day of August, in the year of Our Lord one thousand eight hundred and seventy-three; that he has not since lived or cohabited with her; that he has not made any provision for her support and maintenance and for the support and maintenance of their youngest child; And whereas it is expedient to grant the prayer of the said Eliza Maria Campbell for a divorce from bed and board; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. From and after the commencement of this Act, the said Eliza Maria Campbell shall be and shall remain separated from the bed and board of her husband the said Robert Campbell.

2. The separation hereby authorized and provided shall, except as hereinafter provided, have the same force and the same consequences as a judicial separation in England, under a decree for judicial separation pronounced by the proper Court there, at the commencement of this Act.

3. The said Robert Campbell shall pay annually to his said wife for her support and maintenance the sum of six hundred dollars during her separation as aforesaid, in two

equal instalments, payable half-yearly, on the first days of May and November in each year.

4. The said Eliza Maria Campbell may, after the commencement of this Act, have the custody and care of one of the children of the said marriage, namely: Francis William Campbell, during her separation as aforesaid.

5. The said Robert Campbell shall pay annually to his wife, the said Eliza Maria Campbell, the sum of two hundred dollars for the support and education of the said child, while he remains in her custody during the separation as aforesaid. The said sum of two hundred dollars shall be payable in equal half-yearly instalments of one hundred dollars, on the first day of May and November in every year during the minority of the said child

6. It shall be lawful for the said Eliza Maria Campbell at any time or times hereafter to apply to a Judge of one of the Superior Courts of Ontario, and the said Judge is hereby authorized and empowered to grant her application for a rule or summons to the said Robert Campbell to shew cause why he should not pay to the said Eliza Maria Campbell an additional sum for her support and maintenance, and if the said Judge shall find that the said sum of six hundred dollars is not equal to one-third of the annual income of the said Robert Campbell, he may order and direct the said Robert Campbell to pay to his wife, Eliza Maria Campbell, in half-yearly instalments, as aforesaid, such additional sum as shall, together with the said sum of six hundred dollars, be equal to one-third of the annual income from every source of the said Robert Campbell.

7. If the said Robert Campbell shall neglect or refuse for the space of ten days after the same is due, to pay or cause to be paid into the hands of the said Eliza Maria Campbell or her attorney, lawfully appointed, any one of the said instalments, or any instalment so increased by the Order of a Judge as aforesaid, he shall be deemed guilty of a contempt of Court.

8. The said Robert Campbell and the said Eliza Maria Campbell may agree that upon the payment of a certain sum of money in hand, or upon the conveyance of a certain amount of property to her for her sole and separate use, the said Robert Campbell shall no longer be liable to pay the half-yearly instalments aforesaid, or any of them; but no such agreement shall have any force or effect until it has been approved by a Judge of one of the Superior Courts of Ontario, whose approval, after hearing the parties, shall be endorsed on the instrument containing the agreement.

No. 120.

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1876."

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5, Saturday, 21st April

Mr. M

OTTAWA:

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1877.

9. Before and until the making and approval of an agreement as aforesaid, this Act may be registered in any Registry Office in Ontario ; and such registration shall have the same force and effect as the registration of an Order or Decree of the Court of Chancery, under section four of the Act of the late Province of Canada, entitled "An Act to amend the Consolidated Statute respecting the Court of Chancery," passed in the twenty-eighth year of Her Majesty's reign.

10. If, and whenever the said Eliza Maria Campbell and Robert Campbell shall become reconciled and cohabit as man and wife, this Act shall thereafter have no further or other operation or effect than a decree for judicial separation would have in England under like circumstances.

No. 120.

rd Parliament, 40 Vic

BILL.

amend "*The Indi*
1876."

read first time, Fri

g, Saturday, 21st April

Mr. M

OTTAWA:
PRINTED BY MACLEAN, ROGER &
1877.

No. 122.] **BILL.** [1877.

An Act respecting the Act further securing the Independence of Parliament.

Preamble. 31 V. c. 25.

WHEREAS several persons who have, since the passing of the Act thirty-one Victoria, chapter twenty-five, intituled *An Act further securing the Independence of Parliament*, been elected as members of the House of Commons, acting in the *bonâ fide* belief that they were or continued to be qualified and capable of sitting and voting as members thereof, may have by sitting or voting therein unwittingly rendered themselves liable to pecuniary penalties or forfeitures under the provisions of the said Act; and whereas it is proper to relieve such persons from such pecuniary penalties or forfeitures; Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Indemnification for having sat or voted under the *bonâ fide* belief of qualification.

1. Any person who has, at any time since the passing of the said Act, been elected a member of the House of Commons, and who, acting under the *bonâ fide* belief that he was or continued to be qualified and capable of sitting or voting as a member thereof, has sat or voted therein, shall be and is hereby indemnified, exonerated, freed and discharged from all pecuniary penalties or forfeitures whatsoever (if any) which may have been incurred by him by reason of having so sat or voted at any time up to the end of the present Session of Parliament.

This Act to be a bar to suits for penalty.

2. This Act may be pleaded as a bar and discharge to any action, suit or proceeding pending or which may be brought against any such person, for any such pecuniary penalty or forfeiture as aforesaid.

Not to apply to offences after present Session.

3. Nothing in this Act contained shall be held in any wise to indemnify, exonerate, free or discharge any person from any pecuniary penalty or forfeiture, if any, to which he may render himself liable by sitting or voting in the House of Commons at any time after the end of the present Session of Parliament.

Nor to affect any then subsisting disqualification.

4. Nothing in this Act contained shall be held to affect any subsisting disqualification or incapacity to sit or vote in the House of Commons, or to validate any void election thereto, or to affect the vacation of any seat therein, or in any wise to interfere with the operation of the fifth section of the said Act.

No. 122.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act respecting the Act further securing the Independence of Parliament.

Received and read first time, Wednesday, 25th April, 1877.

Second reading, Friday, 26th April, 1877.

Mr. MACKENZIE

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

No. 123.] **BILL.** [1877.

An Act respecting the claim of the Dominion on the Northern Railway Company of Canada.

Preamble. 40 V. c.

WITH reference to the Act passed in the present Session, intituled: "*An Act respecting the Northern Railway Company of Canada*," and the Acts respecting the lien of the Dominion on the said Railway; Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Ranking of second preference bonds held by Government, £50,000 stg.

1. The sum of fifty thousand pounds, sterling, of second preference bonds of the Northern Railway Company of Canada, hereinafter called "the Company," now held by the Government of Canada, and being part of a certain sum of two hundred and eighty-three thousand pounds, sterling, of second preference bonds issued by the Company, shall hold equal rank and priority with other bonds of the same character, in the arrangement authorized by the Act of the present Session cited in the preamble of this Act; And the sum of fifty thousand pounds, sterling, of third preference bonds of the Company, now held by the Government of Canada, and being part of a certain sum of one hundred thousand pounds, sterling, of third preference bonds issued by the Company, together with the interest thereon, shall be extinguished on the following conditions:—

£50,000 stg. of third preference and interest may be extinguished on certain conditions.

First condition.

1st. That the Company shall, within one year from the first day of May, one thousand eight hundred and seventy-seven, pay to the Receiver-General of Canada the sum of forty-five thousand pounds sterling, in cash, with interest from the said day, at the rate of five per centum, per annum;

Second condition.

2nd. That the Company shall, with in the same period, pay to the Receiver-General, the sum of twenty-seven thousand four hundred and fifty-eight dollars and eighty-seven cents, in satisfaction of the sums improperly applied by the Company out of the moneys payable to the Government of Canada, and shall also assign to Her Majesty for the public uses of the Dominion, the mortgage now held by the Company on the Couchiching Hotel for moneys advanced thereon, with the principal sum secured by the said mortgage, and all interest thereon.

Application of moneys received.

2. All moneys received or recovered for the use of the Dominion, under this Act, shall form part of the Consolidated Revenue Fund of Canada.

No. 123.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act respecting the claim of the Dominion on the Northern Railway Company of Canada.

Received and read first time, Thursday, 26th April, 1877.

Second reading, Thursday, 26th April, 1877.

Mr. CARTWRIGHT.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

No. 124.] **BILL.** [1877.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial years ending respectively the 30th June, 1877, and the 30th June, 1878, and for other purposes relating to the public service.

MOST GRACIOUS SOVEREIGN,

Preamble. WHEREAS it appears by messages from His Excellency the Right Honorable Sir Frederick Temple, Earl of Dufferin, Governor General of the Dominion of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of the Dominion not otherwise provided for, for the financial years ending respectively the thirtieth day of June, one thousand eight hundred and seventy-seven, and the thirtieth day of June, one thousand eight hundred and seventy-eight, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada that:—

Sum granted for 1876-77, $1,625,395 99. **1.** From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole one million six hundred and twenty-five thousand three hundred and ninety-five dollars and ninety-nine cents, towards defraying the several charges and expenses of the public service of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and seventy-six, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy-seven, not otherwise provided for, and set forth in Schedule A. to this Act, and also for the other purposes in the said Schedule mentioned.

Sum granted for 1877-78, $16,286,576 52 **2.** From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole sixteen million two hundred and eighty-six thousand five hundred and seventy-six dollars and fifty-two cents, towards defraying the several charges and expenses of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and seventy-seven, to the thirtieth day of June, in the year of

Our Lord one thousand eight hundred and seventy-eight, not otherwise provided for, and set forth in the Schedule B. to this Act, and for other purposes in the said Schedule mentioned.

