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No. 2 .] **BILL.** [1873.

An Act to incorporate the North West Trading Company.

Preamble.

WHEREAS John Schultz, M. P., James Hedley, and Walter R. Bown, have by their petition represented, that by the settlement of the Province of Manitoba, and the opening of the North West Territory, a prospect is afforded of developing a greatly increasing trade with other parts of the Dominion and foreign countries, and that they are desirous of forming a Joint Stock Company, having its chief place of business in the vicinity of Fort Garry, with trading posts at other points in the interior, for the purpose of trading in furs, gold-dust, and other products of the country, and of manufacturing furs and other products and generally carrying on trade and commerce throughout the Dominion; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. The said John Schultz, James Hedley, Walter R. Bown, and all others, being subjects of Her Majesty, who shall become Shareholders in the said Company, are hereby constituted a body politic and corporate by the name of "The North Western Trading Company."

Powers and objects of the Company

2. The said Company are hereby empowered to carry on trading in furs, gold-dust and other products of the North West Territories and Manitoba, and for that purpose to establish trading posts at different points in the Province of Manitoba and the North West Territory, and also to manufacture furs and other products of the said territories, and to carry on trade and commerce generally, with all business and affairs incident thereto, including the construction, owning, maintaining, hiring, leasing, chartering, employing and navigating, selling and disposing of all kinds of vessels, boats, ships and other craft used for navigation, trade or other purposes, with their appurtenances, and the purchase and sale of goods as cargoes for such vessels: Provided always that the rules and regulations of the Governor in Council touching trading and intercourse with Indians shall be obligatory upon and be obeyed and complied with by the said Company, its officers and servants.

Proviso.

3. The Company may acquire by purchase, lease or otherwise, for the purposes of the Company, and may hold, absolutely or conditionally, any lands, tenements, real or immovable estate, for the convenient conduct and management of their business, not exceeding the yearly value of ten thousand dollars, and may sell, alienate, and dispose of the same from time to time, and may acquire others in their stead, not exceeding at any time the value aforesaid.

Capital.

4. The capital of the Company shall be two hundred thousand dollars, with power to increase the same as occasion may require to five hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Provisional Directors.

5. The said John Schultz, Walter R. Bown, James Hedley, and two others, to be named by them, shall be Provisional Directors of the said Company until a choice of Directors by election of the Shareholders shall take place in the manner hereinafter prescribed, and the said Directors and their successors or any three of them, shall have power to open books for the subscription of shares, receive subscriptions to the stock of the Company, and allot shares to the several subscribers; and no person shall thereafter be qualified to be a Director who does not hold in his own right, ten shares of the capital stock of the said Company.

Annual meeting.

6. An annual meeting of the Shareholders of the Company for the transaction of the general business of the Company, at the Town of Winnipeg, or such other place as may be appointed by by-law, and for the election of Directors from among the Shareholders for the management of the affairs of the Company, shall be held at such time and place, and under such regulations with regard to notice, as may be determined by the by-laws of the Company; and the holding of such other meetings as may be found necessary or expedient, may also be provided for by such by-laws: and a first meeting for the putting into force of this Act, the election of Directors and the transaction of business generally shall be held within three months next after the passing of this Act; and four weeks' previous notice of the time and place of the holding of the said first meeting shall be given in one or more public newspapers by three of the Directors; and of subsequent annual meetings a like notice shall be given under the hand of the Secretary of the Company unless and until otherwise regulated by the by-laws thereof, and all or any of the Directors may be removed at any meeting of the Shareholders called for the purpose, or for that purpose together with any other object or business.

First meeting.

Votes.

7. Each share shall entitle the holder thereof to one vote at all meetings of the Company, either personally or by proxy, such proxy being also a Shareholder, and having a written authority; and all questions shall be determined by the majority of votes given in respect thereof.

Election of officers.

8. The Company shall have a President and Vice-President who shall be elected by the Directors from among themselves; the President shall also be managing Director, and may be paid for his services; the Directors shall also appoint one of their number to be Secretary, and may appoint such other officers and employ such agents, traders and managers as they may from time to time judge expedient, and may require such officers and secretary, agents, traders and managers to give such security for the faithful performance of their duties as the Directors may see fit to exact, and may pay and allow their secretary and officers, agents, traders and managers, such salaries as may be agreed upon.

Calls on stock

9. The Directors may make such calls upon the respective Shareholders in respect to the shares subscribed or held by them respectively, as they may from time to time deem expedient, and may require the same to be paid, with or without interest, and likewise, subject to such rules and conditions as may be imposed by by-law, may declare forfeited all such shares as may be in arrear in respect of any call or calls, or interest, and such shares shall, upon such declaration, be and become forfeited in favor of the Company, as well as the amounts paid thereon, and may thereupon be sold and disposed of in such manner as the Directors

may see fit and the net proceeds applied in reduction of the claims of the Company against the Shareholders in default; or the Directors may in their discretion, should they see fit, proceed by suit or action, for the recovery of any sum or sums due for a call or calls on such shares, with or without interest, and may afterwards, if the same be not recovered in full, proceed by forfeiture as above directed, without prejudice to their recourse by suit in any case until the shares shall have been paid for in full.

Recovery of calls.

10. In any action or proceeding which may be brought by the Company against any Shareholder for the recovery of any sum due on any call or calls, or for interest thereon, 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 in the capital stock of the Company, and is indebted in the sum to which the arrears on the call or calls made on such share or shares amount (together with interest, if any), and it shall only be necessary to prove that the defendant was proprietor of such share or shares, and that a call or calls had been made thereon.

Directors may make by-laws.

11. The Directors may make by-laws, and may from time to time, alter, repeal, amend or wholly substitute others, for the government of the said Company, its affairs, business, managers, agents, officers and servants, which by-laws shall be subject to approval or disallowance by the Shareholders, and shall not be in force until approved of, either at the annual or any special general meeting of Shareholders, and shall be accessible, at all seasonable hours, to all parties interested, and the same may, among other things, besides comprehending all matters hereinbefore referred to as the subject of by-laws, be made, subject to the special provisions of this Act, for the following objects and purposes, viz.:

1. To fix and determine the manner of filling up vacancies that may occur in the Board of Directors prior to the annual election, how many directors shall constitute a quorum, and generally the manner in which their powers shall be exercised, including the establishment of agencies or trading posts.

2. The manner of calling meetings as well as of the Directors as of the Shareholders, and fixing the time for annual meetings.

3. The forfeiture of shares in arrear in respect of a call or calls, and the conditions and manner on or in which such forfeiture shall be declared.

4. The keeping of registers and transfer books and shares, prescribing the manner in which such transfers shall be made, and the conditions, in respect to the previous payments of calls or unpaid balance of stock, on which transfers shall be allowed, also the vouchers and evidence required to be lodged with the Company in case of transmission of shares by marriage, bequest, inheritance, bankruptcy, or otherwise than by sale, and the forfeiture of shares for non-payment of anything due thereon, or in respect thereof.

5. The keeping of minutes of the proceedings, and the accounts of the said Company, and rectifying any errors which may be therein, the auditing of accounts and appointment of auditors.

6. The declaration and payment of profits of the said Company, and dividends in respect thereof.

7. The remuneration of Directors.

8. The borrowing or advancing of money for promoting the purposes and interests of the Company, and the securities to be given by or to the said Company for the same, such borrowing not to exceed the limit hereinafter stated.

9. The times and manner of proposing and voting for increasing the capital stock of the Company, the mode of taking subscriptions for, and allotting shares for such increase, and making calls thereon and collecting the same.

10. Generally the transaction and management of the affairs and business of the Company, and the carrying into effect all the powers and all the duties conferred or imposed on the Company, its Shareholders and Directors by this Act. Provided that no such by-law shall be valid if its provisions conflict with those of the Canada Joint Stock Companies Clauses Act 1869, in any respect wherein expressed changes are not hereinafter enacted.

Proviso.

Power to borrow money.

12. The Company are authorized to borrow money at any time to the amount and extent of one half their paid up capital, at such rate of interest as may be agreed upon.

Promissory notes.

13. The Company may become a party to promissory notes and bills of exchange, cheques, agreements, deeds, mortgages, pledges, bottomry and other bonds, and may pledge and mortgage their property in the same manner as individuals may do, but no such promissory note, or bill of exchange, shall be for a less sum than one hundred dollars, or be payable to bearer, or be intended to be circulated as money or as the note or bill of a bank.

When operations may be commenced.

14. It shall not be lawful for the said Company to proceed with their operations under this Act, until one half the capital stock shall have been subscribed, and twenty-five per cent. shall have been *bonâ fide* paid thereon.

Liability.

15. The liability of Directors and Shareholders in the said Company shall be the same as and no other than that of Directors and Shareholders in other incorporated companies to which the Canada Joint Stock Companies Clauses Act, 1869, applies.

Failure to elect Directors not to dissolve corporation.

16. No failure to elect Directors, nor to hold the first meeting or any annual meeting, shall operate as a dissolution of the Company, but anything omitted to be done may be afterwards performed at a meeting called in conformity with the by-laws, or at a meeting called for the purpose by the Secretary, or by any three Directors, but this charter shall nevertheless lapse and be void unless business thereunder is *bonâ fide* undertaken within one year from the time of the passing of this Act, and continuously carried on thereafter.

32-33 V., c. 12, to apply.

17. The provisions of the "Canada Joint Stock Companies Clauses Act, 1869," shall, except so far as the same may be inconsistent with the provisions hereof, apply to the Company hereby incorporated.

Transfers.

18. No Shareholder shall be allowed to transfer his stock in the Company without having previously obtained the consent of the Directors of the Company, unless such stock shall have been paid in full.

BILL.

An Act to incorporate the North West Trading Company.

PRIVATE BILL.

MR. SCHULTZ

OTTAWA:
Printed by I. B. Taylor, 29, 31 and 33, Rideau S
1872.

No. 3.] **BILL.** [1873.

An Act to Incorporate the Dominion Board of Trade.

Preamble.

WHEREAS a certain Association, consisting of Delegates representing certain commercial organizations, to wit, the Montreal Board of Trade, the Montreal Corn Exchange Association, the Quebec Board of Trade, the Ottawa Board of Trade, the Belleville Board of Trade, the Hamilton Board of Trade, the Kingston Board of Trade, the London Board of Trade, the Saint John, New Brunswick, Chamber of Commerce, met on the sixth day of October, one thousand eight hundred and seventy, in the City of Montreal, for the purpose of constituting a Dominion Board of Trade, and then and there adopted a constitution and by-laws, in order to promote the efficiency and extend the usefulness of the various Boards of Trade, Chambers of Commerce, or other chartered bodies, organized throughout the Dominion for commercial purposes, and to secure unity, and harmony of action, in reference to commercial usages, customs, and laws; and for other purposes connected therewith, and it is desirable that the said Dominion Board of Trade should be incorporated, and vested with such powers for the purposes aforesaid, as may not be inconsistent with any law in force or hereafter to be in force in the said Dominion; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Dominion Board of Trade incorporated.

1. The several organizations hereinbefore mentioned, and such other commercial organizations, as may since the said sixth day of October, one thousand eight hundred and seventy, have become united with the said Dominion Board of Trade, or any such other commercial organizations in the Dominion, as may hereafter unite and join in the said Board, known as the Dominion Board of Trade, are hereby constituted a body politic and corporate, by the name of "The Dominion Board of Trade," and may by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all Courts of Law and Equity, within the said Dominion *and other places*, and by that name they and their successors shall have perpetual succession, and may have a common seal, and may break, alter, or renew the same at pleasure.

Register of constitution and by-laws.

2. Within six months from the passing of this Act the Secretary of the Dominion Board of Trade shall record in a register to be kept for that purpose, the existing constitution and by-laws of the said Dominion Board of Trade, and a certified copy thereof, or any amendment, alteration, repeal, or addition thereto, so entered in the said register as hereinafter provided, certified to be a true copy of such constitution and by-laws, as recorded in the said register, under the hand of the said Secretary and the Seal of the said Corporation shall be *prima facie* evidence of the contents thereof, in all Courts of Law and Equity in the said Dominion.

Amendment of constitution and by-laws.

3. It shall be lawful for the said Corporation, or a majority of them present at any general meeting, consisting of not less than fifteen members to alter or amend its constitution, and to make and enact such by-laws, rules and regulations, for the government of the said Corporation, its Council, Officers, and affairs, and the promotion of the objects contemplated by its constitution, and from time to time to repeal, alter, or amend, the said constitution and by-laws, as such majority shall deem meet; provided that no such by-law or provision in the said constitution shall be contrary to or inconsistent with the laws in force in the said Dominion; and such constitution and by-laws shall be binding on all members of the said corporation, its officers and servants, and all other persons whomsoever lawfully under its control.

Proviso.

Secretary to keep register.

4. It shall be the duty of the Secretary of the said Corporation to keep a register, in which shall be recorded the existing constitution and by-laws, and any changes in such constitution and by-laws, as may hereafter be passed by the said Corporation, at any of its meetings, and to attest the same by his signature in the said Register.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate the Dominion Board of Trade.

PRIVATE BILL.

Hon. Mr. YOUNG,
(Montreal West.)

OTTAWA:
Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.
1872.

No. 4.] **BILL.** [1873.

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

Preamble.

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

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

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

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

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

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

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

Act to apply to electfons held after its passing.

4. his Act shall apply to any election of a member of the House of Commons which may take place after the passing thereof, during the continuance of the present Parliament, and to any member elected thereat.

No. 4.

1st Session, 2nd Parliament, 36 Victoria, 1873.

A BILL.

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

Received and read, First time, Wednesday, 12th March, 1873.

Second reading, Thursday, 13th March, 1873.

MR. MILLS.

OTTAWA:

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

1873.

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

An Act to amend 35th Vict., Cap. 15. entitled, "An Act to compel members of the Local Legislature in any Province where dual representation is not allowed, to resign their seats before becoming Candidates for seats in the Dominion Parliament," and to make further provision in case of the Election of disqualified Candidates.

Preamble.

WHEREAS, by the second section of the Act, 35 Vict., cap. 15, it is made the duty of the Returning Officer, should any one disqualified by the first section, receive at any Election to the House of Commons a majority of votes, to consider such majority of votes as thrown away, and to return the candidate having the next greatest number; and whereas, gross injustice may be done to constituencies by having returned as representatives, persons whom the majority have deliberately rejected; and whereas the law in all other cases requires the Returning Officer to return the candidate having the majority of votes; and whereas the law in no other case allows the candidate who has received the minority of votes to obtain the seat unless it can be conclusively shown that his disqualification was made known to the electors, and the truth of which they must have the means of ascertaining: Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 2 repealed.

1. The said second section of the said Act is hereby repealed.

In what case only the Candidate having the minority of votes may be returned.

2. In no case shall the person receiving the smaller number of votes be returned, because the majority of votes have been polled for a disqualified candidate, unless such disqualification is known to the electors before the day of nomination.

purpose of electing Directors, and for other purposes connected with the said Bank. And it shall be lawful at such meeting to elect the requisite number of Directors of the said Bank, and thereupon the duties of the Provisional Directors shall cease, and the Bank may thereupon issue its notes and carry on business: provided that if no more than one hundred thousand dollars shall then have been paid in upon such stock in manner aforesaid, such further sum as shall be required to make up the sum of two hundred thousand dollars shall be called in and paid up within two years thereof.

Directors.

5. The number of Directors of the said Bank shall be seven, subject to be increased or diminished from time to time by by-law to be passed as provided in the twenty-eighth section of the Act of the Parliament of Canada, passed in the thirty-fourth year of Her Majesty's reign, intituled, "An Act relating to Banks and Banking."

34½ Vic., cap. 5, to apply.

6. The said Act and all the provisions thereof shall apply to the Bank hereby incorporated in the same manner as if the same were expressly incorporated in this Act, except in so far as such provisions relate specially to Banks in existence before the passing thereof, or to Banks *en commandite*, or are inconsistent with this Act.

Bank shall obtain certificate from Treasury Board.

7. The said Bank shall obtain from the Treasury Board within twelve months from and after the passing of this Act, the certificate required by section seven of the said Act, relating to Banks and Banking, passed in the thirty-fourth year of Her Majesty's reign, chapter five, in default of which this Act shall become and be null and void and of no effect, and the charter hereby granted, and all and every the rights and privileges hereby conferred, shall be forfeited.

Duration of Act.

8. This Act shall remain in force until the first day of July, in the year of our Lord, one thousand eight hundred and eighty-one.

1st Session, 2nd Parliament, 36 Victoria,

BILL.

An Act to incorporate the Three Rivers Bank.

PRIVATE BILL.

MR. McDOUGALL.

OTTAWA:

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

1873.

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

An Act for the better protection of Navigable Streams and Rivers.

Preamble.

WHEREAS it is expedient to provide for the better protection of Navigable Streams and Rivers; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

No sawdust, &c., to be thrown into navigable streams.

1. From and after the first day of July next, no owner nor tenant of any saw-mill, nor any workman therein, nor other person or persons whomsoever, shall throw or cause to be thrown, or suffer or permit to be thrown, any sawdust, edgings, or rubbish of any description whatsoever, into any navigable stream or river, either above or below the point at which such stream or river ceases to be navigable.

Penalty for contravening this Act.

2. Any person or persons violating the preceding section shall be liable, for the first offence, to a fine of not less than *twenty dollars*, and for the second, and each subsequent offence, to a fine of not less than *fifty dollars*, which fine shall be recoverable summarily in the same manner as provided for therecovery of penalties by "*The Fisheries Act.*"

Fishery officers to act under this Act.

3. It shall be the duty of the several fishery officers to examine and report on the condition of the navigable streams and rivers under this Act from time to time, and to prosecute all parties contravening the terms of this Act; and such officers shall, for enforcing the provisions of this Act, have and exercise all the powers conferred upon them for like purposes by "*The Fisheries Act.*"

Exemptions in certain cases.

4. Provided always, that in case it can be clearly shown to the satisfaction of the Minister of Marine and Fisheries that no injury is accruing, or likely to accrue, to the navigation of any stream or river, he may, in the official *Gazette*, exempt from the operation of this Act the whole or any part of such stream or river lying above the point at which it ceases to be navigable.

No. 7.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act for the better protection of Navigable Streams and Rivers.

Received and read first time, Friday 14th March, 1873.

Second reading, Monday 17th March, 1873.

Mr. CARTWRIGHT.

OTTAWA:

No. 8.] **BILL.** [1873.

An Act to amend the Act, thirty-fourth Victoria, chapter forty-three, entituled "An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their Railways, and to amend the Railway Act, 1868."

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

1. The sixth section of the Act passed in the thirty-fourth year of Her Majesty's reign, chapter forty-three, is hereby repealed, and the following section is hereby substituted for it : Section 6, repealed.

"6. It shall be the duty of the agent, superintendent, or principal servant of any Railway Company, at each station of such company, when any passenger train shall be overdue for one quarter of an hour at such station, according to the time table of such Company, to put up on the outside of the Station House over the platform of the station, in some conspicuous place, a written or printed notice, in English or French, signed by him, and changed at the expiration of every quarter of an hour during the detention, stating in a clear and precise manner to the best of his knowledge and belief, the time when such overdue train may be expected to reach such station. Every such agent, superintendent or principal servant shall be liable to a penalty not exceeding *twenty dollars* for any neglect, omission or refusal to obey the provisions aforesaid ; and any suit for the recovery of such penalty, may be brought, in the Province of Quebec, before the Circuit Court or Magistrate's Court of the County in which such station is situate, and in the other Provinces before any Justice of the Peace for the District or County in which such station is situate : Section substituted. Duty of station agent, &c., when a train is overdue. Penalty for contravention.

The penalty recoverable under the provisions of this Act shall belong to the complainant or plaintiff, but nothing in this section shall prejudice the right of any person to the recovery of damages from any Railway Company, by reason of the detention of trains as aforesaid." Application of penalty. Proviso.

No. 8.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Act thirty-fourth Victoria, chapter forty-three, intituled: "An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their Railways, and to amend the Railway Act, 1868."

Received and read, First time, Friday, 14th March, 1873.

Second reading, Monday, 17th March, 1873.

MR. MERCIER.

OTTAWA:

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

1873.

Corrected copy

No. 9.] **BILL.** [1873.

An Act to provide for taking the Polls by Ballot at Elections of Members to serve in the House of Commons of Canada.

Preamble.

WHEREAS it is expedient to amend the mode of voting and of taking the poll now in force at elections of members to serve in the House of Commons of Canada; and to provide for voting and taking the poll at such elections by ballot; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title and commencement of Act.

1. This Act shall be cited for all purposes as "The Ballot Act' 1873," and shall commence and take effect from the date of the passing thereof: and the word "Election," whenever it occurs in this Act, shall mean an election of a member or members to serve in the House of Commons of Canada.

Ballot cards to be provided.

2. Before the day fixed for taking the poll at any election, the returning officer acting in respect of such election, shall cause to be prepared and printed ballot cards according to the form and directions in the schedule (A) to this Act annexed, on which ballot cards the names of the several candidates at such election shall be printed in strict alphabetical or dictionary order, and in separate and distinct colors; and shall, before the opening of the poll at such election, supply to the deputy returning officer appointed to each separate polling booth so many of such ballot cards as shall correspond with the number of voters entitled to vote in such booth; And every such deputy returning officer shall account for the ballot cards so supplied to him, to the returning officer, at the close of the poll.

Balloting compartments to be provided in each polling booth.

3. At every contested election, the returning officer shall, before the opening of the poll, cause to be fitted up or provided in each polling booth one or more balloting compartments, with all necessary conveniences and materials for the purpose of enabling each voter who shall vote in such booth, to mark a ballot card as hereinafter provided; and every such compartment shall be so constructed that each such voter may so mark his ballot card, alone and secretly, without any interference or interruption.

Persons who may be present in any booth.

4. From and after the opening of the poll in any polling booth until the close of all proceedings relating thereto, no person shall be entitled or permitted to be present in such booth, other than the returning officer, the deputy returning officer, the poll clerk, and the inspectors of the several candidates (to be appointed as hereinafter provided), and such voters as shall for the time being be actually voting; and every person, other than the persons aforesaid, who shall wilfully enter or intrude into such booth shall be guilty of a misdemeanor; Provided that it shall at all times be lawful for the deputy returning officer acting in any booth to

Proviso: for preserving order.

have present or to summon to his assistance in such booth any police constable or peace officer, acting within the jurisdiction in which such booth is situate, for the purpose of maintaining order, or of preserving the public peace or preventing any breach thereof, or of removing any person or persons who may, in the opinion of such deputy returning officer, be obstructing the polling or wilfully violating any of the provisions of this Act.

Ballot box to be provided in each booth.

5. The returning officer shall cause to be provided at and for each polling booth a ballot box, with lock and key thereto, and having a narrow cleft or opening therein, capable of admitting a ballot card when folded as hereinafter provided; which box shall be open for inspection and examination by the deputy returning officer, the poll clerk, and the inspectors appointed to and present in such booth, immediately before the opening of the poll, and shall then be locked and sealed, in their presence, by such deputy returning officer, for the reception of the ballot cards. And during the polling such box shall remain so locked and sealed, and shall stand upon a table in the booth at which such deputy returning officer, poll clerk and inspectors shall sit or be placed, and the key of such box shall remain and be in the sole custody of such deputy returning officer, who shall be responsible for the safe-keeping thereof.

Mode of voting at elections.

Ballot cards to be delivered to every voter, previously initialled by deputy returning Officer, &c.

Number of voter voting to be marked on the ballot card.

6. At every such election, the deputy returning officer acting in any polling booth, shall deliver to every voter entitled to vote in such booth, (and not having previously voted at such election), who shall present himself for the purpose of voting, a ballot card; and, at the time of the delivery of such ballot card, such deputy returning officer shall, on the back thereof, legibly initial the same with his own initials, and such deputy returning officer shall also, in like manner, inscribe thereon, with invisible ink made of a solution of chloride of cobalt (to be provided for that purpose by the returning officer), the number of such voter on the voter's list; and thereupon, such deputy returning officer, or his poll clerk, shall place a mark or his initials against the name of such voter, upon a certified copy of the list of voters entitled to vote in such booth, which mark or initials shall be *primâ facie* evidence of the identity of the person voting with the voter whose name shall be so marked or initialled, and of such voter having voted in such booth: Provided that such deputy returning officer, or his poll clerk, may, and shall, if required, explain to any such voter the mode of voting, and the order and colours in which the names of the candidates are printed upon the ballot card. Every voter, immediately upon receiving a ballot card, shall retire alone to one of the balloting compartments, and shall there erase or strike out from his ballot card the name or names of the candidate or candidates for whom he does not intend to vote, and forthwith fold the same across, in such manner as to conceal the names of the candidates; and shall then deliver such ballot card, so folded, to the deputy returning officer, who shall, without unfolding the same or in any way disclosing the names of the candidates or the erasures made by such elector, verify his initials upon the back thereof, and forthwith deposit the same in the ballot box, publicly in the presence of all persons entitled to be present and then present in such booth.

Proviso.

Voter to strike out names of candidates for whom he does not vote.

Ballot card to be folded and delivered to returning officer, and deposited in ballot box.

No person to be allowed to be in any balloting com-

7. Whilst any voter is in any balloting compartment preparing his ballot card, no other person shall be allowed to enter such balloting compartment, or to be in any position where he can observe

which name or names such voter shall erase or strike out from his ballot card. partment with any voter.

8. Provided that in case any voter shall be blind, or shall satisfy the deputy returning officer that he is physically incapacitated from marking the ballot card, then such deputy returning officer shall accompany such voter to one of such compartments as aforesaid, and shall there assist such voter to erase or strike out from his ballot card the name or names of such candidate or candidates as such voter shall desire to have struck out, and to fold the same as hereinbefore directed; and such voter shall deliver his ballot card, so folded, to the deputy returning officer, who shall verify the initials thereon and deposit it in the ballot box, in manner hereinbefore directed. Provision in case of voters blind or physically incapaciated from marking the ballot card.

9. Provided also, that at every such election, any person whose name shall have been omitted from the voters' list, in consequence of the decision of the person or persons who shall have revised the lists from which such list shall have been formed, may tender his vote at such election; and in case such tender shall be made, or in case the vote of any person duly registered shall have been received, and any other person shall afterwards tender his vote in respect of the same qualification, and shall duly answer the questions authorized by law to be put to any voter at the time of tendering his vote, then and in every such case, the person so tendering his vote shall be permitted to vote in manner hereinbefore provided; but the deputy returning officer, upon receiving the ballot card of the person so permitted to vote, and before depositing it in the ballot box, shall enclose such ballot card in a sealed envelope, and shall inscribe thereon the name and address, or the number upon the register, of the person so permitted to vote, and also the word "tender." Persons omitted from register may tender their votes. Persons tendering votes in respect of qualifications already voted upon. Tenders to be received.

10. Every ballot card which shall contain a greater number of names unerased or not struck out than the number of persons for whom each voter is legally entitled to vote, or which is so marked as to render it uncertain which name or name the voter intended to erase or strike out, or which is not duly initialled as hereinbefore provided, shall be rejected at the close of the poll. Rejection of ballot cards.

11. In every polling booth, the deputy returning officer shall, immediately after the closing of the poll, in the presence of his poll clerk, if any, and also such of the inspectors appointed to act in such booth as shall be present, open the ballot box, and examine the ballot cards therein deposited, (except such as shall have been enclosed in sealed envelopes in manner hereinbefore provided); and shall count up and make a written statement in words as well as figures, of the number of votes given for each candidate, and the number of the ballot cards enclosed in sealed envelopes as aforesaid, and of the ballot cards which have been rejected as hereinbefore provided; which statement shall then and there be signed by such deputy returning officer, and countersigned by his poll clerk, if any, and by such inspectors; and such deputy returning officer shall forthwith securely seal up all the ballot cards which shall have been used in such booth, and shall, with the least possible delay, cause the same, so sealed, together with such written statement as aforesaid, and also his certified list of voters, and all books and papers officially kept by him or his poll clerk during the polling, and the unused ballot cards and the ballot box, to be delivered to the returning officer; Provided that, in case the deputy returning officer acting in any booth, and the inspectors who shall be present Votes to be examined and counted up in each booth at close of the poll. Ballot cards to be sealed up and transmitted with statement and voter's list, &c., to the returning officer. Proviso: if the deputy returning

officer and inspector do not agree.

in such booth as aforesaid, are unable to agree as to the written statement to be made by such deputy returning officer, as hereinbefore directed, such deputy returning officer shall thereupon deposit the ballot cards in the ballot box and lock and reseal the same; and shall, together with his poll clerk and such inspectors, forthwith attend upon the returning officer and deliver to him the ballot box so locked and resealed: And the said returning officer shall then and there, in the presence of such deputy returning officer, poll clerk, and inspectors, open such ballot box and examine the ballot cards therein deposited (except as aforesaid), and shall count up and make and sign such written statement, as hereinbefore is mentioned, of the number of votes given for each candidate, and the number of the ballot cards or tenders inclosed in sealed envelopes, and of the ballot cards which have been rejected as hereinbefore provided; and shall forthwith securely seal up the ballot cards which have been so examined and counted up.

Provisions as to deputy returning officers to apply to returning officer.

12. All the provisions in this Act contained, relating to the duties and powers of a deputy returning officer, shall apply to and be observed and exercised by every returning officer who shall preside and act in any polling booth at any election.

Declaration of the poll.

13. At every election, the returning officer, as soon as possible after he shall have received from every deputy returning officer at such election, the sealed ballot cards and such statements as aforesaid of the number of votes given in each booth, shall cast up the total number of votes for each candidate, from such statements, without opening any sealed ballot cards; and shall, thereafter, openly declare the state of the poll, and make proclamation of the member or members chosen, in manner provided by the statutes in that behalf now in force.

Provisions for the safe custody of the sealed ballot cards. Proviso.

14. All statutory provisions, at the time of the passing of this Act existing and in force, for or relating to the transmission and safe custody and preservation of the poll books at elections, shall extend and apply respectively to the sealed ballot cards of every election under this Act; Provided that such ballot cards shall be kept and preserved so sealed as aforesaid, and shall not be opened, examined, or inspected by any person whomsoever, save and

Proviso.

except as next hereinafter mentioned: Provided also, that in case any question shall at any time hereafter arise touching the number of votes given or alleged to have been given at any election, or touching the validity of any such votes, or of any votes tendered at such election in manner hereinbefore provided, the ballot cards relating to such election shall and may be produced before any committee of the House of Commons, for the time being having jurisdiction to hear and decide such questions, and shall be by such committee opened, examined, and received in evidence; but such committee shall not permit any ballot card to be identified unless and except the vote or votes thereby given shall have been previously adjudged and declared by such committee to be invalid.

Candidates may appoint an inspector in each booth.

15. At every election, it shall be lawful for any candidate, previous to the day fixed for the taking the poll at such election, to nominate and appoint an inspector on his behalf to attend in each or any of the polling booths at such election, for the purpose of detecting personation and of seeing whether the poll be duly taken according to the provisions of this Act; and such candidate

shall give notice in writing, under his hand, to the deputy returning officer acting in each booth, of the name and address of the person so appointed by him to attend in such booth.

Persons charged with personation may be taken into custody

16. If at the time any person tenders his vote at such election, or after he has voted, and before he leaves the polling booth, any such inspector so appointed as aforesaid shall declare to the deputy returning officer, acting in such booth, that he verily believes and undertakes to prove that the said person so voting is not in fact the person in whose name he assumes to vote, or to the like effect, then and in every such case it shall be lawful for such deputy returning officer, and he is hereby required immediately after such person shall have voted, by word of mouth to order any police constable or peace officer to take the said person so voting into his custody, which said order shall be a sufficient warrant and authority to the said constable or peace officer for so doing; Provided that nothing herein contained shall be construed or taken to authorize such deputy returning officer to reject the vote of any person who shall answer in the affirmative the questions authorized by law to be put to him at the time of tendering his vote, and shall take the oaths or make the affirmations authorized and required by law to be taken or made by him; but such deputy returning officer shall cause the words "protested against for personation" to be placed against the name of the person so charged with personation in the certified copy of the voters' list.

Vote not to be rejected if questions answered in the affirmative.

Returning officers and others to make a solemn declaration.

17. Every returning officer, deputy returning officer, poll clerk, and inspector, acting at any election under the provisions of this Act, shall, after his appointment and before the day fixed for the polling at such election, make and subscribe, before some justice of the peace acting within the district, county, or place in and for which such election is held, a solemn declaration in the form of the schedule B, to this Act annexed; and such solemn declaration shall be in addition to the oaths or declarations now by law required to be made and taken by any returning officer, and shall be in substitution for and in place of the oaths or declarations now by law required to be made and taken by any deputy returning officer or poll clerk.

Certain offences to be misdemeanors, &c., punishable by fine and imprisonment.

18. If, before, during, or after any election under the provisions of this Act, any person shall wilfully forge or imitate any ballot card, or vote or attempt to vote by means of any forged ballot card, or shall abstract, purloin, or take and carry away out of any polling booth any ballot card before the same shall have been marked by any voter as hereinbefore provided, or shall alter, deface, destroy, abstract, or purloin any ballot card after the same shall have been so marked, or shall make any mark, sign, or distinction on the back of the ballot card of any voter by means of which such ballot card may or can be afterwards recognized or identified (except as hereinbefore provided), or shall interfere or tamper with any ballot box during the hours of polling, or with any sealed ballot cards after the same have been so sealed as aforesaid, or (being a voter) shall wilfully display the names of the candidates upon his ballot card, or the erasures made by him on such ballot card, he shall be guilty of a misdemeanor.

Repeal of laws, statutes, &c., inconsistent

19. All laws, statutes, customs, and usages now in force relating to elections shall be and the same are hereby repealed, in so far only as they may be in any way inconsistent with the provisions

with this Act.

of this Act, but in all other respects they shall remain in full force and effect, and this Act shall be read and construed along with the tenor thereof.

SCHEDULES to which this Act refers.

SCHEDULE A.

Form of Ballot Card.

ELECTORAL DISTRICT.

OF

MONTREAL CENTRE.

NOVEMBER 18th, 1873.

Names of the Candidates.

S. A. BEAUMONT.

T. K. SANDERSON.

The card to be made of unglazed white card-board, and to be perforated across the middle thereof, as shown by the dotted line. The names of the candidates to be printed in the strict alphabetical or dictionary order of their surnames, and in separate and distinct colours.

SCHEDULE B.

FORM OF SOLEMN DECLARATION.

Election.

I, *A.B.*, being duly appointed to act as at this election of a Member to serve in the House of Commons of Canada for the

to be held on the day of
do hereby solemnly, sincerely, and truly declare and affirm, that I will well and truly assist in such my office at such election, and that I will not disclose to any person the names or numbers upon the voters' list of the persons who have voted, and that I will not in any way whatsoever attempt to ascertain for whom any elector shall vote or has voted, and will not by word or action or otherwise howsoever, directly or indirectly, aid in or be party or privy to the discovery of the same; and that I will keep secret all knowledge of the person or persons for whom any elector has voted, which may come to me in the exercise of such my office.

Made and declared before me, this day of

C. D.

A justice of the Peace acting in and for

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to provide for taking the Poll by Ballot at Elections of Members to serve in the House of Commons of Canada.

(Corrected Copy.

Received and read First time, Friday, 14th March, 1873.

Second reading, Monday, 17th March, 1373.

MR. TREMBLAY.

OTTAWA:

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

1873.

Re Printed

As Corrected Copy

No. 9.] **BILL.** [1873.

An Act to provide for taking the Polls by Ballot at Elections of Members to serve in the House of Commons of Canada.

Preamble.

WHEREAS it is expedient to amend the mode of voting and of taking the poll now in force at elections of members to serve in the House of Commons of Canada; and to provide for voting and taking the poll at such elections by ballot; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title and commencement of Act.

1. This Act shall be cited for all purposes as "The Ballot Act' 1873," and shall commence and take effect from the date of the passing thereof: and the word "Election," whenever it occurs in this Act, shall mean an election of a member or members to serve in the House of Commons of Canada.

Ballot cards to be provided.

2. Before the day fixed for taking the poll at any election, the returning officer acting in respect of such election, shall cause to be prepared and printed ballot cards according to the form and directions in the schedule (A) to this Act annexed, on which ballot cards the names of the several candidates at such election shall be printed in strict alphabetical or dictionary order, and in separate and distinct colors; and shall, before the opening of the poll at such election, supply to the deputy returning officer appointed to each separate polling booth so many of such ballot cards as shall correspond with the number of voters entitled to vote in such booth; And every such deputy returning officer shall account for the ballot cards so supplied to him, to the returning officer, at the close of the poll.

Balloting compartments to be provided in each polling booth.

3. At every contested election, the returning officer shall, before the opening of the poll, cause to be fitted up or provided in each polling booth one or more balloting compartments, with all necessary conveniences and materials for the purpose of enabling each voter who shall vote in such booth, to mark a ballot card as hereinafter provided; and every such compartment shall be so constructed that each such voter may so mark his ballot card, alone and secretly, without any interference or interruption.

Persons who may be present in any booth.

4. From and after the opening of the poll in any polling booth until the close of all proceedings relating thereto, no person shall be entitled or permitted to be present in such booth, other than the returning officer, the deputy returning officer, the poll clerk, and the inspectors of the several candidates (to be appointed as hereinafter provided), and such voters as shall for the time being be actually voting; and every person, other than the persons aforesaid, who shall wilfully enter or intrude into such booth shall be guilty of a misdemeanor; Provided that it shall at all times be lawful for the deputy returning officer acting in any booth to

Proviso: for preserving order.

have present or to summon to his assistance in such booth any police constable or peace officer, acting within the jurisdiction in which such booth is situate, for the purpose of maintaining order, or of preserving the public peace or preventing any breach thereof, or of removing any person or persons who may, in the opinion of such deputy returning officer, be obstructing the polling or wilfully violating any of the provisions of this Act.

Ballot box to be provided in each booth.

5. The returning officer shall cause to be provided at and for each polling booth a ballot box, with lock and key thereto, and having a narrow cleft or opening therein, capable of admitting a ballot card when folded as hereinafter provided; which box shall be open for inspection and examination by the deputy returning officer, the poll clerk, and the inspectors appointed to and present in such booth, immediately before the opening of the poll, and shall then be locked and sealed, in their presence, by such deputy returning officer, for the reception of the ballot cards. And during the polling such box shall remain so locked and sealed, and shall stand upon a table in the booth at which such deputy returning officer, poll clerk and inspectors shall sit or be placed, and the key of such box shall remain and be in the sole custody of such deputy returning officer, who shall be responsible for the safe-keeping thereof.

Mode of voting at elections.

Ballot cards to be delivered to every voter, previously initialled by deputy returning Officer, &c.

Number of voter voting to be marked on the ballot card.

6. At every such election, the deputy returning officer acting in any polling booth, shall deliver to every voter entitled to vote in such booth, (and not having previously voted at such election), who shall present himself for the purpose of voting, a ballot card; and, at the time of the delivery of such ballot card, such deputy returning officer shall, on the back thereof, legibly initial the same with his own initials, and such deputy returning officer shall also, in like manner, inscribe thereon, with invisible ink made of a solution of chloride of cobalt (to be provided for that purpose by the returning officer), the number of such voter on the voter's list; and thereupon, such deputy returning officer, or his poll clerk, shall place a mark or his initials against the name of such voter, upon a certified copy of the list of voters entitled to vote in such booth, which mark or initials shall be *primâ facie* evidence of the identity of the person voting with the voter whose name shall be so marked or initialled, and of such voter having voted in such booth: Provided that such deputy returning officer, or his poll clerk, may, and shall, if required, explain to any such voter the mode of voting, and the order and colours in which the names of the candidates are printed upon the ballot card. Every voter, immediately upon receiving a ballot card, shall retire alone to one of the balloting compartments, and shall there erase or strike out from his ballot card the name or names of the candidate or candidates for whom he does not intend to vote, and forthwith fold the same across, in such manner as to conceal the names of the candidates; and shall then deliver such ballot card, so folded, to the deputy returning officer, who shall, without unfolding the same or in any way disclosing the names of the candidates or the erasures made by such elector, verify his initials upon the back thereof, and forthwith deposit the same in the ballot box, publicly in the presence of all persons entitled to be present and then present in such booth.

Proviso.

Voter to strike out names of candidates for whom he does not vote.

Ballot card to be folded and delivered to returning officer, and deposited in ballot box.

No person to be allowed to be in any balloting com-

7. Whilst any voter is in any balloting compartment preparing his ballot card, no other person shall be allowed to enter such balloting compartment, or to be in any position where he can observe

which name or names such voter shall erase or strike out from his ballot card. partment with any voter.

8. Provided that in case any voter shall be blind, or shall satisfy the deputy returning officer that he is physically incapacitated from marking the ballot card, then such deputy returning officer shall accompany such voter to one of such compartments as aforesaid, and shall there assist such voter to erase or strike out from his ballot card the name or names of such candidate or candidates as such voter shall desire to have struck out, and to fold the same as hereinbefore directed; and such voter shall deliver his ballot card, so folded, to the deputy returning officer, who shall verify the initials thereon and deposit it in the ballot box, in manner hereinbefore directed. Provision in case of voters blind or physically incapaciated from marking the ballot card.