Account to be rendered.

3. A detailed account of the sums expended under the authority of this Act, shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

Recital as to amounts of authorized loans remaining unborrowed.

4. And whereas there remained on the thirty first day of December last unborrowed and negotiable of the loans authorized by Parliament for the several works hereinafter mentioned, and for general purposes, the sums opposite to each respectively, viz:—

	$ cts.	$ cts.
For Intercolonial Railway		2,433,333 33
For opening communication and administration of the Government in the North-West Territories		1,460,000 00
For improvement of the River St. Lawrence		1,500,000 00
For the improvement of Quebec Harbour		1,200,000 00
For the Pacific Railway and Canals		7,300,000 00
For general purposes, balance, 30th June, 1876	18,582,824 06	
Redeemed to 31st December	1,823,645 65	
	20,406,469 71	
Issued	12,166,666 66	
		8,239,803 05
		$22,133,136 38

Such sums may be raised under 35 V., c. 6, and 38 V., c. 4

Therefore it is declared and enacted, that the Governor in Council may authorize the raising of the several sums above mentioned, as they may be required for the purposes aforesaid, respectively, under the provisions of the Act passed in the thirty-fifth year of Her Majesty's reign, intituled: "*An Act respecting the Public Debt, and the raising of Loans authorized by Parliament*," as amended by the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act to amend the Act respecting the Public Debt and the raising of Loans authorized by Parliament*;" and the sums so raised shall form part of the Consolidated Revenue Fund of Canada, out of which like sums shall be applicable to the several purposes aforesaid, under the Acts and provisions thereunto relating respectively.

SCHEDULE A.

SUMS granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1877, and the purposes for which they are granted.

SERVICE.		Amount.	Total.
CHARGES OF MANAGEMENT.		$ cts.	$ cts.
Additional amount required for Seigniorial Tenure Commission		1,000 00	
To pay for professional services in connection with Seigniorial Tenures		2,100 00	
			3,100 00
CIVIL GOVERNMENT.			
Department of Justice.			
For arrears of salary of Deputy Head, from 1st September, 1876, to 30th June, 1877		333 33	
Department of Justice (Penitentiaries Branch).			
Inspectors, Manitoba and British Columbia		175 00	
Office of the Queen's Privy Council.			
Increase to salary of Private Secretary		200 00	
			708 33
ADMINISTRATION OF JUSTICE.			
Increase of salary of Messenger, Supreme Court of Canada and Exchequer Court, from 19th January to 30th June, 1877, at $30 per annum			13 50
PENITENTIARIES.			
Kingston—Maintenance		6,762 63	
St Vincent de Paul :—			
Adjustment of salaries, and pay of additional officers	$1,807 29		
Maintenance	9,487 17		
Tramway to quarries	7,365 00		
		18,659 46	
St. John, N.B.—Maintenance		2,150 00	
Manitoba :—			
Fencing, farming and garden implements	$ 350 00		
Expenses of removal to new Penitentiary	1,000 00		
Rent of old Prison, from 1st May, 1876, to 1st February, 1877	750 00		
Maintenance	2,000 00		
		4,100 00	
			31,672 09
Carried forward			35,493 92

SCHEDULE A—*Continued.*

Service.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		35,493 92
LEGISLATION.		
For salaries of Officers (additional) and contingencies of Library		3,835 00
ARTS, AGRICULTURE AND STATISTICS.		
To meet increased expenditure in connection with issue of Patent Record	1,500 00	
Expenses in connection with Exhibition at Sydney, N.S.W.	25,000 00	
		26,500 00
MILITIA.		
North-West Mounted Police:—		
Expenses connected with the concentration of the Mounted Police Force in the vicinity of the Boundary Line, rendered necessary by the disturbed condition of Indians in United States Territory	27,500 00	
To pay for four seven-pounder guns, carbines and ammunition, and for the transport thereof	6,250 00	
		33,750 00
PUBLIC WORKS AND BUILDINGS.		
(*Chargeable to Capital.*)		
RAILWAYS.		
Intercolonial Railway, Completion	200,000 00	
do Construction of 700 freight cars	370,000 00	
do Extension into Halifax (contribution to powder magazine)	20,000 00	
do Printing, &c., in connection with Petitions of Right in the Supreme Court	17,500 00	
CANALS.		
Lachine Canal	250,000 00	
Welland Canal	200,000 00	
Culbute Canal	25,000 00	
St. Peter's Canal	15,000 00	
Grenville Canal	30,000 00	
BUILDINGS.		
Ottawa Buildings—Library	25,000 00	
Buildings at Forts McLeod, Walsh, Calgarry, Saskatchewan, Tail Creek, Qu'Appelle and Shoal Lake	15,000 00	
		1,167,500 00
PUBLIC WORKS AND BUILDINGS.		
(*Chargeable to Income.*)		
IMPROVEMENT OF RIVERS.		
Removal of Beaver Rock, Victoria, B.C.	9,800 00	
Carried forward	9,800 00	1,267,078 92

SCHEDULE A—*Continued.*

Service.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	9,800 00	1,267,078 92
PUBLIC WORKS AND BUILDINGS.—*Continued.*		
(*Chargeable to Income.*)		
HARBOURS AND BREAKWATERS.		
South Ingonish, Cape Breton, N.S.	1,600 00	
Goderich, Lake Huron	32,000 00	
PUBLIC BUILDINGS.		
Furniture for house of Lieutenant-Governor, N.W.T	5,000 00	
RENTS, REPAIRS, ETC.		
Gas, Public Buildings, Ottawa	6,000 00	
		54,400 00
OCEAN AND RIVER STEAM SERVICE.		
Dominion Steamers.		
To provide for extraordinary expenditure incurred for this service	15,000 00	
To pay for repairs, maintenance and balance due for construction of "Northern Light"	16,000 00	
		31,000 00
LIGHTHOUSES AND COAST SERVICE.		
To provide additional amount required for maintenance, viz.:—amount expended in repairs at Amet Island Breakwater, N.S. 7,275 00		
To replace buildings and fog-whistle at Digby, N.S., (destroyed by fire) 5,000 00		
Purchase of land at Point Pleasant, Ont 750 00		
do Isle à la Pierre 1,575 00		
Cost of building pier at Isle aux Prunes 1,000 00		
Excess of costs for repairs at St. Paul's Humane Establishment, N.S., over Estimates 2,400 00		
	18,000 00	
To provide amount required to complete construction of Lighthouses and Fog-whistles commenced in 1875 and 1876 (Re-vote)	39,000 00	
		57,000 00
FISHERIES.		
Further amount required for Fishery Overseers' salaries and disbursements	9,500 00	
Further amount required for Fish-breeding	8,000 00	
		17,500 00
Carried forward		1,426,978 92

SCHEDULE A.—*Concluded.*

Service.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		1,426,978 92
MISCELLANEOUS.		
Miscellaneous Printing	$5,750 00	
do for translating into French the Rules of the Supreme Court	84 80	
	5,834 80	
Expenses in connection with the Grasshopper Relief Committee, Manitoba	2,500 00	
To provide for the purchase of 350 copies of the Parliamentary Companion	525 00	
To provide for expenditure in connection with the Survey of the Stickine River	3,000 00	
To meet expenses already incurred and those which will probably yet have to be incurred before the termination of the current fiscal year, in the District of Keewatin	12,000 00	
		23,859
COLLECTION OF REVENUES.		
EXCISE.		
Preventive Service		2,500 00
WEIGHTS AND MEASURES.		
To pay Deputy Inspectors' expenses incurred in distributing circulars containing information as the operation of the Act		2,000 00
INSPECTION OF STAPLES.		
To pay expenses of Boards of Examiners		3,000 00
DOMINION LANDS.		
To meet expenses for this service:—		
Surveying certain Indian Reserves	4,000 00	
Survey of Public Roads for Icelanders; also of a number of townships for the Icelandic Colony	6,000 00	
Probable expenses of a Commission for the settlement of conflicting claims	1,500 00	
Survey of nine certain roads or leading trails in the Province, pursuant to the Statute 39 Victoria, chapter 20	1,000 00	
		12,500 00
UNPROVIDED ITEMS OF 1875-76.		
Vide Public Accounts, 1875-76, Part 2, page 370:		
Capital	73,967 60	
Consolidated Fund	80,589 67	
		154,557 27
Total		1,625,395 99

SCHEDULE B.

SUMS granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1878, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CHARGES OF MANAGEMENT.	$ cts.	$ cts.
Financial Inspector	2,600 00	
Office of Assistant Receiver-General, Toronto	8,000 00	
do do Montreal	5,500 00	
Auditor and do Halifax, N.S	10,000 00	
do do St. John, N.B	11,000 00	
do do Fort Garry	6,500 00	
do do Victoria, B.C	7,000 00	
do do Charlottetown, P.E.I	4,000 00	
Country Savings Banks, New Brunswick, Nova Scotia and British Columbia	12,000 00	
Seigniorial Tenure and Commission	2,500 00	
		69,100 00
CIVIL GOVERNMENT.		
Governor-General's Secretary's Office	7,950 00	
The Department of the Queen's Privy Council for Canada	15,000 00	
The Department of Justice	11,600 00	
do Penitentiary Branch	3,850 00	
The Department of Militia and Defence	35,750 00	
do Secretary of State	31,990 00	
do The Minister of the Interior	42,760 00	
do Receiver-General	21,050 00	
do Finance	49,800 00	
do Customs	28,450 00	
do Inland Revenue	26,967 50	
do Public Works	48,884 00	
Post Office Department	85,950 00	
Department of Agriculture	28,290 00	
do Marine and Fisheries	25,070 00	
Treasury Board Office	4,050 00	
Departmental Contingencies	170,000 00	
Stationery Office for Stationery	20,000 00	
To meet the possible amount required for new appointments by an extension of the Staff, or any other change	10,000 00	
Department of the Interior:—		
To provide for the salary of an Inspector of Indian Agencies, &c., with the rank of Chief Clerk of the second grade	1,800 00	
Department of the Secretary of State:—		
One 1st class Clerk 1,400 00		
One 3rd do 600 00	2,000 00	
Department of Agriculture:—		
Private Secretary	600 00	
		671,811 5
ADMINISTRATION OF JUSTICE.		
Miscellaneous Justice	20,000 00	
Travelling Expenses of Stipendiary Magistrates in the North-West Territories	4,500 00	
Circuit Allowances, British Columbia	15,000 00	
Carried forward	39,500 00	740,911 50

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	39,500 00	740,911 50
ADMINISTRATION OF JUSTICE—*Continued.*		
Circuit Allowances, Manitoba	1,500 00	
Précis Writer of the Supreme Court of Canada and the Exchequer Court	1,850 00	
Clerk of the Supreme Court of Canada and the Exchequer Court	425 00	
Messenger do do do	330 00	
Contingencies and Disbursements, including Judges' travelling expenses and printing and binding reports; also salaries of Officers to be appointed in the Supreme Court of Canada, and the Exchequer Court	8,000 00	
Salary of Registrar of Vice-Admiralty Court, Quebec	666 66	
do Marshal do do	333 34	
For the salary of one Stipendiary Magistrate or County Court Judge, to provide, if necessary, for the vacancy created by the death of the late A. T. Bushby, Esq	2,425 00	
		55,030 00
POLICE.		
Dominion Police		11,000 00
PENITENTIARIES.		
Kingston Penitentiary	127,167 57	
Rockwood Asylum	3,500 00	
Halifax Penitentiary, balances to be transferred to Dorchester Penitentiary, if required	28,824 63	
St. John Penitentiary, balances to be transferred to Dorchester Penitentiary if required	40,498 50	
St. Vincent de Paul Penitentiary	78,164 13	
Manitoba Penitentiary	14,389 77	
British Columbia Penitentiary	20,950 00	
		313,494 60
LEGISLATION.		
Senate.		
Salaries and Contingent Expenses of the Senate	50,918 00	
House of Commons.		
Salaries, per Clerks' Estimate	59,850 00	
Expenses of Committees, Extra Sessional Clerks, &c	8,500 00	
Contingencies	20,100 00	
Publishing Debates	15,000 00	
Salaries and Contingencies, per Sergeant-at-Arms' Estimate	28,850 00	
Carried forward	183,218 00	1,120,436 10

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		183,218 00	1,120,436 10
LEGISLATION.—*Continued.*			
Miscellaneous.			
Grant to Parliamentary Library, including provision for Law Books		10,000 00	
Printing, Binding and distributing the Laws		14,900 00	
To meet the estimated expenses in connection with Consolidation of the Laws		8,000 00	
Printing, Printing-paper and Bookbinding		70,000 00	
Contingencies of the Clerk of the Crown in Chancery		1,200 00	
Miscellaneous printing		2,000 00	
Expenses of Committees, Extra Sessional Clerks, &c, House of Commons		4,500 00	
Salaries of Officers (additional), and contingencies of Library		3,500 00	
			297,318 00
ARTS, AGRICULTURE AND STATISTICS.			
To meet expenses in connection with the care of Archives		3,000 00	
do do Organization of the "Patent Record"		7,200 00	
do do Preparation of Criminal Statistics		5,000 00	
To provide for expenditure likely to be incurred in connection with the Exhibition to be held at Paris		25,000 00	
			40,200 00
IMMIGRATION AND QUARANTINE.			
Salaries of Immigration Agents and Employés		26,550 00	
do Travelling Agents		13,000 00	
Medical Inspection of the Port of Quebec		2,600 00	
Quarantine, Grosse Isle		12,000 00	
do St. John		3,000 00	
do Pictou, N.S.		800 00	
do Halifax, N.S.		3,600 00	
do Charlottetown, P.E.I.		1,000 00	
To meet expenses of further precautionary measures for the public health		20,000 00	
Contingencies of Canadian and other regular agencies		24,000 00	
Travelling expenses of Travelling Agents		14,000 00	
Towards assisting immigration and immigration expenses, including estimated expenses of transport of Mennonites		110,000 00	
			230,550 00
PENSIONS.			
Samuel Waller, late Clerk, House of Assembly		400 00	
John Bright, Messenger do		80 00	
Mrs. Antrobus		800 00	
New Militia Pensions:—			
Mrs. Caroline McEachern and four children	$265 00		
Rhoda Smith	110 00		
Janet Anderson	110 00		
Margaret Mackenzie	80 00		
Carried forward	565 00	1,280 00	1,688,504 10

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	565 00	1,280 00	1,688,504 10
PENSIONS.—*Continued.*			
Mary Ann Richey and one child	288 00		
Mary Morrison	80 00		
Louise Prud'homme and two children	110 00		
Virginie Charron and four children	150 00		
Paul M. Robins	146 00		
Charles T. Bell	73 00		
Alex. Oliphant	109 50		
Charles Lugsden	91 25		
Thomas Charters	91 25		
Charles T. Robertson	110 00		
Percy G. Routh	400 00		
Richard S. King	400 00		
George A. Mackenzie	73 00		
Edward Hilder	146 00		
Fergus Scholfield	73 00		
John Bradley	109 50		
Richard Penticost	91 25		
James Bryan	109 50		
Jacob Stubbs	73 00		
Ensign W. Fahey	200 00		
Mary Connor	110 00		
Mary Hodgins and three children	191 00		
John Martin	110 00		
A. W. Stevenson	110 00		
Mrs. J. Thorburn	150 00		
Mrs. P. T Worthington and children	378 00		
Mrs. J. H. Elliott and children	130 00		
Ellen Kirkpatrick and three children	266 00		
Mrs. George Prentice and children	400 00		
Mary Hannah Temple and child	298 00		
		5,632 25	
To meet the probable amount required for Pensions to Veterans of War of 1812		50,000 00	
Compensation to Pensioners in lieu of land		8,000 00	
			64,912 25
MILITIA.			
ORDINARY.			
Salaries of Military Branch and District Staff		28,600 00	
Salaries of Brigade Majors		20,000 00	
Allowances for Drill Instruction		40,000 00	
Ammunition	$40,000 00		
Clothing	40,000 00		
Military Stores	40,000 00		
		120,000 00	
Public Armouries and care of arms, including the pay of Storekeepers and Caretakers, Storemen, and the rents, fuel and light of Public Armouries		52,000 00	
Drill pay and all other incidental expenses connected with the Drill and Training of the Militia		155,000 00	
Contingencies and general service not otherwise provided for, including assistance to Artillery and Rifle Associations and Bands of efficient Corps		45,000 00	
Drill Sheds and Rifle Ranges		10,000 00	
Carried forward		470,600 00	1,753,416 35

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	To
	$ cts.	$ cts.
Brought forward	470,600 00	1,753,416 35
MILITIA.—*Continued.*		
EXTRAORDINARY.		
Care and maintenance of Military Properties transferred from the Ordnance and the Imperial Government, including rents	10,000 00	
SPECIAL.		
Pay, maintenance and equipment of "A" and "B" Batteries Garrison Artillery and Schools of Gunnery, Kingston and Quebec	115,000 00	
Military College	35,000 00	
Military Schools, Nova Scotia and New Brunswick	10,000 00	
Pay and maintenance of Dominion Forces in Manitoba	35,000 00	
Mounted Police, N. W. T	306,356 50	
		9
PUBLIC WORKS AND BUILDINGS.		
(*Chargeable to Capital.*)		
RAILWAYS.		
Intercolonial Railway Completion	75,000 00	
do Extension into Halifax	75,000 00	
do To deep water at St. John, N.B	100,000 00	
Pacific Railway	1,524,000 00	
do Survey and Engineering	100,000 00	
Prince Edward Island Railway including Stores	42,000 00	
Pacific Railway Survey	130,000 00	
do Construction—Pembina Branch Extension	60,000 00	
CANALS.		
For Works of Construction, viz. :—		
Lachine Canal	1,000,000 00	
Cornwall do	100,000 00	
Welland do	2,000,000 00	
St. Anne's Lock	40,000 00	
Carillon and Chute à Blondeau	120,000 00	
Improving approach to Culbute Canal	40,000 00	
St. Peter's Canal	80,000 00	
Miscellaneous work on Canals	10,000 00	
St. Lawrence Canals and Rapids	20,000 00	
St. Peter's Canal	49,500 00	
PUBLIC BUILDINGS, OTTAWA.		
Grounds	35,000 00	
Retaining walls, gates, footpaths, painting, &c	2,600 00	
Extension, West Block	135,500 00	
	173,100 00	
Total chargeable to Capital		5,738,600 0
Carried forward		8,473,972 85