9. Provided also, that at every such election, any person whose name shall have been omitted from the voters' list, in consequence of the decision of the person or persons who shall have revised the lists from which such list shall have been formed, may tender his vote at such election; and in case such tender shall be made, or in case the vote of any person duly registered shall have been received, and any other person shall afterwards tender his vote in respect of the same qualification, and shall duly answer the questions authorized by law to be put to any voter at the time of tendering his vote, then and in every such case, the person so tendering his vote shall be permitted to vote in manner hereinbefore provided; but the deputy returning officer, upon receiving the ballot card of the person so permitted to vote, and before depositing it in the ballot box, shall enclose such ballot card in a sealed envelope, and shall inscribe thereon the name and address, or the number upon the register, of the person so permitted to vote, and also the word "tender." Persons omitted from register may tender their votes. Persons tendering votes in respect of qualifications already voted upon. Tenders to be received]

10. Every ballot card which shall contain a greater number of names unerased or not struck out than the number of persons for whom each voter is legally entitled to vote, or which is so marked as to render it uncertain which name or name the voter intended to erase or strike out, or which is not duly initialled as hereinbefore provided, shall be rejected at the close of the poll. Rejection of ballot cards.

11. In every polling booth, the deputy returning officer shall, immediately after the closing of the poll, in the presence of his poll clerk, if any, and also such of the inspectors appointed to act in such booth as shall be present, open the ballot box, and examine the ballot cards therein deposited, (except such as shall have been enclosed in sealed envelopes in manner hereinbefore provided); and shall count up and make a written statement in words as well as figures, of the number of votes given for each candidate, and the number of the ballot cards enclosed in sealed envelopes as aforesaid, and of the ballot cards which have been rejected as hereinbefore provided; which statement shall then and there be signed by such deputy returning officer, and countersigned by his poll clerk, if any, and by such inspectors; and such deputy returning officer shall forthwith securely seal up all the ballot cards which shall have been used in such booth, and shall, with the least possible delay, cause the same, so sealed, together with such written statement as aforesaid, and also his certified list of voters, and all books and papers officially kept by him or his poll clerk during the polling, and the unused ballot cards and the ballot box, to be delivered to the returning officer; Provided that, in case the deputy returning officer acting in any booth, and the inspectors who shall be present Votes to be examined and counted up in each booth at close of the poll. Ballot cards to be sealed up and transmitted with statement and voter's list, &c., to the returning officer. Proviso: if the deputy returning

officer and inspector do not agree.

in such booth as aforesaid, are unable to agree as to the written statement to be made by such deputy returning officer, as hereinbefore directed, such deputy returning officer shall thereupon deposit the ballot cards in the ballot box and lock and reseal the same; and shall, together with his poll clerk and such inspectors, forthwith attend upon the returning officer and deliver to him the ballot box so locked and resealed: And the said returning officer shall then and there, in the presence of such deputy returning officer, poll clerk, and inspectors, open such ballot box and examine the ballot cards therein deposited (except as aforesaid), and shall count up and make and sign such written statement, as hereinbefore is mentioned, of the number of votes given for each candidate, and the number of the ballot cards or tenders inclosed in sealed envelopes, and of the ballot cards which have been rejected as hereinbefore provided; and shall forthwith securely seal up the ballot cards which have been so examined and counted up.

Provisions as to deputy returning officers to apply to returning officer.

12. All the provisions in this Act contained, relating to the duties and powers of a deputy returning officer, shall apply to and be observed and exercised by every returning officer who shall preside and act in any polling booth at any election.

Declaration of the poll.

13. At every election, the returning officer, as soon as possible after he shall have received from every deputy returning officer at such election, the sealed ballot cards and such statements as aforesaid of the number of votes given in each booth, shall cast up the total number of votes for each candidate, from such statements, without opening any sealed ballot cards; and shall, thereafter, openly declare the state of the poll, and make proclamation of the member or members chosen, in manner provided by the statutes in that behalf now in force.

Provisions for the safe custody of the sealed ballot cards. Proviso.

14. All statutory provisions, at the time of the passing of this Act existing and in force, for or relating to the transmission and safe custody and preservation of the poll books at elections, shall extend and apply respectively to the sealed ballot cards of every election under this Act; Provided that such ballot cards shall be kept and preserved so sealed as aforesaid, and shall not be opened, examined, or inspected by any person whomsoever, save and except as next hereinafter mentioned: Provided also, that in case any question shall at any time hereafter arise touching the number of votes given or alleged to have been given at any election, or touching the validity of any such votes, or of any votes tendered at such election in manner hereinbefore provided, the ballot cards relating to such election shall and may be produced before any committee of the House of Commons, for the time being having jurisdiction to hear and decide such questions, and shall be by such committee opened, examined, and received in evidence; but such committee shall not permit any ballot card to be identified unless and except the vote or votes thereby given shall have been previously adjudged and declared by such committee to be invalid.

Proviso.

Candidates may appoint an inspector in each booth.

15. At every election, it shall be lawful for any candidate, previous to the day fixed for the taking the poll at such election, to nominate and appoint an inspector on his behalf to attend in each or any of the polling booths at such election, for the purpose of detecting personation and of seeing whether the poll be duly taken according to the provisions of this Act; and such candidate

shall give notice in writing, under his hand, to the deputy returning officer acting in each booth, of the name and address of the person so appointed by him to attend in such booth.

Persons charged with personation may be taken into custody

16. If at the time any person tenders his vote at such election, or after he has voted, and before he leaves the polling booth, any such inspector so appointed as aforesaid shall declare to the deputy returning officer, acting in such booth, that he verily believes and undertakes to prove that the said person so voting is not in fact the person in whose name he assumes to vote, or to the like effect, then and in every such case it shall be lawful for such deputy returning officer, and he is hereby required immediately after such person shall have voted, by word of mouth to order any police constable or peace officer to take the said person so voting into his custody, which said order shall be a sufficient warrant and authority to the said constable or peace officer for so doing; Provided that nothing herein contained shall be construed or taken to authorize such deputy returning officer to reject the vote of any person who shall answer in the affirmative the questions authorized by law to be put to him at the time of tendering his vote, and shall take the oaths or make the affirmations authorized and required by law to be taken or made by him; but such deputy returning officer shall cause the words "protested against for personation" to be placed against the name of the person so charged with personation in the certified copy of the voters' list.

Vote not to be rejected if questions answered in the affirmative.

Returning officers and others to make a solemn declaration.

17. Every returning officer, deputy returning officer, poll clerk, and inspector, acting at any election under the provisions of this Act, shall, after his appointment and before the day fixed for the polling at such election, make and subscribe, before some justice of the peace acting within the district, county, or place in and for which such election is held, a solemn declaration in the form of the schedule B, to this Act annexed; and such solemn declaration shall be in addition to the oaths or declarations now by law required to be made and taken by any returning officer, and shall be in substitution for and in place of the oaths or declarations now by law required to be made and taken by any deputy returning officer or poll clerk.

Certain offences to be misdemeanors, &c., punishable by fine and imprisonment.

18. If, before, during, or after any election under the provisions of this Act, any person shall wilfully forge or imitate any ballot card, or vote or attempt to vote by means of any forged ballot card, or shall abstract, purloin, or take and carry away out of any polling booth any ballot card before the same shall have been marked by any voter as hereinbefore provided, or shall alter, deface, destroy, abstract, or purloin any ballot card after the same shall have been so marked, or shall make any mark, sign, or distinction on the back of the ballot card of any voter by means of which such ballot card may or can be afterwards recognized or identified (except as hereinbefore provided), or shall interfere or tamper with any ballot box during the hours of polling, or with any sealed ballot cards after the same have been so sealed as aforesaid, or (being a voter) shall wilfully display the names of the candidates upon his ballot card, or the erasures made by him on such ballot card, he shall be guilty of a misdemeanor.

Repeal of laws, statutes, &c., inconsistent

19. All laws, statutes, customs, and usages now in force relating to elections shall be and the same are hereby repealed, in so far only as they may be in any way inconsistent with the provisions

with this Act.

of this Act, but in all other respects they shall remain in full force and effect, and this Act shall be read and construed along with the tenor thereof.

SCHEDULES to which this Act refers.

SCHEDULE A.

Form of Ballot Card.

ELECTORAL DISTRICT.

OF

MONTREAL CENTRE.

NOVEMBER 18*th*, 1873.

Names of the Candidates.

S. A. BEAUMONT.

T. K. SANDERSON.

The card to be made of unglazed white card-board, and to be perforated across the middle thereof, as shown by the dotted line. The names of the candidates to be printed in the strict alphabetical or dictionary order of their surnames, and in separate and distinct colours.

SCHEDULE B.

FORM OF SOLEMN DECLARATION.

Election.

I, *A.B.*, being duly appointed to act as at this election of a Member to serve in the House of Commons of Canada for the

to be held on the day of
do hereby solemnly, sincerely, and truly declare and affirm, that I will well and truly assist in such my office at such election, and that I will not disclose to any person the names or numbers upon the voters' list of the persons who have voted, and that I will not in any way whatsoever attempt tc ascertain for whom any elector shall vote or has voted, and will not by word or action or otherwise howsoever, directly or indirectly, aid in or be party or privy to the discovery of the same; and that I will keep secret all knowledge of the person or persons for whom any elector has voted, which may come to me in the exercise of such my office.

Made and declared before me, this day of

C. D.

A justice of the Peace acting in and for

No. 9.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to provide for taking the Poll by Ballot at Elections of Members to serve in the House of Commons of Canada.

Received and read First time, Friday, 14th March, 1873.

Second reading, Monday, 17th March, 1373.

MR. TREMBLAY.

OTTAWA:

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

1873

No. 10.] **BILL.** [1873.

An Act to amend the Acts relating to Port Wardens at Montreal and Quebec.

IN further amendment of the Act passed by the Legislature of the late Province of Canada, in the twenty-sixth year of Her Majesty's reign, chapter fifty-two, "to provide for appointment of a Port Warden for the Harbor of Montreal;" and in amendment of the Act passed by the same Legislature, in the twenty-ninth year of Her Majesty's reign, chapter fifty-nine, amending the same; and also in amendment of the Act passed by the Parliament of the Dominion of Canada, in the thirty-fourth year of Her Majesty's reign, "to provide for the appointment of a Port Warden for the Harbor of Quebec;"—Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 29 V., c. 59, (Can.) 34 V., c. 33.

MONTREAL.

1. No officer of Customs shall grant a clearance to any vessel wholly or partly loaded with grain, for the purpose of enabling her to leave the Port of Montreal for any port not within the limits of inland navigation, unless nor until the master of such vessel produces to him a certificate from the Port Warden or his deputy, to the effect that all the requirements of the twelfth section of the Act first cited in the preamble of this Act have been fully complied with, if such grain be laden in bulk; nor unless or until such master produces to him a certificate from the Port Warden or his Deputy that all the requirements of the fourteenth section of the said Act, as hereby amended, have been fully complied with if such vessel be wholly or partly laden with grain, otherwise than wholly or partly in bulk; and if any vessel, wholly or partly loaded with grain, attempts to leave the Port of Montreal without a clearance, for any port not within the limits of inland navigation, any officer of Customs, or any person acting under the direction of the Minister of Marine and Fisheries, or the chief officer of the River Police, may detain such vessel until such certificate is produced to him. No clearance from Montreal to any vessel loaded with grain without certificate from Port Warden.

2. So much of the fifth section of the Act secondly cited in the preamble of this Act as imposes a penalty of forty dollars for every infraction or breach of the twelfth section of the Act first cited in the preamble of this Act is hereby repealed, and the penalty for every infraction or breach of the said twelfth section shall be *eight hundred dollars.* 29 V., c. 59, (Can.) amended.

QUEBEC.

3. No officer of Customs shall grant a clearance to any vessel wholly or partly loaded with grain, for the purpose of enabling her to leave the Port of Quebec for any port not within No clearance from Quebec to any vessel loaded with

grain without certificate from Port Warden.

the limits of inland navigation, nor within the Dominion of Canada, unless nor until the master of such vessel produces to him a certificate from the Port Warden or his deputy, to the effect that all the requirements of the twelfth section of the Act thirdly cited in the preamble of this Act have been fully complied with if such grain be laden in bulk; nor unless or until such master produces to him a certificate from the Port Warden, or his Deputy, that all the requirements of the said Act, as hereby amended, have been fully complied with, if such vessel be wholly or partly laden with grain otherwise than wholly or partly in bulk; and and if any vessel, wholly or partly loaded with grain attempts to leave the Port of Quebec for any port not within the limits of inland navigation, nor within the Dominion of Canada, without a clearance, any officer of Customs, or any person acting under the direction of the Minister of Marine and Fisheries, or the chief officer of the River Police, may detain such vessel until such certificate is produced to him.

34 V., c. 33., s. 29 amended.

4. So much of the twenty-ninth section of the Act thirdly cited in the preamble of this Act as imposes a penalty of forty dollars for any and every infraction or breach of the said twelfth section of the said Act is hereby repealed, and the penalty for any and every infraction or breach of the said twelfth section of the said Act shall be *eight hundred dollars.*

GENERAL PROVISIONS.

Sect. 14 of 26 V., c. 52, and sect. 14 of 34 V., c. 33, repealed. and new section substisuted.

5. The fourteenth section of the Act first cited, and the fourteenth section of the Act thirdly cited in the preamble of this Act, are hereby repealed, and the following section substituted for the same, as the fourteenth section of each of the said Acts respectively:—

"The master of any vessel wholly or partly laden with grain for any port not within the limits of inland vavigation, shall, before proceeding on his voyage, or clearing at the Custom House for the same, notify the Port Warden, whose duty it shall then be to proceed on board such vessel, and examine whether she is in a fit state to proceed to sea or not; if she is found unfit the Port Warden shall state in what particulars, and on what conditions only she will be deemed in a fit state to leave, and shall notify the master not to leave the port until the required conditions have been fulfilled, and in case of the master refusing or neglecting to fulfill the same, the Port Warden shall notify the Collector of Customs, in order that no clearance may be granted for the vessel until such required conditions have been fulfilled, and a certificate thereof granted by the Port Warden or his deputy."

Port Warden may initiate proceedings without being called upon.

6. The Port Warden at either of the Ports aforesaid, may in any case where he thinks it right and necessary, initiate proceedings, and hold surveys, and obtain process, as if required by the parties concerned under the provisions of the Acts cited in the preamble of this Act,—and whenever the Port Warden is mentioned in any provision of any of the said Acts, or in this Act such provision shall always be understood to apply to the Deputy Port Warden.

Application of penalties.

7. The whole of any pecuniary penalty imposed by this Act, or by the Acts hereinbefore cited, or any of them, shall belong to the Crown, and shall be paid over to the Receiver General, by the officer or person receiving it, and shall be appropriated in such manner, as the Governor General in Council may direct; any thing in the said Acts, or any of them to the contrary notwithstanding.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Acts relating to Port Wardens at Montreal and Quebec.

Received and read first time, Friday, 14th March, 1873.

Second reading, Tuesday, 18th March, 1873.

Hon. Mr. MITCHELL.

OTTAWA:

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

1872

No. 11] **BILL.** [1873

An Act to provide for keeping order on board Passenger Steamers

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

Disorderly persons on board steamers: how to be treated.

1. The master or any officer of any steamer may refuse to receive on board thereof any person who is drunk or disorderly, or who causes or is in a condition to cause annoyance or injury to passengers on board; or if any such person be on board, the master or officer may put him on shore at any convenient place: and

No person refused admittance, or put on shore in pursuance of this section, shall be entitled to have returned to him any fare he may have paid.

Persons committing certain offences.

2. If any of the following offences are committed on board any vessel registered in Canada propelled wholly or in part by steam, and carrying passengers to or from any place or places in Canada to or from any place or places out of Canada not being in the United Kingdom or between any places in Canada (which vessels alone are in this Act included in the term "steamers,") that is to say:

(1) If any person being drunk or disorderly has been on that account refused admission into a steamer by the owner or any person in his employment, and nevertheless persists in attempting to enter the steamer;

(2.) If any person being drunk or disorderly on board a steamer is requested by the owner or any person in his employment to leave the same at any place in Canada, being a reasonably convenient place to leave the same, and does not comply with such request;

(3.) If any person on board a steamer, after warning by the master or other officer of the steamer, molests, or continues to molest, any passenger:

(4.) If any person, after having been refused admission into a steamer by the owner or any person in his employment on account of the steamer being full, and having had the amount of his fare, if he has paid it, returned or tendered to him, nevertheless persists in attempting to enter the steamer;

(5.) If any person having gone on board a steamer, on being requested on account of the steamer being full, by the owner or any person in his employment, to leave the steamer before it has quitted the place at which such person went on board, and having had the amount of his fare, if he has paid it, returned or tendered to him, does not comply with such request;

(6.) If any person on board a steamer, without reasonable excuse, proof whereof shall lie on him, fails, when requested by the master or other officer thereof, either to pay his fare or exhibit such ticket or other receipt, if any, showing the payment of his fare, as is usually given to persons travelling by and paying their fare on steamers;

to incur a penalty.

Then, and in every such case, the person so offending shall for every such offence incur a penalty not exceeding *ten dollars*, but this liability shall not prejudice the recovery of any amount payable by him as fare.

Injuring or obstructing steamers.

3. If any person on board a steamer, without reasonable excuse, proof whereof shall lie on him, does, or causes to be done, anything in such manner as to obstruct or injure any part of the machinery or tackle of the steamer, or to obstruct, impede, or molest the crew, or any of them, in the navigation or management of her, or otherwise in the execution of their duty on or about the steamer,

Penalty.

he shall, for every such offence, incur a penalty not exceeding *one hundred dollars*.

Master of steamer may detain offender.

4. It shall be lawful for the master or other officer of any steamer and for all persons called by him to his assistance, to detain any offender against any of the provisions of the preceding sections of this Act, whose name and address are unknown to such master or officer, and to convey such offender with all convenient despatch before some justice or justices of the peace, to be dealt with according to law.

Application of penalties and how enforced.

5. Any penalty imposed by this Act shall belong wholly to the Crown, and may be recovered with costs, before any one Justice of the Peace, if it does not exceed *ten dollars*, and before any two Justices of the Peace, or any magistrate having the powers of Justices of the Peace, under the *Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders*, as amended by any subsequent Act or Acts, such Justices of Peace having jurisdiction either in the place where the offence was committed, or if committed while the steamer is under way, then in the place where it shall next stop; and any offender conveyed before such Justice or Justices, or magistrate under the next preceding section, shall be dealt with as if arrested, and brought before them on his or their warrant, under the said Act.

1st Session, 2nd Parliament, 35 Victoria,

BILL.

An Act to provide for keeping ord
board Passenger Steamers.

Received and read first time, Friday
March, 1873.

Second Reading, Tuesday, 18th March,

Hon. Mr. Mitc

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Ride
1872.

No. 12.] BILL. [1873.

An Act to amend the Act to provide for the appointment of a Harbor Master for the Port of Halifax.

Preamble. 35 V., c. 42.

IN amendment of the Act passed in the thirty-fifth year of Her Majesty's Reign, chapter forty-two, intituled: "An Act to provide for the appointment of a Harbor Master for the Port of Halifax; Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sect. 4 amended; Governor in Council may impose penalties.

1. The Governor in Council may in and by any rule or regulation made under the fourth section of the said Act, impose any reasonable penalty, not exceeding in any case *one hundred dollars* for the breach of such rule or regulation, with, in case of a continuing breach, a further penalty, not exceeding in any case *ten dollars* for every twelve hours during which such breach continues, but so that no such rule or regulation shall impose, a minimum penalty; and every breach of any such rule or regulation shall be deemed a contravention of the said Act, and every such penalty shall be held to be a penalty imposed by this Act.

Interpretation.

2. This Act and the said Act shall be read and construed as forming together one Act.

No. 12.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Act to provide for the appointment of a Harbor Master for the Port of Halifax.

Received and read, First time, Friday, 14th March, 1873.

Second reading, Tuesday, 18th March, 1873.

Hon. Mr. MITCHELL.

OTTAWA:

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

1873.

No. 13.] **BILL.** [1873.

An Act respecting Deck Loads.

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

1. In this Act the word "ship" includes every description of vessel used in navigation not propelled by oars; and the word "master" includes any person having command or charge of a ship. "Ship."

2. Every ship shall be subject to the provisions of this Act,—

(1.) When sailing after the first day of October or before the sixteenth day of March in any year, on a voyage from any port in Canada to any port in Europe, and during the voyage while within Canadian jurisdiction; and When ships shall be subject to this Act.

(2.) No master of any such ship shall place, or cause or permit to be placed or remain, upon or above any part of the upper deck of such ship, not included within the limits of any break or poop, or any other permanently closed-in space thereon and available for cargo, the tonnage of which forms part of the register tonnage of such ship,— Certain lading not to be placed on deck.

(*a.*) Any square, round, waney or other timber:

(*b.*) Any spare spar, or store spar, otherwise than made, dressed and finally prepared for use:

(*c.*) Any more than two spare spars, or store spars made, dressed and finally prepared for use:

(*d.*) Any cargo of any description, to any height exceeding three feet above the deck:

3. Every ship shall be subject to the provisions of this Act,—

(1.) When sailing after the fifteenth day of November, or before the sixteenth day of March in any year, on a voyage from any port in Canada, to any port in the West Indies, and during the voyage while within Canadian jurisdiction; and Ships sailing to the West Indies.

(2.) No master of any such ship, if she be a single decked vessel, shall place or cause or permit any cargo whatever to be placed or remain upon or above the deck to a height exceeding that of the main rail,—nor if she has a spar deck shall he place or cause or permit to be placed or remain, any cargo on or above any part of such spar deck; except that this provision shall not be understood to prevent such master from carrying two spare spars or store spars, made, dressed and finally prepared for use, on the deck or on the spar deck of such vessel. Certain modes of carrying cargo forbidden.

Proviso: in case of leak, or damage to ship

4. Provided always, that if the master of any ship subject to the provisions of this Act, under the second section thereof, considers that it is necessary, in consequence of the springing of a leak, or of other damage received or apprehended during the voyage, to remove any portion of the cargo thereof, and to place upon any part of the upper deck thereof, not included as mentioned in the said second section, any other or greater portion of such cargo than is by the said second section permitted to be upon such part of the upper deck of such ship,—or if the master of any ship subject to the provisions of this Act, under the third section thereof, considers that it is necessary from any such cause as aforesaid, to remove any part of the cargo, and to place it on the deck or on the spar deck of such vessel (as the case may be) he may remove or cause to be removed to, and placed upon such part of the upper deck or on the deck or spar deck of such ship, so much of the cargo thereof, and may permit the same to remain there for such time as he considers expedient.

Customsofficer to ascertain that ship is not loaded contrary to this Act.

5. Before any officer of the Customs permits any ship, subject to the provisions of the second section of this Act, to clear out from any port in Canada, he shall ascertain that no square, round, waney or other timber, nor any spar otherwise than made, dressed and finally prepared for use, nor more than two spare spars, or store spars made, dressed and finally prepared for use, nor any cargo of any description, to any height exceeding three feet above the deck, is, or are piled, or stored, or placed upon any part of the upper deck of such ship, not included within the limits of any break or poop, or any other permanently closed-in space thereon, available for cargo and the tonnage of which forms part of the register tonnage of such ship, and shall give the master of such ship a certificate to that effect.

Certificate.

6. Before any officer of the Customs permits any ship subject to the provisions of this Act, under the third section thereof, to clear out from any port in Canada, he shall ascertain that no provision of the said third section is contravened in respect of such ship and the cargo thereof, and shall give the master of such ship a certificate to that effect.

Ship not to sail without certificate.

7. No master of any ship shall sail in such ship, when subject to the provisions of this Act, from any port in Canada, until he has obtained the certificate required in the case of such ships from the proper officer of the Customs.

Penalty for contravention.

8. Every master of a ship subject to the provisions of this Act, who contravenes any provision of this Act, shall for each such contravention incur a penalty not exceeding, except as hereinafter provided, *eight hundred* dollars.

Penalty for contravention after certificate.

9. Every master of a ship, subject to the provisions of this Act, who after having complied with the provisions of this Act, requiring him to obtain a certificate as aforesaid, contravenes any other provision of this Act, shall incur a penalty not exceeding *eight hundred* dollars.

Sailing with intent to evade this Act to be a misdemeanor.

10. Whosoever, being the master of any ship, with intent to evade any provision of this Act, sails in such ship after the first day of October, or before the sixteenth day of March in any year, from any port in Canada to any port in Europe, without such certificate as aforesaid, and with anything on any part of the upper

deck of such ship, not included within the limits of any break or poop, or any other closed-in space thereon available for cargo and the tonnage of which forms part of the register tonnage of such ship,—or sails in such ship, after the fifteenth day of November, or before the sixteenth day of March in any year, from any port in Canada to any port in the West Indies, with any cargo upon the deck, or on the spar deck of such ship, (as the case may be) which would prevent his rightfully obtaining such certificate, is guilty of a misdemeanor, and shall be liable to be punished by imprisonment for any term not exceeding *two years* and not less than *three months*, or by fine not exceeding *eight hundred* dollars, or by both fine and imprisonment in the discretion of the court before which he is convicted.

Penalty.

11. Any ship in respect of which any penalty is incurred under, this Act, may be seized and detained by order of the Court by or before which such penalty is imposed or recovered 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 ship may, at the expiration thereof, be sold by order of the Court, and the said penalty and all the costs paid out of the proceeds, the surplus (if any) being paid over to the owner of the ship.

Ship may be seized.

12. The whole of every pecuniary penalty recovered under this Act shall belong to Her Majesty, and shall be paid over to the Receiver-General by the officer or person receiving the same, and shall be thereafter appropriated in such manner as the Governor in Council may direct in each case.

Disposal of penalties.

13. This Act shall not apply to any vessel sailing from British Columbia.

Extent of Act limited.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act respecting Deck Loads.

Received and read, First time, Friday, 14th March, 1873.

Second reading, Tuesday, 18th March, 1873.

OTTAWA:

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

1873.

No. 14.] **BILL.** [1873.

An Act further to amend the Act relating to Banks and Banking.

Preamble. 34 V., c. 5.

IN amendment of the Act passed in the thirty-fourth year of Her Majesty's reign. and intituled: "*An Act relating to Banks and Banking,*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Form of attestation of monthly returns amended.

1. In the declaration attesting the correctness of the monthly returns to be made to the Government by any Bank to which the said Act applies, after the words, "We declare that the foregoing "return is made up from the books of the Bank, and that it is "correct to the best of our knowledge and belief," the following words shall be added as part of the said declaration, "And we "further declare that the Bank has never at any time during the "period to which the said return relates, held less than one-"third of its cash reserves in Dominion notes."

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act further to amend the Act relating to Banks and Banking.

Received and read, first time, Tuesday, 18th March, 1873.

Second reading, Friday, 21st March, 1873.

Hon. Mr. TILLEY.

OTTAWA:

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

1873.

No. 15.] **BILL.** [1873.

An Act to repeal the Acts imposing duties on promissory notes and bills of exchange.

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

Chapter nine of the Statutes of Canada, passed in the thirty-first year of Her Majesty's reign, and entitled, *An Act to impose duties on promissory notes and bills of exchange*, and the several Acts in amendment thereof, shall be and the same are hereby repealed. 31 V. c. 9. repealed.

No. 15.

1st Session, 2nd Parliament, 36 Victoria, 1873.

A BILL

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

Received and read, First time, Wedneday, 19th March, 1873.

Second reading,

MR. SAVARY.

OTTAWA:

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

No. 16.] **BILL.** [1873.

An Act to incorporate the Citizen Printing and Publishing Company (Limited).

Preamble.

WHEREAS the undermentioned persons have by their petition represented that they have opened in the City of Ottawa a printing and publishing establishment in which the business of "The Citizen" Newspaper, and other general printing and publishing business is conducted, and of which and of the copyrights, interests, property, and assets connected therewith, the following persons and others are the proprietors, namely:— Charles H. Carriere, George C. Holland and Andrew Holland, and that it is intended by the said persons to establish branch offices for the said newspaper and business in the several Provinces of the Dominion; And whereas, it is represented that the said persons have invested a large amount of capital in the said business, and are desirous of associating others with them in the ownership of the said newspaper and printing and publishing business, and of carrying on the said business in the several Provinces of the Dominion; And whereas, for securing greater efficiency and permanency in carrying on the same they are further desirous of obtaining an act of incorporation, and it is expedient that the prayer of their petition to that effect be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Certain persons incorporated.

1. Charles H. Carriere, George C. Holland and Andrew Holland, together with all such other persons as now are or may hereafter become shareholders in the Company hereby created, shall be and they are hereby constituted a body politic and corporate by the name of the "Citizen Printing and Publishing Company, (limited)," and may by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all Courts of Law and Equity; and by that name they and their successors shall have perpetual succession, and may have a common seal, and may change and alter the same at pleasure; may establish agencies for the sale of the said newspaper in the several Provinces of the Dominion; may acquire for themselves and successors, under any legal title whatsoever, property real and personal; may alienate, sell, convey, lease, or otherwise dispose of the same or any part thereof, from time to time as occasion may require, for such price or prices, and on such terms and conditions as they may see fit.

Corporate name and powers.

Agencies.

Property.

Objects of the Corporation.

2. The said Company is hereby constituted for the purpose of carrying on the publication of the said "Citizen" newspaper, and generally for carrying on the business of printing, publishing, stereotyping, engraving, wood-cutting, lithographing, and book-binding, and to deal in and vend all articles of merchandise connected therewith; the head office of the Company shall be in Ottawa, with establishments or branch offices in the capitals of

the several Provinces, and in any other cities, towns or places of the Dominion in which the Company may see fit to carry on business.

Capital stock.

3. The capital stock of the said company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each; and the said stock shall be deemed personal estate, and shall be transferable in such manner only, and subject to such conditions and restrictions as by the by-laws of the Company shall be prescribed.

Provisional Directors.

4. To enable the Corporation to carry out the objects before mentioned the said Andrew Holland, Geo. C. Holland and Chas. H. Carriere are hereby constituted Provisional Directors of the Company, who shall have power and authority to manage the affairs of the Company until Directors under the provisions of this Act shall be elected in their place; and the said Provisional Directors shall have power to open stock books, receive subscriptions of stock or shares, and generally to do all matters and things necessary for the full organization and working of the Company.

Powers.

First meeting of Shareholders.

5. So soon as one thousand shares of the Capital Stock shall have been subscribed, the Provisional Directors shall call a general meeting of the Shareholders in the City of Ottawa, of which meeting not less than ten days' notice shall have been given by public advertisement in the "Citizen" newspaper, for the purpose of passing by-laws for the management of the affairs of the Company, the election of Directors, who shall be three in number, the appointment of officers, and generally for the exercise of the powers conferred on the Shareholders by this Act and by the Canada Joint Stock Companies Clauses Act, 1869.

Powers of Provisional Directors to cease.

6. So soon as Directors shall have been appointed under the next preceding section, the powers and functions of the Provisional Directors shall cease and determine.

Financial statement at yearly meeting.

7. At each annual meeting it shall be the duty of the Shareholders present to estimate and establish by resolution the then actual value of the Shares of the Stock of the Company, such estimate to be based on the financial result of the operations of the Company, as exhibited by the statement of its affairs then before them; and in case at any time during the then next ensuing year any Shares in the Stock of the Company are offered for sale, and the sale thereof has not been entered on the books of the Company, or have become transmitted by bequest, inheritance, the marriage of a female Shareholder, or in any other way whatsoever, then the said Company shall during the two months next after such sale, offer for sale, or transmission has been notified to the Company, have the privilege of acquiring such shares so to be sold or so transmitted as aforesaid, upon payment or tender of the price of such shares calculated at the value thereof as established at the then last annual meeting, the Company having the first preference of purchase, and then the Shareholders, and in such order and on such conditions as regards the respective Shareholders as may be fixed by the by-laws of the Company.

Privilege of Company to purchase shares offered for sale.

Liability of Shareholders limited.

8. The Shareholders 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 of their respective shares in the capital stock thereof: Provided always, that among the officers of the Company there shall be a Printer and Publisher who shall be held responsible in any criminal proceeding for libellous matter published in the said "Citizen" newspaper, and the said Printer and Publisher shall in like manner be held responsible in any criminal proceeding for libellous matter printed and published in any book, pamphlet, or other printed matter issuing from the establishment of the said "Citizen" Printing and Publishing Company, and in every issue of the said newspaper shall be contained the full name and residence of the party holding such office as Printer and Publisher.

Liability of Printer and Publisher.

9. Every executor, administrator, tutor, 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 shall be eligible as a director, and every person who pledges his stock by any instrument disclosing the conditional nature of the transfer may nevertheless represent the same at all such meetings and may vote accordingly as a shareholder.

Executor, &c. may vote on shares held by them as such.

10. 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.

Forfeiture for non-user.

11. The Corporate rights hereby conferred shall at all times hereafter be subject to the provisions of any general enactment hereafter to be passed respecting incorporated Companies, and except as altered herein, to the provisions contained in the "Canada Joint Stock Companies Clauses Act 1869," so far as they are applicable.

Act subject to any General Act.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate the Citizen Printing and Publishing Company (Limited).

PRIVATE BILL.

MR. CURRIER.

OTTAWA:

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

1873.

No. 17.] **BILL.** [1873

An Act to provide for taking Votes by Ballot, at Elections of Members of the House of Commons of Canada.

WHEREAS it is expedient to amend the law relating to the proceedings at Elections of Members of the House of Commons of Canada, and to provide for voting and taking the Poll at such Elections by ballot: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Ballot papers to be provided.

1. When at any election of a member of the House of Commons of Canada a poll shall have been demanded, it shall be the duty of the returning officer to cause to be forthwith prepared ballot papers containing a list of the duly nominated candidates, with their occupations and residences, and arranged alphabetically in the order of their surnames, according to the form and directions set forth in Schedule A to this Act annexed, and to furnish each of his deputy returning officers before the day fixed for such poll, with the poll-book and list of voters, as many of such ballot papers as there are electors in the polling subdivision for which such deputy returning officer is appointed, and every such deputy returning officer shall after such poll give back to the returning officer the whole of such ballot papers, with the poll book and list of voters, as in this Act hereafter directed.

Ballot boxes to be provided.

2. The returning officers shall provide as many ballot boxes as there are polling subdivisions within each Riding or Electoral District, and each of such ballot boxes shall be of some durable material, with lock and key thereto, and be made with a narrow cleft or opening in the top thereof sufficiently large to admit a ballot paper, but so constructed that the ballot paper can be introduced therein, but cannot be withdrawn therefrom without the box being unlocked; and such ballot boxes shall be placed for safe keeping in the charge of the clerk of each municipality in the Riding or Electoral District, or if there be no such clerks of municipalities, then in the charge of the clerk of the county, or if there be no clerk of the county, then in the charge of the clerk of the peace, for the county constituting the Electoral District, who shall deliver one of them to each of the deputy returning officers appointed from time to time in such municipality or county, upon the production of their written authority to act in such capacity, and each deputy returning officer shall return such ballot box so delivered to him to such clerk, within one week after the close of the election: Provided that if through any cause the returning officer duly appointed to hold any election, fails to furnish ballot boxes as herein provided, he shall be guilty of a misdemeanor, and may be indicted and convicted thereof; and it shall be the duty of the deputy returning officer in each polling subdivision so unsupplied with a ballot box to forthwith procure one to be made, and he shall issue his order upon the returning officer in which such polling sub-

Proviso in case of neglect.

division is situate for the cost of the same, and it shall be the duty of the said returning officer to pay to such deputy returning officer the amount of such order.

Balloting compartments to be provided.

3. Each polling place shall, under the direction of the deputy returning officer, and before the hour for opening the poll, be provided with at least two balloting compartments, so constructed that each voter can mark his vote on the ballot paper furnished to him, screened from observation, and without interference or interruption; and such compartments shall contain the necessary materials wherewith a voter can mark his ballot paper; and before any vote is taken at any election, the deputy returning officer shall open the ballot box hereinbefore described and show to the persons legally authorized to be present in the polling place, and then present, that the box is empty; and he shall lock it up and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in view of himself and others authorized to be present, for the receipt of ballot papers, and keep it so locked and sealed until duly opened, as is hereinafter directed.

Ballot box to be exposed.

Who may be present at polling places.

4. From and after the opening of the poll in any polling place, and until the close of all proceedings relating thereto, no person shall be entitled or permitted to be present in such polling place other than the returning officer, deputy returning officer, poll clerk, constable, one or two agents representing each candidate, and such voters as shall for the time being be actually voting; and the deputy returning officer shall regulate the number of electors to be admitted to the polling place at one time, and direct that no person or persons shall remain in any position where he or they can observe in what manner a voter shall mark his ballot paper; and if any person misconducts himself in the polling place or fails to obey the lawful orders of the duputy returning officer, he may immediately, by order of the deputy returning officer, be removed from the polling place by any constable attending thereat: provided that no elector who is otherwise entitled to vote shall thereby be deprived of the opportunity to vote at such Election when obeying the lawful orders of such deputy returning officer.

Preservation of order.

Entries on poll book pre liminary to voting.

5. When an elector entitled to vote in any polling place presents himself for the purpose of voting, the deputy returning officer, after ascertaining that his name is on the list of voters, shall direct his poll clerk to enter in the poll book the name, surname, legal addition and residence of such voter, and show by the insertion of the word "Owner," "Tenant," or "Occupant" in the said book, whether it is as a proprietor, tenant, or occupant that such elector claims the right of voting, and when the elector takes the oath required of him by law, the deputy returning officer shall state in the said book that such oath was taken by the elector by causing to be entered opposite the name of such elector, in the proper column in said book, the word "Sworn," and nothing more; and if the vote of any elector is objected to by any candidate or his agent, the deputy returning officer shall further direct his poll-clerk to enter the objection in the poll-book by writing opposite the name of the voter in the column of objections, the words "Objected to by," adding thereto the name of the candidate on whose behalf such objection is made; and if any voter so objected to or required to be sworn refuses to vote or to swear, the deputy returning officer shall cause to be added the words "Refused to vote," or "Refused to be sworn," as the case may be.

Mode of voting, ballot papers to be initialed and numbered previous to voting

6. When the name of the voter has been entered in the poll-book by the poll clerk under the direction of the deputy returning officer, it shall be the duty of the deputy returning officer to legibly mark the back of the ballot paper with his own initials, and with a running number which shall represent the number of ballot papers then issued at such poll, and which number shall also be placed opposite to the name of the voter in the voters' list used by such deputy returning officer, and to deliver such marked ballot paper to the person voting, who shall immediately proceed with such ballot paper to one of the compartments provided in the polling place, and there, with the pencil provided in the compartment, place a cross on the right hand side opposite the name of the candidate for whom he desires to vote, thus X ; and he shall then fold the ballot paper across so as to conceal the names of the candidates and mark upon the face of such paper, and to expose the initials of the deputy returning officer and number on the back, and leaving the compartment will, without delay and without shewing the front of the paper to any one, or so displaying it as to make known to any person the name of the candidate for or against whom he has marked his vote, deliver such ballot paper so folded to the deputy returning officer, who shall without unfolding the same, or in any way disclosing the names of the candidates, or the mark made by such elector, verify his own initials and the number on the back of the paper, and at once deposit the same in the ballot box in the presence of all persons entitled to be present, and then present in such polling place ; and the voter shall forthwith leave the polling place.

Provisions in case of voters blind or physically incapacitated from marking the ballot card.

7. The deputy returning officer, on the application of any voter incapacitated by blindness or other physical cause from marking his ballot paper, or who makes the declaration in Schedule B appended to this Act that he is unable to read, shall, before such of the agents of the candidates, as may be then present, mark the vote of such voter on a ballot paper, in the manner directed by such voter, and forthwith deposit such ballot paper in the ballot box ; and the deputy returning officer shall, after the name of such voter on the poll-book, enter the words " Blind," " Physically incapacitated," or " Unable to read," as the case may be.

Persons tendering votes in respect of qualification already voted upon.

8. If a person representing himself to be a particular elector named on the voters' list applies for a ballot paper after another person has voted as such elector, he shall, after taking the oath permitted to be asked of and administered to electors at the time of voting, be entitled to mark a ballot paper in the same manner as any other voter ; but the deputy returning officer shall not put it in the ballot box, but place it in an envelope, which shall be securely sealed and have inscribed thereon the name of the voter and his number on the voters' list, and marked " Tendered Vote ;" and such envelope shall not be opened by the deputy returning officer, but returned by him to the returning officer, and such vote shall not be counted by the deputy returning officer or returning officer.

Tendered vote to be received.

Cancelled ballot papers.

9. A voter who has dealt with his ballot in such manner that it cannot properly be used as a ballot paper, may, on delivering it to the deputy returning officer, obtain another ballot paper in place of it, and the deputy returning officer shall immediately write the word " Cancelled" upon such ballot paper, and preserve it to be returned to the Returning Officer.

Certain ballot papers to be rejected.

10. Every ballot paper which shall contain a greater number of ballot marks than the voter is entitled to make, or which is so marked as to render it uncertain for which candidate the voter intended to vote, or marked otherwise than in the manner described in this Act, or so marked, otherwise than by the number thereon, that the voter can be identified, or which is not duly initialed and numbered as before provided, shall be rejected at the examination of ballot papers made at the close of the poll.

Examination and counting of ballot papers in polling place at close of poll.

11 Immediately after the close of the poll in every polling place, the deputy returning officer shall, in the presence of the poll clerk, and such of the agents of the candidates as may then be present, open the ballot box and examine the ballot papers therein deposited, keeping them with their faces upwards, and taking all proper precautions for preventing any person from seeing the number written on the backs of such papers, and after rejecting such of them as are not in accordance with the provisions of this Act, count up the votes given for each candidate, and make up a written statement in words as well as in figures, of the number of votes given for each candidate, and of the ballot papers which have been rejected, spoilt or unused ; which statement shall be forthwith signed by the deputy returning officer, the poll clerk, and such agents of the candidates as may be present ; and the deputy returning officer shall forthwith make up the used, the rejected, the spoilt, and the unused ballot papers, and the " Tendered Votes " into several packages, which shall be marked upon the outside with the date of the day of the election, and the name of the deputy returning officer and that of the polling subdivision, and sealed with his seal and those of any of the agents of the candidates who may so desire ; and the deputy returning officer shall with the least possible delay, cause the whole of such ballot papers, the list of voters, the written statement aforesaid, and the poll book, as well as all books and papers officially kept by him or his poll clerk, to be delivered to the returning officer ; Provided that if the deputy returning officer and one or more of the agents of the candidates present at the examination and counting of the ballot papers are unable to agree as to the written statement to be made by such deputy returning officer, such packages of ballot papers shall be broken open by the returning officer in the presence of the deputy returning officer, and such of the agents of the candidates as may be present, on the day succeeding the polling day, at an hour and place to be appointed, and of which they have been notified by the deputy returning officer, unless such day happen to fall on a Sunday or a public holiday, when such examination shall be made on the day following such Sunday or public holiday ; or unless the distance necessary to be travelled is such that the appointed place cannot be reached on the day following the poll, in which case a reasonable time shall be allowed and no more, for the purposes of coming before the returning officer ; and the returning officer, after examining the ballot papers, shall finally determine the matter in dispute, and sign the written statement hereinbefore mentioned ; and the returning officer shall forthwith, in the presence of the deputy returning officer and such of the agents of the candidates as may be then present, securely seal up the ballot papers which have been examined by him into their several packages as before.

Written statement to be made.

Ballot papers to be sealed up

Proviso ; if the deputy returning officer and agent or agents do not agree.

Returning officer's return of election.

12. The returning officer, after he shall have received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall cast up the number of votes for

each candidate, from such statements and without opening any of the sealed packets of ballot papers, and with as little delay as possible, make, and transmit by mail, his return to the Clerk of the Crown in Chancery, and a copy of such return to each of the candidates, as provided by the statutes now in force; and shall also forward to the Clerk of the Crown in Chancery all the packets of ballot papers in his possession, marked list of voters, poll book, declarations of inability to read, the statement hereinbefore mentioned, and all papers in his possession returned to him by the deputy returning officers, appointed by him, and shall endorse on each packet a description of its contents, the date of the election, and the name of the constituency for which such election was held; and where an equality of votes is found by such returning officer to exist between any candidates, upon the casting up the number of votes as aforesaid, and the addition of a vote would entitle any such candidate to be declared elected, the returning officer, if a legally qualified elector of the constituency for which he is acting as returning officer, may give such additional vote, but shall not in any other case be entitled to vote at an election for which he is returning officer.

Returning officer may give casting vote.

13. No person shall be allowed to inspect any ballot papers in the custody of the Clerk of the Crown in Chancery except under the order of an Election Committee or other competent authority, to be granted by such committee or authority on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the Clerk of the Crown in Chan-cery: Provided that the Clerk of the Crown in Chancery shall retain for a year all ballot papers forwarded to him in pursuance of this Act by a returning officer, and then, unless otherwise directed by an order of an Election Committee or other competent authority, shall cause them to be destroyed.

Safe custody of ballot papers.

When and by whom ballot papers are to be destroyed.

14. Every returning officer, deputy returning officer, poll clerk, constable, and agent of any candidate in attendance at a polling place, shall maintain and aid in maintaining the secrecy of the voting in such polling place, and shall not communicate, except for any purpose authorized by law, to any person, any information as to the manner in which any elector has voted; and every returning officer, deputy returning officer, poll clerk, constable, and agent of any candidate shall, after his appointment and before the opening of the poll at any election, make and subscribe before some justice of the peace acting within the district, county, or place for which such election is held, a solemn declaration in the form of Schedule C. to this Act annexed; and such solemn declaration shall be in addition to the declaration or oath now required to be taken by any returning officer, deputy returning officer, poll clerk, or constable, and any such returning officer, deputy returning officer, poll clerk, constable, agent, or other person contravening the provisions of this section shall be guilty of misdemeanor: Provided that nothing herein contained shall prevent the publication by an agent of a candidate, or by any other person after the close of the poll, of a statement of the number of votes polled for each candidate.

Maintenance of secrecy.

Statement of Poll may be published at close.

15. Any person attempting, before the close of the poll, to obtain

Attempt to obtain certain

Information a misdemeanor.

information from any voter as to the name of the candidate for whom he has voted, shall be guilty of a misdemeanor.

Certain offences to be misdemeanor.

16. Every person who before, during or after any election held under the provisions of this Act, shall forge or counterfeit, or fraudulently alter, deface or destroy any ballot paper, or the official mark on any ballot paper; or, without due authority, supply any ballot paper to any person; or fraudulently put into any ballot box any papers other than the ballot paper which he is authorised by law to put in; or abstract, purloin, or fraudulently take and carry away out of any polling place any ballot paper; or make any mark, sign or distinction on the back of the ballot paper of any vote by which such ballot paper may or can be afterwards recognized or indentified (except as hereinbefore provided); or without due authority destroy, take, open or otherwise interfere with any ballot box or package of ballot papers then in use for the purpose of the election; or (being a voter) shall wilfully display the marks made by him upon his ballot paper shall be guilty of a misdemeanor; and any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence itself is punishable.

Repeal of laws, statutes, &c., inconsistent with this Act.

17. All laws, statutes, customs and usages now in force relating to elections of Members of the House of Commons of Canada shall be and the same are hereby repealed, in so far only as they may be inconsistent with the provisions of this Act, but in all other respects they shall remain in full force and effect, and this Act shall be read and construed along with the tenor thereof.

SCHEDULES TO WHICH THIS ACT REFERS.

SCHEDULE A.

(Section 1.)

FORM OF FRONT OF BALLOT PAPER.

For Member of House of Commons,
Electoral District of the County (*or* City, Town *or* Riding) of
Township (*or* Town, Village *or* Ward) of
Polling Subdivision No.
day of 18

1	ALLAN. Charles Allan, Township of Nepean, County of Carleton, Yeoman.	
2	BROWN. William Brown, City of Ottawa, Merchant.	
3	COWAN. James Cowan, Township of Goulburn, County of Carleton, Yeoman.	
4	DUNCAN. Robert Duncan, City of Ottawa, Barrister.	

SCHEDULE B.

(Section 7.)

FORM OF DECLARATION OF INABILITY TO READ.

I, *A. B.* of , being numbered , on the Voters' List for sub-division No , Township, (City, Town *or* Village,) of , and County of , being a legally qualified Elector for the Electoral District of the County (City, Town *or* Riding), of , do hereby declare that I am unable to read.

A. B. his mark.

day of A. D. 18

I, the undersigned, being the Deputy Returning Officer for the polling sub-division above mentioned, do hereby certify that the above declaration, having been first read to the above named *A. B.*, was signed in my presence with his mark.

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

for sub-division No , Township, (City *or* Town) of

day of A. D. 18

SCHEDULE C.

(Section 14.)

I, *A. B.*, being duly appointed to act at the polling place in sub-division, No. , in the Township (City *or* Town) of as , at the election of a member to serve in the House of Commons of Canada, for the , to be held on the day of , A. D., do hereby solemnly, sincerely and truly declare and affirm, that I will well and truly assist in such my office at such election, and that I will not disclose to any person the names or numbers upon the Voters' List of the persons who have voted, and that I will not, in any way whatsoever, unlawfully attempt to ascertain for whom any elector shall vote or has voted, and will not by word or action or otherwise, however, directly or indirectly aid in or be party or privy to the unlawful discovery of the same; and that I will keep secret all knowledge of the person for whom any elector has voted which may come to me in the exercise of my office.

A. B.

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

C. D.,
A Justice of the Peace, acting in and for

No. 17.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to provide for taking votes by Ballot at Elections of Members of the House of Commons of Canada.

Received and read, First time, Wednesday, 19th March, 1873.

Second reading, Thursday, 20th March, 1873.

MR. YOUNG.
(S. Waterloo.)

OTTAWA:

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

1873.

No. 18] **BILL.** [1873.

An act to extend the provisions of *The Grand Trunk Arrangements Act*, 1862, so far as relates to certain Preferential Bonds, for a further period : and for other purposes.

Preamble.

WHEREAS by "The Grand Trunk Arrangements Act, 1862" the rate of interest upon the first and second Preferential Bonds of the Company was reduced from the rate of six per centum per annum to that of five per centum per annum, and all rights of action in respect of such bonds were suspended for a period of ten years from the thirty-first day of December one thousand eight hundred and sixty-two, hereinafter called "the suspense period," upon the terms in such Act mentioned :

And whereas it is expedient that the said suspense period shall, so far as regards Preferential Bonds of the Company and the stocks into which the same respectively may have been converted be continued for a further period of three years, and the extension of such period has been agreed to by a majority of the bond and stockholders of the Company in general meeting, upon the condition that the said Preferential Bonds and any stock into which any of such Preferential Bonds may have been converted shall, as to interest or dividend, revert to their former position and hereafter the interest or dividend thereon respectively shall be at the rate of six per centum per annum :

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

Short title.

1. This Act may for all purposes be cited as "The Grand Trunk Arrangements Act, 1873."

Extension of suspense period for three years, so far as relates to first and second Preferential Bonds.

2. So far as relates to the first and second Preferential Bonds of the Company, and the stock into which any of such Preferential Bonds respectively shall have been converted, the said suspense period of ten years shall be continued for a further period of three years, and no action, suit, or other proceeding shall be maintainable by or on behalf of any holder of any Preferential Bond, whether first or second, of the Company, or of any coupon for interest in respect of such bond, or by or on behalf of any holder of stock into which any such bond may have been converted, or in respect of any interest or dividend due on such bond or stock during the said extended period of three years, and no judgment recovered in respect of any such bond, or interest, or dividend shall be enforceable against the Company, or its property or effects during that period.

Increase of rate of interest and power to reconvert Preferential

3. In lieu of the rate of interest at five per cent prescribed by the seventh section of the said Act, the rate of interest on the said bonds shall, as from the first day of January one thousand eight hundred and seventy-three, be six per centum per annum, and

Stocks into Bonds.

that interest shall be payable only in coupons representing the amount of interest half-yearly due on such bonds : and the first and second Preference Stocks of the Company, respectively representing first and second Preferential Bonds, converted under the sixth and seventh sections of the said Act shall henceforward, as from the first day of January one thousand eight hundred and seventy-three, be entitled to receive dividend on such stocks in accordance with their present priorities at the increased rate of six per centum per annum in perpetuity : provided that the holders of the said first and second preference stocks respectively shall have the option, at any time within *six* months from the time when the passing of this Act shall have been notified by advertisement in some daily newspaper published in London, England, on presentation and delivery of their respective certificates of such stocks, to receive in lieu thereof first or second Preferential Bonds, as the case may be, of the nominal amount of one hundred pounds for each one hundred pounds of such stock, with coupons attached for payment of the interest thereon at the rate of six per centum per annum, and for every fraction of such stock, being less than one hundred pounds, certificates for such fractional amount entitled to and bearing the same rate of interest, and on delivery of such bonds and certificates, the stock for which the same respectively shall have been substituted shall be cancelled.

Annual capitalization of interest.

4. During the suspense period as extended by this Act, the interest or dividend payable on such bonds and stock respectively shall, at the end of each year, and in respect of such year, be capitalised by the delivery of bonds of the nominal amount of one hundred pounds each, and of certificates for fractional amounts of one hundred pounds, or, as the case may be, by the addition of the dividend or interest payable on the stocks not reconverted into bonds as before provided, to the stocks respectively upon which such interest or dividend shall have accrued, and such bonds and additional stocks respectively shall bear and be entitled to the same rate of interest as the bonds or stocks in respect of which the interest or dividend so capitalised shall have accrued, and such capitalisation shall be in full discharge and satisfaction of the interest and dividend respectively for the time being accrued and due upon the said bonds and stocks respectively.

Power to issue further equipment bonds.

5. The Company may from time to time issue further equipment mortgage bonds No. 2, of the class defined by section three of *The Grand Trunk Railway Act*, 1867, to the further nominal amount of one million one hundred thousand pounds sterling, and such bonds when issued shall rank *pari passu* in all respects, and be a charge upon the undertaking of the Company, as if the same had been issued under the authority of the said *Grand Trunk Railway Act*, 1867 : Provided however, that five hundred thousand pounds of the nominal amount of such bonds so to be created shall be set apart for and be applied solely to the redemption or satisfaction of the first equipment bonds of the Company issued under the provisions of the third section of *The Grand Trunk Arrangements Act* 1862.

6. And whereas a proposition has been made for an alternative plan to enable the necessary funds to be raised for the purposes above mentioned, to the following effect, viz. : that after paying working expenses, as defined in the *The Grand Trunk Arrangements Act* 1862, the interest on the first and second preferential bonds shall be fixed at five per centum per annum

that the interest on the third preference stock shall, when it is earned, be at the rate of four and one-half per centum, and on the fourth preference stock, four per centum per annum, until the ordinary stock of the Company is paid from the net earnings, three per centum per annum; and that thereafter the said preferences, in their order, shall receive out of the net earnings of the Company, one per centum per annum in addition to the rates before mentioned, and that afterwards, all beyond this, shall be paid to the ordinary stock of the Company:

And whereas by the method above stated, the funds required to change the gauge of the railway, and put it in a complete state of repair and equip it in all respects, can be more advantageously raised, and the Company have prayed that, subject to the consent and approval of the bond, stock and shareholders of the Company, to be given as hereinafter provided, power shall be given them to adopt and carry out the said proposed plan, in lieu of that in the first five sections of this Act contained therefore, after paying working expenses as defined by the *Grand Trunk Arrangements Act*, 1862,—

(1.) The said first and second preference bonds of the Company, shall hereafter bear interest at the rate of five per centum per annum, payable in cash, until the other interests hereinafter mentioned are paid, when the said interest shall be increased to the extent hereinafter expressed.

(2.) The interest on the third and fourth preference stock, shall be as follows:—on the third, four and one-half per centum per annum; and on the fourth, four per centum, when the net earnings in any year will permit of the payment of such dividends:

(3.) And so soon as the net income of the Company, applicable to that purpose is more than enough to pay three per centum per annum on the ordinary stock of the Company, the said first and second preferential bonds, and the third and fourth preference stock, shall be paid in the respective order of the said preferences, as the funds shall be available, each, one per centum per annum additional to the rates above in this section specified and no more; and all surplus earnings after such increased dividends to the preference bonds and stocks shall go to the common stock.

7. To carry out the foregoing provisions as set forth in section six of this Act, a special general meeting shall be called before the first day of September, 1873, in the manner provided in the 39th section of the Act of the late Province of Canada, 25 Vict., cap. 56, known as the *Grand Trunk Arrangements Act*, 1862," and if such special meeting, by the majority in the said section mentioned, approves the said plan, then sections one to five of this Act, both inclusive, shall be considered null and void, and section six shall be binding upon the Company; but in the event of the said special general meeting not approving such plan, then section six shall be null and void, and sections one to five shall be in full force and effect; the evidence of the approval or the reverse, of said special meeting being certified as provided by section 39 of 25 Victoria, cap. 56.

8. Except as in this Act otherwise provided, and subject thereto, the several enactments of *The Grand Trunk Arrangements Act*, 1862," so far as the same shall not have been already carried into effect, and the rights and priorities declared by that Act, shall be and remain in full force.

No. 18.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to extend the provisions of "The Grand Trunk Arrangements Act, 1862," so far as relates to certain Preferential Bonds, for a further period; and for other purposes.

PRIVATE BILL.

Hon. J. H. CAMERON,
(Cardwell.)

OTTAWA:

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

1873

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

An Act to facilitate the recovery of Claims against Vessels.

Preamble.

WHEREAS it is advisable to facilitate the recovery of certain claims against vessels navigating the lakes and inland waters of Canada, and the want of such remedies frequently occasions great loss to persons making advances to or for such vessels, or prevents such advances being made when required in the interests of trade; 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 word "vessel" means any vessel, British or foreign, which is or might be, as regards size and dimensions, registered under any Imperial Act, or under chapter forty-one of the Consolidated Statutes of Canada; the word "owner" includes any number of owners, unless such construction be inconsistent with the context; the word "master" means any person having charge of a vessel, except merely as a pilot or for some temporary or other special purpose; the word "seaman" includes any person employed on board a vessel in navigating or working or in using her for the purposes for which she is usually employed, whether as engineer, steward, fireman, waiter or otherwise; and the word "county" includes an union of counties for judicial purposes.

Certain debts, &c., contracted in Canada to be a lien on the vessel in respect of which they are contracted.

2. All debts and liabilities amounting to five dollars and upwards, contracted in Canada by the master, owner, consignee or agent of any vessel then being in any of the lakes or inland waters of Canada, of the burden of fifteen tons or upwards, for any of the following causes:

1. On account of the wages of any seaman employed in navigating such vessel, provided such wages be claimed at the port of departure of such vessel, or if elsewhere, provided the claim for them be supported by shipping articles or written evidence, or

2. On account of any repairs or work done, or materials or articles furnished for or towards the building, repairing, fitting, furnishing or equipping of such vessel, or

3. For provisions or stores furnished and fit and proper for the use of such vessel when furnished, or

4. For wharfage and expenses of keeping such vessel when in port, including expenses incurred in employing people to watch her, or

5. For pilotage or towage, or for salvage of such vessel or of life or goods therefrom, or

6. For damage done by such vessel by collision,—

Rank of such liens.

Shall be liens on such vessel, her tackle, apparel and furniture, preferred to all other claims, and ranking equally among themselves, except as to the wages of the seaman of such vessel, which shall be the first lien thereon.

Limitation.

3. Every such lien upon a British or Canadian vessel shall cease and determine, unless proceedings to enforce it be instituted within six months, and upon a foreign vessel shall cease and determine, unless proceedings to enforce it be instituted within twelve months from the time when the cause of such lien arose; Provided always, that no such lien shall be valid in respect of a British or Canadian vessel registered within the Dominion of Canada, unless notice of such lien, specifying its nature and amount, be filed in the Custom House where such vessel is registered, within thirty days from the date at which the cause of such lien arose, and any such notice may be withdrawn by the person filing the same or his assigns, and the lien therein mentioned shall thereupon cease and determine.

Proviso as to British or Canadian vessels.

How enforced.

4. Any such lien as aforesaid may be enforced by suit against the owners of the vessel, in the proper Court in Ontario, by the ordinary process and procedure of such Court, or if the claim amount to five dollars or upwards such lien may be enforced by proceedings *in rem* against the vessel without naming the owner thereof.

Proceeding against the vessel.

5. Any such proceeding against the vessel shall be brought in a County Court if the claim does not exceed two hundred dollars, but if the claim exceeds that sum then in one of the Superior Courts of Common Law for Ontario, and shall be commenced by a writ of attachment against the vessel, to be issued by the Clerk of the Court, on the application of the plaintiff or his Attorney and affidavit of the plaintiff or of some person on his behalf cognizant of the facts, verifying the application.

Application for attachment.

6. Such application shall be in writing, and shall state by whom the debt was contracted, and when, and the items composing the same, and if any assignment or transfer of such debt has taken place since the same was contracted, and shall describe the vessel by her registered name, if she has one, and if not, by such description as will be sufficient to identify her; and shall state that the debt is justly due to the person by whom or on whose behalf the application is made, over and above all payments made, and all discounts or deductions on account thereof.

Affidavit.

Form of writ.

7. The Writ of Attachment shall be addressed to the Sheriff of any County in Ontario, within which the vessel may be found, commanding him to attach, seize and safely keep the vessel, her tackle, apparel and furniture, until discharged in due course of law, and to serve the writ together with a copy of the application, upon the master of the vessel, and upon the owner if his name and residence can be ascertained, and to return the writ and his proceedings thereon into the Court out of which it issued, within ten days after such seizure, and a certified copy of the application shall be annexed thereto; and such Sheriff shall execute such writ according to its tenor, and shall annex to his return a true inventory of the property seized, and shall sign the same: Provided always that if the owner or any mortgagee of such vessel is known, and resides within said Province, but beyond the jurisdiction of such Sheriff, the writ together with the copy of application annexed shall be served upon such owner and mortgagee, in like manner as ordinary writs issuing from such Court may be served under similar circumstances.

Return.

Proviso

Only one to issue at the same time.

8. No other writ of attachment under this Act shall issue against the vessel out of the same Court, until the first issued be superseded, or until after a security bond has been taken for all claims filed against the same as hereinafter provided.

Vessel may be released on bond.

9. The master, owner, consignee or agent of the vessel so attached or any mortgagee thereof, may, at any time after the seizure, have the vessel and property attached, released, on entering into a bond to the Sheriff, with two good and sufficient sureties, in the amount of the claim and of the probable costs on the proceedings taken, and conditioned that such vessel and property shall be forthcoming to answer any judgment or order which may be rendered or made in the matter.

Master, owner, &c., may appear and plead.

10. The execution of the writ shall be held to be a summons to the master, owner, consignee or agent of the vessel, to appear in Court within thirty days after the return of the writ, to answer the claim for enforcing which the Writ issued, and the pleadings and other proceedings in the case, not herein specially provided for, shall be as if the same had been commenced by writ of summons only, served and returned; and such master, owner, consignee or agent, may appear and plead accordingly.

Attachment may be set aside for cause.

11. The Court or any Judge thereof, may, for cause shewn on the summary application by petition or rule of any party interested, set aside the writ of attachment and all proceedings had thereon; and the party suing out any such Writ, without just cause, shall be liable to the owner of the vessel for all damages occasioned by the detention thereof. An appeal shall lie from any judgment in any case under this Act, in like manner and on like conditions as from other judgments of the Court.

Appeal.

Proceedings if the Plaintiff recovers.

In case of bond or no bond.

12. If the plaintiff become entitled to execution in any case in which the vessel and property seized have been released on bond as aforesaid, and they be not forthcoming to answer the same, then the plaintiff shall have his recourse on such bond; but if no such bond have been given, or the vessel and property be forthcoming, then, if the writ of execution be not satisfied within thirty days after the issue thereof, the said vessel and property shall be liable to be sold under such writ, at the expiration of three months from the first publication of the notice hereinafter mentioned.

Notice of sale of vessel.

13. The Sheriff shall thereupon publish a notice in the *Canada Gazette*, and in one or more newspapers published in the County in which the vessel was seized, or if none be published therein, then in some newspaper published in an adjoining County, and such notice shall be so published once a week for three months successively, and the Sheriff shall also at or before the time of the insertion of the first of such notices, mail and enregister a similar notice in writing addressed to the owner of such vessel and mortgagee, at their respective residences, in so far as their names and residences are known, with the postage paid thereon.

Contents of Notice.

14. Such notice shall state briefly—the name of the plaintiff, the name of the vessel (or her description if she have no name), the place to which she belongs, the name of her last master, the date of the writ of execution in the case, and the amount demanded by such writ. It shall state that such vessel will be sold for the payment of the claims against her, unless the writ of

Day of sale.

execution and all costs be paid and satisfied within three months of the first publication of the notice, and the day of sale shall be named, and shall be after the expiration of such three months. It shall require all persons who have any mortgage or lien upon such vessel, or the proceeds of the sale thereof, to file such claim with the clerk of the Court out of which the execution issued, before the expiration of the said three months, notifying them that in default of their so doing such mortgage or lien will be forfeited.

Claims on vessel to be called in.

Filing such claims and its effect.

15. Any person having any such mortgage or lien as aforesaid, may file his claim with the said clerk within the period aforesaid, with such affidavits and proofs as are hereinbefore required of the plaintiff for attaching the vessel, and he shall thereupon be considered as attaching the vessel for his claim; and all such claimants shall be entitled to have the amount of their claims included in the security bond to be taken as hereinbefore provided, and to share with the plaintiff in the distribution of the proceeds of the sale according to the amount, rank and priority of their respective claims, and the sale shall not be stopped unless the claims so filed are withdrawn, dismissed, or satisfied.

Liens, &c., to cease after sale.

16. All liens and mortgages for which claims shall not have been filed within the period aforesaid, shall cease after the sale of the vessel by the Sheriff, and the purchaser shall hold her clear of the same, and such claims so filed shall cease as to the vessel and shall be converted into claims on the proceeds of her sale.

If all claims can be satisfied by sale of tackle, &c.

17. If on the day of sale it shall appear to the Sheriff that the claims then filed, and the claim of the plaintiff can be satisfied by the sale of the tackle, apparel or furniture of the vessel, or part thereof, without selling the vessel herself, then he shall first sell such tackle, apparel or furniture, or part thereof, and if the same produce sufficient to satisfy all such claims and costs, he shall not sell the vessel herself, otherwise he shall sell the whole in one lot, or in more than one lot, as he shall think most for the interest of all concerned; and he shall hold the proceeds of the sale subject to the provisions hereinafter made.

Otherwise the vessel shall be sold with her tackle, &c.

Owner or Mortgagee may redeem the vessel.

18. Within six months next after any such sale, such vessel may be redeemed by the owner or any mortgagee thereof upon the conditions following, namely:

Conditions and consequences of such redemption.

1. In every case upon payment of the purchase money actually paid by the purchaser of such vessel and his reasonable disbursements in respect of such purchase, together with interest at the rate of ten per centum per annum.

2. If such redemption be by the owner, then upon such redemption all registered mortgages and liens upon such vessel which are not satisfied by the proceeds of such sale shall revive and have full force and effect as if such sale had not taken place:

3. If such redemption be by any mortgagee, then upon such redemption all registered mortgages entitled to rank upon such vessel previous to the mortgage of the redeeming mortgagee, shall revive and have full force and effect as if such sale had not taken place, except as to any portion of such previous mortgages paid out of the proceeds of such sale:

4. If such redemption be by any mortgagee any subsequent mortgagee may in his turn redeem such vessel within the said period of six months from the sale thereof by the Sheriff, by

repaying to the person first redeeming such vessel the whole of his reasonable disbursements in respect of such redemption, and the mortgage claim of the mortgagee so first redeeming such vessel shall thereupon revive and reattach thereto as provided by the last preceding section.

If the party from whom the redemption is made refuse to execute a re-conveyance.

19. The redemption of any vessel by the owner or any mortgagee thereof shall be complete upon the performance of the conditions hereinbefore set forth; but if any party from whom such vessel is so redeemed or to whom an offer of redemption is made in conformity therewith refuses to execute a valid re-conveyance of such vessel to the person redeeming the same, at his costs and charges, such person may deposit the amount required for such redemption in the office of the Sheriff who made the sale thereof, and give notice of such deposit to the purchaser or to any person whomsoever in whose possession such vessel may then be; and thereupon such vessel shall be *ipso facto* vested in and become the property of the person depositing such money, and he shall be entitled to the same remedy for the recovery thereof, as for the recovery of any other movable property belonging to him and wrongfully detained from him.

Bill of sale by Sheriff.

20. The Sheriff shall execute a bill of sale of such vessel and her furniture and tackle to the purchaser or mortgagee thereof, as the case may be, entitled to the possession of such vessel, furniture, or tackle under this Act.

Distribution of proceeds.

21. If there be no claimant except the plaintiff, the Sheriff shall pay him the amount of his judgment and costs, and shall pay over the overplus, if any, to the owner of the vessel on his claiming the same and obtaining an order of the Judge to that effect; but if there be another claimant or other claimants, the Court shall make an order directing the amount to be paid to each.

Claims filed may be contested.

22. Any claim so filed may be contested by the plaintiff or by any other claimant, or by any party having an interest in contesting the same, in such manner and on such conditions as the Court shall direct, or as may be prescribed by any general rule or rules in that behalf, and the Court may require such further proof, of any such claim, or such proof on the part of any party contesting the same, and shall allow or disallow the said claim or any part thereof, and shall make such order as to costs as it may think necessary; and the Court may, if it see fit, refer any matter of fact arising out of any such claim, or any contestation thereof, to a jury to be tried.

Judges of Superior Courts to make rules, &c., for proceedings under this Act.

23. The Judges of the Superior Courts of Common Law for Ontario, or any four of them, one of whom shall be a chief justice, may from time to time make such special rules and orders as they may see fit for the effectual execution of this Act, and the conduct of and proceedings in cases under this Act, either in the said Superior Courts or in the County Court, and as to the fees and costs to be allowed and taken in respect of the matters herein contained, and the performance thereof; but as to all matters under this Act in which no special rule or order shall have been made, and to which there shall be no general rule or order which the Court shall consider applicable, the Court in which the case shall be pending, shall make such order as it may consider fair and right and best adapted to do justice between all parties concerned.

No. 19.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to facilitate the recovery of claims against vessels.

Received and read first time, Thursday, 20th March, 1873.

Second reading, Monday, 24th March, 1873.

Mr. KIRKPATRICK.

OTTAWA:

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

1873.

No. 20.] **BILL.** [1873.

An Act to amend the Act fourteenth and fifteenth Victoria, chapter thirty-six, incorporating "The Canada Guarantee Company."

Preamble. 14-15 V., c. 36.

WHEREAS the Canada Guarantee Company have by their petition prayed for an Act to amend certain sections of the act incorporating the said Company, to wit: fourteenth and fifteenth Victoria, chapter thirty-six; 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:

Sec. 5, as to votes, repealed; new section.

1. Section five of the said Act is hereby repealed, and the following substituted in lieu thereof: "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 shall have been paid; such votes may be given either in person or by proxy, the holder of 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."

Part of sec. 24, as to meetings, repealed; new provision.

2. The following words in section twenty-four: "And that an Annual General Meeting of the Shareholders shall be held on the first Monday, or if that shall be a holiday, then on the first Tuesday of the month of July in every year," are hereby repealed, and the following substituted in lieu thereof: "And an Annual General Meeting of the Shareholders shall be held on the second Monday in the month of December in each and every year, or upon such other day as the Directors by by-law shall appoint."

Sec 30, as to shareholders' Fund and Guarantee Fund repealed; new section.

3. Section thirty of the said Act is hereby repealed, and the following substituted in lieu thereof: "The first ten per centum of the subscribed and paid up capital stock of the Company shall constitute the commencement of a fund to be kept apart from the other funds and property of the company, and to be called 'The Shareholders Fund,' which shall receive all instalments of the Capital, and the expenses of instituting the company shall in the place first be advanced therefrom; all premiums to be received by the Company, and the whole returns and income arising from the business thereof, and the interest and accumulations thereof shall form a separate fund called "the Guarantee Fund," which shall as between the shareholders be primarily liable for all claims and demands on the Company in respect of its guarantees, and of its whole other business and expenses of management; and "the Shareholders' Fund" shall be liable for a deficiency of "the Guarantee Fund" but shall as between the shareholders never be resorted to after the expenses of the first institution of

the Company shall have been defrayed, until the "the Guarantee Fund" shall be exhausted, and all sums so taken from "the Shareholders' Fund" shall, as soon as possible, be replaced from "the Guarantee Fund."

Sects. 31 and 32, as to amended and bonus repealed; new section.

4. Section thirty-one and section thirty-two of the said Act are hereby repealed, and the following substituted in lieu thereof: "No dividend or bonus shall ever be made so as to impair the paid-up capital stock of the said Company, but the Directors of the Company for the time being are hereby empowered to declare and pay dividends and bonuses upon the capital stock from time to time, as they shall think proper, out of the profits of the Company: Provided always that until the amount required by the provisions of the Act thirty-first Victoria, Chapter forty-eight, intituled "An Act respecting Insurance Companies," shall have been deposited in accordance therewith, one moiety of the profits shall be applied for the purpose of making such deposit."

Bonds of the Company may be accepted by the Government.

5. The guarantee bonds of the said Company, in such form as may be approved by the Governor in Council from time to time, may be accepted by the several Departments of the Government of the Dominion of Canada, for the faithful discharge of the duties of the officers and employees of the said Government.

No. 20.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Act fourteenth and fifteenth Victoria, chapter thirty-six, incorporating "The Canada Guarantee Company."

PRIVATE BILL.

Hon. MR. HOLTON.

OTTAWA:

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

1873.

No. 21.] **BILL.** [1873.

An Act to amend the Act incorporating the Isolated Risk Fire Insurance Company of Canada, and to change the name of the said Company to "The Isolated Risk and Farmers' Fire Insurance Company of Canada."

Preamble.

WHEREAS the Isolated Risk Fire Insurance Company of Canada have, by their petition, represented that they have entered into an agreement with the Provisional Directors of the Cultivators' Insurance Company of the Province of Quebec, whereby the last named company have agreed to surrender their charter, and combine their interests with those of the first mentioned company, conditionally upon certain amendments being made to the Act of incorporation of the said Isolated Risk Fire Insurance Company, specified in the said agreement; and that they are desirous of obtaining the said amendments, and also certain other changes in the said Act necessary to ensure the more efficient working of the company: 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:—

Name of Company changed.

1. The name and style of the said company is hereby changed to "The Isolated Risk and Farmers' Fire Insurance Company of Canada:" Provided, nevertheless, that policies may continue to be issued by the Isolated Risk Fire Insurance Company under its original name, until it shall be prepared to issue policies under the new designation.

New provision as to number and election of directors.

2. The number of directors shall be increased to twenty-two; one half of the directors shall be chosen from the list of shareholders in the Province of Quebec, and one half from the shareholders in the Province of Ontario; and the Directors for each Province shall be nominated by the shareholders in such Province, at a meeting to be called by the Secretary, at Toronto for the Province of Ontario, and at Montreal for the Province of Quebec, ten days before the general annual meeting of the shareholders; such meetings shall be called as far as may be in accordance with the provisions of the Act of incorporation relating to general annual meetings of the company as to notice; and the persons so nominated and chosen as Directors in the two Provinces, shall be the Directors of the company for the next ensuing year, and their names shall be announced as such by the Secretary to the shareholders, at the general annual meeting, and their names shall be entered on the minutes of the meeting as the Directors elected for the next ensuing year.

Vacancies.

3. Any vacancy occuring during any year shall be filled by the election of a Director by the Directors resident in the Province to

which the vacant seat belonged; and a meeting of such Directors shall be called by the Secretary, for the purpose of such election, within after the occurrence of the vacancy; and such meeting shall be held at Toronto for the Province of Ontario, and at Montreal for the Province of Quebec: Provided always that, when less than one-fourth of the stock is held in either of the Provinces of Ontario and Quebec, the whole of the Directors shall be elected at the general annual meeting, as provided in the Act of Incorporation; and provided also that one-half of the Directors shall, notwithstanding, continue to be elected from among the shareholders in each of the said Provinces.

Proviso.

Proviso.

Vice-Presidents.

4. There shall be two Vice-Presidents,—one for the Province of Ontario, and one for the Province of Quebec, each being chosen from among the Directors for his Province; the policies for the Province of Quebec shall be signed by the Vice-President of that Province, as well as by the President and Secretary; the policies shall be issued in the French or English languages, at the instance of the insured, as indicated by the local agents in the applications.

Policies in Quebec.

When dividend may be declared.

5. As soon as the conditions of the Act respecting insurance companies are complied with as to the deposit of one hundred thousand dollars with the Government, it shall be competent for the Directors to declare and pay such a dividend as the finances of the company may justify.

Inconsistent enactments varied.

6. All provisions of the Act of Incorporation inconsistent with the terms of this Act, are hereby varied so far as is necessary to give effect to the provisions of this Act.

1st Session, 2nd Parliament, 36 Victoria.

No. 21.

BILL.

An Act to amend the Act incorporati
Isolated Risk Fire Insurance Co
of Canada.

PRIVATE BILL.

Mr. MACKE

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau
1872.

No. 22.] **BILL.** [1873.

An Act to change the limits of the Counties of Montcalm and Joliette, for electoral purposes.

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

1. The territory comprising the lots of land numbers one, two, and three of the first range of the township of Kildare, in the County of Joliette, is attached to and shall form part of the parish of St. Alphonse de Liguori, and of the County of Montcalm for electoral purposes. Part of Kildare attached to St. Alphonse de Liguori.

2. The first section of chapter two of the Consolidated Statutes of Canada, and the sixteenth and seventeenth subsections of section one, of chapter seventy-five of the Consolidated Statutes for Lower Canada, in so far as they apply to representation in the House of Commons of Canada, shall be read and interpreted in conformity with the foregoing provision. C. S. C., c. 2, s. 1, and C. S. L. C., c. 75, s. 1, amended.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to change the limits of the Counties of Montcalm and Joliette for Electoral purposes.

Received and Read First time, Friday, 21st March, 1873.

Second Reading, Monday, 24th March, 1873

Mr. Dugas.

OTTAWA :

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

1873.

No. 23.] **BILL.** [1873.

An Act to increase the Capital Stock of the Union Forwarding and Railway Company.

Preamble. 22 V., c. 99.

WHEREAS the Union Forwarding and Railway Company have by their petition represented that by an Act of the Legislature of the late Province of Canada, passed in the twenty-second year of the reign of Her present Majesty, intituled: "An Act to incorporate the Union Forwarding and Railway Company," certain persons therein named, and their successors, were incorporated for the purposes and with the objects in the said Act contained: That the capital stock of the Company is by the said Act fixed at two hundred and fifty thousand dollars: That owing to the increase of trade increased accommodation is required, and that it is necessary that the capital stock of the Company should be increased to five hundred thousand dollars, that the shareholders of the Company have by resolution affirmed the necessity of such increase, and prayed for an Act to increase the said capital stock to the amount aforesaid: 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 stock may be increased by vote of the shareholders.

1. The Shareholders of the said Company shall have power from time to time, at any general meeting or meetings, to increase the capital stock of the said Company to an amount not exceeding in all the sum of five hundred thousand dollars, to be divided into shares of fifty dollars each, which increase shall be applied wholly to the purposes of the Company, and to no other use whatever, and the payment of such increased stock shall be made by calls on each shareholder for such sums and at such times as the Board of Directors of the Company shall determine, provided always that at least one month's notice be given of every such call.

22 V., c. 99, to apply to new stock.

2. All and every the provisions of the said Act referred to in the preamble of this Act, shall be applicable to such increased stock.

No. 23.

1st Session, 2nd Parliament, 35 Victoria, 1873

BILL.

An Act to increase the Capital Stock of the Union Forwarding and Railway Company.

PRIVATE BILL.

Mr. Lewis.

OTTAWA:
Printed by I. B. Taylor, 29, 31, & 33, Rideau Street.
1873.

No. 24.] **BILL.** [1873.

An Act to amend the Act respecting certain Savings Banks in the Provinces of Ontario and Quebec.

Preamble. 34 V. c. 7.

IN amendment of the Act passed in the thirty-fourth year of Her Majesty's reign, and intituled: "*An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec,*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sections 6, 9, 17, 18 and 23 amended as to investment of stock and deposits.

1. So much of the sixth, ninth, seventeenth, eighteenth, or twenty-third sections, or of any other part of the said Act, as requires that the capital stock or any part of the capital stock of a Savings Bank to which the Act applies, shall be or remain invested in Dominion stock or other Dominion securities, or securities of any of the Provinces of the Dominion, or as provides, that beyond the amount of its subscribed capital stock, a Savings Bank to which the Act applies shall make no investment of monies deposited therewith, except only in the debentures or Dominion stock therein mentioned, or as empowers the Receiver General to issue to any such Bank, Dominion stock bearing interest at a rate greater by one per cent per annum than that which at the time of such investment the Bank is directed by the Governor in Council to pay to depositors, is hereby repealed, except only as respects such last mentioned Dominion stock issued before the passing of this Act,—and it shall be lawful for any such Savings Bank to invest or loan any amount whatever of the monies deposited with it, or of its capital stock, in any manner in which it may under the provisions of the eighteenth section of the said Act, invest or loan any amount of the monies deposited with it.

No. 24.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Act respecting certain Savings Banks in the Province of Ontario and Quebec.

Received and read first time, Friday, 21st March, 1873.

Second reading, Monday, 24th March, 1873.

Hon. Mr. TILLEY.

OTTAWA:

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

1872

No. 25.] **BILL.** [1873.

An Act with respect to the Carriage of Dangerous Goods in Ships.

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 for all purposes as, "The Carriage of Dangerous Goods Act, 1873." Short title.