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			8,473,972 85
PUBLIC WORKS AND BUILDINGS.			
(*Chargeable to Income.*)			
IMPROVEMENT OF NAVIGABLE RIVERS.			
Improvement of Navigable Rivers	10,000 00		
St. Lawrence, removal of Chains and Anchors	15,000 00		
Neebish Rapids, River St. Mary, Lake Huron	8,000 00		
Cowichan River, B.C., removal of Obstructions	1,500 00		
		34,500 00	
PUBLIC BUILDINGS.			
Ontario.			
Guelph Custom House, Excise and Post Office	2,000 00		
Kingston, Military College and Repairing Fortifications	40,000 00		
London Military Grounds, Fencing and Wood-sheds	3,500 00		
To pay for site for Ottawa Post Office, Custom House and Inland Revenue Office	7,000 00		
Quebec.			
Repairing Fortifications, Quebec	20,000 00		
Examining Warehouse, Montreal	17,000 00		
Quarantine Station, Grosse Isle	3,000 00		
Post Office and Customs House accommodation, St. John, P.Q.	4,000 00		
North-West Territories.			
Lieutenant-Governor's residence, Registry Office and three dwelling houses for officials	21,000 00		
Mounted Police Buildings and River Crossings	9,000 00		
British Columbia.			
Public Buildings, repairs	1,000 00		
Custom House Store House Wharf, Victoria	5,000 00		
Public Buildings generally	20,000 00		
		152,500 00	
PENITENTIARIES.			
General Penitentiary for the Maritime Provinces	117,000 00		
St. Vincent de Paul	16,000 00		
British Columbia Penitentiary	7,000 00		
		140,000 00	
Carried forward		327,000 00	8,473,972 85

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		327,000 00	8,473,972 85
PUBLIC WORKS AND BUILDINGS.—*Continued.*			
RENTS, REPAIRS, &c.			
Rents, Repairs, Furniture and Heating, &c	170,000 00		
Heating Public Buildings	40,000 00		
Removal of Snow, Public Buildings, Ottawa	1,800 00		
Gas, Public Buildings, Ottawa	16,000 00		
Allowance for Fuel and Light, Rideau Hall	5,000 00		
		232,800 00	
HARBOURS AND BREAKWATERS.			
Ontario.			
Kincardine Harbour, Lake Huron	12,000 00		
Trenton, including Nigger Island, Bay of Quinté, Lake Ontario	4,000 00		
Newcastle Harbour, Lake Ontario	5,000 00		
Morpeth, Lake Erie (locality to pay a similar amount)	7,500 00		
Quebec.			
Lower St. Lawrence, repairing various breakwaters	20,000 00		
St. Jean Port Joli Pier (municipality furnishing an equal amount)	2,000 00		
New Brunswick.			
St. John Harbour	80,000 00		
Clifton, Gloucester Co. (locality furnishing an equal amount)	9,000 00		
Grand Anse, Gloucester Co	1,000 00		
Shippegan Breakwater, Gloucester Co	7,000 00		
Campobello (Wilson's Beach)	1,000 00		
Nova Scotia.			
Antigonish, Antigonish Co	5,000 00		
McNair's Cove do	5,000 00		
White Point, Queens Co	3,500 00		
Jordan Bay, Shelburne Co	2,000 00		
Meteghan Cove, Digby Co.	3,000 00		
Belliveau Cove	3,000 00		
General Repairs	10,000 00		
Prince Edward Island.			
Colville Bay (Souris)	20,000 00		
Malpeque Breakwater	10,000 00		
St. Peter's Bay, Kings Co	5,000 00		
		215,000 00	
SLIDES AND BOOMS		5,000 00	
Carried forward		779,800 00	8,473,972 85

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		779,800 00	8,473,972 85
PUBLIC WORKS AND BUILDINGS.—*Continued.*			
DREDGING.			
Dredge Vessels	22,000 00		
Dredging	92,000 00		
		114,000 00	
MISCELLANEOUS.			
Miscellaneous Works not otherwise provided for		10,000 00	
Surveys and Inspections		45,000 00	
Arbitrations and Awards		15,000 00	
Total, Chargeable to Income			963,800 00
OCEAN AND RIVER SERVICE.			
DOMINION STEAMERS.			
Maintenance and repairs of Steamers, "Napoleon III," "Newfield," "Druid," "Glendon" and "Sir James Douglas"		100 000 00	
MAIL SUBSIDIES.			
Steam communication between Halifax and St. John, *via* Yarmouth	10,000 00		
Steam communication on Lakes Huron and Superior	12,500 00		
Steam Service between San Francisco and Victoria, B.C.	54,000 00		
Steam Communication with the Magdalen Islands	4,200 00		
Winter Service by steamer between Prince Edward Island and the Mainland	20,000 00		
Steam communication between Nova Scotia and St. Pierre	5,000 00		
Steam communication between Grand Manan Island, N.B., and the Mainland	1,500 00		
To provide for Mail Subsidy between Halifax and Cork, if necessary	39,541 67		
		146,741 67	
To provide for the examination of Masters and Mates		4,250 00	
For purchase of Life Boats, Life Preservers and Rewards for Saving Life		4,000 00	
To provide for investigation into Wrecks and Casualties, and collection of information relating to Disasters to Shipping		500 00	
Expenses in connection with Canadian Register and Classification of Shipping		500 00	
Montreal Water Police		14,090 00	
River Police, Quebec		23,500 00	
Removal of Obstructions in Navigable Rivers		500 00	294,081 67
LIGHTHOUSE AND COAST SERVICE.			
Salaries and Allowances of Lighthouse-Keepers		146,881 00	
Maintenance and Repairs		253,263 00	
For Completion and Construction of Lighthouses and Fog Alarms		30,000 00	
Towards possible additional construction of Lighthouses and Fog-whistles		30,000 00	
			460,144 00
Carried forward			10,191,998 52

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			10,191,998 52
FISHERIES.			
Salaries and Disbursements of Fishery Overseers and Wardens:—			
Ontario	11,600 00		
Quebec	11,500 00		
Nova Scotia, including Inspector and Clerk	14,400 00		
New Brunswick do	10,130 00		
Prince Edward Island	1,740 00		
Manitoba	200 00		
British Columbia	1,000 00		
		50,570 00	
Maintenance and repairs of Steamer for protection of Fisheries		20,000 00	
Fish-breeding, Fishways and Oyster Beds		20,000 00	
			90,570 00
GEOLOGICAL SURVEY AND OBSERVATORIES.			
Observatory, Quebec		2,400 00	
do Toronto		4,800 00	
do Kingston		500 00	
do Montreal		500 00	
do New Brunswick		850 00	
Grant for Meteorological Observatories, including Instruments and cost of telegraphing Weather Warnings		37,000 00	
Geological Survey		50,000 00	
To aid in the construction of a telegraph line from Matane to Fox River		10,000 00	
			106,050 00
MARINE HOSPITALS AND SICK AND DISTRESSED SEAMEN			
Marine Hospitals.			
Marine and Emigrant Hospital, Quebec		20,000 00	
Montreal General Hospital	3,000 00		
Other Ports in Quebec	2,000 00		
		5,000 00	
St. Catharines Hospital, Ontario	500 00		
Kingston do do	500 00		
		1,000 00	
Halifax General Hospital	3,500 00		
Other Ports in Nova Scotia	10,000 00		
		13,500 00	
Hospital of St. John	4,000 00		
Other Ports in New Brunswick	7,750 00		
		11,750 00	
Ports in British Columbia		3,000 00	
Ports in Prince Edward Island		2,000 00	
Expenses of Shipwrecked and Disabled Seamen.			
Province of Quebec		1,000 00	
do Nova Scotia		2,000 00	
do New Brunswick		1,000 00	
do British Columbia		1,000 00	
do Prince Edward Island		500 00	
To re-imburse Board of Trade, London, for expenses incurred in connection with shipwrecked and distressed seamen of the Dominion.		3,000 00	
			64,750 00
Carried forward			10,453,368 52

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		10,453,368 52
STEAMBOAT INSPECTIONS.		
SALARIES.		
Chairman	1,800 00	
Deputy Chairman	1,400 00	
Inspector, Toronto District	1,200 00	
do Three Rivers District	1,000 00	
do Quebec District	1,000 00	
do East Ontario District	1,000 00	
do Montreal	1,200 00	
do British Columbia	750 00	
Travelling expenses of Chairman, and expenses in connection with steamboat inspection	1,100 00	
Clerk to Inspection	300 00	
Travelling and incidental expenses of Inspector of New Brunswick and Nova Scotia, and contingencies of Office	825 00	
Travelling expenses of Inspector of Toronto District, and contingencies of Office	430 00	
Travelling expenses of Inspector, Three Rivers	125 00	
do do Quebec	210 00	
do do East Ontario	260 00	
do do Montreal	250 00	
Salary and travelling expenses of Inspector, Manitoba	200 00	
For purchase of instruments and steam gauges	210 00	
To provide travelling expenses of Inspector, British Columbia	750 00	
Engraving and printing Engineers' Certificates, and printing Steamboat Inspection Act in French	640 00	
Expenses in connection with remeasurement of steamers in inland waters	800 00	
		15,450 00
INSPECTION OF INSURANCE COMPANIES.		
To meet expenses in connection with the Inspection of Insurance Companies		6,000 00
INDIANS.		
Indians, Quebec	2,200 00	
Purchase of blankets for aged and infirm Indians of Ontario and Quebec	1,600 00	
Indians of Nova Scotia, relief, &c.	4,500 00	
Indians of New Brunswick, relief, &c.	4,500 00	
Indians of Prince Edward Island, relief, &c.	2,000 00	
Indians of British Columbia :—		
Victoria Superintendency $13,200 00		
Fraser do 17,000 00		
Estimated cost of Land Commissions and Surveys in both Superintendencies 27,000 00		
	57,200 00	
Carried forward	72,000 00	10,474,818 52

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	72,000 00	10,474,818 52
INDIANS.—*Continued.*		
Manitoba and the North-West, for the following purposes:—		
Manitoba Superintendency.		
Annuities under Treaties Nos. 1 and 2	24,205 00	
do do 3	18,010 00	
do do 5	15,630 00	
Agricultural implements, ammunition, twine, farming stock and tools furnished under the above-mentioned Treaties Nos. 1 and 2	8,000 00	
do do do 3	7,500 00	
do do do 5	5,500 00	
Provisions for Indians assembled to receive annuities under the above-mentioned Treaties	13,000 00	
Salaries and office expenses	18,200 00	
To provide for the payment of salaries to certain medical officers within that superintendency	4,000 00	
North-West Superiutendency.		
Annuities under Treaty No. 4	21,745 00	
do do 6	48,150 00	
Agricultural implements, ammunition, &c., under Treaties Nos. 4 and 6	27,236 00	
Provisions for Indians assembled to receive annuities under Treaties Nos. 4 and 6	16,400 00	
Salaries and office expenses	17,000 00	
Probable cost in connection with new Treaties	60,000 00	
Manitoba and the North-West.		
To provide for such expenses as may be incurred in prosecuting the Survey of Indian Reserves during the year	15,000 00	
To provide for the purchase of seed grain and implements of husbandry, to be given to bands of Sioux Indians in the neighborhood of the Qu'Appelle Lakes	3,000 00	
Miscellaneous Expenditure.		
To aid Indian Schools in Ontario and Quebec where most required	5,000 00	
To bring up the annuities payable under the Robinson Treaty to the Chippewas of Lakes Huron and Superior, from 96 cents to $4 per head	11,000 00	
		410,576 00
MISCELLANEOUS.		
Canada *Gazette*	4,000 00	
Miscellaneous printing	8,000 00	
Unforeseen expenses; expenditure thereof to be under Order in Council, and a detailed statement to be laid before Parliament during the first fifteen days of the next Session	50,000 00	
Carried forward	62,000 00	10,885,394 52

SCHEDULE B.—*Continued.*

SERVICE		Amount.	Total.
		$ cts.	$ cts.
Brought forward		62,000 00	10,885,394 52
MISCELLANEOUS.—*Continued.*			
Commutation in lieu of remission of duties on articles imported for the use of the Army and Navy		12,000 00	
For the organization of Government in the North-West Territories and Keewatin		22,000 00	
Miscellaneous printing		2,000 00	
To provide for the expenditure likely to be incurred in connection with the proposed visit of His Excellency the Governor-General to Manitoba		8,000 00	
Towards paying cost of enquiries respecting disposal of saw-dust and mill rubbish in navigable waters		600 00	
To meet expenses of Halifax Commission		30,000 00	
			136,600 00
COLLECTION OF REVENUES.			
CUSTOMS.			
Salaries and Contingent Expenses of the Several Ports.			
In Province of Ontario	$218,580 00		
do Quebec	202,468 00		
do New Brunswick	92,448 00		
do Nova Scotia	104,257 00		
do Manitoba and North-West Territories	11,454 00		
do British Columbia	22,174 00		
do Prince Edward Island	23,586 00		
Salaries and travelling expenses of Inspectors of Ports and travelling expenses of other Officers on Inspection	16,000 00		
Contingencies of Head Office, covering blank books, printing, stationery, &c., for the several Ports of Entry	15,000 00		
		705,967 00	
EXCISE.			
Salaries of Officers and Ins pectors of Excise	$184,000 00		
Travelling expenses, rent, fuel, stationery, &c	45,000 00		
Preventive Service	3,000 00		
To provide for payment of additional salary to special class of Excisemen	800 00		
To provide for additions to Outside Service	5,000 00		
To pay Collectors of Customs allowances on duties collected by them	2,000 00		
Preventive Service	2,500 00		
		242,300 00	
CULLING TIMBER.			
Quebec Office.			
Supervisor	2,000 00		
Deputy Supervisor and Bookkeeper	1,600 00		
Cashier	1,200 00		
Specification Clerks	1,900 00		
Messenger	400 00		
Carried forward	7,100 00	948,267 00	11,021,994 52

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	7,100 00	948,267 00	11,021,994 52
COLLECTION OF REVENUES.—*Continued.*			
CULLING TIMBER.—*Continued.*			
Quebec Office.—Continued.			
Specification Clerks, viz. : 8 months—1 at $1000 / do 2 " 700 / do 4 " 600 / do 2 " 500	5,800 00		
Pay of Cullers	57,000 00		
Contingencies	5,000 00		
Montreal Office.			
Deputy Supervisor	800 00		
Book-keeper / Specification Clerks	1,000 00		
Pay of Cullers	4,000 00		
Contingencies	300 00		
		81,000 00	
WEIGHTS AND MEASURES AND GAS.			
Equipment and Inspection.			
Furniture, and means of heating 87 Weights and Measures Offices	6,090 00		
Furniture, and means of heating 31 Gas Offices	1,120 00		
Salaries of Deputy Inspectors of Weights and Measures	52,000 00		
Salaries of Gas Inspectors	10,650 00		
Rents of 87 Weights and Measures Offices	8,500 00		
Rents of 31 Gas Offices	2,420 00		
Contingencies for Weights and Measures and Gas, such as travelling expenses, fuel, &c.	20,000 00		
To provide for the travelling expenses, rent and salaries of Inspectors, P.E.I.	3,100 00		
To provide for additional Inspection Divisions	3,000 00		
		106,880 00	
INSPECTION OF STAPLES.			
For the purchase and distribution of Standards of Flour, &c., and for other expenditure under the Act		1,000 00	
ADULTERATION OF FOOD.			
To meet expenses under the Act 37 Victoria, chapter 8 (will be mainly recouped by Fees)		10,000 00	
Carried forward		1,147,147 00	11,021,994 52

SCHEDULE B.—*Concluded.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		1,147,147 00	11,021,994 52
COLLECTION OF REVENUES.—*Continued.*			
PUBLIC WORKS.			
Maintenance and Repairs.			
Salaries and Contingencies of Canal Officers	25,170 00		
Collection of Slide and Boom Dues	20,245 00		
Repairs and working expenses of above	366,500 00		
Intercolonial and other Government Railways in Nova Scotia and New Brunswick Intercolonial Railway, Quebec	1,600,000 00		
Railway, Prince Edward Island	200,000 00		
Telegraph Lines, British Columbia (including subsidy)	36,720 00		
do between Prince Edward Island and the Mainland	2,000 00		
Agent and Contingencies, British Columbia	4,000 00		
		2,264,635 00	
POST OFFICE.			
For Ontario	773,000 00		
Quebec	473,900 00		
New Brunswick	172,300 00		
Nova Scotia	191,600 00		
Prince Edward Island	46,000 00		
Manitoba	24,000 00		
British Columbia	79,000 00		
North-West Territory	10,000 00		
		1,769,800 00	
DOMINION LANDS.			
Surveys of Land, North-West (including Commission and Staff)	60,000 00		
To provide for further expenditure in this service, viz.:—			
Surveying remaining portion of boundaries of Manitoba	4,000 00		
Survey of Battleford	3,000 00		
Fixing the precise latitude and longitude of some point in the N. W. T. to facilitate systematic extension of surveys	2,500 00		
Copies of Maps	1,000 00		
Surveying of leading post trail or stage route from Manitoba to Battleford	2,500 00		
		73,000 00	
MINOR REVENUES.			
To defray expenses connected with Minor Revenues		10,000 00	
			5,264,582 00
Total			16,286,576 52

No. 124.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial years ending respectively the 30th June, 1877, and the 30th June, 1878, and for other purposes relating to the public service.

Received and read first, second and third times and passed, 27th April, 1877.

Mr Cartwright.

OTTAWA:

Printed by MacLean, Roger & Co.,

1877.

BILL.

An Act to amend the Act to Incorporate the National Investment Company of Canada (Limited.)

Preamble.

WHEREAS, the National Investment Company of Canada (Limited) have petitioned for amendments to their Act of Incorporation; and, whereas, it is expedient to grant the prayer of such petition:

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

Section 9 of Act 39 V., c. 61, amended.

1. The ninth section of the said Act is hereby amended by striking thereout the words "and shall be lawful or may lawfully be taken, received, reserved or enacted, either by individuals or bodies corporate, in the place where the contract is made or is executory, but not exceeding eight per centum per annum."