2. This Act shall come into operation upon, from and after the day, not being earlier than the first day of January, one thousand eight hundred and seventy-four, appointed for that purpose in any proclamation by the Governor, to the effect that the same has been confirmed and approved by Her Majesty in Council, which day is hereinafter referred to as the commencement of this Act. Commencement of Act.

3. Upon, from and after the commencement of this Act, section three hundred and twenty-nine of the Act of the Parliament of the United Kingdom, passed in the Session thereof, held in the seventeenth and eighteenth years of Her Majesty's reign, chapter one hundred and four, "to amend and consolidate the Acts relating to Merchant Shipping," known as "The Merchant Shipping Act, 1854," shall be, and the same is hereby repealed, in so far as the same relates to the Dominion of Canada. Sec. 329 of Imperial Act 17-18 Vic., cap. 104 repealed.

4. In this Act, the word "ship" includes every description of vessel used in navigation not propelled exclusively by oars: Interpretation "Ship."

The term "ships belonging to Her Majesty," includes ships the cost of which has been defrayed out of the Consolidated Revenue Fund of Canada, and ships described as the property of Canada, by the one hundred and eighth section of "The British North America Act, 1867;" "Ships belonging to Her Majesty."

The word "master," includes every person having command or charge of any ship. "Master."

5. This Act shall not apply to ships belonging to her Majesty. Application of Act.

6. If any person sends, or attempts to send by, or not being the master or owner of the ship, carries or attempts to carry in any ship, from any port or place in Canada, any dangerous goods, that is to say, aquafortis, oil of vitriol, gunpowder, nitro-glycerine, naphtha, benzine, lucifer-matches, petroleum, or any other goods of a dangerous nature, without distinctly marking their nature on the outside of the package containing the same, and giving written notice of the nature of such goods, and of the name and address of the sender thereof, to the master or owner of the ship, at or before the time of sending the same to be shipped, Sending dangerous goods in ships unmarked.

Penalty.

or taking the same on board the ship, he shall for every such offence incur a penalty not exceeding *five hundred* dollars; provided that if such person show that he was merely an agent in the shipment of any such goods as aforesaid, and was not aware, and did not suspect, and had no reason to suspect that the goods shipped by him were of a dangerous nature, the penalty which he incurs shall not exceed *forty dollars*.

Sending such goods under false description.

7. Any person who knowingly sends, or attempts to send by, or carries or attempts to carry in any ship, from any port or place in Canada, any dangerous goods, or goods of a dangerous nature, under a false description, or falsely describes the sender or carrier thereof, shall incur a penalty not exceeding *two thousand dollars*.

Master may refuse to receive package.

8. The master or owner of any ship may refuse to take on board any package or parcel which he suspects to contain goods of a dangerous nature, and may require it to be opened to ascertain the fact.

Such goods sent on board without notice, may be thrown overboard.

9. Where any dangerous goods, as defined in the sixth section of this Act, or any goods which, in the judgment of the master or owner, are of a dangerous nature, have been sent on board any ship, within the limits of the Dominion of Canada, without being marked, as aforesaid, or without such notice having been given, as aforesaid, the master or owner of such ship may cause such goods to be thrown overboard, and neither the master nor the owner of the ship shall, in respect of such throwing overboard, be subject to any liability, civil or criminal, in any Court in Canada.

Goods may be forfeited by order of Court.

10. Where any dangerous goods have been sent or attempted to be sent, or carried or attempted to be carried, on board any ship, from any port or place in Canada, without being marked as aforesaid, or without such notice having been given as aforesaid, and where any such goods have been sent or attempted to be sent under a false description, or the sender or carrier thereot has been falsely described, it shall be lawful for any county, circuit or dirtrict court or any court of summary civil jurisdiction, on application by or on behalf of the owner, charterer, or master of the ship, to declare such goods to be, and they shall thereupon be forfeited, and when forfeited shall be disposed of as the Court direct.

Court to have power of forfeiture without notice to owner.

11. The Court shall have and may exercise the aforesaid powers of forfeiture and disposal, notwithstanding that the owner of the goods have not committed any offence under this Act, and be not before the Court, and have not notice of the proceedings, and notwithstanding that there be no evidence to show to whom the goods belong. Nevertheless the Court may, in their discretion, require such notice as they may direct to be given to the owner or shipper of the goods before the same are forfeited.

1st Session, 2nd Parliament, 36 Victoria

BILL

An Act with respect to the Carriage of Dangerous Goods in Ships.

Received and read, First time, Friday, 21st March, 1873.

Second reading, Tuesday, 25th March, 1873.

Hon. Mr. Mitchell

OTTAWA:

Printed by I. B. Taylor, 29, 31, and 33, Rideau Street, 1873.

No. 26.] **BILL.** [1873.

An Act respecting Wreck and Salvage.

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 for all purposes as "The Wreck and Salvage Act, 1873." Short Title.

2. This Act shall come into operation upon, from, and after the first day of January, one thousand eight hundred and seventy-four. Commence.

3. In this Act:—

The term "the Minister," means the Minister of Marine and Fisheries. Definitions.

The word "Master," includes every person having command or charge of any vessel:—

The word "Vessel" includes every description of vessel used in navigation:—

The word "Tackle," used in relation to a vessel, includes all furniture and apparel thereof:—

The word "Goods" includes wares and merchandize of every description.

NOTE. The figures under the marginal notes refer to like provisions in Imperial Acts.

Appointment of Receivers of Wreck.

4. The Minister of Marine and Fisheries shall, throughout Canada, have the general superintendence of all matters relating to wreck, and to shipping casualties, and the Governor may, from time to time, appoint any officer of customs or, where it appears to him to be more convenient, any other person, to be a Receiver of Wreck, (in this Act referred to as Receiver) and may, from time to time, remove any receiver, and may from time to time, by Order in Council, establish, alter or abolish districts for the purposes of this Act, and assign a district to any receiver, and may vary such district from time to time; and may from time to time make and vary regulations for the conduct of receivers, subject to the provisions of this Act. And if at any time there be not any receiver appointed for any district in which the City of Quebec, or the City of Halifax, or the City of St. John is included, then the Agent of the Department of Marine and Fisheries at such City shall be the receiver for such district, and if at any time there be not any receiver appointed for any other district, then the principal Officer of Customs at the principal port in such district, shall be the receiver for such district. Appointment of receivers of wreck. 17 & 18 Vict. c. 104. s. 439.

A receiver acting in execution of his duties, in pursuance of this Act, shall have all the same powers and authorities as a principal Officer of Customs or other person acting or appointed under the *Act respecting inquiries and investigations into shipwrecks and* Powers of receivers as to inquiries under 32, 33 V. c. 38.

other matters, passed in the Session held in the thirty-second and thirty-third years of Her Majesty's Reign, chapter thirty eight; and any person wilfully impeding a receiver in the execution of his duty or making default in appearing or giving evidence before him, shall be subject to the like penalties as if the receiver were a principal Officer of Customs or other person acting or appointed under the said Act.

Vessels in Distress.

Powers as to vessels stranded or in distress. 17 & 18 Vict. c. 104. s. 441.

5. Where any British or foreign vessel is wrecked, stranded, or in distress at any place within the limits of Canada, the receiver shall, upon being made acquainted with such stranding or distress, forthwith proceed to such place, and upon his arrival there he shall take the command of all persons present, and shall assign such duties and issue such directions to each person as he thinks fit for the preservation of such vessel, and of the lives of the persons belonging to or on board the same (in this Act referred to as shipwrecked persons,) and of the cargo, stores, and tackle thereof, and of the property of such persons, and of all parts of the vessel separated therefrom (which cargo, stores, tackle, property, and parts are in this Act included under the expression "wreck)."

Penalty for disobeying him.

Any person disobeying such directions of the receiver shall incur a penalty not exceeding *two hundred dollars*; but the receiver shall not interfere between the master and the crew of the vessel in reference to the management or preservation thereof, unless he is requested to do so by the master.

Proviso.

Further powers of the receiver in such cases. 17 & 18 Vict. c. 104. s. 442.

6. The receiver may, with a view to the preservation of the vessel, or of the shipwrecked persons or wreck, do all or any of the following things, that is to say,—

(1.) Require such persons as he thinks necessary to assist him:

(2.) Require the master of any vessel near at hand, to give such aid with his men, or vessel as may be in his power:

(3.) Demand the use of any waggon, cart, horses, tackle, ropes, or appliances that may be near at hand:

Penalty for disobedience.

And any person refusing, without reasonable cause, to comply with any such requisition or demand, so made as aforesaid, shall for every day on which he refuses, incur a penalty not exceeding *twenty dollars*.

Power to pass over adjoining lands. 17 & 18 Vict. c. 104. s. 446.

7. Whenever any vessel is wrecked, stranded, or in distress within the limits of Canada, all persons may, for the purpose of rendering assistance to such vessel, or of saving the lives of the shipwrecked persons or any wreck, unless there is some public road equally convenient, pass and repass, either with or without carriages or horses, over any adjoining lands, without being subject to interruption by the owner or occupier, so that they do as little damage as possible, and may also, on the like condition, deposit on such lands any wreck saved.

As to damages.

All damage that may be sustained by any owner or occupier in consequence of any such passing or repassing or deposit as aforesaid shall be a charge on the vessel or wreck in respect of or by which such damage was occasioned, and shall, in default of payment, be recoverable in the same manner as salvage is by this Act made recoverable; and the amount payable in respect thereof shall, in case of dispute, be determined in the same manner as the amount of salvage is by this Act, in case of dispute, directed to be determined; provided, that no such compensation shall be recoverable in respect of damage to any gate, wall, fence or other obstruc-

tion which may have been unreasonably erected or placed by such owner or occupier so as to impede such passing, repassing or deposit.

Penalty for certain acts of obstruction.

If the owner or occupier of any land over which any person is hereby authorized to pass or repass does any of the acts following, by himself or his servants, that is to say:—

(1.) Impedes or hinders such person from so passing or repassing, with or without carriages, horses, and servants, by locking his gates, or refusing, upon request, to open the same, or otherwise howsoever; or

(2.) Impedes or hinders the deposit of any wreck; or

(3.) Prevents such wreck from remaining so deposited for a reasonable time until the same can be removed to a safe place of public deposit;

he shall for every such act incur a penalty not exceeding *four hundred dollars*.

Power of receiver to suppress plunder and disorder by force. 17 & 18 Vict. c. 104. s. 444.

8. Whenever any vessel is wrecked, stranded, or in distress within the limits of Canada, and any person plunders, creates disorder, or obstructs the preservation of the vessel, or of the shipwrecked persons or wreck, the receiver may cause such person to be apprehended and kept in custody until he can conveniently be taken before a justice of the peace to be dealt with according to law, and may use force for the suppression of any such plundering, disorder, or obstruction, and may command all Her Majesty's subjects to assist him in the use of such force; and if when the receiver or any person acting under his orders is engaged in the execution of the duties by this Act committed to the receiver, any person resists such receiver or person, and is killed, maimed, or hurt by reason of such resistance, such receiver and other person are hereby fully indemnified as well against Her Majesty as against every person so maimed or hurt, and the representatives of any person so killed.

Power of master to repel boarding by force. 17 & 18 Vict. c. 104. s. 478.

9. Whenever any vessel is wrecked, stranded, or in distress within the limits of Canada, any person not being a receiver, or a person acting for or under the orders of a receiver, who, without the leave of the master of such vessel, endeavours to board the same, may be repelled by force, and the master and any person under his orders so repelling such person by force are hereby indemnified for so doing.

Certain officers to exercise powers of receiver in his absence. 17 & 18 Vict. c. 104. s. 445

10. Where a receiver is not present, the following officers or persons in succession, each in the absence of the other, in the order in which they are named, (that is to say,) any principal officer of customs, fishery officer, or stipendiary magistrate on board of any vessel belonging to or in the service of the Government of Canada, and employed in the service of protecting the fisheries, officer of inland revenue, sheriff, justice of the peace, commissioned officer on full pay in the naval service of Her Majesty, or commissioned officer on full pay in the military service of Her Majesty, or light house keeper employed by the Government of Canada, may do all matters and things by this Act authorized to be done by the receiver, for the preservation of vessels, shipwrecked persons, and wreck, with this exception, that,—with respect to any wreck, the delivery of which to the receiver is hereby required, any officer or person so acting shall be considered as the agent of the receiver, and shall place the same in the custody of the receiver; and he shall not be entitled to any fees payable to receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

Any person acting under the order of an officer or person acting in pursuance of the provisions of this section shall for the purposes of this Act be deemed to be acting under the orders of a receiver.

Wreck.

Rules for persons finding wreck in Canada. 17 & 18 Vict. c. 104. ss. 443. 450.

11. Where any person takes possession of wreck within the limits of Canada, he shall as soon as possible deliver the same to the receiver: Provided that the Minister of Marine and Fisheries may, if he thinks fit, dispense with such delivery in the case of any wreck, upon such conditions, if any, as the said Minister thinks fit.

Any person taking possession of wreck within the limits of Canada, who—

(1.) Fails to deliver the same to the receiver, in pursuance of this section, or who

(2.) In a case where the Minister has dispensed with such delivery upon any conditions, does not either comply with such conditions or deliver the wreck to such receiver as soon as possible,

shall forfeit any claim to salvage, and shall be liable to pay as a penalty double the value of such wreck, and a further sum not exceeding *four hundred dollars.*

Notice of wreck to be given by receiver. 17 & 18 Vict. c. 104. s. 452.

12. Every receiver shall, within forty-eight hours after taking possession of any wreck, cause to be posted up in the custom house nearest to the place where such wreck was found or was seized by him, or delivered to him, a description of the same and of any marks by which it is distinguished, and shall also transmit a similar description to the Minister of Marine and Fisheries, who may give such publicity to the same as he may see fit.

Owner may claim wreck within one year. 17 & 18 Vict. c. 104. s. 470. 18 & 19 Vict. c. 91 s. 19.

13. The owner of any wreck in the possession of the receiver, upon establishing his claim to the same to the satisfaction of the Minister of Marine and Fisheries, within one year from the time at which such wreck came into the possession of the receiver, shall, upon paying the salvage, fees, and expenses due, be entitled to have such wreck or the proceeds thereof delivered up to him or his agent; and where any such wreck is proved, to the satisfaction of the Minister of Marine and Fisheries, to belong to a foreign owner, the consul general in Canada of the country to which the owner of such wreck belongs, or any consular officer of that country authorized in that behalf by any treaty or arrangement with such country, shall, in the absence of the owner or his agent, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the wreck.

Power to receiver to sell wreck in certain cases. 17 & 18 Vict. c. 104. ss. 453, 469.

14. With respect to the sale of wreck the following provisions shall have effect; that is to say,—

(1.) Where in the opinion of the receiver it is for the advantage of all parties to sell wreck in his custody or where such wreck consists of goods of a dangerous nature, he may sell the same, and the proceeds of such sale, after defraying the expenses thereof, shall be held by the receiver for the same purposes and subject to the same claims, rights, and liabilities as if the wreck had remained unsold:

(2.) Where the owner of any wreck is known or has established his title to the same, but neglects to pay the salvage, fees, or expenses due thereon for twenty days after notice

in writing from the receiver, the receiver may sell such wreck, or a sufficient part thereof, and may out of the proceeds of such sale, after defraying the expenses of sale, pay the salvage, fees, and expenses due, and shall pay or deliver the surplus, if any, of the proceeds or of the wreck to the persons entitled to receive the same.

Unclaimed Wreck.

Sale of unclaimed wreck.

15. When one year has elapsed since a wreck came into the possession of a receiver without any owner having established a claim to it, such wreck, if unsold, shall be sold by such persons and in such manner as the Minister of Marine and Fisheries may direct;—and the proceeds thereof after payment of expenses, costs, fees and salvage shall be paid over to the Receiver General, to form part of the Consolidated Revenue Fund of Canada.

Delivery of unclaimed wreck by receivers not to prejudice title. 25 & 26 Vict. c. 63. s. 52.

16. Upon delivery of wreck or payment of the proceeds of wreck by a receiver, in pursuance of the provisions of this Act, such receiver shall be discharged from all liability in respect thereof, but such delivery or payment shall not prejudice or affect any question which may be raised by third parties concerning such wreck.

Interpleader in case of wreck.

17. In any case where two or more persons claim any wreck or proceeds of wreck, of what value or amount soever, in the possession of a receiver, or any Court sitting, and having jurisdiction in civil matters to the value or amount of the wreck or proceeds in question, in the district of such receiver, may, on the application of such receiver or of any of such persons, summon such persons before it, and may hear and adjudicate upon their claims, and may make such order between the parties in respect thereof, and of the costs of the proceedings, as to such court may seem fit; and such order may be enforced in like manner as any order made in any suit brought in the same court.

Marine Store Dealers.

Regulations for marine store dealers. 17 & 18 Vict. c. 104. ss. 480., 481., 482.

18. Every person dealing in, buying, and selling any of the articles following, that is to say, old anchors, cables, sails, junk, or iron, or marine stores of any kind, shall conform to the following regulations, in addition to those prescribed by section 109 of the Act passed in the session held in the 32nd and 33rd years of Her Majesty's Reign, chapter 21:

(1.) He shall have his name, together with the words "dealer in marine stores," distinctly painted, in letters of not less than three inches in length and two inches in breadth, on some conspicuous part of each warehouse, shop, store or place of deposit belonging to him:

(2.) He shall keep a book or books fairly written, and shall enter therein an account of all such articles as he may from time to time become possessed of, and a statement in respect of each article, describing the character thereof and of any marks thereon, and of the time at which and the person from whom he purchased or received the same, and a description of the business and place of abode of such person:

(3.) He shall at all times, when required by the receiver for the district in which he carries on business, whether or not the receiver has a warrant for search or inspection,

produce and deliver up to the receiver every book kept in pursuance of the provisions of this Act, and shall allow such receiver to inspect and take copies of the same:

Penalty for infraction.

And every person making default in observing the regulations aforesaid shall for the first offence incur a penalty of not more than *forty dollars*; and shall for every subsequent offence incur a penalty of not more than *two hundred dollars*.

Offences in respect of Wreck.

Felonies in respect of wrecks. 24 & 25 Vict. c. 100. s. 17.

19. Every person who does within the limits of the Dominion of Canada any of the acts following; that is to say,

(1.) Prevents or impedes or endeavors to impede or prevent any shipwrecked person in his endeavour to save his life, or prevents or impedes, or endeavors to prevent or impede any person in his endeavor to save the life of any shipwrecked person;

17 & 18 Vict. c. 104. s. 478.

(2.) Prevents or impedes, or endeavors to prevent or impede the saving of any vessel which is wrecked, stranded, abandoned, or in distress; or prevents or impedes, or endeavors to prevent or impede, any person in his endeavor to save such vessel.

24 & 25 Vict. c. 96. s 64. c. 97. s. 49. 17 & 18 Vict. c. 104. s. 479.

(3.) Steals or maliciously destroys any wreck; or

(4.) Sells any vessel or wreck not having a lawful title thereto;

shall be deemed to be guilty of felony, and on conviction thereof, shall be liable to be imprisoned in the Penitentiary for a term not exceeding *fourteen years*, nor less than two years, or to be imprisoned in any other gaol or place of imprisonment for any time less than *two years*, with or without hard labour.

Misdemeanor in respect of wrecks. 17 & 18 Vict. c. 104. s. 478.

20. Every person who does within the limits of the Dominion of Canada any of the acts following; that is to say,

(1.) Boards any vessel which is wrecked, stranded, abandoned, or in distress, against the will of the master, unless the person so boarding is, or acts by command of, the receiver;

24 & 25 Vict. c. 100. s. 37.

(2.) Assaults any receiver or any person acting as a receiver in the exercise of his duty for the preservation or assistance of any such vessel, or of wreck, or assaults any person acting by command of a receiver in the exercise of his duty as aforesaid;

(3.) Prevents or impedes, or endeavors to prevent or impede the saving of any wreck;

17 & 18 Vict. c. 104. s. 478.

(4.) Secretes any wreck, or defaces or obliterates the marks thereon, or uses means to disguise the fact that it is wreck, or in any manner conceals the character thereof, or the fact that the same is such wreck, from any person entitled to inquire into the same;

(5.) Receives any wreck, knowing the same to be wreck, from any person other than the owner thereof or the receiver, and does not within forty-eight hours inform the receiver thereof; or

24 & 2. Vict 5 c. 96. s. 66

(6.) Offers for sale or otherwise deals with any wreck, knowing it to be wreck, not having a lawful title to sell or deal with the same; or

24 & 25 Vict. c. 96. s. 65.

(7.) Keeps in his possession any wreck, knowing it to be a wreck, without a lawful title so to keep the same, for any

time longer than the time reasonably necessary for the delivery of the same to the receiver;

shall be deemed to be guilty of a misdemeanor, on conviction whereof he shall be liable to be imprisoned for any time not exceeding *two years*, with or without hard labour; or, of an offence against this Act, on summary conviction whereof, before any two justices of the peace, or any magistrate having the powers of two justices, he shall be liable to be imprisoned for a period not exceeding *six months*, or to pay a penalty not exceeding *four hundred dollars*. Punishment.

21. Any person charged with a felony or misdemeanor under this Act may be indicted and prosecuted, and the venue may be laid in any county or locality; and in any indictment or prosecution under this Act, for any felony or misdemeanor in respect of wreck, it shall not be necessary to lay the property in any person, or to identify the alleged wreck as part of any particular vessel or wreck coming from any particular vessel, or as the property of any particular person. Venue and evidence in prosecutions for offences in respect of wrecks. *See* 24 & 25 Vict. c. 96. ss. 65, 66.

Any penalty, forfeiture or punishment, for any offence against this Act, not being hereby made a felony or misdemeanor, may be imposed, adjudged and recovered, on summary conviction, before any two justices of the peace, or any magistrate having the powers of two justices.

In any indictment or prosecution for receiving, secreting, disguising, defacing, obliterating marks on, or for the possession of, or for selling or dealing with any wreck, unless the accused shows that he was possessed of the same for more than twelve months before the date of the indictment or the commencement of the prosecution, it shall lie upon him to show that he did not know and had not the means of knowing the same to be such wreck, or that he was lawfully possessed of or entitled to sell or deal with the same; and in any indictment or prosecution for secreting, defacing, receiving, possessing, selling, dealing with, or concealing the character of any wreck, evidence may be given, either before or after verdict, of any former conviction of the accused for any of the said offences. In any proceeding under this section the accused may if he think fit, be sworn and examined as an ordinary witness in the case.

22. Where a receiver suspects that any wreck is secreted or concealed by or wrongfully in the possession of any person, he may apply to any justice of the peace for a search warrant, and such justice shall have power to grant such warrant, by virtue whereof it shall be lawful for the receiver to enter, and if need be by force, any house, building, and place, whether enclosed or unenclosed, and any vessel, and to search for, remove, and detain any wreck there kept or secreted, and if any wreck is discovered, and the person in whose possession and on whose premises the same is found fails, on being summoned to appear before two justices, to prove to the satisfaction of such justices that he was lawfully entitled to the possession of such wreck, he shall be liable to a penalty not exceeding *eighty dollars* for the first offence, and for every subsequent offence shall be liable at the discretion of the justices, either to a penalty not exceeding *two hundred dollars* or to imprisonment with hard labour for any period not exceeding *three months*; but the justices may, if they think fit, commit him for trial for a misdemeanor under this Act. If any such discovery as aforesaid is made in consequence of information given by any person to the receiver, the informer shall be entitled, by way of salvage, to such sum not exceeding *eighty dollars* as the receiver, Summary procedure for concealment of wreck. 17 & 18 Vict. c. 104. s. 451. See 24 & 25 Vict. c. 110. 24 & 25 Vict. c. 96. ss. 65, 66.

under instructions from the Minister of Marine and Fisheries, may allow.

Salvage.

Salvage shall be payable for saving life. 17 & 18 Vict. c. 104. ss. 458, 459.

23. Where services are rendered within the limits of the Dominion of Canada in saving life from any vessel, there shall be payable to the salvor by the owner of the vessel, freight, cargo, stores, and tackle, a reasonable sum for salvage and expenses, in priority to all other claims, if any, for salvage; and in cases where such vessel, stores, tackle, and cargo, are destroyed, or the value thereof, with the freight, if any, is insufficient, after payment of the actual expenses incurred, to pay the amount of such salvage, the Minister of Marine and Fisheries may, in his discretion, award to the salvor, out of any funds at his disposal for that purpose such remuneration as he thinks fit.

Salvage of cargo or wreck. 17 & 18 Vict. c. 104. s. 458.

24. Where, within the limits of the Dominion of Canada, any vessel is wrecked or abandoned, stranded, or in distress, and services are rendered by any person in assisting such vessel, and where services are rendered as aforesaid by any person in saving any wreck, there shall be payable to the salvor by the owner of such vessel or wreck, as the case may be, a reasonable amount of salvage, including expenses properly incurred.

Procedure in Salvage.

Jurisdiction in salvage disputes.

25. Disputes as to salvage, whether of life or property, shall, in Canada, be heard and determined as follows, and not otherwise; that is to say,—

(1.) If either the amount claimed does not exceed one hundred dollars, or the value of the property liable or alleged to be liable for the salvage does not exceed two hundred and fifty dollars, or if the parties consent in writing, the dispute shall be heard and determined by the receiver of the district where the services were rendered or where the property liable is at the time of the making of the claim, and his award shall include fees and costs. But if any party feels aggrieved by the award of the receiver aforesaid, the party so aggrieved may appeal to the Minister of Marine and Fisheries, within *thirty days* after the decision of the receiver from which the appeal is made:—Provided always that the applicant shall within seven days after the cause of appeal has arisen, give notice to the other party and to the receiver of his intention to appeal, and of the ground of such appeal.

(2.) In other cases, the dispute may be heard and determined by any court having jurisdiction in civil matters to the amount claimed, or value of the property liable, in the place where the services were rendered, or where the property is at the time of making the claim.

Costs.

And if in any suit or proceeding for salvage in any court the claimant recovers an amount less than the maximum amount which might be claimed before the receiver, then, unless the court certify that such suit or proceeding was unfit to be determined by the receiver, the claimant shall have no costs, charges, or expenses incurred by him in the prosecution of his claim, and shall pay to the other party such costs, charges, and expenses, if any, as the court may direct.

For the purposes of this section, the amount claimed shall mean the amount claimed in the proceeding or suit before the receiver, or in the court in which the suit or proceeding is taken; and the value of the property liable shall mean the value of the property when first brought into safety by the salvors. Definitions.

26. Any dispute as to salvage, where the services have been rendered and such dispute arises in Canada, may be heard and determined, on the application either of the salvor or of the owner of the property liable to the claim for salvage, or when the property is in the custody of the receiver, on his application; and where no proceedings have been brought by the salvor, the owner may make application as aforesaid to the receiver or court having jurisdiction, according to the value of the property liable. Proceedings for salvage how to be commenced. 17,18 V., c. 104 Sec, 460.

27. Where any dispute as to salvage arises in Canada, the receiver of the district where the property liable is, shall on the application of either party, appoint a valuer to value such property, and shall give copies of the valuation to both parties; and any copy of such valuation, purporting to be signed by the valuer, and to be certified as a true copy by the receiver, shall be admissible as evidence in any subsequent proceeding, and shall, for the purpose of giving jurisdiction in salvage, be conclusive evidence of the value at the time of such valuation; and there shall be paid in respect of such valuation such fee, not exceeding the fees specified in the schedule to this Act, as the Minister of Marine and Fisheries may from time to time direct. Valuation of property. 25 & 26 Vict., c. 63. s. 50.

28. A receiver may seize any property found within his district and alleged to be liable for salvage, and may detain such property until either the salvage, fees, and costs due thereon are ascertained and paid, or process is issued for the arrest or detention thereof by some competent court, or security is given to his satisfaction for such salvage, fees, and costs. Property liable for salvage may be seized and detained by a receiver. See 17 & 18 Vict., c. 104. s. 468.

Where the value of the property does not exceed two hundred and fifty dollars, any question as to the amount of the security to be given, or as to the sufficiency of the sureties, may be determined by the receiver; or where such value exceeds two hundred and fifty dollars, any such question may be determined, upon the application either of the owner of the property or of the salvors or any of them, or of such receiver, by any court having in the district of such receiver jurisdiction in civil matters to the value of the property in question. Security.

If the property has not been valued, the value for the purposes of this section shall be determined by such receiver, or by a valuer appointed by him as aforesaid. Value.

Any security given for salvage in pursuance of this section may be enforced by a court competent to entertain a suit for such salvage, in the same manner as if bail had been given in such court; and where under the provisions of this Act the determination of disputes as to such salvage is to be made by a receiver, any such security may be enforced in the manner aforesaid by any court competent to entertain a suit for such salvage, having jurisdiction in the district of such receiver.— Enforcing security.

29. Where any dispute as to salvage arises before a receiver under the provisions of this Act, the receiver shall hear and determine the same; and if after he has made and published his award, the salvage, fees and costs by him awarded to be paid, are not paid within fourteen days, he may sell the property liable for Procedure in disputes as to salvage before a receiver.

such salvage, fees, and costs, or a sufficient part thereof, and out of the proceeds defray the expenses of the sale, and the salvage, fees, and costs awarded, and shall pay or deliver up the surplus, if any, to the owners of the property or other persons entitled thereto.

Apportionment of salvages.

30. Where the aggregate amount of salvage payable in respect of any services has been finally determined by a receiver or court or by admission or agreement, such amount may be apportioned and distributed as follows ; that is to say,—

17 & 18 Vict. c. 104. ss. 466, 498.

(1.) If the amount has been determined by a receiver, the receiver may apportion the same among the persons entitled thereto in such manner as he thinks just, but the party aggrieved may appeal from his decision to the Minister of Marine and Fisheries :

(2.) If the amount has been determined by any court having jurisdiction, such court may direct the amount to be apportioned among the persons entitled thereto in such manner as such court thinks just, and may appoint any person to carry the apportionment into effect, and may compel any person in whose hands or under whose control such amount may be to distribute the same, or to bring the same into court, to be dealt with as the court may direct, and may for the purposes aforesaid issue such orders as the court thinks fit :

(3.) If the amount has been finally ascertained by admission or agreement, but a dispute arises or is apprehended as to the apportionment thereof among several claimants, the person liable to pay such amount may pay the same, if it does not exceed one hundred dollars, (or in any case if the claimants so agree) to a receiver, or if it exceeds one hundred dollars into any court having jurisdiction, and such receiver or court shall receive and apportion the same, and shall grant to the person paying the same a certificate of the amount paid and of the services in respect of which it is paid, and such certificate shall be a full discharge and indemnity to such person, and to all his property liable in respect of such services, against all persons parties to or bound by such admission or agreement.

Enforcement of salvage when the property is under arrest in another suit.

31. Where any salvage, fees, charges, or costs, in relation to salvage, are awarded or declared to be due, by a receiver or any court having jurisdiction in salvage, and the property liable, or the proceeds thereof, is or are under arrest in a different suit in a court not being the same court by which such salvage, fees, charges, or costs have been awarded, then such salvage, fees, charges and costs shall be enforced against the property or proceeds so under arrest, by the court in which the same is or are under arrest.

Fees of Receivers of Wreck.

Receivers fees. 17 & 18 Vict. c. 104. ss. 455–457.

32. There shall be paid to every receiver the expenses properly incurred by him in the performance of his duties, and also in respect of the several matters specified in the first schedule to this Act, such fees, chargeable as therein mentioned, and not exceeding the amounts therein mentioned, as may from time to time be directed by the Governor in Council; and the receiver shall, in addition to all other rights and remedies for the recovery of such expenses or fees, have the same rights and remedies which a salvor has in respect of salvage due to him,

and may if the property in respect of which any such expenses or fees are due is not under arrest in any court, seize or detain such property until the same are paid, or until security is given for the same to his satisfaction.

Whenever any dispute arises in any part of Canada as to the amount payable to any receiver in respect of expenses or fees, such dispute shall be determined by the Minister of Marine and Fisheries, whose decision shall be final.

All fees received by any receiver appointed under this Act, in respect of any of the matters in the first schedule to this Act mentioned, may be retained by him for his own remuneration.

Miscellaneous Provisions.

Offences under this Act and some other Act.

33. Any person committing an offence against this Act, which is also an offence against some other Act, may be prosecuted, tried, and if convicted, punished under either Act, but no person shall be liable to be tried more than once for the same offence.

34. The jurisdiction conferred by this Act on any Civil Court may be exercised either by proceedings *in rem* or by proceedings *in personam*.

35. Nothing in this Act shall be construed to affect the jurisdiction of any Court of Vice-Admiralty in Canada in any matter or case, civil or criminal.

Duties on wreck. 17 & 18 Vict c. 104. ss. 499-500.

36. The Ministers of Customs and Inland Revenue may permit all goods saved from any vessel stranded or wrecked within the limits of the Dominion of Canada on its inward voyage to be forwarded to the port of its original destination, and all goods saved from any ship stranded or wrecked within the limits of the Dominion of Canada on its outward voyage to be returned to the port at which the same were shipped; taking such security for the due protection of the revenue in respect of such goods as they may think proper.

Repeal of Acts of Nova Scotia and Brunswick.

37. Chapter twenty-four of the Revised Statutes of New Brunswick, Part I, Title III, entitled: "*Of Wrecked Property*," and chapter seventy-eight of the Revised Statutes of Nova Scotia, Third Series, Part I, Title XXI, entitled; "*Of Wrecks and Wrecked Goods*," are hereby repealed, except only as to things done and rights acquired or proceedings commenced under either of them before the coming into force of this Act.

New section substituted for s. 98 of 12 V., c. 114.

38. Section ninety-eight of the Act of the Legislature of the late Province of Canada, passed in the twelfth year of Her Majesty's reign, and intituled, "*An Act to consolidate the laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes*," is hereby repealed, and the following substituted in its stead, and shall be read and construed as the ninety-eighth section of the said Act:—

Effects found in St. Lawrence.

"98. Every person finding any effect or thing, not being wreck within the meaning of this Act, in the River St. Lawrence, or any river or water within the port of Quebec, or on the beach thereof, shall, within four days, if the same be found within the harbour of Quebec, and within fifteen days, if the same be found within any other part of the port of Quebec, give notice thereof to the Harbour Master, under a penalty not exceeding *forty dollars*; and

shall in such notice give him a description of the thing found, with all the marks thereon: If, in the meantime, the master or owner claims the same the shall pay to the finder for his trouble such remuneration as may be fixed by the Trinity House of Quebec; and the said Trinity House of Quebec may make and publish a tariff of salvage for deals, sawlogs and timber, found as aforesaid, and any person being in possession of any deals, sawlogs and timber found adrift, or on the beach of the said river or such water as aforesaid, shall immediately upon the owner or the agent claiming the said property and tendering the sum fixed in such tariff as the salvage in the case, deliver up the said property to the said master or owner thereof, or his agent; and any person refusing so to deliver any such deals, sawlogs and timber, shall incur a penalty not exceeding *four hundred dollars*, nor less than *twenty dollars*, for such refusal, which shall be deemed a contravention of this Act, and any suit for the said penalty may be heard and determined by the said Trinity House, under sections sixty-six and sixty-seven of this Act."

Certain enactments not to apply to wreck, or to interfere with the operation of this Act.

39. The Act of the Legislature of the late Province of Canada, passed in the twenty-second year of Her Majesty's reign, and entitled: "*An Act to extend the powers and duties of the Trinity House of Quebec,*" and the seventh section of the Act of the said Legislature passed in the Session thereof held in the fourteenth and fifteenth years of Her Majesty's reign, entitled: "*An Act to provide for defraying the expense of the River Police at Quebec,*" and the fifth section of the Act of the said Legislature, passed in the Session thereof held in the twenty-ninth and thirtieth years of Her Majesty's reign, intituled: "*An Act to extend the powers of the Trinity House of Quebec,*" shall not hereafter apply to any effects, article or thing, being "wreck" within the meaning of this Act; nor shall the Act of the said Legislature passed in the Session thereof, held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, and intituled: "*An Act to amend the Act passed in the twelfth year of Her Majesty's reign, relating to the Trinity House at Montreal,* or the Act of the Parliament of Canada, passed in the Session thereof, held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled: *An Act to amend the Act of the late Province of Canada, twelfth Victoria, one hundred and fourteen, "To consolidate the laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes,"* prevent or interfere with the provisions of this Act for the protection of life and property in wrecked vessels or any powers of the receiver for the district including the City of Quebec, or the city of Montreal, under this Act; and the powers vested in the said Trinity Houses by the said Acts, shall be exercised only by and with the consent of the said receivers respectively, and in conjunction with either of them, if necessary to give effect to the said Acts and this Act.

FIRST SCHEDULE.

Statements for Salvage Purposes.

The fees in this Schedule and the pecuniary penalties in the foregoing sections, are

Statements to be made by the salvor and by the master or other person in charge of the property saved, respectively.

(1.) The place, condition, and circumstances in which the said ship, cargo, or property was at the time when the services were rendered for which salvage is claimed:

(2.) The nature and duration of the services rendered:

And by the salvor,

(3.) The proportion of the value of the said ship, freight, cargo, and property, and of the freight which he claims for salvage, or the value at which he estimates the said ship, cargo, and property respectively, and the several amounts that he claims for salvage in respect of the same:

(4.) Any other circumstances which he thinks relevant to the said claim:

And by the said master or other person in charge of the said ship, cargo, or property,

(5.) A copy of the certificate of registry of the said ship, and of the indorsements thereon, stating any change which (to his knowledge or belief) has occurred in the particulars contained in such certificate; and stating also, to the best of his knowledge and belief, the state of the title to the ship for the time being, and of the incumbrances and certificates of mortgage or sale, if any, affecting the same, and the names and places of business of the owners and incumbrancers:

(6.) The name and place of business or residence of the freighter (if any) of the said ship, and the freight to be paid for the voyage on which she then is:

(7.) A general account of the quantity and nature of the cargo at the time the salvage services were rendered:

(8.) The name and place of business or residence of the owner of such cargo and of the consignee thereof:

(9.) The values at which the said master estimates the said ship, cargo, and property, and the freight respectively, or if he thinks fit, in lieu of such estimated value of the cargo, a copy of the ship's manifest:

(10.) The amounts which the master thinks should be paid as salvage for the services rendered:

(11.) An accurate list of the property saved in cases where the ship is not saved:

(12.) An account of the proceeds of the sale of the said ship, cargo, or property, in cases where the same or any of them are sold at such port as aforesaid:

(13.) The number, capacities, and condition of the crew of the said ship at the time the said services were rendered:

(14.) Any other circumstances he thinks relevant to the matters in question.

intended to originate in Committee,—and are printed only for the information of Members.

SECOND SCHEDULE.

Fees of Receivers.

Maximum fees to be charged by receivers in addition to expenses properly and necessarily incurred.

	$ cts.
1. For every enquiry instituted by a receiver with respect to any shipping casualty, whatever may be the number of persons examined, a fee not exceeding.....	8 00
To be charged on the vessel or cargo in respect of which the examination is instituted.	
2. For furnishing copy of evidence per 100 words.....	20
3. For every salvage dispute heard and determined by the receiver, in which the claim does not exceed	

\$100, or the property saved does not exceed \$250, a sum not exceeding..... ..... 5 00

To be charged on the property saved

4. For all other cases in which salvage disputes are heard and determined by the receivers..... 10 00

To be charged on the property saved.

5. For wreck received or taken by the receiver into his custody, a per-centage of *five* per cent, upon the value thereof.

But so that in no case shall the whole amount of per-centage so payable exceed *eighty* dollars.

To be charged on the wreck or derelict.

6. For every sale of wreck conducted by a receiver, a sum not exceeding *one* per cent on the value thereof.

To be charged on the proceeds of sale.

7. For copies of certificates of valuation, when the value of the property is under \$3,000 a sum not exceeding..... 4 00

In other cases..... 8 00

To be charg d on the property valued.

8. In cases where any services are rendered by a receiver in respect of any vessel in distress, not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of a per-centage; that is to say,

If such vessel with her cargo, equals or exceeds in value \$3,000, the sum of *eight dollars* for the first, and the sum of *four dollars* for every subsequent day during which the receiver is employed on such service; but if such vessel, with her cargo, is less in value than \$3,000, *one half* of the above-mentioned sum.

But so that in no case shall the whole amount exceed *one hundred dollars.*

To be charged on such vessel or articles.

No. 26.

1st Session, 2nd Parliament, 36 Victo

BILL.

An Act respecting Wreck and Sa

Received and read first time, Fr
March, 1873.

Second reading, Tuesday, 25th Ma

Hon. Mr. Mi

OTTAWA:

Printed by I. B. Taylor, 29, 31, and 33, K

1873.

No. 27.] **BILL.** [1873.

An Act respecting the Trinity House and Harbor Commssioners of Montreal.