Section 10 of Act 39 V., c. 61, amended.

2. The tenth section of the said Act is hereby amended by striking thereout the words "a sum equal to the amount "of the paid-up capital and thirty-three and one-third per "cent. added thereto," being the last two lines of the said section, and by substituting in lieu thereof the words "eighty "per cent. of the subscribed capital of the said Company, upon "which twenty per cent. has first been paid up."

Seetion 14 of Act 39 V., c. 61, amended.

3. The fourteenth section of the said Act is hereby amended by striking thereout the words "provided always "that the Directors, including the President and Vice-Presi- "dent, shall not exceed seven in number."

Repetition of full title of Company in documents dispensed with.

4. It shall be sufficient in all instruments, documents, and papers made, signed, executed or entered into by, for or on behalf of or with the said Company, or relating to or affecting the said Company, after first designating the said Company by their full corporate name to make use of the word "Company," instead of repeating the corporate name in full, and in all such instruments, documents, and papers the word "Company" so used, and wheresover the same shall so occur shall mean and be read and construed as the National Investment Company of Canada (Limited)

4th Session, 3rd Parliament, 40 Victoria, 1877.

A

BILL.

An Act to amend the Act to incorporate the National Investment Company of Canada (Limited).

Received and read first time, Tuesday 20th February, 1877.

Second reading, Friday, 23rd February, 1877.

Hon. Mr. AIKINS.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

BILL.

An Act to amend the Act to Incorporate the National Investment Company of Canada (Limited.)

(Re-printed, by order of the Senate, as reported by the Select Standing Committee of that House on Banking, Commerce and Railways.)

WHEREAS, the National Investment Company of Canada (Limited) have petitioned for amendments to their Act of Incorporation; and, whereas, it is expedient to grant the prayer of such petition: 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 ninth section of the said Act is hereby amended by striking thereout the words "moneys deposited," and the words "and shall be lawful or may lawfully be taken, received, reserved or enacted, either by individuals or bodies corporate, in the place where the contract is made or is executory, but not exceeding eight per centum per annum." Section 9 of Act 39 V., c. 61, amended.

2. The tenth section of the said Act is hereby amended by striking thereout the words "as aforesaid, together with the deposits held by the Company (if any)," and by striking thereout the words "a sum equal to the amount of the "paid-up capital and thirty-three and one-third per cent. "added thereto," and substituting in lieu thereof the words "four times the amount of the paid-up and unimpaired "capital of the said Company." Section 10 of Act 39 V., c. 61, amended.

3. The fourteenth section of the said Act is hereby amended by striking thereout the words "provided always "that the Directors, including the President and Vice-Presi-"dent, shall not exceed seven in number." Section 14 of Act 39 V., c. 61, amended.

4. It shall be sufficient in all instruments, documents, and papers made, signed, executed or entered into by, for or on behalf of or with the said Company, or relating to or affecting the said Company, after first designating the said Company by their full corporate name to make use of the word "Company," instead of repeating the corporate name in full, and in all such instruments, documents, and papers the word "Company" so used, and wheresover the same shall so occur shall mean and be read and construed as the National Investment Company of Canada (Limited.) Repetition of full title of Company in documents dispensed with.

4th Session, 3rd Parliament, 40 Victoria, 1877.

A

BILL

An Act to amend the Act to incorporate the National Investment Company of Canada (Limited).

(Re-printed, by order of the Senate, as reported by the Select Standing Committee of that House on Banking, Commerce and Railways).

Hon. Mr. AIKINS.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street
1877.

BILL.

An Act for the relief of Walter Scott.

WHEREAS, Walter Scott, of the Village of Nottawa, in the Township of Nottawasaga, in the County of Simcoe, and Province of Ontario, Esquire, has by his petition humbly set forth that on the first day of May, One thousand eight hundred and sixty-six, he was lawfully married to Mary Jane Rowed, of the said Village of Nottawa, at the said Village of Nottawa, in the County of Simcoe, according to the rites of the Presbyterian Church of Scotland; that the said marriage was by license; that the said Walter Scott and Mary Jane Rowed lived and cohabited together as husband and wife from the date of such marriage up to the fifteenth day of October, One thousand eight hundred and sixty-six; that afterwards the said Mary Jane Rowed, although the wife of the said Walter Scott, did commit adultery with one Edward B. Wilson between the month of March, One thousand eight hundred and seventy-five and the month of December, One thousand eight hundred and seventy-six, at various times, and in various places, and especially at the Village of Norwich, in the Township of North Norwich, in the County of Oxford, on the first day of November, in the year of Our Lord One thousand eight hundred and seventy-five; hat the said Mary Jane Rowed being still the lawful wedded wife of the said Walter Scott, was married to the said Edward B. Wilson at the Town of Woodstock, in the County of Oxford, on the twenty-seventh day of July, One thousand eight hundred and seventy-five, according to the rites of the Methodist Church; that the said Walter Scott made discovery of the saidmarriage and of the said adultery about the month of August, A.D. One thousand eight hundred and seventy-five; that the said Walter Scott has, since the discovery of the said adultery so committed as aforesaid, refused to cohabit with his said wife, and has since lived apart from her; that the said Mary Jane Rowed, since the discovery of the said adultery, has lived at the Village of Norwich and also at the said Village of Nottawa, with the said Edward B. Wilson, and as his wife; that the said Walter Scott has, since the discovery of the said adultery, brought an action for criminal conversation in Her Majesty's Court of Queen's Bench for Ontario against the said Edward B. Wilson, and recovered a verdict in the said action against the said Edward B. Wilson, and entered judgment thereon, and the said Walter Scott has exhausted every lawful means for the recovery of the amount of the said judgment and costs without effect; that the said Walter Scott is desirous of having the said marriage dissolved, annulled, and put an

Preamble

end to, so that he may be free from the same, and can contract matrimony with any other person whomsoever with whom it would have been lawful for him to contract matrimony, if they, the said Walter Scott and Mary Jane Rowed, had not intermarried; and whereas it is expedient that the prayer of the said petition should be granted:

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

Marriage dissolved.

1. The said marriage between the said Walter Scott and Mary Jane Rowed, his wife, is hereby dissolved, and shall henceforth be null and void to all intents and purposes whatsoever.

Walter Scott may marry again.

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

Issue of any such marriage legitimate.

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

4th Session, 3rd Parliament, 40 Victo

B

BILL.

An Act for the relief of Walte

Received and read first time, We
21st February, 1877.

Second reading, Thursday, 8th Marc

Honorable Mr. Di

OTTAWA:

Printed by MacLean, Roger & Co., Wellingt
1877.

free from the same and enabled to contract matrimony with any other person or persons with whom it would have been lawful for her to contract matrimony if they, the said Mary Jane Bates and Norman Adna Bates, had not intermarried; And whereas it is expedient that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage of petitioner with N. A. Bate dissolved.

1. The said marriage between the said Mary Jane Bates and Norman Adna Bates, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatever.

Petitioner may marry again.

2. It shall and may be lawful for the said Mary Jane Bates at any time hereafter to contract matrimony and to marry with any other man whom she might lawfully marry in case the said marriage had not been solemnized.

Issue of any such her marriage to be legitimate.

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

4th Session, 3rd Parliament, 40 Victo

C

BILL.

An Act for the relief of Mary Ja

Received and read first time, Thurs
February, 1877.

Second reading, Friday, 9th March

Honorable Mr. D

OTTAWA:
Printed by MacLean, Roger & Co., Wellin
1877

BILL.

An Act for the Relief of Martha Jemima Hawkshaw Holiwell.

Preamble.

WHEREAS, Martha Jemima Hawkshaw Holiwell, of the City of Toronto, in the County of York and Province of Ontario, wife of Charles Edwin Holiwell, of the City of Quebec, army stationer, hath, by her petition, humbly set forth that on the twenty-seventh day of July, one thousand eight hundred and fifty-one, she was lawfully married to the said Charles Edwin Holiwell, at St. Pancras Church, in London, England, by the Reverend F. J. Stainforth, in accordance with the rites and ceremonies of the Established Church of England: That immediately thereafter the said Charles Edwin Holiwell and Martha Jemima Hawkshaw Holiwell sailed for Canada, and shortly thereafter arrived in Toronto, aforesaid, where they resided until the month of September next hereinafter mentioned: That issue was born of the said marriage, of which one child survives: That the said Charles Edwin Holiwell and Martha Jemima Hawkshaw Holiwell lived and cohabited together as husband and wife from the date of such marriage until the month of September, one thousand eight hundred and fifty-nine: That during the period of such cohabitation the said Charles Edwin Holiwell, by neglecting to provide for the support of the said Martha Jemima Hawkshaw Holiwell and the said child, and by cruelty to her, and by infidelity, misconducted himself: That in the said month of September the said Charles Edwin Holiwell, without any just cause or provocation, deserted the said Martha Jemima Hawkshaw Holiwell and went to Quebec aforesaid, and has since in no manner aided in or contributed to the maintenance or support of the said Martha Jemima Hawkshaw Holiwell, or the maintenance, support or education of his said child: That since such date he has never cohabited with the said Martha Jemima Hawkshaw Holiwell, but has continued his said desertion: That shortly after the said Charles Edwin Holiwell went to Quebec, as aforesaid, he formed an adulterous connection with one Frances Maria Alexander, an unmarried woman, which has continued to the present time: That on or about the twenty-eighth day of January, one thousand eight hundred and seventy-six, the said Charles Edwin Holiwell, at Detroit, in the State of Michigan, committed bigamy with the said Frances Maria Alexander, an unmarried woman, whilst he was a resident of and domiciled in Quebec aforesaid, by marrying, while he was the lawful husband of the said Martha

Jemima Hawkshaw Holiwell, the said Frances Maria Alexander: That the said Charles Edwin Holiwell and Frances Maria Alexander have, since the date last aforesaid, lived and cohabited together at Quebec aforesaid, in open and continuous adultery, and issue has been born of such bigamous marriage; And whereas it is proper and expedient that the prayer of the said petition should be granted;

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

Marriage of petitioner with C. E. Holiwell dissolved.

1. The marriage between the said Martha Jemima Hawkshaw Holiwell and Charles Edwin Holiwell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Petitioner may lawfully marry again

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

Claim, &c., of C. E. Holiwell to estate, &c., of petitioner barred.

3. The said Charles Edwin Holiwell is hereby barred of all claim or demand, right, title or interest of, in or to the estate, goods, chattels, property or effects of the said Martha Jemima Hawkshaw Holiwell, which she now has in posession or expectancy, or which she may hereafter in anywise acquire.

4th Session, 3rd Parliament, 40 Victoria, 1

D

BILL

An Act for the relief of Martha Jem
Hawkshaw Holiwell.

Received and read first time, Thursday
February, 1877.

Second reading, Friday, 9th March,

Hon. Mr. DICK

OTTAWA:
Printed by MacLean, Roger & Co., Wellington
1877.

BILL.

An Act to extend the law as to the carrying of Dangerous Weapons.

Preamble.

WHEREAS, it is expedient to prevent the carrying about the person of Loaded Pistols, except as hereinafter provided: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Carrying loaded Pistols forbidden. How punishable.

1. Whosoever, except as hereinafter provided, carries about his person any loaded pistol, shall be guilty of an offence under this Act, and upon conviction thereof before any Justice of the Peace, shall be liable to a fine of not less than *ten*, nor more than *forty dollars*, and in default of payment, to be imprisoned in any gaol or place of confinement for a term not exceeding thirty days.

Limitation of time for prosecution.

2. A prosecution for an offence under this Act shall be commenced within one month from the commission of the offence, and not afterwards.

Pistol to be impounded.

3. It shall be the duty of the Justice before whom any person is convicted under this Act, to impound the pistol for the carrying of which such person is convicted.

Act may be suspended by proclamation.

4. It shall be lawful for the Governor in Council whenever deemed necessary in the public interest, by Proclamation to be published in the *Canada Gazette*, to suspend generally the operation of this Act, for such time or times as shall be specified in the Proclamation.

Or a certain territory may be exempted.

5. It shall also be lawful for the Governor in Council whenever he sees fit, by Proclamation to be published as afore said, to exempt from the operation of this Act such portion or portions of territory as may in the said Proclamation be described, and for such time or times as may be in the said Proclamation specified.

Certificates of exemption.

6. It shall be lawful for any Judge, Recorder, Stipendiary Magistrate or Police Magistrate, to grant certificates of exemption from the operation of this Act, to such person or persons and for such time or times as may be in the said certificates described and specified.

Functionaries granting such exemption to make returns.

7. It shall be the duty of every Judge, Recorder, Stipendiary Magistrate or Police Magistrate, granting any such Certificate of exemption as in the next preceding section mentioned, forthwith to make a return thereof to the Clerk of the Peace of the proper District, County or City,

under a penalty of *one hundred dollars* to be recovered by any person who shall sue for the same in any Court of competent jurisdiction.

Act not to affect soldiers, &c.

8. Nothing in this Act contained shall be held to affect the right of Soldiers, Sailors, Volunteers, Constables or Policemen to carry loaded pistols in the discharge of their duty.

Commencement of Act.

9. This Act shall take effect on the day of next.

4th Session, 3rd Parliament, 40 Victoria, 1877.

B I L L.

An Act to extend the law as to the carrying of Dangerous Weapons.

Received and read first time, Thursday, 22nd February, 1877.

Second reading, Thursday, 1st March, 1877.

Hon. Mr. Read.

OTTAWA:

Printed by MacLean, Roger & Co.,

1877.

BILL.

An Act to amend and extend the "Coteau and Province Line Railway and Bridge Act."

Preamble.

WHEREAS the Coteau and Province Line Railway and Bridge Company, have, by their petition, represented that they desire to change the present terminus to some point on the north-eastern boundaries of the State of New York, or the north-western boundaries of the State of Vermont, crossing the River Richelieu at some convenient locality, or to the town of St. Johns, and have also requested an extension of time for the completion of the same, and it is expedient to grant the prayer of their petition;

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

Optional change of terminus of railway sanctioned.

1. Notwithstanding anything contained in the Coteau and Province Line Railway and Bridge Act, it shall and may be lawful to and for the said Coteau and Province Line Railway and Bridge Company to lay out, construct and finish their Railway, by such course as they shall deem most expedient, to some point on the north-eastern boundaries of the State of New York, or the north-western boundaries of the State of Vermont, near the town of Alberg, crossing the River Richelieu at some convenient locality, or to the town of St. Johns.

Extension of time for commencement and completion of railway granted.

2. The time specified in section nineteen of the said Act is hereby extended to four years for the commencement, and eight years for the completion respectively of the works of the said Company, from the passing of this Act.

4th Session, 3rd Parliament, 40 Victoria, 1877.

F

BILL.

An Act to amend and extend the Coteau and Province Line Railway and Bridge Act.

Received and read first time, Monday, 26th February, 1877.

Second reading, Thursday, 1st March, 1877.

Honorable Mr. SKEAD.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

BILL.

An Act to amend the Act to incorporate "The *Globe* Printing Company."

WHEREAS the *Globe* Printing Company has, by its Petition, represented that it is desirous of establishing offices in various places outside of the Province of Ontario, and has petitioned for certain amendments to its Act of Incorporation; And, whereas, it is expedient to grant the prayer of the said Petition; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. The said *Globe* Printing Company may establish certain branch offices in the Capitals of the several Provinces of Canada, and in any other cities, towns or places in the Dominion in which the said Company may see fit to carry on business. Branch offices may be established.

1. The Directors of the said Company, if they see fit at any time after the whole original capital of the said Company shall have been allotted and paid in, but not sooner, may make a by-law for increasing the Capital Stock of the said Company to any amount which they may consider requisite, in order to the due carrying out of the objects of the said Company. Capital stock may be increased.

3. Such by-law for increasing the Capital Stock of the said Company shall declare the number and value of the shares of the New Stock, and may prescribe the manner in which the same shall be allotted; and in default of its so doing the control of such allotment shall be held to vest absolutely in the Directors. Number, value and allotment of new shares.

4th Session, 3rd Parliament, 40 Victoria, 1877.

G

BILL.

An Act to amend the Act to incorporate "The *Globe* Printing Company."

Received and read first time, Tuesday, 27th February, 1877.

Second reading, Friday, 2nd March, 1877.

Honorable Mr. HOPE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.,

1877.

BILL.

An Act to amend the "Act respecting the Canadian Engine and Machinery Company."

Preamble.

WHEREAS the Canadian Engine and Machinery Company have, by their petition, prayed that they may be authorised to exercise the powers conferred on them by their Act of incorporation at any place or places in Canada, and also that the shareholders may be authorised to reduce the capital stock of the said Company; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Powers extended.

1. The said Company are authorised to exercise the powers conferred upon them in and by their Act of incorporation at any place or places in Canada.

Capital may be reduced.

2. It shall be lawful for the shareholders, at any meeting specially called for that purpose, to reduce the capital of the Company to such amount as they shall see fit, provided that the amount of each share shall continue to be one hundred dollars.

4th Session, 3rd Parliament, 40 Victoria, 1877.

H

BILL.

An Act to amend the "Act respecting the Canadian Engine and Machinery Company.

Received and read first time, Monday, 12th March, 1877.

Second reading, Friday, 16th March, 1877.

Honourable Mr. RYAN.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

BILL.

An Act to amend the Act respecting Permanent Building Societies carrying on business in the Province of Ontario.

Preamble.

WHEREAS by the sixth section of the Act passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered fifty, the power to borrow conferred upon building societies, incorporated under the Building Societies Act, is limited to the amount of their paid-up capital and one-third more; And whereas it is desirable that the powers there conferred should be increased to enable such societies to borrow additional moneys upon debentures, and the said Act should be altered and amended in this particular; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Powers of building societies to issue debentures.

1. The powers of building societies authorized to borrow money upon debentures, issued under the provisions of the sixth section of the Act passed in the thirty-seventh year of Her Majesty's reign, chaptered fifty, are hereby increased, and each such society is hereby authorized and empowered to issue debentures to such an amount as, with all the other liabilities of such society, shall be equal to double the amount of its capitalized, fixed and permanent stock, not liable to be withdrawn therefrom: Provided that the amount held by any society on deposit shall not exceed the amount of paid-up capital of the said Society: Provided always that the total liabilities of any such society shall not at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by such society: Provided, that in ascertaining the principal remaining unpaid on the mortgages held by any such society, it shall be incumbent upon such society to compute or discount such mortgages at rates of interest at least equal to the rates which they respectively bear or were originally calculated to yield; and that in estimating the liabilities of such society, the amount of cash actually in the hands of such society, or deposited in any chartered bank, shall be deducted therefrom: Provided further, that all loans or advances made by any society to its shareholders upon the security of their stock, shall be deducted from the amount of paid-up capital upon which such society is authorized to borrow.