Preamble. WHEREAS by Acts of the Legislature of the late Province of Canada, passed in the sixteenth year of Her Majesty's reign, chapter twenty-four, and in the eighteenth year of Her Majesty's reign, chapter one hundred and forty-three, certain of the powers and authorities of *The Trinity House of Montreal*, were transferred to and vested in *The Harbor Commissioners of Montreal:*

Recital. And whereas, by the Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's reign, chapter fifty-nine, *relating to Lighthouses, Buoys, and Beacons*, and by an Act to amend the said last mentioned Act, passed by the said Parliament of Canada in the thirty-third of Her Majesty's reign, chapter eighteen, others of the said powers and authorities have been, and are transferred to and vested in *The Minister of Marine and Fisheries:*

And whereas, it is expedient that the remaining powers and authorities of the said *The Trinity House of Montreal*, together with its property, (except as hereinafter provided), should be transferred to and vested in the said *The Harbor Commissioners of Montreal*, and that the said Corporation of *The Trinity House of Montreal* should be dissolved and should cease to exist:—

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

Corporation dissolved, and members and officers discharged. 1. Upon, from, and after the first day of July now next, so much of the Act of the Legislature of the late Province of Canada, passed in the twelfth year of Her Majesty's reign, chapter one hundred and seventeen, as provides for the existence and continuance of a body corporate and politic for the purposes of the said Act, by the name of *The Trinity House of Montreal*, and so much of the said last mentioned Act as makes it lawful for the Governor to appoint a Master, a Deputy Master and Wardens, to compose such Corporation and Officers, Clerks and Bailiffs of the same, shall be, and the same is hereby repealed; and upon, from, and after the said day, the said Corporation shall be, and the same is hereby dissolved and extinguished, so that the same shall thenceforth wholly and entirely cease to exist, either in name or in deed, and the persons who shall then be respectively the Master, the Deputy Master and Wardens of *The Trinity House of Montreal*, or officers of the said corporation, shall be and they are hereby thenceforward relieved, exonerated, and discharged from their and each of their obligation to execute the powers vested in them and each of them by the said last mentioned Act or any Act amending the same.

Powers, &c., transferred to Harbor Commissioners of Montreal.

2. Upon, from, and after the said day all and every the then remaining powers, authority, and jurisdiction, rights, duties, and liabilities, of the said *The Trinity House of Montreal*, under the said last mentioned Act, and any Act or Acts amending the same, or under any Act or Acts of the Legislature of the said late Province, or of the Parliament of Canada, shall become and be transferred to and vested in and shall be exercised and enjoyed, assumed and discharged by the said Corporation of *The Harbor Commissioners of Montreal*, created and continued by the said Acts of the sixteenth and eighteenth years of Her Majesty's reign, who shall thenceforth be a body corporate and politic for all and every the purposes of so much of the said Act, twelfth Victoria, chapter one hundred and seventeen, as shall then be and remain unrepealed, as well as for the purposes of the said Act, eighteenth Victoria, chapter one hundred and forty three, and the Acts amending the same, and may use their own common seal in every case requiring the use of a seal under the provisions of the said Act, twelfth Victoria, chapter one hundred and seventeen, as amended by this Act, in the excution of the powers thereby and hereby conferred upon them, and may do in their own name all and whatsoever the said *The Trinity House of Montreal* are by so much of their said Act of incorporation and Acts amending the same, as shall then remain unrepealed, authorized and empowered to do in their said corporate name; and all and every the provisions of so much of the said Act of incorporation and Acts amending the same shall apply to the said *The Harbor Commissioners of Montreal*, in lieu and stead of the said *The Trinity House of Montreal*.

Certain Property transferred to the said Commissioners, and remainder to the Crown.

3. Upon, from, and after the said day, all moneys and securities for money, belonging to or vested in the said Corporation of *The Trinity House of Montreal*, in trust or otherwise, shall be transferred to and become and be vested in and belong to and be the property of the said Corporation of *The Harbor Commissioners of Montreal* in trust or otherwise, as the case may be, in the same manner and to the same extent, and under and subject to the same trusts (if any) as the same shall immediately before the said day have been vested in or belonged to or been the property of the said Corporation of *The Trinity House of Montreal*; and upon the said day all and every the moneys, bonds, debentures, and other vouchers of security for money, of or belonging to the said Corporation of *The Trinity House of Montreal*, shall be duly delivered into the hands and possession of the proper members and officers of the said Corporation of *The Harbor Commissioners of Montreal*, by the members and officers of *The Trinity House of Montreal*, or other persons whomsoever in whose hands, custody or possession the same may then be respectively, and the seal of the said last mentioned Corporation shall be delivered to the Chairman of the Corporation of *The Harbor Commissioners of Montreal*, who is hereby authorized and empowered to break the same, and all property of the said *Trinity House of Montreal*, not hereinbefore transferred to *The Harbor Commissioners of Montreal*, shall be vested in the Crown, under the control and management of *The Minister of Marine and Fisheries*.

Officers of Commissioner substituted for those of Trinity House.

4. The following Members and Officers of the said Corporation of *The Harbor Commissioners of Montreal* are hereby respectively substituted to the corresponding Members and Officers of *The Trinity House of Montreal*, in and for the performance and discharge of all and every the duties and functions of their respective positions and offices, that is to say the Chairman to the Master

and Deputy Master, the other Commissioners to the Wardens, the Secretary-Treasurer to the Registrar and Treasurer, and the Bailiff to the Bailiff.

Port of Montreal to remain as at present limited, upwards, but extended downwards to Longue Pointe Church.

5. For all and every the purposes of the said Act, twelfth Victoria chapter one hundred and seventeen, as amended by subsequent Acts and by this Act, and of this Act, the Port of Montreal shall continue to be held and deemed to comprehend all that part of the River St Lawrence which extends from the basin of Portneuf, exclusively, in the County of Portneuf, to the Province line formerly dividing the Provinces of Upper and Lower Canada, and shall include the several rivers falling into the St. Lawrence between the said limits; and the Harbor of Montreal, for the said purposes, shall, from and after the commencement of this Act, be held and deemed to comprise the present limits of the said Harbor, as defined in the existing Acts relating to the Harbor Commissioners of Montreal, as far down the River St. Lawrence as the Ruisseau Migeon, from which point the said Harbor is hereby extended downwards to a point opposite the church of the Parish of Longue Pointe, following the said River along high water mark, and inculding the beach thereof.

By-laws, &c., saved.

6. Nothing in this Act shall be construed to affect the validity of any By-law, Rule, Order or Regulation heretofore lawfully made by the Corporation of *The Trinity House of Montreal;* and all such By-laws, Rules, Orders and Regulations in force at the time of the passing of this Act shall remain and continue to be as good, valid and effectual as if this Act had not been passed, until annulled or altered under the authority of this Act.

Suits, &c., to be continued by or against Harbor Commissioners.

7. Nothing in this Act shall affect the continuance of any suit, or action, or other legal proceeding, to which the said Corporation of *The Trinity House of Montreal* is or shall be a party, or which may be pending before it on the said first day of July now next; but every such suit, action, and legal proceeding shall be thenceforth deemed to have been taken up by and in the name of, and may be continued by or against, or may be carried on continued and prosecuted before the said Corporation of *The Harbor Commissioners of Montreal*, in the room and stead of *The Trinity House of Montreal*; and all matters and things which might have been done, and all proceedings which might have been taken or prosecuted, by or before *The Trinity House of Montreal* relating to any offences which shall have been committed, or to any matters which shall have happened, or to any pilotage or other moneys which shall have become due, or to any fines or penalties which shall have been incurred, before the said first day of July, may be done, taken and prosecuted, and the offences may be dealt with and punished, and the pilotage and other moneys may be recovered and dealt with, and the fines and penalties may be enforced and applied, thereafter, by or before *The Harbor Commissioners of Montreal.*

Past offences how dealt with.

Future constitution of the Corporation.

8. And whereas, by reason of the transfer of the powers of *The Trinity House of Montreal*, to the Corporation of *The Harbor Commissioners of Montreal*, it is expedient to alter the constitution of the Corporation last mentioned, after the period hereinafter mentioned, therefore, the said Corporation shall until the first day of *October* now next, remain constituted as it now is, but upon, from and after the said first day of October, the said Corporation shall be constituted and consist of nine members,

four of whom shall be appointed by the Governor, and the remaining five shall be elected in the following manner, that is to say :—Two by the Montreal Board of Trade ; one by the Montreal Corn Exchange Association ; one by the Montreal City Council ; and one by the Owners, Consignees or Agents of sea-going vessels having entered or departed from the said harbor, or having been at anchor or otherwise moored therein, who shall have paid harbor or wharfage dues in the manner hereinafter set forth.

Scale of voting for snipping institute.

9. Each and every such Owner, Consignee or Agent shall be entitled to the following proportionate number of votes, that is to say :—If he shall have paid as harbor or wharfage dues, within one year preceding the day of the election, the sum of $100 or upwards , he shall be entitled to one vote ; if he shall have paid within the same period, the sum of $500 or upwards, he shall be entitled to two votes, and to an additional vote for every $500 paid over and above the last mentioned sum : Provided always that no such Owner, Consignee or Agent shall be entitled to more than ten votes, in any case ; and such Owners, Consignees or Agents shall, for the purposes of this Act, be designated and known as the "Shipping Interest" :

Interpretation.

The word "Owner," "Consignee," or "Agent," in this section shall be held to include any Firm, Company, or Association of persons carrying on business in copartnership, and any one of the partners and no more may vote for and in the name of such Firm, Company, or Copartnership.

Elections by Board of Trade.

10. The Board of Trade, the Corn Exchange Association, and the City Council shall severally, at a meeting to be held at their respective Chambers or usual places of meeting, in the City of Montreal, at noon, on the first Monday of August (or if that day should be a legal holiday, then the next day not being such holiday) in each year, elect, the Board of Trade two persons, and each of the said other bodies one person to fill the office of Harbor Commissioner, and the person or persons having the majority of votes of those personally present at each of the said several meetings, shall be held to be duly elected, and the Secretary or City Clerk (as the case may be) shall give him or them a certificate of his or their election, and shall also certify the same to the Minister of Marine and Fisheries.

Elections by Shiping Interest.

11. The Shipping Interest composed as above, shall, at a meeting to be held at the office of the Montreal Harbor Commissioners, in the City of Montreal, at the hour and on the day above mentioned elect a person to fill the said office of Harbor Commissioner ; each and every person presenting himself to vote shall have previously deposited with the Secretary of the Meeting, the necessary voucher or vouchers showing his qualification to vote, and the number of votes to which he is hereby entitled : The Secretary of the said Harbor Commissioners shall be *ex officio* Socretary of the meeting, and shall keep a record of the minutes and proceedings of the meeting ; and shall be the custodian of and shall preserve all vouchers deposited with him ; and shall give the person elected a certificate that he has been duly elected, and shall also certify the same to the Minister of Marine and Fisheries.

Term of office.

12. The persons so elected at any election after the first shall hold office for five years, but may be re-elected.

Retirement of members, by lot.

13. At the expiration of one year from the day of the first election, to be held as aforesasd, one of the five elected members shall retire, by lot; another shall retire by lot at the end of the second year thereafter; and a third shall retire, also by lot, at the end of the third year; a fourth shall retire, by lot; at the end of the fourth year, and the fifth shall retire by limitation, at the end of the fifth year; and the members so retiring shall be eligible for re-election.

Vacancies among members how to be filled.

14. Every vacancy happening from time to time, among the members of the said Corporation appointed by the Governor, not being members so appointed by reason of the refusal or neglect of the Corporation of the Montreal Board of Trade or the Montreal Corn Exchange Association, the City Council, or the Shipping Interest, or of refusal to accept office, shall be filled up by the Governor; and every other vacancy shall be filled by election of a member by the body by whom the member occasioning the vacancy was or might have been elected, such election being made within *fourteen* days after the occurrence of the vacancy; and as nearly as possible in the manner prescribed for the first election, and the name of the person elected to fill such vacancy, shall forthwith after his election be certified to the Minister of Marine and Fisheries, as aforesaid.

Governor to appoint in case of non-election.

15. In case the proper body as aforesaid refuses, or for *fourteen* days after the occurrence of any such vacancy, neglects, to fill up the same, and to certify to the said Minister the name of the person elected to fill the same, the Governor may appoint a person to fill such vacancy; and if any person elected at the first or any such general election to fill any office, refuses to accept the office, the Governor may appoint some other person to fill the same, and the person so appointed shall hold office for the same time as the elective member in whose place he is appointed would have held it, subject to the like provision as to retiring by lot.

Form of appointments by Governor.

16. Every appointment by the Governor under this Act, shall be made by an instrument under the Great Seal of Canada, and the person so appointed shall hold office during pleasure, and any such appointment may be made at any time after the passing of this Act, to take effect on and after the first day of October next.

Quorum.

17. Any *five* members of the Corporation of the Harbor Commissioners of Montreal, shall be a quorum, and the majority of any quorum may exercise the powers of the Corporation; and the existence of a vacancy or vacancies among the members shall not prevent or affect the exercise of the said powers, provided there be a quorum as aforesaid. The members of the Corporation may from time to time elect their own President.

Proviso.

18. The persons appointed or elected under this Act before the said first day of October next, shall enter into office and discharge the duties thereof on and after the said day; those to be thereafter appointed or elected shall enter into office and discharge the duties thereof, from the date of such appointment or election.

Buoys and beacons.

19. The buoys and beacons within the Port of Montreal, shall be placed and maintained by the said Corporation, and the expenses of so doing shall be paid out of the funds of the Corporation.

Corporation not to be

20. Nothing in this Act shall be construed as making the

deemed a new one.

Harbor Commissioners of Montreal a new Corporation or as requiring that any non-elective member or officer thereof, being such immediately before the said first day of July next, should receive a new appointment; and the members of the said Corporation under this Act, whether elected or appointed, and their successors elected or appointed from time to time as required by this Act, shall be held to be the successors of the members of the Corporation under the Acts constituting, or continuing, or relating to it.

Inconsistent provisions of 18 V. c. 143, and other Acts repealed.

21. So much 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 Harbor of Montreal, and the deepening of the Ship Channel between the said Harbor and the Port of Quebec, and to repeal the Act now in force for the said purposes*,"—or of any other Act or law amending the said Act, or relating to the said Corporation as may be inconsistent with this Act, is hereby repealed.

Power to borrow money for improving the Harbor.

22. For the purpose of constructing, extending and improving the wharves, structures and other accomodation in the said Harbor, it shall be lawful for the said Corporation to borrow in the Dominion, or elsewhere, at par, in such sums and for such number of years, and at such rates of interest, not exceeding eight per cent, per annum, as may be found expedient, and in the manner provided by and subject to the Acts relating to the Harbour Commissioners of Montreal, with respect to moneys, thereby authorized to be borrowed by them, any sum or sums of money not exceeding in the whole the sum of two hundred and fifty thousand pounds sterling, and to expend the same in the said Harbour for the said purposes, in such manner as may be best calculated to facilitate trade, and increase the convenience and utility of the said Harbour.

How such money shall be paid.

23. The principal and interest of the sums of money which may be borrowed under the last preceding section, as well as of all sums already borrowed for the improvement of the said Harbour, shall be paid out of the revenue arising from the dues, rates and penalties imposed by or under the Act mentioned in the title of this Act, or any Act amending the same, or under this Act.

Provisions for taking real property for improvement

24. Whenever the said Harbour Commissioners of Montreal desire to acquire any immovable property for the improvement or extension of the said Harbour or the accomodations thereof, they shall cause to be prepared a plan of such immovable property in triplicate, one triplicate whereof shall be deposited in the office of the Clerk of the Peace of the City of Montreal, another other triplicate thereof in the office of the Minister of Marine and Fisheries, and the third in the office of the Minister of Public Works:—And such plan shall be submitted to the Governor in Council for approval, and upon being duly approved, if an amicable arrangement with the proprietor of such immovable property is not made, the said corporation shall have the right to acquire the same without the consent of the proprietor or proprietors thereof, and the third, fourth, fifth, sixth, seventh, eighth, ninth, and tenth sub-sections of the ninth section of the Railway, Act, 1868, shall apply to the acquisition of immovable property for the purposes aforesaid, to the same extent and in the same manner as if the said sub-sections had been passed with express

reference to the said Harbour of Montreal instead of with reference to Railways, and the said Harbor Commissioners were therein referred to instead of the Railway Company :—

If, after one month from the deposit of triplicates of such map or plan as hereinbefore provided, and of the approval thereof by the Governor in Council, the said Corporation of the Harbor Commissioners of Montreal shall not have agreed with the owner of such immovable property, then the said Corporation shall have the right to acquire such land in manner following that is to say :—

A notice shall be served upon the party in occupation of such land as proprietor, which notice shall contain :—

1st.—A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them.

2nd.—A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages ; and

3rd.—The name of a person to be appointed as the Arbitrator of the Harbour Commissioners, if their offer be not accepted ;

If the proprietor of such land be absent from the Province of Quebec, or be unknown, then upon application to a Judge of the Superior Court for Lower Canada, residing in the District of Montreal, accompanied by an affidavit of some officer of the Corporation, that such proprietor is so absent, or that after diligent enquiry the party on whom the notice ought to be served cannot be ascertained, the Judge shall order such notice to be inserted three times in the course of one month in two newspapers, one in the French and the other in the English language, published in the City of Montreal; and upon such publication being completed, the proprietor of such land shall be conclusively held to have received notice of the intention of the Corporation to acquire the said land according to the provisions hereof:

After the service of such notice or within one month after the publication thereof, the Corporation may acquire such land in manner and form as provided for the acquisition of land by Railway Companies without the consent of the proprietor, to wit: in the manner and form and by means of the proceedings prescribed by the fifteenth and following sub-sections of the ninth section of the Railway Act, 1868; in the same manner and with the same effect as if the said sub-sections had been made specially applicable to the said Corporation, and were incorporated in this Act.

Certain property vested in the Corporation.

25. All property acquired and held by the Harbor Commissioners of Montrea and vested in them for the purposes of the Harbor at the date of the creation of the Corporation of "The Harbor Commissioners of Montreal," shall be held to have been and is hereby declared to be transferred to and vested in the said Corporation, and all the land lying within the limits of the said Harbor of Montreal as defined by law is also hereby declared to have been vested in and to be the property of the said Corporation in trust for all purposes for which the said Corporation was created, as fully to all intents and purposes as if so vested in them by the original Act of Incorporation.

Corporation may bring suits, &c.

26. The said Corporation shall have full power and authority to institute and defend all suits, actions, and proceedings in any Court of Justice in respect of the said property and the land comprised within the said Harbor, as fully as can be done by proprietors holding lands by valid title, or as might be done by or on behalf of Her Majesty in respect of the bed or beach of the River St. Lawrence.

Former tariff of tolls re-repealed.

27. The tariff of tolls, rates, duties and dues authorized to be levied in the Harbor of Montreal under and by virtue 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, which tariff is comprised in the several schedules, A, B, C. D, E. F and G, to the said Act appended, shall be and is hereby repealed upon from and after the first day of July in the present year 1873.

New Tariff substituted.

28. On and after the said first day of July now next, it shall be lawful for the said Corporation to levy upon all vessels entering or departing from the said Harbor, 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 wholly 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 mentioned in the next preceding section, and any Act amending the same, 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 said Act.

TARIFF.

Tolls, Rates, Duties and Dues to be levied in the harbor of Montreal, under and by virtue of this Act.

SCHEDULE A.

Dues to be levied on all vessels in the harbor:—

On Steamboats measuring fifty tons and upwards, per ton of their burden per Register, for each day of twenty-four hours they remain in the harbor, reckoned from the hour of their arrival to that of their departure	1½ cents.
On all other vessels measuring fifty tons and upwards, per ton and per day, as aforesaid	¾ "
On steamboats measuring under fifty tons, for each day, reckoned as aforesaid, each	40 "
On all other vessels measuring from twenty-five to fifty tons per Register, each per day reckoned as aforesaid	25 "
On all vessels of less than twenty-five tons burden, each per day as aforesaid	10 "

SCHEDULE B.

Goods, Wares, Merchandize, Animals and things on which the rates affixed to each shall be levied:—

Flour and Meal, Fish, Beef, Pork, and other meats; Tar, Pitch and Rosin, per barrel or per two hundred pounds	2	cents.
Puncheons, Packs or Shooks, Empty Puncheons or Pipes, Canoes, Carts, Burr Stones and Animals undescribed, each	2	"
Phosphate of lime, unmanufactured, per ton	10	"
Plaster of Paris, unmanufactured, per ton	10	"
Tobacco, Clay Pipes, Corks and Matches, per twelve gross	2	"
Spades, Shovels and Axes, per dozen	2	"
Window Glass, per one hundred feet	2	"
Canada Plates, Tin Plates, Lemons and Oranges per box	2	"
Baskets, Buckets, Pails and Corn Brooms per dozen	2	"
Poultry or Game per dozen	2	"
Untanned Skins, undescribed, per dozen	2	"
Apples and other Green Fruit, per bushel	1	"
Potatoes, Onions, and other Green Vegetables, per bushel.	1	"
Oysters and other Shell Fish, per bushel	1	"
Casks (undescribed) Empty, each	1	"
Corn Whisks, or Dusters, per dozen	1	"
Laths and Shingles, per thousand	4	"
Eggs, per thousand	4	"
Boats, undescribed, each	4	"
Vehicles, undescribed, each	4	"
Neat Cattle and Horses, each	4	"
Hoop poles, per hundred pieces	5	"
Firewood and Bark, per cord	5	"
Empty Bottles, per gross	5	"
Hides, per dozen	5	"
Ashes (Pot or Pearl) per barrel	7	"
Cinders, Coal and Coke per ton of 2,000 lbs	10	"
Clay, Sand, Lime and Ballast per ton	10	"
Timber, per hundred cubic feet	10	"
Sawed Lumber of every kind, per thousand feet board measure	10	"
Lathwood, per cord	10	"
Bateaux and Carriages each	10	"
Buffalo Skins, per dozen	10	"
Earthenware, (loose) per hundred pieces	15	"
Hand spikes, Oars and Billets, per hundred pieces	15	"
Barrel Staves, per mille	15	"
Hay and Straw, per hundred bundles	15	"
Marble, per hundred cubic feet	20	"
Stone (except ballast) per hundred cubic feet	20	"
Puncheon Staves, per mille	20	"
Empty Barrels, per hundred	20	"
Empty Boxes, per hundred	20	"
Grain Seeds, Indian Corn, Pulse, Malt, and Salt per hundred bushels	25	"
Railway Sleepers, per hundred pieces	25	"
Bricks, Tiles, and Slates (roofing) per thousand	10	"
Pipe Staves, (Standard) per mille	60	"
Gold or Bullion		Free.

SCHEDULE C.

Goods on which there shall be levied a rate of Fifteen cents per One thousand pounds gross weight :—

Arrowroot, Barley (Pot or Pearl,) Batting, Biscuits, Bread, Butter, Blue, Brimstone, Cheese, Crackers, Coffee, Cocoa, Chocolate, Candles, Cork unmanufactured, Cordage, Cotton, Wool, Flax, Feathers, Fruit dried, Glue, Greases, Gunpowder, Ginger, Hemp, Hops, Honey, Junk, Leather, Lard, Lampblack, Nuts of all kinds, Oakum, Oil Cake, Ochre, Paints, Putty, Rice, Rags, Rope, Sugar (raw or refined) Soap, Starch, Spices, Sago, Saleratus, Salts, Snuff, Saltpetre, Sulphur, Teas, Tobacco, Tow, Tallow, Wadding, Wood, Wire, Wax, Wrapping Paper, Whetstones :—

SCHEDULE D.

Goods on which there shall be levied a rate of Twenty-Five Cents per ton gross weight :—

Anchors, Anvils, Alum, Chains, Metals of all kinds in Pigs, Bar, Bolts, Rods or Sheets, Hollow Iron Ware, Plough-Moulds, Nails, Spikes, Shot, Stoves, Ores of all kinds, Chalk, Cement, Gypsum, Plaster of Paris, Whiting, Copperas, Grindstones, Mill Stones, Dye Woods, Soda Ash, Raft Gear, Bran, Shorts, Luggage, Bones, Hoofs, Horns.

SCHEDULE E.

Goods on which there shall be levied a rate of Twenty Cents per one hundred gallons thereof :—

All Liquors, Wines, Oils and Fluids whatsoever in wood or other packages except bottles.

SCHEDULE F.

Goods on which there shall be levied a rate of Fifteen cents per ton measurement of forty cubic feet :—

Earthenware, Stoneware, Chinaware, and Glassware in Packages.

SCHEDULE G.

On all Goods, Wares and Merchandize whatsoever not otherwise classed or described, there shall be levied a rate of one fourth of one per cent of the value thereof ; Provided always, that upon goods, the value of which cannot be ascertained satisfactorily, it shall be lawful for the Harbor Commissioners to levy a rate of twenty-five cents per ton weight or measurement as they may see fit.

Goods landed within the Harbor and shipped are liable for the dues for both landing and shipping.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act respecting the Trinity House and Harbor Commissioners of Montreal.

Received and read, First time, Friday, 21st March, 1873.

Second reading, Tuesday, 25th March, 1873.

Hon. Mr. Mitchell.

OTTAWA:

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

1873.

No. 28] **BILL.** [1873.

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

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

1. This Act may be cited as " The Election Law, 1873." Short Title.

INTERPRETATION.

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

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

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

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

5. The word " city " whenever used in this Act shall mean any place incorporated as a city or recognized as such by Act of the parliament of Canada, or of the legislature of the province in which it lies. " City."

6. The word " town " whenever used in this Act shall mean any place incorporated as a town or recognized as such by any such Act as aforesaid. " Town."

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

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

"To vote," "voter."

9. The expression "to vote" whenever used in this Act shall mean to vote at an election for a member of the House of Commons; and the word "voter" means a person entitled so to vote.

Oath.

10. The word "oath" includes affirmation in cases where a solemn affirmation is by law allowed instead of an oath; and generally the "Interpretation Act" shall apply to this Act.

11. If the time limited by this Act for any proceeding or the doing of anything under its provisions, expires or falls upon a Sunday or any day which is a holiday under the Interpretation Act, the time so limited shall be extended to, and such thing may be done on, the day next following which is not a Sunday or a holiday.

WHO MAY VOTE AT ELECTIONS.

IN COUNTIES.

Voters in counties.

3. Every male person shall, in and after the year one thousand eight hundred and seventy *four*, be entitled to be registered in the list of voters hereby required to be made, as a voter in Canada, and when registered, to vote for a member to serve in Parliament for any electoral district, being a county or riding of a county, or either of the electoral districts of Algoma, of Muskoka, who

Qualification.

is qualified as follows, that is to say, if he

Age.

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

Subject of Her Majesty.

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

Owner.

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

Tenant.

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

Occupant.

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

Resident in receipt of salary of $400.

6. Is a resident within the electoral district, and has been such resident for one year next before the said day of , and is in receipt of an annual salary of not less than four hundred dollars, and has been in actual receipt thereof for one year next before the said day of ;

As to voters in cities.

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

8. The provisions of section five of this Act shall apply to voters in every town that is attached to or forms portion of a county or riding of a county for electoral purposes. As to voters in towns.

IN CITIES.

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

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

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

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

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

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

6. Is a resident within the electoral district, and has been such resident for one year next before the said day of in each year, and is in receipt of an annual salary of not less than four hundred dollars, and has been in actual receipt thereof for one year next before the said day of ; Resident having salary of $400,

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

IN TOWNS.

5. Every male person shall, in and after the year one thousand eight hundred and seventy-*four*, be entitled to be registered in the Voters in Towns.

list of voters hereby required to be made, as a voter in Canada, and when registered, to vote for a member to serve in Parliament for any town which is an electoral district, or for any electoral district including such town, who is qualified as follows, that is to say:—If he

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

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

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

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

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

Resident in receipt of salary of $400. 6. Is a resident within the town, and has been such resident for one year, next before the said day of in each year, and is in receipt of an annual salary of not less than four hundred dollars, and has been in actual receipt thereof for one year next before the said day of ;

As to voters in places attached to Towns. 7. The provisions of section three of this Act shall apply to voters in such places as are not included within the bounds of towns for municipal purposes, but are attached to, or form portions of the same for electoral purposes.

APPLICABLE TO ALL ELECTORAL DISTRICTS.

Interpretation as respects first List. 6. For the first list of voters to be prepared under this Act, the foregoing sections shall be read as if, instead of the date of the day of therein stated, the words "the date of the first publication of the list of voters by the Revising Barrister as hereinafter provided" were inserted.

Joint tenants. 7. Whenever two or more persons are, either as partners in business, joint tenants, or tenants in common, or *par indivis*, the owners of real property or the tenants or occupants thereof, each of such persons shall be entitled to vote, and to be entered on the list of voters in respect of such property, if the value of his part or share would be sufficient to entitle him to vote in the electoral district within which such property is situated, if his share in such property were in his individual name: Provided that each of such persons in this section mentioned must be entered separately on

the list of voters; Provided also that if the property be owned, or held by any body corporate, no one of the members thereof shall be entitled to vote, or be entered on the list of voters in respect of such property. Proviso.

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

9. When any real property, although wholly within the same electoral district, nevertheless lies partly within the limits of one of the polling districts therein, and partly within the limits of another of the said polling districts, the person entitled to vote as the owner, tenant, or occupant of such property may vote in either of the said polling districts at his discretion if his name be entered, as it may be, in the list of voters for such polling district. When property is situated in two polling Districts.

WHO SHALL NOT VOTE AT ELECTIONS.

10. The Chancellor and Vice-Chancellors of the province of Ontario, all Chief Justices and Judges of courts of record, and all County and District Judges, shall be disqualified and incompetent to vote at any election. Persons disqualified.

11. No Revising Officer, Returning Officer, Deputy Returning Officer, Election Clerk, or Poll Clerk,—and no person who, at any time, either during the election or before the election, is or has been employed at the same election, or in reference thereto, for the purpose of forwarding the same, by any candidate or by any person whomsoever, as counsel, agent, attorney, or clerk, at any polling place at any such election, or in any other capacity whatever, and who has received, or expects to receive, either before, during, or after the said election, from any candidate or from any person whomsoever, for acting in any such capacity as aforesaid, any sum of money, fee, office, place, or employment, or any promise, pledge, or security whatever, for any sum of money, fee, office, place, or employment,—shall be entitled to vote at any election Revising or Returning officer, &c., not entitled to vote.

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

REGISTRATION OF VOTERS.

13. The Governor shall, within months after the passing of this Act, appoint a proper person to be the Revising Officer for the registration of voters in each electoral district, and to prepare and make the voters' lists to be used therein under the provisions of this Act, whose duties shall be as hereinafter provided, and who shall be duly sworn to the impartial performance of his duty in the form prescribed in Schedule A to this Act annexed, before any Judge or Justice of the Peace; and in case of the death, resignation, or inability to act of any Revising Officer, a nother may be in like manner appointed in his stead, and the powers and duties hereby assigned to the Revising Officer shall in such case become vested in and continued by his successor in office, and such successor shall be understood to be included in the enactments respecting the Revising Officer Appointment of Revising Officers.

2. The Revising Officers shall in all Provinces except Quebec, be Barristers of at least , years standing, and in that Province shall be either Advocates or Notaries of years standing.

Proceedings of Revising Officer Voters' Lists.

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

Preparation of copies and public exhibition thereof.

15. The Revising Officer shall cause a sufficient number of copies of the said list to be printed or written, and shall, on or before the day of 187 , sign and publish the same; and a copy of the said list, so signed, shall be deposited in some suitable place in each municipal division (*or in default of municipal divisions, in some public and suitable place or places*), in the electoral district, to be perused by any person, without payment of any fee, between the hours of ten in the forenoon and three in the afternoon of any day except Sunday, during the days next after the said list has been so published. The Revising Officer shall also deliver copies of the said list to all persons applying for the same, on payment of a price therefor calculated on the actual price of printing the same, or, if the copies are written, at the rate of *five cents* for every ten names thereon.

Notice to be appended to copies.

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

"The Revising Officer for the electoral district of will sit on the day of next, at at o'clock, a.m., for the preliminary revision of the voters' list. Any person objecting to any name thereon, or claiming to add a name or names to the list, or desiring any amendment thereof, must, on or before the day of , deliver to the Revising Officer a statement in writing, setting forth the name objected to, the nature of the objection, and any reason he has to urge in support thereof, or a statement of the name or names proposed to be added to the list, and the reasons on account of which such addition is claimed, or of any other proposed amendment of the said list, with the reasons therefor; every such statement to be signed by and contain the address in full of the person making the same. Dated day of 187 .

(Signed) A. B.,
Revising Officer."

Delay for sitting of Revising Officer.

17. The day appointed for such sitting of the Revising officer shall not be less than four nor more than five weeks after that of the signing and publication of the voters' list; and the day fixed for delivering in objections or claims for the correction of the list, shall be at least one week before that fixed for such sitting of the Revising Officer.

Objection to names to be entered on list.

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

Notice of sitting.

19. Notice of the time and place at which he will sit shall also be given by the Revising Officer in one or more newspapers (if any) published or circulated within the electoral district.

Preliminary revision of list.

20. On the day and at the place appointed, the Revising Officer shall publicly proceed to the preliminary revision of the list, basing such revision on the written statements delivered to him, and on the verbal statements of those persons who may then be present to give information in support of or in opposition to the written objections or claims for addition or correction; and he shall then and there correct the list to the best of his judgment and ability, striking off or adding thereto such names as from the evidence before him or the best information he can command, he is of opinion ought to be struck off or added to the list.

Polling districts.

21. The Revising Officer having completed the preliminary revision of the first general list for the Electoral District, shall, on or before the day of 187 , by an order under his hand divide every city, town, ward, parish, township, or other municipal division in the electoral district (*or in default of such municipal division every tract of land*) having, according to the said list, more than *six hundred* voters therein, by well-defined boundaries, such as streets, side-lines, concession lines, or the like, into polling districts, in such manner that the number of voters in the several polling districts in the electoral district, shall be as nearly equal as may be, and shall not in any one exceed *six hundred*.

Numbering of Polling Districts.

22. The polling districts shall be numbered consecutively, in and by the order of the Revising Officer by which they are established, and such order certified under his hand, shall be forthwith after the making thereof, filed and kept by the Revising Officer for the purposes of this Act and of law.

Lists for each Polling District.

23. Immediately after the sub-division of the electoral district into polling districts, the Revising Officer shall prepare from the first general list of voters, as preliminarily revised by him, a separate voters list for each polling district, containing in alphabetical order, the names of all voters qualified according to law to vote at any election at the poll established in such polling district; such list shall contain the residences of such voters (if known to the Revising Officer) and the nature of their qualifications respectively; and the lists so prepared for the several polling districts shall, after the final revision and correction by the Revising Officer as hereinafter provided, be the first voters' lists to be used at any election of a Member of the House of Commons under this Act.

FINAL REVISION OF THE VOTERS' LISTS.

Proceedings to final revision.

24. With a view to the final revision and correction of the voters' lists, the Revising Officer shall cause a sufficient number

of copies of each list with the description of the polling district to which it relates, to be made or printed, and on or before the day of 187 , shall sign and publish the same, and shall cause copies of the same to be posted up in at least three public places within the polling district to which it relates, and shall deliver copies thereof to all persons applying for the same, upon their paying therefor a price calculated upon the cost of printing the same; or if the copies be in writing, at the rate of *five cents* for every ten names on the list; and to each such list shall be appended a notice to the effect following:—

Notice.

"The Revising Officer for the electoral district of will sit at (*some suitable place within the polling district*) on the day 187 at o'clock, a.m. to proceed with the final revision of the voters' list, for polling, district No. .

"All objections and claims for additions thereto must be made in writing, and delivered to the Revising Officer at on or before day of 187

Dated

(Signed,) A. B.
Revising Officer."

The place at which such objections and claims are to be delivered shall also be mentioned in the notice; and the leaving them with a literate person at such place, addressed to the Revising Officer, shall be a delivery thereof to him.

Delay for sitting of the Revising Officer.

25. The day fixed for the sitting of the Revising Officer shall not be less than nor more than days after the signing and posting of the voters' list for the polling district, and the day fixed for the delivery of applications for the correction of the list; must be at least days before the day of sitting.

List to be finally revised.

The Revising Officer shall sit and hold open court on the day, and at the place appointed, and shall proceed to hear and determine the applications delivered to him for the correction of the list, and finally to revise the list, in the manner and subject to the formalities hereinafter mentioned.

Person complaining as to his own name.

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

As to the name of any other person.

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

Notice to party objected to.

28. Any person who proposes to strike a name from the list, shall give the party objected to at least three clear days' notice in writing, either personally, or by causing it to be left at his last or

usual place of abode if he resides within the electoral district, and if he does not reside within the electoral district, he shall cause such notice to be posted up at the place of sitting of the Revising Officer in the polling district. The party objecting shall, if required by the Revising Officer, prove the giving or posting of such notice on oath to his satisfaction before the objection is heard.

Complaint to be decided upon after hearing.

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

Proceedings and powers of Revising Officer.

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

Person summoned failing to attend.

Proceedings to be summary.

31. All the proceedings under the two next preceding sections shall be summary, and the Revising Officer hearing any such complaint as aforesaid shall not be bound by any technical rules of proceeding or evidence, but shall proceed upon and determine such complaints, and revise and correct such lists, to the best of his ability, and in such manner as he deems most conducive to equity and the substantial merits of the case.

Revising Barrister to certify List.

32. After any list has been so revised and corrected, it shall be certified by the Revising Officer and kept by him for the purposes of this Act and of law; and a duplicate thereof certified as aforesaid shall be transmitted by him to the Clerk of the Crown in Chancery.

Voters entered on Lists only to vote.

33. After the voters' lists have been so revised, corrected, and certified, as hereinbefore prescribed, and until other lists are in a future year made, revised, corrected and certified in their stead, and subject to any correction made by order of a superior court on appeal as hereinafter mentioned, those persons only whose names are entered upon such lists as so revised and corrected, shall be entitled to vote in the polling districts for which they were respectively made, at any election of a Member of the House of Commons, and the said lists shall be binding on any committee of the House of Commons, Judge, or other tribunal appointed for the trial of any petition complaining of an undue election or return of a member to serve in the House of Commons.

Revision of lists by sub-

34. Each Revising Officer shall, on or before the first day of in the *year* 187 , and in each year thereafter ascer-

sequent Revising Barrister.

tain by the best means in his power, the persons who, under the provisions of this Act, are entitled to have their names added to the voters' lists in his custody as such Revising Officer and shall enter the names of such persons therein, distinguishing them respectively as owners, or as tenants, or as occupants, or as purchasers under the Crown, showing the number of the lot, or part of lot, or other description of the real property in respect of which they are so qualified, and as those entitled to vote as possessed of the requisite income qualification, and shall also ascertain the names of such persons as should be withdrawn from the said lists by reason of death, or other disqualification, and shall erase the same from such lists.

Circuit to be made and open Courts to be held.

35. In order to the revision and perfection of such lists, the Revising Officer for any electoral district shall make a circuit, and hold open courts for such revision in each of the places appointed as polling districts in such electoral district, and at any other places within the said electoral district which he shall think expedient, at convenient times between the day of inclusive, and the day of inclusive, in the then current year, commencing with the *year* 187 , and shall, ten days at the least before the holding of such court of revision, appoint the several times and places at which the said courts will be holden, and declare the lists which will be revised at each of the said courts, and the Revising Officer shall forthwith cause public notice thereof to be given by advertisement in one or more of the newspapers (if any) published or circulating within the electoral district, and shall cause a sufficient number of copies of the said notice and of the voters' lists for each polling district, to be posted up in three of the most public places therein; any such court may be adjourned either from day to day or for any longer time, within the period limited as aforesaid.

Courts of Revision in Cities and Towns.

36. For the revision of the voters' lists in polling districts which are wards or other subdivisions of cities or towns, the Revising Officer instead of holding a court in each such polling district, may appoint some central place in such city or town at which to hold his court of revision for the several polling districts therein, appointing a separate day, and holding a separate court for each polling district, as above provided.

Notice to person objected to.

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

Notice by person desirous of having name added to list.

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

Proceedings of Revising Barrister.

39. At the time and place appointed, the Revising Officer shall attend and hear all applications to remove any name from or

to add any name to such list of voters; and shall determine such applications in a summary manner at such court or any adjournment thereof, and in such way as he thinks best for ensuring justice to all parties; and may direct that any further notice be given to any party, if he thinks proper, and shall have the powers for summoning before him and examining on oath or affirmation, any party or witness, and compelling the production of any document, paper, or thing, and generally all other powers which are vested in any court of record in relation to any matter pending before it, but shall not be bound to observe any rules or form of proceeding or evidence, but shall proceed upon and determine the matter in such manner as he shall deem most conducive to equity, and for doing substantial justice to all parties and ensuring the correctness of the lists; and the Revising Officer may in his discretion award costs not exceeding in any case dollars, to be paid by any party making or objecting any claim to any other party in the case, and such costs shall be recoverable on the certificate of the Revising Officer in any court having jurisdiction in civil cases to the amount.

Alphabetical lists to be prepared.

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

When lists shall be deemed finally revised.

41. Subject to any correction made by order of a superior court on appeal as hereinafter provided, any list of voters shall be considered finally revised and corrected, when it has been so certified as correct by the Revising Officer, and shall be held to be the correct and only voters' list for the polling district to which it relates, until another list has been made in another year and substituted for it under this Act, and shall be binding on any committee of the House of Commons, Judge, or other tribunal appointed for the trial of any petition complaining of an undue election or return of a member.