Proviso: not to exceed their mortgages.

Proviso.

Proviso.

Notice of intention of Society

2. In case any such society having heretofore issued debentures under the said Act, thirty-seventh Victoria, chapter fifty, desires to avail itself of the increased borrow-

to avail itself of increased borrowing powers.

ing powers hereinbefore conferred, it shall be the duty of the Board of Directors of such society to leave at the place where such debentures are payable a copy of this Act and a printed notice directed to the holders of such debentures, that such society intends to avail itself of the provisions of this Act, and thereupon any such debenture holder shall at any time within six months after the leaving of such notice, as aforesaid, have the right, after giving six months' notice in writing, to demand, and on presentation of his debentures and coupons to receive, payment of such debentures with interest up to the time of payment—such notice in writing to be left, and presentation for payment to be made at the place where such debentures are payable.

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL

An Act to amend the Act respecting Permanent Building Societies carrying on business in the Province of Ontario.

Received and read first time, Tuesday, 13th March, 1877.

Second reading, Thursday, 15th March, 1877.

Hon. Mr. MACPHERSON.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street.
1877.

BILL.

An Act to amend the "*Act to make further provision for the management of Permanent Building Societies carrying on business in the Province of Ontario.*"

WHEREAS by section six of the Act passed in the thirty-seventh year of Her Majesty's reign, chapter fifty, as applied by section twelve of the said Act, it is in effect amongst other things enacted, that it shall be lawful for any Permanent Building Society carrying on business in the Province of Ontario and having a paid-up capital of not less than two hundred thousand dollars in fixed and permanent stock, not liable to be withdrawn therefrom, to receive deposits, and also for the Board of Directors of any such Society to issue debentures of such Society ; provided always, among other conditions, that the aggregate amount of money deposits in the hands of such Society, together with the amount of debentures issued and remaining unpaid, shall not at any time exceed the amount of capitalized, fixed and permanent stock in such Society, not liable to be withdrawn therefrom, by more than one-third of the total amount of the said capitalized stock ; And whereas it is expedient that such limitation should be enlarged ; 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 aggregate amount of money deposits in the hands of any such Society receiving money on deposit, together with the amount of its debentures issued and remaining unpaid may be equal to but shall not at any time exceed double the amount of the unimpaired, capitalized, fixed and permanent stock in such Society, not liable to be withdrawn therefrom ; Provided always, that the amount held by any Socieiy on deposit shall not exceed the amount of the paid-up and unimpaired capital of such Society, and that the total liabilities of any such Society shall not at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by such Society ; and that in estimating the liabilities of any such Society the amount of cash actually in the hands of such Society, or deposited to its credit in any chartered bank, shall be deducted therefrom ; and that in estimating the unimpaired, capitalized, fixed and permanent stock of any such Society the amount of all loans or advances made by it to its shareholders upon the security of their stock shall be deducted therefrom. Amount of debenture—debts of Societies limited. Proviso.

2. In case any such society having heretofore issued debentures, desires to avail itself of the increased borrowing powers conferred by this Act, it shall be the duty of the Notice of intention of Society to avail itself

of increased borrowing powers.

Board of Directors of such society to leave at the place where such debentures are payable a copy of this Act and a printed notice directed to the holders of such debentures, that such society intends to avail itself of the provisions of this Act, and thereupon any such debenture holder shall at any time within six months after the leaving of such notice, as aforesaid, have the right, after giving six months' notice in writing, to demand, and on presentation of his debeutures and coupons to receive, payment of such debentures with interest up to the time of payment—such notice in writing to be left, and presentation for payment to be made at the place where such debentures are payable.

Section 19 of Act 37 V c. 50, amended.

3. The nineteenth section of the said Act is hereby amended by adding thereto, immediately after the word "instalments" therein, the figure and words following, that is to say:

"8th. The rate or rates of interest at which each of the mortgages held by the society have been computed or discounted to ascertain the amount of the principal remaining unpaid thereon.

4. The word Society in this Act shall also include and mean "Company."

4th Session, 3rd Parliament, 40 Victoria, 1877.

BILL.

An Act to amend the Act respecting Permanent Building Societies carrying on business in the Province of Ontario.

I

(Reprinted by order of the Senate, as reported the second time by the Select Standing Committee of that House on Banking, Commerce and Railways.)

Hon. Mr. MACPHERSON

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

BILL.

An Act to incorporate The Canada Traffic Company.

Preamble.

WHEREAS the Honorable Joseph Robertson, Andrew Robertson, Edward Bowen, John Woodward and others, have by their petition represented that they are desirous of organizing a Company for the purpose of undertaking the carrying of traffic of various kinds throughout the Dominion of Canada, and into the United States, and elsewhere, and it is expedient to grant the prayer of their petition:

Incorporation.

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

Business of the company.

1. The Honorable Joseph Robertson, Andrew Robertson, Edward Bowen, John Woodward, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and they are hereby constituted a body corporate and politic, by the name of the "Canada Traffic Company," and the words "the Company," when used in this Act, shall mean the Canada Traffic Company hereby incorporated.

Power to hold real estate.

2. The Company shall have power to contract with any person, firm, company or corporation, to carry by land or water any goods, chattels or freight of any nature or kind whatsoever in any part of the Dominion of Canada, and into or from any foreign country; and for such purposes the said Company may lease, charter, purchase, run and navigate any railway, steamers or vessels required to perfect their traffic arrangements.

Capital and shares and provision for increase.

3. The Company may acquire and hold real estate for its own purposes of an annual value not exceeding four thousand dollars.

4. The capital stock of the Company shall be five hundred thousand dollars, divided into shares of one hundred dollars each, which amount may be raised by the parties herein named, and such other persons as may become shareholders in the said stock; and such stock may be increased from time to time by the shareholders under the by-laws of the Company as the business of the Company may require: Provided always that no such increase shall take place until the stock previously subscribed for shall be paid in full.

Proviso: original capital to be first paid up.

First general meeting and

5. So soon as twenty per cent. of the capital stock of the Company shall have been subscribed, and ten per cent. paid

election of directors.

thereon, and deposited in some chartered bank of Canada to the credit of the Company, the Provisional Directors, or a majority of them, shall call a meeting of the shareholders at such time and place in the City of Montreal as they may think proper, giving at least two weeks' notice in one English and one French newspaper in the said city: 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 by ballot such number of Directors, not less than five nor more than nine, as shall then be decided by the shareholders.

As to promissory notes.

6. The Company may become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, to be executed as provided by the by-laws.

Provisional directors and their duties.

7. The Honorable Joseph Robertson, Andrew Robertson, Edward Bowen and John Woodward shall be the Provisional Directors of the Company, and shall hold office as such until other Directors shall be appointed, under the provisions of the Act, by the shareholders; and it shall be their duty to open stock-books and procure subscriptions for the undertaking; to allot stock to the subscribers thereof; to call a general meeting of shareholders for the election of other Directors, as herein provided, and generally to do all such other acts as shall be necessary for the complete organization of the Company.

Act 32-33 V. c. 12 to apply.

8. The provisions of "The Canada Joint Stock Companies Clauses Act, 1869," shall apply to this Act, except in so far as they may be inconsistent with the provisions thereof.

4th Session, 3rd Parliament, 40 Victoria, 1877.

J

BILL.

An Act to incorporate The Canada Traffic Company.

Received and read first time, Tuesday, 13th March, 1877.

Second reading, Thursday, 15th March, 1877.

Honourable Mr. RYAN.

OTTAWA:
Printed by MacLean, Roger & Co., Wellington Street.
1877.

BILL.

An Act to remove doubts as to the right to vote of shareholders in certain Banks.

WHEREAS doubts have arisen as to the right of shareholders in banks to which the twenty-seventh, twenty-ninth and thirtieth sections of the Act relating to banks and banking apply, to vote as such without having paid all matured calls made by the Directors; and whereas it is expedient that such doubts should be removed: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. It is the true intent and meaning of sections twenty-seven, twenty-nine and thirty of the Act passed in the thirty-fourth year of Her Majesty's reign, chapter five, intituled "*An Act relating to Banks and Banking*," that no shareholder in any bank to which those sections of the said Act apply has any right to vote, either in person or by proxy, on any question proposed for the consideration of the shareholders of such bank, at any meeting of such shareholders, or in any case where the votes of the shareholders of such bank are taken, without having paid all calls made by the Directors which have then become due and payable. Sections 27, 29 and 30 of 34 V. c. 5, interpreted.

4th Session, 3rd Parliament, 40 Victoria, 1877.

K

BILL.

An Act to remove doubts as to the right to vote of shareholders in certain banks.

Received and read first time, Monday, 26th March, 1877.

Second reading, Wednesday, 28th March, 1877.

Hon. Mr. SCOTT.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.,

1877.

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