APPEAL.

Who may appeal, and how, and to what court.

42. Any person who under the foregoing sections shall have made complaint in due form, of the insertion or omission of any name upon or from the list of voters for any polling district, on the final revision of such list, for the first or any subsequent year, or any party with reference to whom the complaint was made, who shall deem himself aggrieved by the decision of the Revising Officer on such complaint, may with the consent of the Revising Officer appeal from such decision to any of the superior courts of common law having jurisdiction in the province in which such polling district is situate:

No such appeal shall be received or allowed against any decision of the Revising Officer upon any matter of fact or the admission or rejection of evidence adduced or offered on any matter of fact, but the appeal shall be allowed only on some point or points of law stated, as a case, in writing by Counsel for the intending appellant, to the satisfaction of the Revising Officer and signed by him in testimony of his approval thereof:—

With the consent of the Revising Officer, any number of persons desiring to appeal on the same point or points of law, may join in the same statement of case, and in the same appeal:

The appeal shall be in the form of a petition to the court, embodying the statement of case approved by the Revising Officer, and praying that the voters' list in question may be amended by the insertion or omission of the name or names alleged to be wrongfully omitted or inserted, as the case may be, and may be presented at any sitting of the court by any barrister or advocate practising therein:

A copy of the petition must at least days before such presentation, have been served upon the Revising Officer, and upon the party in whose favor the decision appealed from was given, with a notice of the time and place at which the petition will be presented; such service being made in the manner prescribed in any ordinary case of summons to appear before such court in civil cases, or in any other manner prescribed by any rule made by the court in that behalf under this Act, or if no such rule be made, then in any manner satisfactory to the court *pro re natâ:*

Appearance and hearing.

The Revising Officer and the opposing party (if any) may appear by any barrister or advocate practising in the court, upon and to whom any order made by the court in the case, or any notice or other proceeding therein may be validly served or given:

If the petitioner or petitioners does not or do not appear on the day on which the petition is to be presented, or appearing withdraws or withdraw his or their petition, the case shall, on the application of the Revising Officer or any other party on whom the petition has been served as aforesaid, be dismissed, as respects such petitioner or petitioners, and the polling list shall as to him or them remain unaltered:

If the petitioner or petitioners appear, and neither the Revising Officer nor any other party aforesaid does so, or appearing does not oppose the petition, the court shall order the polling list to be amended as prayed for, and the Revising Officer shall amend it accordingly:

Decision in appeal.

But if the petition be opposed by the Revising Officer or other party aforesaid (if any) then appearing, the court shall appoint a convenient time and place at which the case shall be heard by some Judge of the court, who shall hear and decide the same summarily, and without being bound by any technical rules of proceeding; such decision shall be subject to no appeal, and shall be notified in such manner as the court may direct to the Revising Officer, who shall obey the same and shall amend the polling list or leave it unaltered accordingly:

Provided always, that the court may, if it be of opinion that the case submitted is not sufficient to enable it to give judgment in law, remit the case to the Revising Officer to be more fully stated:

Costs.

The court may award costs to or against the Revising Officer or any party in the case:

Rules of practice.

The court or the Judges thereof having by law power to make rules of practice for proceedings therein, shall (subject to the provision hereinafter made as to the Province of Quebec) have power to make rules of practice for proceedings under this Act, and a tariff of costs and fees on such proceedings respectively, and to alter the same; but if and so long as no such special rule or tariff shall be in force and applicable to any proceeding or matter under this Act, the court and Judges shall cause the proceedings for which no such special provision is made, to be conducted in such manner as they may deem best adapted for doing substantial justice to all parties,

and shall allow such costs as they may deem reasonable; the court deciding the case shall in its order in that behalf direct by what party the costs on any or all the proceedings shall be paid, and they shall be subject to taxation as in other cases in the court, and recoverable in like manner:

Proviso as to Quebec.

Provided always, that in the Province of Quebec, the petition shall be presented to the superior court at the city of Quebec if the polling district in question be in any one of the districts of Quebec, Three Rivers, Saguenay, Chicoutimi, Gaspé, Rimouski, Kamouraska, Montmagny, Beauce or Arthabaska, and to the superior court at the city of Montreal if such polling district be in any one of the districts of Montreal, Ottawa, Terrebonne, Joliette, Richelieu, St. Francis, Bedford, St. Hyacinthe, Iberville or Beauharnois, and any three Judges of the said court residing at the city at which the petition is presented shall have and exercise with respect to such petition all the powers by this Act vested in the court, except only that any rules of practice or tariff made under this Act shall be made or altered only by the Judges of the court resident in the said cities, or a majority of them.

POLLING DISTRICTS.

Copies of lists at elections.

43. The Revising Officer shall, at every election held in his electoral district, furnish to the deputy returning officer appointed for each polling district, a copy or duplicate of the voters' list for such polling district, to be used by him at the poll held therein.

Subdivision of Polling Districts.

44. Whenever the number of voters in any polling district shall increase so as to exceed *six hundred*, or whenever the Revising Officer considers that the convenience of the voters would be promoted by a new and different subdivision, he shall again subdivide any city, town, ward, parish, township or other municipal division in which such polling district is situate, into polling districts so as to conform to the intent and meaning of this Act, and so again, from time to time, as like occasion shall require, using on all occasions after the first division thereof, the then last revised and corrected voters' lists for that purpose; and the Revising Officer, after making such subdivision, shall make and publish by posting up in each polling district an order establishing the same.

Revision of subdivision.

45. At any time within one month after the making of such order, an application for the revision of such subdivision may be made at the instance of any five of the voters in any one or more of the polling districts affected by such subdivision, to the Revising Officer, who shall promptly revise such subdivision and order and correct the same if he finds it necessary, so as to conform to the true intent and meaning of this Act or otherwise deal therewith as may seem to him right; and immediately after any such new subdivision has been finally made, the Revising Officer shall prepare new voters' lists in accordance therewith, and shall certify and transmit the same to the Clerk of the Crown in Chancery as hereinbefore provided.

New voters' lists.

In case of non-revision of lists.

46. If from any cause the list of voters for any polling district is not made and revised and corrected in any year, the list last made and revised and corrected shall be used in its stead, for the purpose of any election.

Copies of lists, how obtainable.

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

If an appeal be pending when the Revising Officer has to furnish a list of voters.

48. If at any time when the Revising Officer is required to furnish or certify the list of voters, whether to a deputy returning officer or to any other officer or person, there be any appeal pending or in which the decision if given has not been notified to the Revising Officer, with respect to such list, the Revising Officer shall furnish such list, as then last revised and corrected by him, without noticing such appeal, and the list shall serve and avail for the election with reference to which it is furnished as if no such appeal were or had been pending; but whenever the appeal is decided so as to require the correction of the list, he shall correct the list accordingly and notify the Clerk of the Crown in Chancery that he may correct the duplicate list in his hands accordingly: Provided that if the decision in appeal requiring the correction of any voters' lists is notified to the Revising Officer before the day of polling, a new voters' list may be required by the Deputy Returning Officer before the said day, and shall contain the corrections in question.

Remuneration of Revising Officer.

49. Every Revising Officer shall be paid the sum of by way of remuneration to him, and in satisfaction of his travelling and other expenses in revising and correcting such lists in each electoral district, and also at the rate of *five cents* for every ten names on each copy of the lists sent to the Clerk of the Crown in Chancery.

RETURNING OFFICERS.

Returning Officer.

50. The Governor shall appoint a proper person to be Returning Officer for each electoral district.

Qualification of Returning Officer.

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

Who shall not be appointed Returning Officer, etc.

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

First.—The Members of the Privy Council;

Second.—The Members of the Senate;

Third.—The Members of the House of Commons;

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

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

Sixth—Persons who have served in Parliament as Senators or Members of the House of Commons in the session next immediately

preceding an election, or in the then present session if the election takes place during a session;

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

53. The persons hereinafter mentioned in this section, shall not be obliged to act as Returning Officer, or Deputy Returning Officer or as Election Clerk or Poll Clerk, that is to say: Persons not compelled to serve as Returning Officers.

First.—Physicians or Surgeons;

Second.—Millers;

Third.—Postmasters;

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

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

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

ISSUE OF THE WRIT

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

56. Every writ of election shall be issued by the Governor within fourteen days after the sealing of such instrument as aforesaid for summoning and calling together such House of Commons, and shall be addressed and directed and delivered to the Returning Officer appointed by the Governor for the electoral district in which an election is to be held. Period for issuing writs.

ALL ELECTIONS TO BE ON ONE DAY

57. Whenever after the coming into force of this Act, such instrument for summoning and calling together the House of Commons shall be issued, and a general election of Members of the same is to be held under it, the Governor in Council shall fix the day for holding the elections, and shall also fix the day on which the polling shall take place in every case where a poll is demanded and granted: Governor in Council to fix the days of election and of polling.

2. At every such general election the election for each and every electoral district in the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, shall take place and be held on one and the same day; the election for each and every electoral district in the Province of British Columbia shall take place and be held on one and the same day; and the election for each and every electoral district in the Province of Manitoba shall take place and be held on one and the same day:

3. The polling at all such elections in the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, where polls are demanded and granted shall also take place on one and the same day; the polling at all such elections where poles

are demanded and granted in British Columbia, shall also take place on one and the same day; and the polling at all such elections in the Province of Manitoba, where polls are demanded and granted, shall also take place on one and the same day; and the respective days so fixed for holding such elections, and for opening and holding the polls, shall be stated in the instrument for summoning and calling together the House of Commons and in any proclamation thereunto relating, and in the several writs of election issued in that behalf:

4. The day to be so fixed for holding the said elections in the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, shall not be more than *twenty-five* days nor less than *twenty* days from the date of the writs of election, the day to be so fixed for holding the said elections in the Province of British Columbia or Manitoba shall not be more than *forty* days nor less than *twenty-five* days from the date of the writs of election, and the writs of election for all the Provinces in Canada shall bear date on the same day; and the day for holding the polls shall not be more than *eight* nor less than *six* days after the day for holding the elections;

5. There shall be not less than *forty* nor more than *fifty* days between the test and return of every writ of election, whether at a general election or in the case of any election for filling a vacancy in the representation of any electoral district, subject to the following exceptions:

Any writ for the election of a member for the electoral district of Gaspé, or for the electoral district of Chicoutimi and Saguenay, may be made returnable at any time within *ninety* days from the day on which it bears date; any writ for the election of a member for the electoral district of Algoma issued between the *fifteenth day of October* and the *fifteenth day of March* following may be made returnable at any time within *ninety* days from the day on which it bears date: and any writ for the election of a member for

Provision in case of loss of writ, &c.

6. Provided always, that in the case of the destruction or loss of any writ of election before it is received by the Returning Officer, or his death before its reception, or in case of any other unforeseen and inevitable event making impossible that the election should be held on the day appointed by the writ, then upon the Governor's being satisfied of the fact, a new writ may be issued, in which the day of election or return may be altered as the emergency of the case in the judgment of the Governor may require, but in conformity as much as circumstances permit, with the foregoing provisions.

PROCEEDINGS ON THE RECEIPT OF THE WRIT.

Duty of Returning Officer.

58. The Returning Officer shall, on receiving the writ of election forthwith endorse thereon the date of its reception.

Proclamation to be issued.

59. Within *eight* days next after the day of such reception, he shall, by a proclamation under his hand, issued in the English language in the Provinces of Ontario, Nova Scotia, New Brunswick and British Columbia, and in the English and French languages in the Provinces of Quebec and Manitoba, and in the form B of the schedule annexed to this Act, declare the day, and fix the place and hour, at which he will proceed to hold the election:

60. He shall cause the said proclamation to be posted up, in the manner hereinafter prescribed, at least eight days before the day fixed for holding the said election, which day so fixed shall be called "Nomination Day." Posting thereof.

2. Neither the Nomination day nor that of the posting of such proclamation, shall be included within the said eight days.

61 The place at which the election shall be held shall be fixed by the Returning Officer, and shall be in the public place most central and most convenient for the great body of the voters in the electoral district for which he is acting as such Returning Officer, and the hour to be fixed shall be between eleven o'clock in the forenoon, and two o'clock in the afternoon of the day by him fixed for opening such election. Place for holding election.

62 In and by the proclamation, the Returning Officer shall also declare the day on which, in case a poll be granted as hereinafter provided, such poll will be opened, in conformity to this Act, in each polling district. Day for holding election.

63. The Returning Officer, on receiving the writ of election shall fix one polling place for each polling district, in the most central and convenient place for the voters of such polling district: Provided that, so far as may be consistent with the proper number of voters in each, the polling places shall be at least two hundred yards distant from each other, in cities, towns, and incorporated villages, and at least one mile distant from each other in parishes, townships, or other places subdivided into polling districts; and the building in which the poll is held shall not be a tavern or place of public entertainment, and there shall be free access thereto to every voter. Polling places

64 If the election be for a city or town, the Returning Officer shall cause the proclamation to be posted up at the city or town hall, and in some public place in each ward of such city or town, and in the Province of Quebec also at the door of at least one church or chapel, or other place of public worship; Where Proclamation to be posted in.

2. If the election be for a county or riding, he shall cause the said proclamation to be posted up at the town hall, where there is one, and in at least one other public place in each polling district, and in the Province of Quebec also at the door of at least one church or chapel, or other place of public worship, where there is one. Where in counties.

65. The proclamation issued by a Returning Officer for the Electoral District of Chicoutimi and Saguenay, fixing the place, day and hour at which he will proceed to hold the election, shall be posted up at least *twenty* days before the day which by such proclamation he has fixed for holding such election.

66. Any Returning Officer refusing or neglecting to cause such proclamation to be posted up as above required, shall, for such neglect or refusal, incur a penalty of *one hundred* dollars; but the election shall not be void by reason of any imperfect but publication of the proclamation. Penalty for neglect.

67. The Returning Officer shall, before the day so by him fixed for opening the election, take and subscribe before a Justice of the Peace for the county or district in which he resides, the oath C in the schedule to this Act; and such Justice of the Peace shall (under a penalty of *forty dollars*, in case of refusal,) deliver to him, under the hand of such Justice, and in the form D of the said Oath of Returning Officer.

schedule, a certificate of his having taken the said oath, which, together with the said certificate, shall be annexed to his return to the writ of election; And any Returning Officer who refuses or neglects either to take and subscribe the said oath, or to annex it with the said certificate to his return, shall, for such refusal or neglect, incur a penalty of *forty dollars*.

ELECTION CLERKS.

Appointment of Election Clerk.

68. The Returning Officer shall, before the Nomination Day, appoint, by a commission under his hand, in the form E, in the schedule to this Act, a fit person to be his Election Clerk, and to assist him in the performance of his duties as Returning Officer.

His Oath.

69. The Election Clerk shall take and subscribe, either before a Justice of the Peace, or before the Returning Officer, the oath in the form F in the said schedule; and of his having taken such oath there shall be delivered to him, by the person before whom he has been sworn, and under his hand, a certificate in the form G in the said schedule.

Penalty on refusing to act.

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

New Electio Clerk in certain cases.

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

In case of inability to act of Returning Officer.

72. Whenever any Returning Officer becomes unable to perform the duties of his office, whether by death, illness, absence, or otherwise, the Election Clerk so by him appointed, shall, under the same penalties in case of refusal or neglect on his part, as are hereinabove imposed in like cases on the Returning Officer, act as and shall be Returning Officer for the election, and shall perform all the duties and obligations of that office, in like manner as if he had been duly appointed Returning Officer, and without being required to possess any other qualification, or to take any new oath for that purpose; and in any such case the Election Clerk shall annex to his return to the writ of election the certificate of the oath he has taken as Election Clerk, and also the oath itself.

PROCEEDINGS ON THE NOMINATION DAY.

How nomination to be conducted.

73. Every Returning Officer shall, at the time and place fixed for opening the election (which shall he held in the open air, at a place to which all the voters may have free access), proceed to the hustings, and shall make, or cause to be made, in the English and French languages in the Provinces of Quebec and Manitoba, and in the English language in the other Provinces of Canada, in the presence of the voters there assembled at the hustings, a proclamation in the form H in the said Schedule, and shall then and there read,

or cause to be read publicly in the English and French languages in the Provinces of Quebec and Manitoba, and in the English language in the other Provinces of Canada, the writ of election and his commission as Returning Officer, and shall then require the voters there present to name the person or persons whom they wish to choose at the said election to represent them, in obedience to the said writ of election.

No show of hands.

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

How a poll may be demanded.

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

If there be only one candidate.

76. If only one candidate, or no more candidates than are to be returned for the electoral district be nominated, or if all the candidates nominated except one, or the number to be returned, then and there publicly and openly withdraw, the Returning Officer, shall, at the expiration of one hour from the nomination of such candidate or candidates, and not before, close the election, and shall then and there openly proclaim the person or persons so chosen to be duly elected.

Proclamation of polling day

77. When at any election a poll has been granted, the Returning Officer, immediately after having granted such poll, and before adjourning his proceedings, shall publicly proclaim from the hustings the day on which, and the place at which the poll will be so opened separately in each polling district, for the purpose of then and there taking and recording the votes.

AGENTS FOR ABSENT CANDIDATES.

Candidates agents.

78. At any election, whether at the hustings or at the polling places, in the absence of any person authorized in writing to act as agent for any absent candidate, any voter in the interest of such candidate, may, at any time during the election, declare himself to be and may act as the agent of any such candidate without producing any special authority in writing for that purpose..

CANDIDATES' QUALIFICATION AND DECLARATION.

Members' Qualification.

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

His Declaration.

"I, A. B., do declare and testify that I am duly seized at law or "in equity as of freehold, for my own use and benefit, of lands or

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

Penalty on false description.

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

When declaration may be made.

81. Any person may, with a view to his becoming a candidate as a Member of the House of Commons, make, at any time within three months before the nomination day for any election at which he may be nominated, the declaration mentioned in the next but one preceding section, but such declaration shall only be available in case of the absence of such candidate from the Dominion on the nomination day.

Before whom it may be made.

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

Certificate of delivery of Declaration.

83. Any candidate who delivers, or causes to be delivered, such declaration so made and attested, to the Returning Officer, at any time on or before the day of nomination, as above mentioned, shall be deemed to have complied with the law to all intents and purposes as regards such declaration; and any Returning Officer thereunto so required, shall be bound (under a penalty of *two hundred dollars* in case of refusal) to give forthwith after such declaration is delivered to him, to the candidate or other person who has delivered the same, an acknowledgement under his hand, of the delivery of such declaration.

When declaration shall be deemed to be delivered.

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

PROCEEDINGS WHEN A POLL IS GRANTED.

Proclamation of day for opening Poll

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

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

87. On the day of polling, the voting shall commence at eight o'clock in the forenoon, and shall finish at five in the afternoon of the same day. Hours during which poll is to be open.

DEPUTY RETURNING OFFICERS.

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

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

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

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

PROCEEDINGS PRELIMINARY TO POLLING.

Lists of Voters.

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

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

Charges for lists.

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

Poll books.

95. The Returning Officer shall deliver to each Deputy Returning Officer the necessary poll book or poll books for polling and recording the votes,

Poll Clerks.

Oath on appointment.

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

In case of refusal to accept office.

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

Duties

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

In case D.R.O. refuses to act.

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

Appointment of another Poll Clerk.

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

Same in another case.

101. Whenever any Poll Clerk refuses or neglects to perform his duty as such, or becomes unable to perform it, either by death, illness, absence, or other cause, the Deputy Returning Officer, whose Poll Clerk he was, may appoint, by a commission under his

hand, in the form M, in the said schedule, another person as Poll Clerk at the said polling place, to aid and assist him in the duties of his office, and may administer to him the oath required of a Poll Clerk by this Act.

TAKING AND RECORDING THE VOTES.

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

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

Query as to power to administer oath of allegiance and Act.

How votes to be recorded.

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

Voting papers

In case voter objected to.

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

Votes of persons on lists to be received.

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

Oath of voter objected to.

"You swear (*or*, solemnly affirm) that you are the person named by the name of _____ on the list of voters now shown unto you (*showing the list to the voter*); and as such entitled to vote at this election; that you are a subject of Her Majesty by law; that you are of the full age of twenty-one years; that you have not voted

before at this election for this electoral district, either at this or any other polling-place; and that you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith: So help you God."

What question of qualification may be raised.

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

If D. R. O. knows that fraud is being practiced.

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

In case of refusal to take oath.

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

Translator to be employed when required.

109. The Deputy Returning Officer may, if occasion requires, employ an interpreter to translate the oath or affirmation required of any voter, as well as any lawful questions necessarily put to him, and his answers; and such interpreter shall take, before the Deputy Returning Officer, the oath or affirmation following:—

"I swear (*or* affirm) that I will faithfully translate such oaths, "declarations, questions, and answers, as the Deputy Returning "Officer shall require me to translate at this election: So helpme "God."

VOTING PAPERS.

110. And whereas it is expedient to afford facilities for voting to electors who may be absent from any electoral division in which they are entitled to vote, therefore the enactments contained in the *eight* next preceding sections shall be interpreted, and have effect subject to the exceptions and provisions contained in this section, and the sections next following.

111. Any such elector, in lieu of attending to vote in person, may appoint any other elector for the same electoral division, to deliver for him a voting paper containing his vote, as herein provided:—

Every such voting paper shall be made and signed on or subsequently to the nomination day, and shall contain the name or names of the candidate or candidates thereby voted for, and the name of the elector authorized to tender the voting paper at the poll, and shall be in the form or to the effect of the schedule R, and (such date and name being previously filled in), shall on the day of its date, be signed by the voter in the presence of a Justice of the Peace for the place at which it is made, who shall attest the fact by signing, at the foot thereof, a certificate in the form or to the effect prescribed in the said schedule, with his name and address in full, and shall state his quality of Justice of the Peace for some territorial division including the place of date.

112. The voting paper so signed and certified may be delivered to the Deputy Returning Officer, on the polling day, at an polling place at which the voter might have voted in person, by the elector therein nominated, and the Deputy Returning Officer shall receive the same, and shall cause the vote (if it appear to him to be given according to this Act) to be recorded as if given by the voter in person, and it shall then be of the same validity and effect as if so given: Provided always that no voter shall sign or vote by more than one voting paper at the election for such electoral division, nor shall any voting paper be received and recorded which contains the names of more candidates than are to be elected thereat; and that no voting paper shall be received and recorded unless the person tendering it makes and signs before the Deputy Returning Officer, the following statement at the foot or on the back thereof:

"I solemnly declare that this voting paper is presented by me in good faith, and that I verily believe it to be the paper by which (*A. B., name of voter*) intends to vote at this election, under the Elections Act, 1873;"

Provided further, that no voting paper shall be received and recorded if the voter signing it has already voted in person at the same election; and that any such voter may vote in person, notwithstanding his having made and transmitted a voting paper to another elector, if such voting paper has not been tendered and received at the poll but not otherwise.

113. Any person who may, under this Act, object to a vote tendered in person, may inspect any voting paper tendered at the poll before it shall be received or recorded, and may object to it on any one or more of the following grounds:

1. That the person on whose behalf it is tendered is not qualified to vote;
2. That the person tendering it, is not duly qualified to do so;
3. That the person on whose behalf it is tendered, has already voted at the election, in person or by voting paper;
4. That the voting paper bears date anterior to the nomination day;
5. That it is forged or falsified:

And the Deputy Returning Office may put any pertinent questions to the person tendering the voting paper, and reject, or receive and record, or receive and record as objected to or as protested against, any vote tendered by voting paper; Provided that if the objection to any voting paper be that it is forged or falsified, the Deputy Returning Officer shall receive and record it, after having written upon it "Objected to as forged"—or "Objected to as falsified," with the name of the person making the objection.

114. All voting papers received and recorded by the Deputy Returning Officer at any election, as well as any tendered but not re-

corded on the ground of informality, or for any other cause, shall be delivered by the Deputy Returning Officer to the Returning Officer, with the poll-books, and shall be transmited with them to the Clerk of the Crown in Chancery, in whose custody they shall remain with the poll-books and for like purposes.

PROCEEDINGS ON CLOSING THE POLL.

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

115. The Deputy Returning Officer shall, at the close of the polling, certify under his signature on the poll-book, and in full words, the true state of the votes to the effect following :—

"I certify that the number of votes polled at the close of "the polling in the Polling District of the Electoral District of , is (*the total number of votes polled*) , where G. H., a candidate, has polled ; J. K., a candidate, has polled ; L. M., a candidate, has polled (*as the case may be*).—Signed, "A. B., Deputy Returning Officer;"

Of which state of the votes he shall give certified copies to any person demanding the same before he, (the said Deputy Returning Officer,) leaves the polling-place.

No scrutiny by Returning Officer.

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

PENALTIES FOR VOTING FRAUDULENTLY.

False personation of a voter.

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

118. Any person falsely or fraudulently signing any voting paper, in the name of any other person, either as a voter or as attesting the same, whether such other person be living or dead, and every person, signing, subscribing, endorsing, attesting, certifying, tendering or transmitting as genuine, any false or falsified voting paper, knowing the same to be false or falsified, and any person falsely making any declaration or statement required by this Act, in or with respect to any voting paper, or with fraudulent intent, altering, defacing, destroying, withholding or abstracting any voting paper, and any person wilfully making any false answer to any question put to him by the Deputy Returning Officer,—shall be guilty of misdemeanor, and shall, on being convicted thereof, be liable to a fine of *two hundred dollars*, or to be imprisoned for a term not exceeding one year, or to both fine and imprisonment, at the discretion of the Court.

Wilfully voting when disqualified.

119. Any person who votes more than once at the same election, shall, for so doing, incur a penalty of *two hundred dollars*, and every vote he gives shall be null and void, and any person wilfully voting at any election, whether he be or be not on the list of voters, without having at the time of his so voting, all the qualifications required by law for entitling him so to vote, shall for so doing incur a penalty of *two hundred dollars*, and his vote shall be null and void: and in any action or prosecution instituted as

hereinafter provided against any person for the recovery of the said penalty, the burden of proof of his having such qualifications at the time of his voting shall fall upon him and not upon the party instituting such action.

Fraudulent conveyance of lands, effect of.

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

PROCEEDINGS AFTER THE CLOSE OF THE POLLS.

Oath of Poll Clerk.

121. The Poll Clerk shall, after the closing of the poll at which he has acted as such, but before the Deputy Returning Officer who has kept the same, has returned the poll book to the Returning Officer, make and subscribe, either before a Justice of the Peace, or before the said Deputy Returning Officer, or before the Returning Officer himself, the oath in the form P, in the Schedule hereunto annexed, which oath shall thereafter be annexed to the poll book

Oath of D. R. O.

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

Neglect of formalities, Penalty.

123. Any Deputy Returning Officer, or Poll Clerk, who refuses or neglects to perform any of the obligations or formalities required of him by this Act, shall for each such refusal or neglect, incur the penalty of *two hundred dollars.*

Delivery or transmission of poll books to R. O.

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

CLOSING THE ELECTION AND PROCEEDINGS THEREAFTER.

Number of votes to be ascertained by R. O.

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

In case poll book be lost.

126. In case any poll book is stolen, or taken from its lawful place of deposit for the time being, or has been lost or destroyed, or otherwise placed beyond the reach of the Deputy Returning Officer to whom the custody of such poll book for the time being belonged, at any time before he has made his return of the same to the Returning Officer, such Deputy Returning Officer shall attend personally on the Returning Officer and report to him the fact of the loss of the said poll book; and the Poll Clerk of such Deputy Returning Officer, so soon as he is informed of such loss, personally or by letter, either by or from such Deputy Returning Officer, or the Returning Officer himself, or has other good reasons for believing that such loss has occurred, shall forthwith attend personally on the Returning Officer.

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

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

Penalty on refusal to attend or give evidence.

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

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

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

Copies of poll books.

130. The Returning Officer shall make, or cause to be made, exact copies of all the poll books returned to him by his several Deputies, and within ten days after making his return to the Clerk of the Crown in Chancery, as provided by the *one hundred and twenty-fifth* section of this Act, shall deposite such copies, duly certified by him, with the Revising Officer for the electoral dis-

trict; and the Revising Officer shall allow inspection thereof to any person who may demand the same, on payment of a fee of *twenty cents*, and shall allow such person to take copies of the same at his own expense.

Original books, how dealt with.

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

KEEPING THE PEACE AND GOOD ORDER AT THE ELECTION.

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

132. From the time when the Returning Officer or Deputy Returning Officer has taken and subscribed the oath of office as such, until the day next after the closing of the polls at the election, such Returning Officer or Deputy Returning Officer, respectively, shall be a conservator of the peace, and invested for the maintenance of the peace, for the arrest, detention, or admission to bail, trial, and conviction of any person or persons who break the law or trouble the peace, with the same powers with which a Justice of the Peace is invested.

Their powers as such.

Electors not compatible to serve in England. 17-10 v. c. 102, p. 327.

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

May arrest by verbal order.

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

Arrest not to interfere with other penalties.

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

Special constables.

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

R. O. and D. R. O. may demand surrender of offensive weapons.

137. The Returning Officer or Deputy Returning Officer may, during any part of the day whereon any election is to be begun, holden or proceeded with, demand and receive from any person whomsoever, any offensive weapon, such as fire arms, swords, staves, bludgeons, or the like, with which any such person is armed, or which any such person has in his hands or personal possession: and every such person who, upon such demand, declines or refuses to deliver up to the Returning Officer or Deputy Returning Officer, any such offensive weapon as aforesaid, shall be deemed

guilty of a misdemeanor, punishable by a fine not exceeding *twenty dollars*, or imprisonment not exceeding three months, or by both, at the discretion of the Court.

Penalty for battery.

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

Entertainment of voters illegal.

139. No candidate shall, with intent to promote his election, nor shall any other person, with intent to promote the election of any candidate, either provide or furnish entertainment at the expense of such candidate or other person, to any meeting of electors assembled for the purpose of promoting the election, previous to or during the election at which he is a candidate, or pay for, procure or engage to pay for, any such entertainment; except only that nothing herein contained shall extend to any entertainment furnished to any meeting of electors, by or at the expense of any person or persons at his, her, or their usual place of residence.

Exception.

Strangers not to enter polling district armed.

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

Flags or ensigns not to be supplied or carried.

141. No candidate or any other person, shall furnish or supply any ensign, standard, or set of colours, or any other flag, to or for any person or persons whomsoever, with intent that the same should be carried or used in such electoral district, on the day of election, or within eight days before such day, or during the continuance of such election or polling, by such person or any other, as a party flag to distinguish the bearer thereof and those who may follow the same as the supporters of such candidate, or of the political or other opinions entertained, or supposed to be entertained, by such candidate; nor shall any person, for any reason, carry or use any such ensign, standard, set of colours, or other flag, as a party flag, within, such electoral district on the day of any such election or polling, or within eight days before such day, or during the continuance of such election.

Ribbons or favors not to be furnished or worn.

142. No candidate or any other person, shall furnish or supply any ribbon, label, or the like favor, to or for any person whomsoever, with intent that the same should be worn or used within such electoral district on the day of election or polling, or within eight days before such day, or during the continuance of such election, by such person, or any other, as a party badge to distinguish the wearer as the supporter of such candidate, or of the political or other opinions entertained, or supposed to be enter-

tained, by such candidate; nor shall any person use or wear any ribbon, label, or other favor, as such badge, within such electoral district, on the day of any such election or polling, or within eight days before such day, or during the continuance of such election.

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

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

PREVENTION OF CORRUPT PRACTICES AT ELECTIONS.

145. The following persons shall be deemed guilty of bribery and shall be punishable accordingly:— Certain corrupt practices defined to be bribery.

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

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

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

(4.) Every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages or promises or endeavors to procure the return of any person to serve in the House of Commons, or the vote of any voter at any election:

(5.) Every person who advances or pays or causes to be paid, any money to, or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election, or who knowingly pays or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election:

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

his expenses for actual professional services performed, and *bonâ fide* payments for the fair cost of printing and advertising, shall be held to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act.

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

Voters doing certain acts declared to be guilty of bribery.

(1.) Every voter who, before or during any election, directly or indirectly, himself or by any other person on his behalf, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or any other person for voting, or agreeing to vote, or for refraining, or agreeing to refrain from voting at any election:—

(2.) Every person who, after any election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration, on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election;

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

Penalty.

147. Every candidate who corruptly by himself or by or with any person or by any other ways or means on his behalf, at any time either before, during or after any election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for, any meat, drink, entertainment or provision to or for any person, in order to be elected, or for being elected, or for the purpose of corruptly influencing such person or any other person to give or refrain from giving his vote at such election, shall be deemed guilty of the offence of treating, and shall forfeit the sum of *two hundred dollars* to any person who shall sue for same, with full costs of suit; and every voter who corruptly accepts or takes any such meat, drink, entertainment or provision, shall be incapable of voting at such election, and his vote if given, shall be utterly void and of no effect:

Houses of entertainment.

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

Threats of violence, &c

148. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence or restraint, or inflicts, or threatens the infliction by himself, or by or through any other person, of any injury, damage, harm or loss, or in any manner practices intimidation upon or against any person, in order to induce or compel such person to vote, or refrain from voting, or on account of such person having voted, or refrained from voting at any election, or who by abduction, duress, or any fraudulent device or contrivance, impedes, prevents, or otherwise interferes with the free exercise of the franchise of any voter, or thereby compels, induces, or prevails upon any voter, either to give or refrain from giving his vote at any election, shall be deemed to have committed the offence of undue influence, and shall be guilty of a misdemeanor, and shall

Penalty.

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

Recital.

149. And whereas doubts may arise as to whether the hiring of teams and vehicles, to convey voters to and from the polls, and the paying of railway fares and other expenses of voters, be or be not according to law, it is declared and enacted, that the hiring, or promising to pay or paying for any horse, team, carriage, cab or other vehicle, by any candidate, or by any person on his behalf, to convey any voter or voters to or near or from the poll, or from the neighborhood thereof, at any election, or the payment by any candidate, or by any person on his behalf, of the travelling and other expenses of any voter, in going to or returning from any election, are and shall be unlawful acts; and the person so offending shall forfeit the sum of *one hundred dollars* to any person who shall sue for the same; and any voter hiring any horse, cab, cart, waggon, sleigh, carriage, or other conveyance for any candidate, or for any agent of a candidate, for the purpose of conveying any voter or voters to or from the polling place or places, shall, *ipso facto*, be disqualified from voting at such election, and, for every such offence, shall forfeit the sum of *one hundred dollars* to any person who shall sue for the same.

Penalty.

Subornation of personation or perjury.

150. Every candidate who corruptly by himself or by or with any other person on his behalf, compels or induces or endeavours to induce any person to personate any voter, or to take any false oath in any matter wherein an oath is required under this Act, shall be guilty of a misdemeanor, and shall in addition to any other punishment to which he may be liable for such offence, be liable to forfeit the sum of *two hundred* dollars to any person who will sue for the same.

Certain offences to be "corrupt practices."

151. The offences of bribery, undue influence, personation or the inducing any person to commit personation, or any wilful offence against any one of the six next preceding sections of this Act, shall be corrupt practices within the meaning of the provisions of this Act.

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

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

Contracts or promises relating to election void.

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

Voter objected to as having committed an offence against this Act.

154. If any voter is objected to at the poll on the ground of his having committed some offence by which he is disqualified from voting under this Act, his vote shall nevertheless be taken and entered as objected to, but shall be valid unless or until the disqualification has been proved before some competent tribunal as herein provided: but the Revising Officer, on such voter being objected to at any revisal of the voters' list, and upon proof to his satisfaction that the voter was declared guilty of such offence by any competent tribunal, may erase or omit his name from any list of voters made for the period during which he is so disqualified.

PUNISHMENT FOR CORRUPT PRACTICES.

Effect of corrupt practices on the part of a candidate.

155. If it is proved before any Election Committee of the House of Commons, or before any Judge or other tribunal for the trial of Election Petitions, that any corrupt practice has been committed by or with the knowledge and consent of any candidate at an election, or if he be convicted before any competent Court of the misdemeanor of bribery or undue influence, he shall be held guilty of corrupt practices, and his election, if he has been elected, shall be void, and he shall, during the *seven* years next after the date of his being so proved or found guilty, be incapable of being elected to, and of sitting in the House of Commons, and of being registered as a voter, or of voting at any election, or of holding an office in the nomination of the Crown or of the Governor, in Canada.

And of corrupt practices by a voter.

156. If on the trial of any election petition, it is proved that any corrupt practice has been committed by any elector voting at the election, his vote shall be null and void; and if he be convicted before any competent Court of the misdemeanor of bribery, he shall be disqualified from voting at any election held within years of his conviction.

Candidate employing agent who has been guilty of corrupt practices.

157. If, on the trial of any election petition, any candidate is proved to have personally engaged at the election to which such petition relates, as a convasser or agent in relation to the election, any person, knowing that such person has, within *eight* years previous to such engagement, been found guilty of any corrupt practice, by any competent legal tribunal, or by the report of the Election Committee of the House of Commons or before any Judge or other tribunal for the trial of election petition, the election of such candidate shall be void.

Other than candidates guilty of corrupt practices.

158. Any person other than a candidate, found guilty of any corrupt practice in any proceeding in which, after notice of the charge, he has had an opportunity of being heard,, shall, during the *eight* years next after the time at which he is so found guilty, be incapable of being elected to, and of sitting in the House of Commons, and of being registered as a voter, and of voting at any election, or of holding any office in the nomination of the Crown or of the Governor, in Canada.

Removal of disqualification proved to have been procured by pergury.

159. If at any time after any person has become disqualified under any of the four next preceding sections of this Act, the witnesses, or any of them, on whose testimony such person shall have so become disqualified, are, upon the prosecution of such person, convicted of perjury in respect of such testimony, it shall be lawful for such person to move the Court to order, and the Court shall, upon being satisfied that such disqualification was procured by reason of such perjury, order that such disqualification shall thenceforth cease and determine, and the same shall cease and determine accordingly

Commission of enquiry in case of general prevalence of corrupt practices at any election.

160. If upon a petition to the House of Commons, presented within twenty-one days after the return to the Clerk of the Crown in Chancery, if Parliament be then sitting, of a member to serve in the said House, or within the first fourteen days of the session of Parliament next after such return, and signed by two or more electors of the electoral district to which the return relates, and alleging that corrupt practices have extensively prevailed at the then last election for the same, or that there is reason to believe that corrupt practices have then and there prevailed, then if an address be presented to the Governor by both Houses of Parliament, praying that such allegation be inquired into, the Governor may appoint Commissioners to enquire into the same, under the Act thirty-first Victoria, chapter thirty-eight, intituled: *An Act respecting inquiries into public matters.* and such Commissioners shall have the powers and authorities given by the said Act.

Action of damages against Returning Officer wilfully refusing or delaying to return a candidate duly elected.

161. If any Returning Officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of Commons for any electoral district, such person may, in case it has been determined on the hearing of an eletion petition respecting the election for such electoral district, that such person was entitled to have been returned, sue the Returning Officer having so wilfully delayed, neglected or refused duly to make such return of his election, in any Court of Record in the Province in which such electoral district is situate, and shall recover double the damages he has sustained by reason thereof, together with full costs of suit, provided such action be commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of the trial of the petition relating to such election.

PENALTIES AND PUNISHMENTS GENERALLY.

Stealing or tampering with poll books.

Felony.

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

Abettors in misdemeanors.

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

Recovery of penalties.

164. All penalties and forfeitures (other than fines in cases of misdemeanor) imposed by this Act, shall be recoverable, with full

cost of suit, by any person who will sue for the same by action of debt or information, in any of Her Majesty's Courts in the Province in which the cause of action arose, having competent jurisdiction; and in default of payment of the amount which the offender is condemned to pay, within the period fixed by the Court, the offender shall be imprisoned in the common gaol of the place until he has paid the amount which he has been so condemned to pay and costs.

What need be stated in any suit.

165. It shall be sufficient for the plaintiff, in any action or suit given by this Act, to state in the declaration that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence for which the action or suit is brought, and that the defendant hath acted contrary to this Act, without mentioning the writ of election or the return thereof.

As to evidence of wives and husbands.

166. In any such civil action, suit or proceeding as last aforesaid, the parties to the same and the husbands and wives of such parties respectively, shall be competent and compellable to give evidence, to the same extent and subject to the same exceptions as in other civil suits in the same Province; but such evidence shall not thereafter be used in any indictment or criminal proceeding under this Act against the party or person giving it.

Court may allow costs to prosecutor in certain cases.

167. It shall be lawful for any Criminal Court before which any prosecution is instituted for any offence against the provisions of this Act, to order payment by the defendant to the prosecutor of such costs and expenses as appear to the Court to have been reasonably incurred in and about the conduct of such prosecution: but the court shall not make such order, unless the prosecutor before or upon the finding of the indictment or the granting of the information, enters into a recognizance with two sufficient sureties, in the sum of *five hundred dollars*, and to the satisfaction of the court, to conduct the prosecution with effect and to pay the defendant his costs in case he be acquitted.

Defendant acquitted.

168. In case of an indictment or information by a private prosecutor for any offence against the provisions of this Act, if judgment be given for the defendant, he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of such indictment or information, such costs to be taxed by the proper officer of the court in which the judgment is given.

Evidence in cases of corrupt practices.

169. In any indictment or prosecution for bribery or undue influence, or any other corrupt practice, and in any action or proceeding for any penalty for bribery, or undue influence, or any other corrupt practice it shall be sufficient to allege that the defendant was, at the election at or in connexion with which the offence is intended to be alleged to have been committed, guilty of bribery, or undue influence, or any other corrupt practice describing it by the name given to it by this Act, (as the case may require); and in any criminal or civil proceeding in relation to any such offence, the certificate of the Returning Officer in this behalf, shall be sufficient evidence of the due holding of the election and of any person named in such certificate having been a candidate thereat.

As to producing writs of election, &c.,

170. It shall not be necessary on the trial of any suit or prosecution under this Act, to produce the writ of election or the return thereof, or the authority of the Returning Officer founded upon any such writ of election, but general evidence of such facts shall be sufficient evidence.

171. No indictment for bribery or undue influence or ether corrupt practice shall be triable before any court of quarter or general sessions of the peace. Not triable at Q. S.

172. Every prosecution for any misdemeanor under this Act, and every action, suit, or proceeding for any pecuniary penalty given by this Act to the person suing for the same, shall be commenced within the space of one year next after the act committed, and not afterwards (unless the same be prevented by the withdrawal or absconding of the defendant out of the jurisdiction of the court) and being commenced shall be proceeded with and carried on without wilful delay. Limitation of suits.

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

ELECTION EXPENSES.

174. No payment (except in respect of the personal expenses of a candidate) and no advance, loan or deposit, shall be made by or on behalf of any candidate at any election, before or during or after such election, on account of such election, otherwise than through an agent or agents, whose name or names, address or addresses, have been declared in writing to the Returning Officer, on or before the nomination day, or through an agent or agents to be appointed in his or their place, as herein provided; and any person making any such payment, advance loan or deposit otherwise than through such agent or agents shall be guilty of a misdemeanor: No payment to be made by or on behalf of a candidate except through authorized agents.

It shall be the duty of the Returning Officer, to publish on or before the nomination day the name and address or the names and addresses of the agent or agents appointed in pursuance of this section: Names of agents to be published.

In the event of the death or legal incapacity of any agent appointed in pursuance of this section, the candidate shall forthwith appoint another agent in his place, giving notice to the Returning Officer of the name and address of the person so appointed, which shall be forthwith published as hereinbefore provided, by the Returning Officer. In case of death of an agent.

175. All persons who have any bills, charges or claims upon any candidate for or in respect of any election, shall send in such bills charges or claims within one month after the day of the declaration of the election, to such agent or agents as aforesaid, otherwise such persons shall be barred of their right to recover such claims, and every or any part thereof; provided always, that in the event of the death within the said month, of any person claiming the amount of any such bill, charge or claim, the legal representative of such person shall send in such bill, charge or claim within one month of his obtaining probate or letters of administration or of his becoming otherwise able to act as such legal representative, otherwise the right to recover such claim shall be barred as aforesaid: and provided also, that such bills, charges and claims shall and may be sent in and delivered to the candidate, if and so long as, during the said month, there shall, owing to death or legal incapacity, be no such agent. Bills, and claims to be sent in within one month to agent, or right to be barred. Proviso.

176. A detailed statement of all election expenses incurred by or on behalf of any candidate, including such expected payments Publication of statement of expenses.

as aforesaid, shall within two months after the election (or in cases where by reason of the death of the creditor no bill has been sent in within such period of two months, then within one month after such bill has been sent in) be made out and signed by the agent, or if there be more than one, by every agent who has paid the same (including the candidate in cases of payments made by him) and delivered with the bills and vouchers relative thereto to the Returning Officer, and the Returning Officer for the time being shall at the expense of the candidate, within fourteen days, insert or cause to be inserted an abstract of such statement, with the signature of the agent thereto, in some newspaper published or circulating in the electoral district where the election was held:—and any agent or candidate who makes default in delivering to the Returning Officer, the statements required by this section shall incur a penalty not exceeding *twenty dollars* for every day during which he so makes default; and any agent or candidate who wilfully furnishes to the Returning Officer any untrue statement shall be guilty of misdemeanor; and the said Returning Officer shall preserve all such bills and vouchers, and during the six months next after they shall have been delivered to him shall permit any voter to inspect the same on payment of a fee of *twenty cents*.

Penalties for contravention of these provisions.

Returning Officers not to act as agent for a candidate.

177. No Returning Officer, or Deputy Returning Officer for any electoral district nor any partner or clerk of either of them, shall act as agent for any candidate in the management or conduct of his election for such electoral district; and if any Returning Officer, Deputy Returning Officer, or the partner or clerk of either of them so acts, he shall be guilty of misdemeanor.

Personal expenses defined.

178. The words "personal expenses" as used in this Act with respect to the expenditure of any candidate in relation to his election at which he is a candidate, shall include the reasonable travelling expenses of such candidate, and the reasonable expenses of his living at hotels, or elsewhere, for the purpose of and in relation to such election.

FEES AND EXPENSES.

NOTE.—*These provisions and all pecuniary penalties are intended to oiriginate in Committee of Whole, and are printed only for the information of Members.*

Fees to officers.

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

Returning Officers in rural Electoral Districts

(1.) Drawing proclamation..... *one dollar*
(2.) Paid printing *fifty* copies..... *actual cost*
(3.) Mileage on posting the same, for each mile necesssarily travelled, from place to place, to be taxed as sheriff's mileage on summoning jurors..... *ten cents per mile.*
(4.) Holding election and making return (if no contest,) including appointment of and swearing Election Clerk..... *ten dollars.*
(5.) Election Clerk, one day..... *two dollars.*
(6.) Two Constables, one day (each)..... *one dollar;—*

And the following additional charges in contested cases:—

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

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

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

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

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

(12.) For services under sections one hundred and twenty-five and one hundred and twenty-six, *such amount as the Governor may think reasonable under the circumstances of the case.*

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

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

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

Deputy Returning Officers.

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

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

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

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

In Cities and Towns.

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

(21.) When the election is contested (exclusive of actual charge for printing).....*twenty dollars.*

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

MISCELLANEOUS PROVISIONS.

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

181. One copy of this Act (with a copious alphabetical index prefixed) for the Returning Officer, and one for each of his Deputies, shall be transmitted, with the writ of election, to each Returning Officer. Copy to Returning Officer, &c.

182 Upon, from, and after the completion, revision, and correction of the first lists of voters under this Act, in and for each electoral district respectively, chapter six of the Consolidated Statutes of the late Province of Canada, intituled, *An Act respecting Elections of Members of the Legislature;* the Act passed by the Legislature of the late Province of Canada, in the twenty-third year of Her Majesty's reign, chapter seventeen, intituled *An Act for the more effectual prevention of corrupt practices at Elections;* the Act passed Repeal. Con. Stat. Can., cap. 6. 23 Vict., cap. 17.

by the Legislature of the late Province of Canada, in the twenty-fourth year of Her Majesty's reign, chapter twenty-five, intituled *An Act to amend chapter six of the Consolidated Statutes of Canada, respecting Elections of Members of the Legislature, and for the removal of all doubts as to the right of appeal in the case hereinafter mentioned;* the Act passed by the Legislature of the late Province of Canada, in the twenty-seventh year of Her Majesty's reign, chapter eight, intituled: *An Act to amend the Laws respecting the qualification and registration of voters in Lower Canada;* the Act passed by the Legislature of the late Province of Canada, in the twenty-ninth and thirtieth years of Her Majesty's reign, chapter thirteen, intituled: *An Act to amend chapter six of the Consolidated Statutes of Canada, intituled: "An Act respecting Elections of Members of the Legislature;"* also an Act passed by the Legislature of the Province of New Brunswick, in the eighteenth year of Her Majesty's reign, intituled: *An Act to regulate the Election of Members to serve in the General Assembly;* the Act passed by the Legislature of the Province of Nova Scotia, in the twenty-sixth year of Her Majesty's reign, intituled: *An Act to regulate the Election of Members to serve in the General Assembly;* and chapter four of the Revised Statutes of Nova Scotia, relating to the prevention of corrupt practices at elections; the Act of the Legislature of the Province of British Columbia, passed in the thirty-fourth year of Her Majesty's reign, and intituled; *An Act to amend the Law as to the qualification of electors and of Elective Members for the Legislature, and to provide for the registration of persons entitled to vote at elections of such Members;* and the Act of the said Legislature passed in the thirty-fourth year of Her Majesty's reign, and intituled: *An Act to regulate Elections of Members of the Legislature of this Colony,*—and the Act of the Legislature of the Province of Manitoba, passed in the thirty-fifth year of Her Majestys reign, and intituled: *An Act respecting the qualification of voters for the Election of Members of the Legislative Assembly,* and the Act of the said Legislature, passed in the thirty-fifth year of Her Majesty's reign, and intituled: *An Act for the registration of voters;* and the Act of the said Legislature, passed in the thirty-fifth year of Her Majesty's reign, and intituled: *An Act for the regulation and conducting of elections,* and all other Acts, and parts, or clauses of Acts, passed by the said Legislatures, amending the said Acts, or any of them, and all other Acts, enactments conflicting or inconsistent with this Act, or making any provision in any matter provided for by this Act, other than such as is hereby made, are hereby repealed, so far as the same relate to the election of Members of the House of Commons, in and for such electoral district, to be held after the completion, revision and correction of the voters' lists for the same; but as regards any election held or to be held in any electoral district, prior to the completion of the voters' lists for the same as aforesaid, or any proceeding had, taken, or depending upon or relating to such election, the laws now in force with respect to elections of Members of the House of Commons in the Province in which any such election has been or may be held, or such proceeding has been, or may be had or taken, or may be depending in relation to such election shall continue to have full force and effect, including *The Interim Parliamentary Elections Act*, 1871,—as amended by the Act of the Parliament of Canada, passed in the thirty-fifth year of Her Majesty's reign, and intituled: *An Act to amend the Interim Parliamentary Elections Act*, 1871, which shall as respects any such election be continued in force, and the provisions of this Act shall not apply to such election, except only those contained in sections to inclusive,

24, Vic., cap. 25.

27 Vic., cap. 8.

29, 30 Vic., cap. 13.

N. B. 18 Vic., cap. 37.

N. S. 26 Vic., cap. 28.

Rev. Stat. N. S., cap. 4.

(providing in the case of a general election for the holding of all the elections on one or the same day, and the fixing of the nomination day and polling day in all cases by the Governor in Council) and all other provisions consequent upon, necessary for giving effect to them, which will apply to all elections general or special, held after this Act is in force, and all Acts and enactments, conflicting or inconsistent with which will then be repealed.

SCHEDULE OF FORMS.

A.

OATH REFERED TO IN SECTION THIRTEEN.

I, the undersigned Revising Barrister, appointed under the Election Law of 1873, in and for the Electoral District of , do hereby solemnly swear that I will well and faithfully discharge the duties assigned to me, under the said Act, without favor or partiality; that I will place no name on the list of voters', and will strike no name off the same, unless I shall be satisfied that the same should by law be placed on or struck off the same, and that I shall, in all respects, conform to the said law, to the best of my judgment and ability.

B.

REFERRED TO IN SECTION FIFTY-NINE OF THIS ACT.

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

PROCLAMATION.

Electoral District of , to wit:

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

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

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

C.

OATH REFERRED TO IN SECTION SIXTY-SEVEN OF THIS ACT.

Oath of the Returning Officer.

I, the undersigned, A. B., Returning Officer for the Electoral District of solemnly swear (*or, if he be one of the persons*

permitted by law to affirm in civil cases, solemnly affirm) that I am legally qualified according to law to act as Returning Officer for the said Electoral District of , and that I will act faithfully in that capacity, without partiality, fear, favor or affection; So help me God.

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

D.

FORM REFERRED TO IN SECTION SIXTY-SEVEN OF THIS ACT.

Certificate of Returning Officer having taken Oath of Office.

I, the undersigned, hereby certify that on the day of the month of , 18 , A. B., the Returning Officer for the Electoral District of , took and subscribed before me, the oath (*or* affirmation) of office, in such case required of a Returning Officer, by section of "The Election Law of 1873."

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

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

E.

FORM REFERRED TO IN SECTION SIXTY-EIGHT OF THIS ACT.

Commission of an Election Clerk.

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

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

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

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

F.

OATH REFERRED TO IN SECTION SIXTY-NINE OF THIS ACT.

Oath of the Election Clerk.

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

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

G.

FORM REFERRED TO IN SECTION SIXTY-NINE OF THIS ACT.

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

I, the undersigned, hereby certify that on the day of the month of , 18 , E. F., Election Clerk for

the Electoral District of , took, and subscribed before me, the oath (*or* affirmation) of office required in such case, of an Election Clerk, by the section of "The Election Law of 1873."

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

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

H.

FORM REFERRED TO IN SECTION SEVENTY-THREE OF THIS ACT.

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

OYEZ. OYEZ. OYEZ.

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

I.

FORM REFERRED TO IN SECTION EIGHTY-EIGHT OF THIS ACT.

Commission of a Deputy Returning Officer.

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

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

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

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

L.

FORM REFERRED TO IN SECTION EIGHTY-EIGHT OF THIS ACT.

FORM OF A POLL BOOK.

Number of the Voters.	NAMES OF THE VOTERS.	Their legal addition.	Their place of residence.	Owners.	Tenants or Occupants.	Salary.	Objections.	Sworn.	Voters refusing to take Oath.	Voters voting by voting paper.	NAME OF CANDIDATES VOTED FOR.

K.

OATH REFERRED TO IN SECTION EIGHTY-NINE OF THIS ACT.

Oath of Deputy Returning Officer.

I, the undersigned G. H., appointed Deputy Returning Officer, for the Polling District, of the Electoral District o , solemnly swear (*or, being one of the persons permitted by law to affirm in civil cases,* solemnly affirm) that I will act faithfully in my said capacity of Deputy Returning Officer, without partiality, fear, favor, or affection; So help me God.

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

L.

FORM REFERRED TO IN SECTION EIGHTY-NINE OF THIS ACT.

Certificate of the Deputy Returning Officer (or one of the Deputy Returning Officers as the case may be), having taken the Oath of Office.

I, the undersigned, hereby certify that on the day of the month of , G. H., Deputy Returning Officer for the Polling District of the Electoral District of , took and subscribed the oath (*or* affirmation) of Office, required in such case of a Deputy Returning Officer, by the *ninety ninth* section of "The Election Law of 1873."

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

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

M.

FORM REFERRED TO IN SECTION NINTY-SIX AND ONE HUNDRED AND ONE HUNDRED AND ONE OF THIS ACT.

Commission of a Poll Clerk.

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

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

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

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

N.

OATH REFERRED TO IN SECTION NINETY-SIX OF THIS ACT.

Oath of Poll Clerk.

I, the undersigned, I. J., appointed Poll Clerk for the Polling District of the Electoral District of do solemnly swear (*or, if he be one of the persons permitted by law*

to affirm in civil cases, do solemnly affirm) that I will act faithfully in my capacity of Poll Clerk, and also in that of Deputy Returning Officer, if required to act as such, according to law without partiality, fear, favor, or affection : So help me God.

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

O.

REFERRED TO IN SECTION NINETY-SIX OF THIS ACT.

Certificate of the Poll Clerk having taken the Oath.

I, the undersigned, hereby certify, that on the day of the month of , J., Poll Clerk, for the Polling District of the Electoral District of took and subscribed before me the oath (*or* affirmation) of office required of a Poll Clerk in such cases by the *ninty sixth* section of "The Election Law of 1873."

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

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

P.

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

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

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

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

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

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

Q.

FORM REFERRED TO IN SECTION ONE HUNDREE TWENTY-TWO AOD ONE HUNDRED AND TWENTY-FOUR OF THIS ACT.

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

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

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

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

(*Signature.*) X. Y.,
Justice of the Peace.
or, A. B.,
Returning Officer,
(*as the case may be.*)

FORM R. REFERRED TO IN THE ONE HUNDRED AND ELEVENTH SECTION OF THIS ACT.

Election for (*name of Electoral District*) 18

I, A. B. (*christian and surname of the voter*) being entitled to vote as (owner, tenant, *or* occupant *or* income *as the case may be*), at the election now pending of a member to represent the Electoral District of in the House of Commons of Canada, do hereby declare that I am a subject of Her Majesty by law, and of the full age of twenty-one years; that I have not received any thing, nor has any thing been promised me, directly or indirectly, to vote at this election; that I have signed no other voting paper for this election; and do hereby give my vote at the said election for (*names of candidate or candidates for whom he votes*), and I nominate C. D., of, , to deliver this voting paper at the poll.

Witness my hand this day of 18

(Signed) A. B. of *voter's place of residence to be here inserted.*)

Signed in my presence by the said A. B., who is personally known to me, on the above mentioned day of 18 , the name (*of names*) of as the candidate or candidates voted for having been previously filled in.

(Signed) L, M. of (*place of residence*) a Justice of the Peace for

No. 28.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

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

Received and read first time, Friday, 21st March, 1873.

Second reading, Tuesday 25th March, 1873.

Rt. Hon. Sir J. A. MACDONALD.

OTTAWA:

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

1873.

No. 29.] **BILL.** [1873.

An Act to incorporate the Pictou Bank.

WHEREAS John Crerar, John T. Ives, Wm. Gordon, A. J. Patterson, Robert Doull, Jeffrey McCole, Robert McNeil, John A. Dawson, Roderick McKenzie, J. R. Noonan, and others, have by their petition prayed that they might be incorporated for the purpose of establishing a Bank in the Town of Pictou, in the Province of Nova Scotia; and whereas it is desirable 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. John Crerar, Jno. T. Ives, Wm. Gordon, A. J. Patterson, Robert Doull, Jeffrey McCole, Robert McNeil, John A. Dawson, Roderick McKenzie, J. R. Noonan, and such other persons as may become shareholders in the Corporation to be by this Act created, and their assigns, shall be and they are hereby created, constituted and declared to be a Corporation, body corporate and politic, by the name of "The Pictou Bank," and the chief office of the Bank shall be in Pictou, in the Province of Nova Scotia. Certain persons incorporated. Corporate name.

2. The capital stock of the said Bank shall be five hundred thousand dollars of lawful money of Canada, divided in twenty-five thousand shares of twenty dollars each. Capital stock.

3. For the purpose of raising the amount of the said capital stock the persons above named may cause stock books to be opened at such times and places as they may deem expedient, and after giving public notice thereof, may receive subscriptions for such stock: and as soon as the said stock shall be subscribed, and at least one hundred thousand dollars thereof paid in, a meeting of such subscribers shall in like manner be called at such place in the said Town of Pictou as may be deemed convenient, for the election of Directors, and for the organization of the Bank; and such election shall be made then and there by a majority of shares voted upon, by ballot: Provided, that at least one hundred thousand dollars shall be paid up in addition within two years from the date when the Bank commenced business. Stock books to be opened. First meeting of shareholders.

4. The Bank shall be subject to any general regulations respecting banking now in force or which may hereafter be made by the Parliament of Canada, and shall have such powers and privileges as may be confirmed by such regulations. Bank to be subject to general regulations.

5. The said Bank shall obtain from the Treasury Board, within twelve months from and after the passing of this Act, the certificate required by section seven of the Act relating to Banks and Banking passed in the thirty-fourth year of Her Majesty's reign, chapter five, in default of which this Act shall become and Bank to be subject to general regulations.

be null and void and of no effect; and the charter hereby granted and all and every the rights and privileges hereby conferred, shall be forfeited.

Duration of Act.

6. This Act shall remain in force until the first day of July, in the year of Our Lord one thousand eight hundred and eighty-one.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate the Pictou Bank.

(PRIVATE BILL.)

MR. DOULL.

OTTAWA:

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

1873.

No. 30.] **BILL.** [1873.

An Act respecting the St. Francis and Megantic Railway.

WHEREAS, the Saint Francis and Megantic International Railway Company have petitioned for amendment of their Act of Incorporation, granting to said Company power to construct a branch railway to connect with the Boston, Concord and Montreal Railroad, or any extension thereof, or any railroad touching the Dominion of Canada on the northern line of the States of New Hampshire or Vermont, and to make business arrangements, including power of leasing their branch or main railway to any Company owning such road or roads, if found advisable; and further, granting to said Company power to issue an increased amount of bonds, not to exceed in all twenty-five thousand dollars per mile of their railway, and to pledge and mortgage any lands held by said Company from the Province of Quebec, as a subsidy in lieu of a money subsidy, in aid of said Company, as collateral security for their bonds; and further, granting to said Company such other amendments as may be necessary to enable them to carry out effectively the objects secured to them in their charter; and it is expedient to grant 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 St. Francis and Megantic International Railway Company shall have power, and are hereby empowered to construct a branch Railway to connect the Railroad, said Company are now authorized to build, and which is now in course of construction, with the Boston, Concord and Montreal Railroad or any extension thereof; or with any other railway extending from some point in the United States northward and touching the boundary line of Canada, either on the northern boundary of the State of New Hampshire or the State of Vermont, and to make such connection, either at the boundary of Canada, or to connect with any railway within the Province of Quebec, being an extension of or connected with such foreign railway; and the powers, privileges and immunities granted to said Saint Francis and Megantic International Railway Company, for the construction of their main line of railway, shall be extended to and have the effect as respects the branch or branches, which said Company are hereby authorized to build; and said Saint Francis and Megantic International Railway Company, shall have power to make any contract or agreement with any such foreign railway company, or with any railway company chartered in Canada, as may be found necessary to carry out the objects of such connection, and enable them to obtain the advantage of the transit of passengers and goods over the road or roads, with which their railway, or any branch of their railway, may connect, and to fix the terms, mode and conditions of all

Power to the Company to connect with other Railways by branches.

Present powers, &c., to apply to such branches.

Company may make agreements with other companies.

Company may lease their road.

business arrangements between said Company and the Company or Companies owning or controlling such other road or roads; and said Saint Francis and Megantic Railway Company shall have power, if found advisable, to lease their main line, or any branch of their road to any other Company such as is before mentioned, for any term of years that may be agreed upon, for such consideration as may be fixed by the contracting parties, to be used and kept in operation according to the provisions of their charter, and subject to the laws of Canada in force in the interest of the public, affecting said railway; provided no agreement whereby the whole, or any part of their railway is leased to any other Company, shall have effect until approved by a majority of the shareholders of said Company present at their annual meeting, or at a meeting called for the purpose of considering the same.

Proviso.

Power to the Company to issue bonds.

2. The Saint Francis and Megantic International Railway Company, under the provisions of the thirteenth section of "The St. Francis and Megantic Railway Act," and in the manner and for the purposes therein and herein mentioned, may issue their bonds for any amount required for the purpose of prosecuting their works permitted by their charter or any amendment thereof, provided the whole sum represented by such bonds shall not exceed twenty-five thousand dollars per mile of their railway, including any branch or branches thereof.

Proviso.

Certain contracts heretofore made ratified.

3. Any contracts heretofore made between the Connecticut and Passumpsic Rivers Railroad Company or the Massawippi Valley Railway Company and the Saint Francis and Megantic International Railway Company and the Grand Trunk Railway Company of Canada, or between parties representing such Companies as respects that portion of the St. Francis and Megantic International Railway between Sherbrooke and Lennoxville, and with reference to the use by the St. Francis and Megantic International Railway Company of the third rail laid on the Grand Trunk Railway, between said points and the track now used by the above first two mentioned Companies, and as respects stations, turn-table, machine shop and engine house, and generally facilities to secure to the St. Francis and Megantic International Railway Company, right of way over the portion of the road between said points, as part and portion of their road in the same manner as if built on their own land under their charter, shall be held to have been legally made and entered into and between parties capable of contracting therefor, and may be ratified, enforced and carried out by said St. Francis and Megantic International Railway Company; and the said Railway Companies or any two or more of them may, at any time hereafter make and complete and ratify any contract or contracts to secure to the St. Francis and Megantic International Railway Company the right to the use of the machine shop, turn-table, station and other railway buildings at Sherbrooke for their road, or to acquire land to erect any buildings necessary for said Company at the terminus at Sherbrooke, and to acquire any land or buildings by purchase or lease at Lennoxville necessary for their purpose at Lennoxville, and generally to agree and consent to any contract or arrangement mutually beneficial to said Companies or

Provision as to future contracts.

any two of them, and so as to secure regular and uninterrupted transit of passengers and goods over the road between Lennoxville and Sherbrooke, and render the same part and portion of the St. Francis and Megantic International Railway terminating at Sherbrooke.

Directors may make running arrangements with other Railways as to through traffic.

4. It shall be lawful for the Directors of the St. Francis and Megantic International Railway Company, at any time hereafter, if it shall be found advisable to do so, to enter into any agreement with any other Railway Company or Companies whereby their said Railway may be made to form a part or link of railway communication between the Atlantic seaboard and the Pacific or between the Atlantic and any western terminus less distant than the Pacific ocean, with a view of obtaining as direct a line of railway as is practicable from St. John's to the Western possessions of Canada, and to make any regulations whereby terms may be settled upon, for securing mutual advantages to the companies interested, and rules established to be acted upon in common to facilitate the transport of freight and passengers over the whole line of Railway of which said Railway shall form a part; or for leasing said Railway or any part thereof, or acquiring by lease any Railway or any portion of any Railway, to carry out such purpose and secure such continuous line of railway as aforesaid; provided no such lease as acquisition by lease shall have effect until ratified by the majority of shareholders present at any annual meeting or a meeting duly called to consider the same.

Proviso.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act respecting the St. Francis and Megantic Railway.

PRIVATE BILL.

Mr. Brooks.

No 81.] **BILL.** [1873

An Act for the better regulation of the traffic on Railways.

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 for all purposes as "The Railway traffic Act, 1873." Short title.

2. In the construction of this Act :— Interpretation

The word "traffic" shall include passengers and their baggage, goods, animals, and other things conveyed by any Railway Company :— Traffic.

The word "Railway" shall include every station of or belonging to such Railway used for the purpose of public traffic :— Railway.

The expression "Railway Company," shall include any person being the owner or lessee of or any contractor working any Railway :— Railway Company.

A station or terminus shall be deemed to be near another station or terminus, when the distance between such stations or termini shall not exceed one mile :— Stations.

The word "toll," shall include any rate or charge or other payment payable for any passenger, animal, carriage, goods, merchandize, matters or things conveyed on the Railway. Toll.

3. It shall be lawful, for every Railway Company, subject to the provisions and limitations herein and in the special Act contained, from time to time to alter or vary the tolls to be taken upon the Railway, as they shall think fit :—provided that all such tolls be at all times charged equally to all persons, and after the same rate per mile for all distances, in respect of all passengers,—and after the same rate per ton per mile, or otherwise, in respect of all goods of the same description ;—and no reduction or advance in any such tolls, shall be made either directly or indirectly in favor of or against any particular Company or person travelling upon or using the Railway,—or for the purpose of prejudicing or favoring the traffic to, from, or between any particular station or stations on the line of such Railway. Power to vary tolls. Tolls to be charged equally and at same rate.

4. In cases in which any Railway shall be amalgamated with any other adjoining Railway or Railways, the tolls shall be calculated and imposed at such rates as if such amalgamated Railways had originally formed one line of Railway. Tolls where Railways amalgamate.

5. Every Railway Company, shall, according to their respective powers, afford all reasonable facilities for the receiving and forwarding and delivering of traffic upon and from the several Railways belonging to or worked by such Companies respectively,—and no such Company shall make or give any undue or unreasonable preference Railway Companies to receive and forward traffic without delay and without partiality.

or advantage to or in favor of any particular person or Company, or any particular description of traffic, or on any particular portion of their Railway, in any respect whatsoever,—nor shall any such Company subject any particular person or Company, or any particular description of traffic, or any particular portion of their Railway, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever;—and every Railway Company having or working any Railway or Railways forming part of a continuous line of Railway communication, or which have the terminus or station of the one near the terminus, or station, of the other, shall afford all due and reasonable facilities for receiving and forwarding all the traffic arriving by one of such Railways by the other, without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage, as aforesaid, and so that no obstruction may be offered to the public desirous of using such Railways as a continuous line of communication, and so that all reasonable accommodation may, by means of the Railways of the several Companies, be at all times afforded to the public in that behalf.

Table of tolls to be stuck up in offices and Railway Carriages.

Tolls to be approved of by Governor in Council.

The Governor may revise by-laws fixing tolls.

6. The Directors of every Railway Company shall, from time to time, print and stick up, or cause to be printed and stuck up, in the office, and in all and every of the places where the tolls are to be collected, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularizing the price or sum of money to be charged or taken for the carriage of any matter or thing. But no tolls shall be levied or taken until approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof. Every by-law fixing and regulating tolls shall be subject to revision by the Governor in Council from time to time, after approval thereof;—and after an Order in Council, reducing the tolls fixed and regulated by any by-law, has been twice published in the *Canada Gazette*, the tolls mentioned in such Orders in Council shall be substituted for those mentioned in the by-law so long as the Order in Council remains unrevoked.

Penalty on Companies, or their officers refusing or neglecting to forward traffic.

On contravening any of provisions of this Act.

Recovery of penalty.

7. If any officer or agent of any Railway Company, having the superintendence of the traffic at any station thereof, refuses or neglects to receive, or within days, after an application to that effect, to provide carsfor the reception of any goods, or refuses or neglects to convey and deliver at any station of the Company for which they they may be destined, any goods or things, brought, conveyed, or delivered to him, or to such Company, for conveyance over or along their Railway, or in any way contravenes the provisions of this Act,—such Railway Company, or such officer, servant, or agent personally, shall, for each such neglect, refusal, or contravention, incur a penalty not exceeding dollars over and above the actual damages sustained;—which penalty may be recovered, with costs, in a summary way, before any Justice of the Peace by any party aggrieved by such neglect, refusal, or contravention, and to and for the use and benefit of such party so aggrieved.

To what Railways this Act applies.

8. The provisions of this Act shall apply to every Railway Company heretofore, or which may be hereafter incorporated, and to every Railway heretofore constructed, or now in course of construction or hereafter to be constructed, as well as to those Railways and Railway Companies to which either "*The Railway Act*," of the late Province of Canada, or "*The Railway Act*, 1868," is by its provisions declared to be applicable.

No. 31

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act for the better regulation of the traffic on Railways.

Received and read first time, Monday, 24th March, 1873.

Second reading, Thursday, 27th March, 1873.

Mr. OLIVER.

OTTAWA:

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

1873.

No. 32.] **BILL.** [1873.

An Act to vest in "The Glasgow Canadian Land and Trust Company, Limited," all the powers contained in the Memorandum and Articles of Association of the said Company, throughout the Dominion of Canada, and for that purpose to incorporate the said Company within the said Dominion.

Preamble.

WHEREAS "The Glasgow Canadian Land and Trust Company, Limited," have by their petition represented that they have been organized and established with limited liability in accordance with the provisions of *The Companies Acts, eighteen hundred and sixty-two and eighteen hundred and sixty-seven*, passed by the Imperial Parliament, as a public company and corporate body for the purposes stated in their memorandum of association, with a capital of two hundred and fifty thousand pounds sterling money, divided into twenty-five thousand shares of ten pounds each; that the memorandum and articles of association were duly registered as required by *The Companies Acts, eighteen hundred and sixty-two and eighteen hundred and sixty-seven*, on the thirteenth day of January eighteen hundred and seventy-three, and that the said petitioners are desirous that an Act should be passed to vest in the said petitioners all the powers contained in the said memorandum and articles of association throughout the Dominion of Canada; 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:

Certain rights and powers vested in the Company.

1. The rights, powers and privileges contained in the memorandum of association and articles of association of "The Glasgow Canadian Land and Trust Company, Limited," and to be found in Schedule A of this Act, are hereby vested in the said Company, and for that purpose the said Company is hereby constituted a body corporate and politic by the name of "The Glasgow Canadian Land and Trust Company, Limited," with full authority to exercise all the said rights, powers, and privileges within and throughout the Dominion of Canada.

Deeds and instruments, how attested.

2. Every deed or instrument to which the seal of the Corporation is required to be affixed, shall be signed by two Directors and by the Manager or Secretary duly authorized by the Directors to that effect, and such deeds and instruments so executed in Glasgow shall be *primâ facie* evidence in all courts in Canada of the contents thereof; and all deeds or instruments may be validly executed in any part of Canada, for and in the name and on behalf of the said Company, by any person or persons thereto authorized by power of attorney under the seal of the Company, signed by at least two of the Directors and the Secretary of the said Company.

Schedule A to form part of Act.

3. The memorandum of association and articles of association printed in schedule A, shall be deemed part of this Act.

SCHEDULE A.

MEMORANDUM OF ASSOCIATION OF THE GLASGOW-CANADIAN LAND AND TRUST COMPANY, LIMITED.

Name.

I. The name of the Company is "The Glasgow-Canadian Land and Trust Company (Limited.)"

Office.

II. The Registered Office of the Company will be established in Scotland.

Objects.

III. The objects for which the Company is established are the following:

Purchase and disposal of Land, &c.

1. The purchasing, leasing, or otherwise acquiring lands, tenements, buildings, works or other real estate, mining property, and mines, minerals and ores in any part of the Dominion of Canada, the United States of America, or elsewhere, and the selling, leasing, mortgaging or otherwise disposing thereof.

Improving Lands and clearing the Timber.

2. The improving and cultivating the lands so acquired, and clearing them of the timber thereon, the purchasing of timber otherwise, the preparation of the timber for the market, and the selling or disposing thereof, either in its natural or prepared state.

Trading.

3. The carrying on of a general trade in the export and import of produce or other merchandise, and the sale and disposal thereof.

Mining.

4. The excavating, raising and working the minerals and ores found in and upon the said lands, or which may be separately acquired, the treating, converting, and preparing the said minerals and ores, and for that purpose the acquiring and using any patented method or other process, and the selling and disposing of the products.

Erection of Works.

5. The acquiring, establishing and erecting of furnaces, buildings, works, and machinery, the making, providing, acquiring, leasing, and working of railways, tramways, or other roads necessary for carrying out the above objects.

Receiving Deposits.

6. The receiving money in deposit, and borrowing money upon debentures, or otherwise, and the issuing of debentures, promissory notes, or other obligations.

Lending on Mortgage, &c.

7. The lending out money upon mortgages over lands, buildings, tenements, works, or other real or personal estate in the Dominion of Canada, the United States of America, or elsewhere, and making advances and giving credit with or without security, and negotiating loans of all kinds.

Appointment of Officials.

8, The appointment of commissioners, attorneys, trustees, or other officials for carrying out the objects of the company abroad, and the establishment of agencies both at home and abroad for the purposes of the Company, and obtaining grants, privileges and concessions from colonial or foreign governments.

9. The purchasing the goodwill or any interest in any trade or business of a nature similar to any trade or business which the Company is or may be authorized to carry on, also the making and carrying into effect arrangements with respect to the amalgamation or union of interests, in whole or in part, with any other companies, partnerships or persons, and the acquiring, holding, and disposing of shares in other companies. Acquiring goodwill of another business, and shares in other Companies, &c.

10. The entering into and completing all conveyances. leases, agreements, contracts and writings of every description, and the doing of all such other things as shall be conducive, or may be incidental to or connected with any of the above objects. Entering intn Agreements.

IV. The liability of the members is limited. Liability limited.

V. The capital of the Company is two hundred and fifty thousand pounds, divided into 25,000 shares of £10 each. Capital.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company, in pursuance of this memorandum of association; and we respectively agree to take the number of shares in the capital of the Company set opposite our respective names—

Names, Addresses and Descriptions of Subscribers.	Number of Shares taken by each Subscriber.
Robert Fraser, of 237 West George Street, Glasgow, in the County of Lanark, merchant, ...	One Hundred.
Alex. Osborne, of 45 Candleriggs street, Glasgow, in the County of Lanark, merchant, ...	One Hundred.
James Ford, of 36 Regent Terrace, Edinburgh, in the County of Edinburgh, merchant, ...	One Hundred.
John Scott, of Balmuildy, Cadder, in the County of Lanark, farmer, . .	One Hundred.
Alex. Robertson, of 27 Lansdowne Crescent, Glasgow, in the county of Lanark, solicitor, ...	Ten.
Chas. C. Bryce, of 27 Sardinia Terrace, Glasgow, in the County of Lanark, merchant, ...	Five.
Samuel Barclay, 10 Holland Place, Glasgow, in the County of Lanark, merchant, ...	Five.
Total Shares taken . . .	Four hundred and twenty.

Dated this Seventh day of January, Eighteen Hundred and Seventy-three.

Witness to the above signatures—

Charles Watt, of 54 Miller street, Glasgow, in the County of Lanark, Secretary to the Oakbank Oil Company, Limited.

Articles of Association of the Glasgow-Canadian Land and Trust Company, Limited.

It is agreed as follows:

Company established under "Companies Acts, 1862 & 1867."

1. The Glasgow-Canadian Land and Trust Company, Limited, is established, with limited liability, in accordance with and subject to the provisions of "The Companies Acts, 1862 and 1867," but none of the Regulations in Table A. in the first schedule appended to the first mentioned Act, except in so far as such regulations are embodied in these articles, shall be applicable to the Company.

INTERPRETATION.

Interpretation of Articles.

2. In the interpretation of these articles, the following words and expressions shall have the following meanings attached thereto, unless excluded by the subject or context:

"The Company" means The Glasgow-Canadian Land and Trust Company, Limited.

"The Statutes" means "The Companies Act, 1862," and "The Companies Act, 1867," and any Acts incorporated therewith or necessarily affecting the Company.

"The Directors" means Directors of the Company from time to time appointed.

"Members" or "shareholders" means the holders from time to time of shares in the Company.

"Ordinary members" means the shareholders whose names appear in the register.

"Register" means the register of shareholders made up and kept in terms of the statutes.

"Meeting" means an ordinary or extraordinary meeting of the shareholders of the Company, duly called and constituted, and any adjourned holding thereof.

"Special resolution" means a special resolution of the Company, passed in terms of section fifty-one of "The Companies Act, 1862."

"Office" means the registered office from time to time of the Company.

"Month" means a calendar month. Words importing the singular number only, include the plural number; words importing the plural number include the singular; and words importing the masculine gender only include the *singular*.

BUSINESS.

Business.

3. The business of the Company shall include the various objects expressed in the memorandum of association, and all matters which shall from time to time appear to the Directors to be expedient for the attainment thereof.

Registered Office.

4. The registered office of the Company shall be in Glasgow, and the business shall be carried on there, and at such other places as the Directors may deem advisable, subject to such control by general meetings as is provided for by the articles of association for the time being.

CAPITAL AND SHARES.

Capital—£250,000.

5. The nominal capital of the Company shall consist of two hundred and fifty thousand pounds sterling, divided into

twenty-five thousand shares of ten pounds each, to be provided by allotments of shares by the Directors after-named to parties making application therefor, subject to the conditions after-expressed, but the Directors are, and shall be authorized to commence the business of the Company on the registration hereof, although the whole of the nominal capital may not have been subscribed for.

Business may be commenced although the whole Capital not subscribed.

6. The Directors may from time to time issue any portion or portions of the nominal capital of the Company not exceeding two hundred and fifty thousand pounds sterling, which shall for the time being remain unallotted, by the allotment of any number of shares of ten pounds sterling each, and upon such terms, in all respects, as the Directors deem expedient; and when shares are allotted in payment for property transferred, or for services rendered to the Company, they may be issued as, and in that case shall be deemed and taken to be, fully paid-up shares, and entitled to dividend upon the full amount thereof; or they may be issued as, and shall be deemed and taken to be, partially paid up shares, and entitled to dividend upon the amount paid or held to be paid up thereon.

Issue of Capital.

7. The Directors may, with the sanction of a special resolution of the Company previously given in general meeting, increase its capital by the issue of new shares, such aggregate increase to be of such amount, and to be divided into shares of such respective amounts, as the company in general meeting directs, or, if no direction is given, as the Directors think expedient, and the Directors may, with the sanction of a special resolution of the Company previously given in general meeting, attach to such, or any of such, new shares any preference or guaranteed dividends or profits, or any preference or priority as regards the capital or the dividends or profits, or both, over the shares in the then existing capital, or such other special rights, privileges, priority, or advantages as they think fit, subject to any direction to the contrary that may be given by the meeting that sanctions the increase of capital; all new shares shall be offered to the members, in proportion to the existing shares held by them, and such offer shall be made by notice, specifying the number of shares to which the member is entitled, and limiting a time within which the offer, if not accepted, will be deemed to be declined; and after the expiration of such time, or on the receipt of an intimation from the member to whom such notice is given that he declines to accept the shares offered, the Directors may dispose of the same in such manner as they think most beneficial to the Company.

Increase of Capital.

Preference guaranteed Shares.

New Shares to be offered to Members.

8. Subject to any special rights, privileges, priorities, or advantages which may be attached to any new shares, under the powers hereinbefore contained, any capital raised by the creation of new shares shall be considered as part of the original capital, and shall be subject to the same provisions with reference to the payment of calls and the forfeiture of shares, or non-payment of calls or otherwise, as if it had been part of the original capital.

New Capital subject to same conditions as original Capital.

9. Every person who has accepted an allotment, or who may otherwise accept of any share or shares, and whose name is duly inserted in the register, shall be deemed a shareholder, and no notice of any trust, expressed, implied or constructive, shall be entered in the register, or recognized by the Company, subject to the provisions for the cases of executors or administrators of a deceased shareholder.

Acceptance of Shares constitutes parties Shareholders.

No trust recognized.

Joint-holders or Executors.

10. If any share or shares stand in the names of two or more persons, either as joint-holders thereof, or as executors, administrators, or trustees of a deceased shareholder, any one of such persons may vote in respect of such shares at meetings of the Company. and give effective receipts for dividends; but such joint-shareholders, and such executors, administrators, or trustees, shall be jointly, severally, and individually liable in any calls that may be made, so long as they remain on the register.

Severally liable for call.

Certificates of Shares.

11. Every shareholder shall be entitled to a certificate under the common seal of the Company, specifying the share or shares held by him, and the amount paid up thereon; and if any such certificate be worn-out or lost, it may be renewed upon payment of a sum prescribed by the Directors, provided such evidence as the Directors may deem reasonable be furnished of the title of the party applying for such renewal.

No Share divisible.

12. No share shall be divisible.

13. The Company shall have a first and permanent lien upon the shares of any member, and upon any dividends or profits, for all obligations due by him to the Company.

CALLS ON SHARES.

Calls.

Twenty-one day's notice.

14. The Directors may from time to time make such calls upon the members, in respect of all moneys unpaid upon their shares, as they think fit, provided that twenty-one day's notice at least is given of each call, and each member shall be liable to pay the amount of calls so made to the persons and at the times and places appointed by the Directors. A call shall be deemed to have been made at the time when the resolution of the Directors authorizing such call was passed.

If call not paid holder liable to pay interest at ten per cent.

15. If the call payable in respect of any share is not paid before or on the day appointed for payment thereof, the holder for the time being of such share shall be liable to pay interest for the same, at the rate of ten per cent. per annum, from the day appointed for the payment thereof to the time of the actual payment.

Calls may be received in anticipation and interest allowed on sums paid in advance.

16. The Directors may, if they think fit, receive from any member willing to advance the same, all or any part of the moneys payable in respect of the shares held by him beyond the sums actually called for; and upon the moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance has been made, the Company may pay interest at such rate as the member paying such sum in advance and the Directors agree upon.

For shares fully paid share warrants may be issued at option of holders.

And it is provided that in all cases (whether under this or previous articles) where the full amount of any share has been paid up, so as not to be liable for any future call, the same shall in the option but at the expense of the holder be convertible into paid-up shares, in respect of which a warrant will be issued under the corporation seal of the Company, declaring that such shares and dividends that may arise thereon belong and are payable to the holder of such warrant, without any assignment, endorsation, or other transfer, but on the surrender of such share warrant the holder thereof shall be entitled, on payment of such fee as the Directors may fix, to have his name placed upon the register, and an ordinary

certificate issued in lieu thereof, subject to the rules established by these articles thereanent. Paid-up shares shall be designated by the letter A, and others by the letter B.

Certificates of paid-up shares by letter A. others letter B

TRANSFERS AND TRANSMISSION OF SHARES.

17. The instrument of transfer of any share in the Company for which a share warrant shall not have been issued as aforesaid, shall be executed both by the transferer and transferee, and the transferer shall be deemed to remain a holder of such share until the name of the transferee is entered in the register book in respect thereof.

Instrument of Transfer.

18. Shares in the Company shall be transferred by a writing in, or as nearly as may be in, form following, and executed before one witness :—

Form of Transfer.

THE GLASGOW–CANADIAN LAND AND TRUST COMPANY, LIMITED.

I, A. B., in consideration of the sum of paid to me by C. D., do hereby transfer to the said C. D., his executors, administrators, and assigns, the share (or shares) numbered , standing in my name in the Register of *The Glasgow-Canadian Land and Trust Company, Limited*, subject to the several conditions on which I hold the same at the time of the execution hereof. And I, the said C. D., do hereby agree to take the said share (or shares) subject to the same conditions.

Witness our hands, the day of

Signed by the said in presence of

19. The Directors may decline to register any tranfer, in respect of the same being by a member either solely or jointly indebted to the Company; in case of shares not fully paid up, of the transferee not being, in the opinion of the Directors, a responsible person, or the Directors not being satisfied of the the title of the transferer.

Directors may decline to register transfers.

20. The transfer books shall be closed during the fourteen days immediately preceding the ordinary general meeting in each year.

Transfer book closed.

21. The Company shall be bound to register as members any person or persons having right by any legal title, as trustees, executors, or administrators, or otherwise representing any deceased member, upon production of evidence of such title, but such registration shall not vest such representatives with the full unqualified rights of the other members, but shall be made subject to the following provisions—that is to say, in the case of there being more than one person registered as aforesaid as representing any deceased member, such persons shall not be entitled to vote at meetings, or have a voice in the management of the Company, but they shall be entitled to nominate by proxy one of their own number to represent them at all meetings, which person so appointed shall have the same power as to acting and voting at meetings as the other shareholders, to the extent of the shares in the Company represented by him.

Executors of a deceased member to be registered.

The mode of voting.

22. Any person becoming interested in any share, in consequence of the bankruptcy, insolvency, or incapacity of any member, or in consequence of the marriage of any female member, may be regis-

Registration of shares of bankrupts &c.

tered as a member upon such title and evidence being produced as may from time to time be required by the Company or by the Directors.

FORFEITURE OF SHARES.

Directors to serve notice requiring payment of calls.

23. If any member shall fail to pay any call on the day appointed as aforesaid, the directors may at any time, while such call remains unpaid, serve a notice upon him requiring him to pay such call, together with any interest and expenses that may have accrued thereon.

Notice of forfeiture.

24. Such notice shall name a further day on or before which such call, interest, and expenses are to be paid, and a place of payment, and shall also state that, in the event of non-payment in terms of such notice, the share or shares in respect of which such notice has been given will be liable to be forfeited.

Resolution of forfeiture by Directors.

25. If the requisition of such notice is not complied with, the share or shares in respect of which the same has been given may at any time thereafter, before the actual payment of such call, interest, and expenses, be forfeited by a resolution of the Directors to that effect.

Forfeited shares the property of the Company.

26. Any shares so forfeited shall become the property of the Company, and may either be retained or disposed of in such manner as the Directors may think fit.

Members notwithstanding liable for calls

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

Evidence of forfeiture.

28. A certified extract, under the hands of two directors, and countersigned by the Manager or Secretary, of the resolution of forfeiture, shall be conclusive evidence of such forfeiture having been made in terms of these presents, and shall entitle the Directors either to retain the forfeited shares for behoof the Company, or to issue a new certificate of proprietorship to any purchaser of such share, who shall be deemed the holder thereof, discharged from all previous liabilities, and who shall not be bound to see to the application of the purchase-money or value, nor shall his title be affected by any irregularity in the proceedings in reference to such sale.

GENERAL MEETINGS.

First general meeting.

29. The first general meeting of the Company shall be held within four months after the registration of the Company, at such place as the Directors may determine.

Yearly general meeting.

30. Subsequent general meetings shall be held at such time and place as shall be prescribed by the Company in general meeting, and if no other time and place is prescribed, a general meeting shall be held on the last Monday of March in every year, at such place as may be determined by the Directors.

31. The above-mentioned general meetings shall be called ordinary meetings, and all other meetings shall be called extraordinary.

32. The Directors may, whenever they think fit, and they shall upon a requisition made in writing by not less than one-fifth in number of the members of the Company standing in the register, convene an extraordinary general meeting.

One-fifth of members may require Directors to call extraordinary general meeting.

33. Any such requisition made by the members shall express the object of the meeting to be called, and shall be left at the registered office of the Company.

Requisition must state objects.

34. Upon the receipt of such requisition the Directors shall forthwith proceed to proceed to convene an extraordinary general meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists, or any other members amounting to the required number, may themselves convene an extraordinary general meeting.

If meeting not called requisitionists may convene same.

35. The Company may, from time to time, by resolution passed by at least three-fourths of the votes of the members present, personally or by proxy, at any extraordinary general meeting called for the purpose, repeal, alter or vary the articles of association, provided that the members present constitute a *quorum* of the Company.

Articles of Association may be altered.

PROCEEDINGS AT GENERAL MEETINGS.

36. Seven days' notice, at least, specifying the place, the day, and the hour of any general meeting, and in case of special business, the general nature of such business shall be given to the members standing on the register in the manner hereinafter mentioned, or in such other manner if any, as may be prescribed by the Company in general meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting. No business of a special nature shall be transacted at any meeting unless notice thereof has been given.

Seven days' notice of general meetings.

37. All business shall be deemed special that is transacted at an extraordinary meeting, and also all that is transacted at an ordinary meeting, with the exception of sanctioning a dividend, and the consideration of the accounts, balance sheets and ordinary report of the Directors.

Special business.

38. No business shall be transacted at any general meeting except the declaration of a dividend, unless a *quorum* of members is present at the time when the meeting proceeds to business, and such quorum shall be ascertained as follows—that is to say, if the persons who have taken shares in the Company at the time of the meeting do not exceed ten in number, the quorum shall be four, if they exceed ten, there shall be added to the above quorum one for every ten additional members up to fifty, and one for every twenty additional members after fifty—with this limitation, that in any case ten members shall constitute a quorum.

No business to be transacted unless a quorum present.

Quorum.

39. If within half-an-hour from the time appointed for the meeting, a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved. In any other case, it shall stand adjourned to the same day in the next week, at the same time and place; and if at such adjourned meeting a quorum is not present, it shall be adjourned *sine die*.

If quorum not present, the meeting called on requisition to be dissolved.

Chairman of general meeting.

40. The Chairman of the Board of Directors shall preside as Chairman at every general meeting of the Company.

41. If the Chairman is not present within fifteen minutes after the time appointed for holding the general meeting, the members present shall choose some one of their number to be Chairman.

Adjournment of meetings.

42. The Chairman may, with the consent, adjourn any meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

Evidence of resolution being carried.

43. At any general meeting, unless a poll is demanded, a declaration by the Chairman that a resolution has been carried, and an entry to that affect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution.

Polling.

44. If a poll is demanded, it shall be taken in such manne as the Chairman directs, and the result of such poll shall be deemed to be the resolution of the Company in general meeting. In case of an equality of votes at any general meeting, the Chairman shall be entitled to a second or casting vote.

VOTES OF MEMBERS.

Votes– each share one vote.

45. Every member shall have one vote for every share held by that member.

Mode of voting by lunatics

46. If any member is a lunatic, or idiot, or pupil, he may vote by his *curator bonis*, or other legal guardian, but a minor party may vote by himself or proxy.

Joint- holders;

47. If two or more persons are jointly entitled to a share or shares, the member whose name stands first on the register of members as one of the holders of such share or shares, and no other person shall be entitled to vote in respect of the same. In case of shares being registered in name of a copartnership firm, such firm shall vote under a proxy in favor of one of the partners of the firm. No member shall be entitled to vote at any general meeting unless all calls due from him have been paid.

Proxies.

48. Votes may be given personally or by proxy; but no holder of warrants shall be entitled to vote unless he has lodged, at the registered office of the Company, a memorandum, in writing, of his name and address, and of the shares held by him, forty-eight hours before the meeting, and shall exhibit his warrants before being entered in the sederunt.

Instrument appointing a proxy.

49. The instrument appointing a proxy shall be in writing, under the hand of the appointer, or, if such appointer be a corporation, under its common seal, and shall be attested by one or more witness or witnesses. No person shall be appointed who is not a member of the Company.

Proxies must be lodged forty-eight hours before meeting.

50. The instrument appointing a proxy shall be deposited at the registered office of the Company not less than forty-eight hours before the time for holding the meeting at which the

person named in such instrument proposes to vote, but no instrument appointing a proxy shall be valid after the expiration of twelve months from the date of its execution. Providing that shareholders resident abroad may appoint permanent proxies resident within the United Kingdom, to whom alone, where so appointed, notices of meeting shall be sent; and, failing such appointment, shareholders resident out of the United Kingdom shall have no ground of complaint by reason of not receiving notices.

Instrument of proxy.

51. The instrument appointing a proxy shall be, as nearly as may be, in the following form, and shall be valid and sufficient if subscribed by the member granting it, although neither holograph nor tested:

GLASGOW,

Form.

I,
being a member of The Glasgow-Canadian Land and Trust Company, limited, and entitled to vote, hereby appoint , of as my proxy, to vote for me and on my behalf at the (ordinary or extraordinary, *as the case may be*) general meeting of the Company, to be held on the day of and at any adjournment thereof (or at any meeting of the Company that may be held within twelve months of this date.)

Witness my hand this day of

Signed by in presence of

DIRECTORS.

Directors—Three.

52. The business of the Company shall be managed by a board of their Directors, of whom two shall be a quorum.

Names of Directors.

53. The first Directors shall be Robert Fraser, merchant, Glasgow; James Ford, merchant, Leith; and Alexander Osborne, merchant, Glasgow.

Qualification.

54. The qualification of a Director shall be the holding of not less than fifty shares.

Remuneration

55. The future remuneration of the Directors, and their remuneration for services performed previously to the first general meeting, shall be determined by the company in general meeting.

Director may retire at any time.

56. A Director may at any time retire from office by delivering notice of the wish so to do to the manager or secretary, or by leaving it at the registered office of the Company; and on the acceptance of his resignation by the remaining Directors of the Board, but not sooner, his office snall become vacant.

POWERS AND DUTIES OF DIRECTORS.

Powers.

All ordinary business to be transacted by Directors.

57. The whole affairs and business of the Company shall be managed and transacted by the Directors, who shall pay all expenses incurred in getting up and registering the Company, and shall possess and exercise all the powers of the Company in carrying into effect the objects thereof, unless in so far as these are not specially required to be exercised by the Company in general meeting; subject, nevertheless, to these regulations, or any others that may be adopted by the Company; but no new regulations

made by the Company in general meeting shall invalidate any prior act of the Directors which would have been valid if such new regulation had not been made.

Directors may act notwithstanding temporary vacancy.

58. The continuing Directors may act notwithstanding any temporary vacancy in their body.

Directors may commence business of Company although whole Capital not subscribed.

59. The Directors are empowered to commence the business of the Company so soon as they shall see fit, notwithstanding the whole capital may not have been then subscribed for or taken.

Custody of Seal.

60. The Directors shall provide for the safe custody of the seal of the Company, under such regulations as they may prescribe; and it shall not be used except by the authority of the Directors.

Execution of Deeds.

61. Every deed or instrument to which the seal of the Company is required to be affixed, shall be signed by two Directors, and by the manager or secretary, duly authorized by the Directors to this effect, providing that the manager or others required for carrying on the operations and business otherwise may be authorized, each in his department, to subscribe the necessary writings. And it is provided that the Directors may, by a power of attorney, confer upon any person or persons the power to subscribe and execute for and in name and on behalf of the Company, all deeds or instruments which it may be necessary, or may be considered by the Directors expedient, to make and execute abroad, and which deeds or instruments so subscribed and executed abroad shall be binding upon the Company.

62. In their management of the business of the Company, the Directors, without any further power or authority from the shareholders, may do the following things:—

Directors may take steps to make Articles binding abroad.

1. They may take all necessary steps for making these presents conformable to the laws of Canada, the United States of America, or of any other country, state, or city, so as to make them binding and effectual, and to enable the Company to carry on business therein.

Obtain concessions from foreign Governments, &c.

2. They may take such steps as they may deem expedient for applying to and obtaining from either or any of the Canadian Governments, or Parliaments, the Legislature of the United States of America, or other proper tribunals in those countries,, or in any and every other country or city which they may think expedient, any license, charters, concessions, deeds of confirmation, and such other powers and authorities, rights and privileges as they may deem advantageous on behalf of the Company; and for that purpose they may make such deposit or deposits of money or other securities as may be requisite, or as they may deem advisable.

Receive deposits, issue debentures, &c.

3. They may receive deposits, issue debentures, and negotiate or participate in the negotiation of loans of all descriptions, upon such terms in all respects as they may deem expedient, and may take all such steps as they may from time to time consider advisable for carrying into effect all or any of the objects for which the Company is established.

4. They may establish in Canada, the United States of America and elsewhere, such branches, agencies, and local boards or committees, and may make such regulations for their management as they may think proper, and for that purpose may appoint such local directors or members of committees, managers, officers, and clerks, with such remuneration and at such salaries as they may think proper, and may from time to time discontinue all or any of such branches, agencies, local boards or committees, and may remove or suspend all or any of the local directors or members of committees, managers, officers and clerks, as they may think proper. Establish agencies.

5. They may employ such brokers, surveyors, agents, valuers, and other persons as they think necessary, to dispose of, survey, examine, or report upon any property of the Company, or which may be offered to the Company, or for the acquisition of which it may be expedient to Directors to treat, and may allow and pay out of the funds of the Company to the persons so employed such commission, salaries, wages, and other remuneration as the Directors may deem reasonable. Employ surveyors and other officials

6. They may make, draw, give, accept, endorse, transfer, discount, and negotiate such bills of exchange, promissory notes, or other obligations, as they may think desirable for carrying on the business of the Company. Make and negotiate bills, &c.

7. They may advance money upon mortgage over lands, houses, buildings, and works, or other real property, and they may make advances, and give credit with or without security to such amount at such rate of interest, and upon such terms as they think fit. Make advances on mortgage.

8. They may pay for the acquisition of any property by these presents authorized to be acquired by the Company, either in cash or in shares of the Company, to be treated as either wholly or in part paid up, or partly in cash and partly in shares, or in the shares of any other company, or in such other manner as they from time to time deem expedient. May pay for property in cash or shares.

9. They may let, mortgage, sell, or otherwise dispose of, either absolutely or conditionally, and in such manner and upon such terms and conditions in all respects as they think fit, any of the property of the Company, and may accept payment or satisfaction for any property so disposed of in shares of the Company, wholly paid up, or partly in shares and partly in cash, or in the shares of any other company, or in such other manner as the Directors may deem expedient. May let, sell, mortgage, or otherwise dispose of property.

10. They may procure, or take upon such terms as they think expedient, a transfer of any mortgage or other security affecting any property of the Company, or authorized to be acquired for the Company, and pay out of the funds of the Company all such sums as shall be necessary for that purpose. May acquire mortgages, &c.

11. They may secure the repayment of any money deposited with the Company, and the interest thereon, by means of May grant deposit notes, bills, bonds,

&c., to secure deposits,

deposit notes, bills of exchange, promissory notes, debenture notes, or bonds, or in such other manner as may be agreed between them and the depositor.

May borrow money upon mortgage or debentures.

12. They may from time to time raise or borrow, in the name or otherwise on behalf the Company such sums of money as they from time to time think expedient, either by way of mortgage of the whole or any part of the property of the Company, or by bonds or debentures, or in such other manner as they deem fit.

DISQUALIFICATION.

Disqualification of Directors.

63. The office of the Director shall be vacated if he become of unsound mind, bankrupt, or insolvent, and if after the first ordinary meeting of the Company he does not hold the stipulated number of shares in his own right.

ROTATION.

Rotation of Directors.

64. At the first ordinary meeting after the registration of the Company, one of the Directors shall retire from office; and at the first ordinary meeting in every subsequent year one-third of the Directors for the time being, or if their number is not a multiple of three, than the number nearest to one-third shall retire from office.

65. The one-third or other nearest number to retire during the first and second years ensuing the first ordinary meeting of the Company shall, unless the Directors agree among themselves, be determined by ballot. In every subsequent year the one-third or other nearest number who have been longest in office shall retire.

Retiring Director re-elegible,

66. A retiring Director shall be re-elegible.

General meeting to elect Directors.

67. The Company, at the general meeting at which any Directors retire in manner aforesaid, shall fill up the vacated offices by electing a like number of persons.

Provision is event of general meeting not electing Directors.

68. If at any meeting at which an election of Directors ought to take place, the places of the vacating Directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place; and if at such adjourned meeting the places of the vacating Directors are not filled up, the vacating Directors, or such of them as have not had their places filled up, shall continue in office until the ordinary meeting in the next year, and so on from time to time until their places are filled up.

Company may increase or reduce number of Directors.

69. The Comyany may from time to time, in general meeting, increase or reduce the number of Directors, and may also determine in what rotation such increased or reduced number is to go out of office.

Directors may fill up casual vacancy.

70. Any casual vacancy occurring in the Board of Directors may be filled up by the Directors; but any person so chosen shall retain his office so long only as the vacating Director would have retained the same if no vacancy had occurred.

Company may remove any Director.

71. The Company in general meeting may, by a special resolution, remove any Director before the expiration of his period of

office, and may, by an ordinary resolution, appoint another person in his stead. The person so appointed shall hold office during such time only as the Director in whose place he is appointed would have held the same if he had not been removed.

PROCEEDINGS.

Proceedings of Directors.

72. The Directors shall have power to elect their own Chairman, who shall also be Chairman of the Company. They may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit. Questions arising at any meeting shall be decided by a majority of votes; in case of an equality of votes, the Chairman shall have a second or casting vote. The Chairman, or any number of the Directors—being not less than one-third of the whole number—may at any time summon a meeting of the Directors.

Questions decided by a majority of votes.

Chairman of Directors to act as Chairman of general meetings.

73. The Chairman, elected as aforesaid, shall act as Chairman of the meetings of Directors; but if at such meetings the Chairman shall not be present, then the other Directors present shall appoint one of their number as Chairman of the meeting.

Appointment of Committees.

74. The Directors may delegate any of their powers to committees, consisting of such of their body as they think fit, and any committee so appointed shall in the exercise of the powers so delegated, conform to such regulations as may be imposed on them by the Directors.

Proceedings of Committees.

75. A committee may elect a Chairman of their meetings. If no such Chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be Chairman of such meeting.

76. A committee may meet and adjourn as they think proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and in case of an equality of votes, the Chairman shall have a second or casting vote.

Acts of Directors valid notwithstanding defect in appointment.

77. All acts done by any meeting of Directors, or by any person acting as a Director, shall, notwithstanding that it shall be afterwards discovered that there was some defect in the appointment of any such Directors, or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed, and was qualified to be a Director.

Minutes of Directors.

78. The Directors shall cause minutes to be made, in books provided for the purpose, of—

(1.) The names of the Directors present at each meeting of the Directors and Committees of Directors.

(2.) Of all appointments of officers made by the Directors.

(3.) Of all resolutions and proceedings of meetings of the Company, and of the Directors and Committees of Directors.

DIVIDENDS.

Directors to declare dividends.

79. The Directors may, with the sanction of the Company in general meeting, declare a dividend or bonus to be paid to the members, which shall be in proportion to the amount paid, or held to be paid-up as aforesaid, upon their shares.

But not out of capital.

80. No dividends shall be payable except out of the profits arising from the business of the Company.

To create a reserve fund.

81. The Directors, before recommending any dividend or bonus, shall set aside out of the profits of the Company such sum as they think proper as a reserve fund to meet contingencies, or for equalizing dividends, or for repairing or maintaining any premises connected with the business of the Company, or for any other purposes of the Company which they may deem expedient, and the directors may invest the sums so set apart as a reserve fund upon such securities as they may select.

To retain dividends on account of unpaid calls.

82. The Directors shall 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.

Unclaimed dividends may be forfeited.

83. Notice of any dividend that may have been declared shall be given to each member in manner hereinafter mentioned, and all dividands unclaimed for three years after having been declared may be forfeited by the Directors for the benefit of the Company.

Dividend not to bear interest.

84. No dividend shall bear interest as against the Company.

ACCOUNTS.

Rules regarding payment of monies, &c.

85. Payments on behalf of the Company at the head office and agencies shall be made subject to such rules and regulations as shall be established from time to time by the Directors.

86. Remittances on account of the Company shall be made by order of the Directors, who may place such sums as they may think fit at the disposal of the managers or other officials abroad, subject to such instructions as the Directors may deem necessary.

Directors to make rules as regards books, vouchers, &c.

87. The principal manager or secretary shall produce to every meeting of Directors the bank pass-book and cash-book of the Company, and any books containing records of business done, and the Directors shall make such rules and regulations for the transmission of duplicate books, accounts, vouchers, and others from abroad as they may consider desirable.

Correct accounts to be kept of capital and expenditure.

88. The Directors shall cause true accounts to be kept of the capital stock of the Company; of all sums of money received or expended by the Company, and of the matter in respect of which such receipt and expenditure take place, of the credits and liabilities of the company, and of all other matters necessary for showing the true state and condition of the Company, and the accounts shall be kept in such books and in such manner, and the books of accounts shall be kept in such place or places of security, as the Directors may think fit.

Preliminary expenses.

89. All expenses incurred or sustained in or about the establishment of the Company, and any other costs and expenses which the board of directors consider may be fairly treated as preliminary, shall be placed to a separate account called the "preliminary expenses account," and shall be chargeable on the profits of the Company over such a period of years and in such manner as the board may deem expedient.

Yearly statement of accounts.

90. Once at the least in every year the Directors shall lay before the Company in general meeting a statement of the income and expenditure for the past year, made up to a date not more than four months before such meeting.

91. The statement so made shall show, under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the expense of the establishment, salaries, and other like matters; every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting; and in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the reasons why only a portion of such expenditure is charged against the income of the year. Mode of making up same.

92. A balance-sheet shall be made out in every year and laid before the Company in general meeting, and such balance-sheet shall contain a summary of the property, funds, and liabilities of the Company. Annual balance-sheet.

AUDIT.

93. Once at least in every year the accounts of the company shall be examined, and the correctness of the balance-sheet ascertained by an auditor. Yearly audit

94. The first auditor shall be appointed by the Directors. The subsequent auditor shall be appointed by the Company in general meeting. Appointment of auditor.

95. The auditor may be a member of the Company, but no person is elegible as an auditor who is interested otherwise than as a member in any transaction of the Company; and no Director or other officer of the Company is eligible during his continuance in office. Persons eligible as auditors.

96. The election of auditors shall be made by the Company at their ordinary meeting in each year. Election of auditor by Company.

97. The remuneration of the first auditor shall be fixed by the Company in general meeting. His remuneration.

98, Any auditor shall be re-eligible on his quitting office. Re-eligible

99. If any casual vacancy occurs in the office of any auditor appointed by the Company, the Directors shall fill up the vacancy by the appointment of an *interim* auditor, who shall retain office until the next ordinary meeting.

100. If no election of auditor is made in manner aforesaid, the board of trade may, on the application of not less than five members of the Company, appoint an auditor for the current year, and fix the remuneration to be paid to him by the Company for his services. Directors may fill up casual vacancy.

101. Every auditor shall be supplied with a copy of the balance sheet, and it shall be his duty to examine the same with the accounts and vouchers relating thereto. Board of trade to appoint auditor if no election made.

102. Every auditor shall have a list delivered to him of all books kept by the Company, and shall at all reasonable times have access to the books and accounts of the Company. He may, at the Duties of auditor.

expense of the Company, employ persons to assist him in investigating such accounts; and he may, in relation to such accounts, examine the Directors or any other officer of the Company.

103. The auditor shall make a report to the members upon the balance-sheet and accounts, and in every such report shall state whether in his opinion the balance-sheet is a full and fair balance-sheet, containing the particulars required by these regulations, and properly drawn up, so as to exhibit a true and correct view of the state of the Company's affairs; and in case he has called for explanations or information from the Directors, whether such explanations or information have been given by the Directors, and whether they have been satisfactory; and such report shall be read, together with the report of the Directors, at the ordinary meeting.

Notices.

NOTICES.

Mode of serving same.

104. Any notice under these articles not otherwise provided for, may be served by the Company upon any member either personally or by sending it through the post-office in a prepaid letter addressed to such member at his registered place of abode, or, in case of shareholders furth of the kingdom, addressed to any permanent proxy named by him as aforesaid.

105. Any notice, if served by post, shall be deemed to have been served at the time when the letter containing the same should be delivered in the ordinary course of post; and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post-office.

106. All notices directed to be given to the members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is named first in the register of members, and notice so given shall be sufficient notice to all the holders of such share.

EVIDENCE.

Register book sufficient evidence in recovering calls.

107. On the trial or hearing of any action or suit which may be brought by the Company against any member to recover any call, it shall be sufficient to prove that the name of the defender is in the register of members of the Company as a holder of the number of shares in respect of which such debt accrued, and that notice of such call was duly given to the defender, in terms of the articles of association, and that such call was not paid; and it shall not be necessary to prove the appointment of the Directors who made such call, nor that a quorum of directors was present at the board at which such call was made, nor that the meeting at which such call was made, was duly convened or constituted, nor any other matter whatsoever; but the proof of the matters aforesaid shall be conclusive evidence of the call.

Entries in minute books deemed to be correct.

108. Every entry in the minute books of the proceedings at any general meeting, meetings of Directors or committees, respectively, purporting to be made in terms of the Statutes, or these presents, shall be deemed to be correct, and in every such case the burden of proof of error shall rest with the person making any objections.

109. In case the Company shall be wound up while the whole amounts payable shall not have been called up, the members whose shares have not been fully called upon shall be bound to contribute, so as to equalize the amounts paid by them with the amounts already contributed by those who have paid up to a greater amount, either in cash or in property, in terms of these articles. Members whose shares not fully called up, to contribute equally.

NAMES, ADDRESSES AND DESCRIPTIONS OF SUBSCRIBERS.	NUMBER OF SHARES TAKEN BY EACH SUBSCRIBER.
Robert Fraser, 237 West George street, Glasgow, in the County of Lanark, merchant, ...	One Hundred.
Alex. Osborne, of 45 Candleriggs street, Glasgow, in the County of Lanark, merchant, ...	One Hundred.
James Ford, of 28 Regent Terrace, Edinburgh, in the County of Edinburgh, merchant, ...	One Hundred.
John Scott, of Balmuildy, Cadder, in the County of Lanark, farmer, . .	One Hundred.
Alex. Robertson, of 27 Landsdowne Crescent, Glasgow, in the County of Lanark, Solicitor, ...	Ten.
Chas. C. Bryce, of 27 Sardinia Terrace, Glasgow, in the County of Lanark, merchant, ...	Five.
Samuel Barclay, of 10 Holland Place, Glasgow, in the County of Lanark, merchant, ...	Five.
Total Shares Taken, . . .	Four Hundred and twenty

Dated this Seventh day of January, Eighteen Hundred and Seventy-three.

Witness to the above Signatures—

Charles Watt, of 54 Miller street, Glasgow, in the County of Lanark, Secretary to the Oakbank Oil Company, Limited.

COMPANIES ACTS, 1862 AND 1867.

No. 409, 472. COMPANY LIMITED BY SHARES.

CERTIFICATE OF INCORPORATION OF THE GLASGOW-CANADIAN LAND AND TRUST COMPANY, LIMITED, UNDER THE COMPANIES ACTS, 1862 AND 1867.

I, Stair Agnew, Assistant Registrar of Joint Stock Companies, do hereby certify that the Glasgow-Canadian Land and Trust Company (Limited) is this day incorporated under the Companies Acts 1862 and 1867, and that it is a Company limited by Shares.

Given under my hand this thirteenth day of January, eighteen hundred and seventy-three.

(Signed) STAIR AGNEW,
Assistant Registrar of Joint Stock Companies for Scotland.

No. 32.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to vest in "The Glasgow Canadian Land and Trust Company, Limited," all powers contained in the Memorandum and Articles of Association of the said Company, throughout the Dominion of Canada, and for that purpose to incorporate the said Company within the said Dominion.

PRIVATE BILL.

Mr. Carter.

OTTAWA:
Printed by I. B. Taylor, 29, 31 & 33, Rideau Street.
1873.

No. 33.] **BILL.** [1873.

An Act to amend the Act 32, 33 Victoria, Cap. 35, for the more speedy trial of felony and misdemeanor in Ontario and Quebec.

Preamble. WHEREAS it is expedient to amend the Act passed by the Parliament of Canada in the session held in the thirty-second and thirty-third year of the reign of Her Majesty, Chaptered 35;

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

Section 2 amended. 1. The second section of the said Act is hereby amended by inserting between the words "Sheriff" and "within," in the first line thereof, the words "as well during as between the sittings of the Court of Oyer and Terminer, in the Province of Ontario."

Section 3 amended. 2. Sub-section two of section three of the said Act is amended by striking out the words between "to" in the second line, and "next" in the third line thereof, and inserting in lieu of the same, the words "be tried at the present or."

No. 33.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Act 32, 33 Victoria, Cap. 35, respecting the trial of felony and misdemeanor.

Received and read the first time, Monday, 24th March, 1873.
Second reading, Thursday 27th March, 1873.

Mr. Glass.

OTTAWA:

No. 34] **BILL.** [1873]

An Act to incorporate the Western Bank of Canada.

Preamble.

WHEREAS the persons hereinafter named by their petition have prayed that they may be incorporated for the purpose of establishing a Bank in the City of Toronto, 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:—

Certain persons incorporated.

1. John Morrison, R. Carrie, R. S. Williams, Adam Oliver, M. P. P., W. T. Mason, A. M. Smith, John J. Vickers, Joseph Davidson, John Fisken, Patrick Hughes and W. J. Macdonell, and such others as may become shareholders in the corporation hereby created, and their respective executors, administrators, and assigns, shall be, and they are hereby constituted and declared to be a corporation, body corporate and politic in fact, by and under the corporate name of the Western Bank of Canada, and as such shall have perpetual succession, and a common seal with power to break, change and alter the same at pleasure, and also with all other powers incident to and necessary for the purposes herein after mentioned.

Corporate name.

Capital stock and chief office.

2. The capital stock of the said Bank shall be one million dollars, divided into ten thousand shares of one hundred dollars each, and its chief office shall be at the City of Toronto.

Provisional directors

3. For the purpose of organizing the said Bank, and of raising the amount of the said capital stock, the persons hereinbefore mentioned by name 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 books shall be opened at Toronto and elsewhere at the discretion of the provisional directors or such majority of them, and shall be kept open so long as they shall deem necessary; and so soon as five hundred thousand dollars of the capital stock shall have been subscribed upon the said stock books, and one hundred thousand dollars thereof actually paid into some one of the present chartered Banks in Canada, a public meeting shall be called of the subscribers thereof, by notice published at least two weeks in two newspapers of the said City of Toronto, such meeting to be held in Toronto aforesaid, at such time as such notice shall indicate, and at such meeting the subscribers shall proceed to elect seven directors, having the requisite stock qualification, who shall from thenceforward manage the affairs of the said corporation, shall take charge of the stock books hereinbefore referred to, and shall continue in office until the first Wednesday in the month of July, which shall be in the year next after the year in which they are

Stock books to be opened.

First meeting of shareholders.

so elected, and until their successors in office shall be duly elected; and immediately upon such election being had, the functions of the said provisional directors shall cease.

34 V., c. 5 to apply.

4. The Act passed in the thirty-fourth year of Her Majesty's reign, chaptered five, intituled: *An Act relating to Banks and Banking*, and all the provisions thereof, shall apply to the Bank hereby incorporated in the same manner as if it were expressly incorporated with this Act, excepting so far as such provisions relate only to Banks already in existence, or to Banks *en commandite*.

Bank to obtain certificate from Treasury Board.

5. The said Bank shall obtain from the Treasury Board, within twelve months from and after the passing of this Act, the certificate required by section seven of the said Act relating to Banks and Banking, passed in the thirty-fourth year of Her Majesty's reign, chapter five, in default of which this Act shall become and be null and void, and of no effect, and the charter hereby granted, and all and every the rights and privileges hereby conferred, shall be forfeited.

Duration of Act.

6 This Act shall remain in force until the first day of July, in the year of our Lord one thousand eight hundred and eighty-one.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate the Western Bank of Canada.

PRIVATE BILL.

MR. BEATY.

OTTAWA:

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

1873.

No. 35.] **BILL.** [1873.

An Act to amend the Charter of the Dolphin Manufacturing Company.

WHEREAS the Dolphin Manufacturing Company, incorporated by letters patent, under the Great Seal, dated 23rd July, 1872, under the provisions of the "Canada Joint Stock Companies Letters Patent Act, 1869," for the purpose of mining barytes and other minerals, ores or earths used in the manufacture of pigments, and of manufacturing the same, and disposing thereof, and of the products thereof, having their chief place of business at Five Islands, in the Province of Nova Scotia,—have by their petition represented that they are desirous of obtaining authority to increase the capital stock of the said Company, to transfer the chief place of business to St. Catherines, in the Province of Ontario, and to open such other offices and places of business in different parts of the Dominion, as may be necessary for their operations; 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.

Capital stock may be increased.

1. The Board of Directors of the Dolphin Manufacturing Company may, with the consent of the shareholders first had and obtained at an annual meeting, or at a special general meeting, called for the purpose, increase the capital stock to the extent of forty thousand dollars over and above the amount of the original capital, such additional stock to be divided into four hundred shares of one hundred dollars each.

New stock, how issued.

2. Such stock may be issued or allotted by the directors, from time to time, at par, or at such rate of premium or of discount as they may, from time to time, determine; but no stock may be issued below par, until the consent of the shareholders shall have been obtained at an annual meeting, or at a special general meeting called for that purpose, after due notice; in other respects the new stock so issued shall be subject to the terms and provisions of the charter of the Company with reference to the original capital stock.

May be alloted to shareholders.

3. The directors may allot the whole or any part of such stock *pro rata* among the shareholders on the books of the Company at the date of such allotment, who may desire to subscribe for the same.

Company may hold real and personal estate.

4. The said Company may, for the purpose of carrying on their business, and more fully carrying out the objects of their charter, acquire and hold, by purchase, lease, or otherwise, any lands, tenements, rights and personal property, in any part of the Dominion of Canada, and may alienate, sell, convey, lease, or othewise dispose of the same or any part thereof, from time to time, as occa-

sion may require, on such terms and conditions as they may see fit; and may build and construct such houses, buildings and works, as may be deemed for the advantage of the Company.

Chief place of business.

5. The chief place of business of the Company shall be in the town of St. Catherines, in the Province of Ontario.

Agencies, and powers of agents.

6. The directors may establish agencies and offices for transacting the business of the Company in such other places as to them may seem proper and necessary; and may appoint such agents as the business of the Company may require, and may empower them to do and perform any act or thing, or to exercise any powers which the directors themselves or any of them may lawfully do, perform or exercise, except the power of making by-laws; and all things done by any such agent by virtue of the powers so vested in him by the directors, shall be valid and effectual to all intents and purposes, as if done by such directors themselves.

General meetings, when held.

7. General meetings of the shareholders may be held at any of the places of business so established, provided a by-law to that effect shall have received the sanction of a majority of the shareholders present at a special general meeting of the Company, held at the ordinary place for such meetings, after due notice thereof, or at an annual meeting of the Company; and the directors may cause books to be opened at any of their agencies, for the registration of subscriptions and transfers of stock.

Stock and transfer books.

32-33 V., c. 18, to apply.

8. The provisions of the "Canada Joint Stock Companies Letters Patent Act, 1869," shall apply to this Act, in so far as the same are applicable thereto.

1st Session, 2nd Parliament, 36 Victoria.

No. 35.

BILL.

An Act to amend the Charter of the [illegible] Manufacturing Company.

PRIVATE BILL.

Mr. MERRI[illegible]

OTTAWA:

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1873.

No. 36.] BILL. [1873.

An Act to change the name of the "*Freehold Permanent Building Society of Toronto*" to that of the "*Freehold Loan and Savings Company*" and to extend the powers thereof.

WHEREAS the "Freehold Permanent Building and Savings Society of Toronto" by their petition have represented that they were incorporated under the authority of the Act passed by the Legislature of the late Province of Canada in the ninth year of Her Majesty's Reign, intituled "*An Act to encourage the establishment of certain Societies commonly called Building Societies in that part of the Province of Canada formerly constituting Upper Canada,*" and of the Act amending the same; and that by reason of the great extension of their business, the increase in the number of their shareholders, and the extended as well as altered character of their financial transactions, it is necessary that they should seek from Parliament further powers than those which the Act above mentioned is authorized to confer: And whereas it would be for the public advantage as well as for the convenience of the corporation 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:— Preamble.

1. The said "Freehold Permanant Building and Savings Society of Toronto" and all its present members their successors and assigns for ever are hereby constituted and shall continue to be a body politic and corporate under the name of the "Freehold Loan and Savings Company" having its principal place of business in the City of Toronto: and under that name shall be capable of suing and being sued, pleading and being impleaded in all Courts and places whatsoever. Corporation continued and name changed

2. The said "Freehold Loan and Savings 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 "Freehold Permanent Building and Savings Society of Toronto" 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 said Freehold Loan and Savings Company so far as the same are not contrary to or inconsistent with the provisions of this Act. Existing rights vested in new corporation.

3. All the real and moveable property, shares or stock obligations, debts, rights, claims and privileges of the said "Freehold Permanent Building and Savings Society of Toronto" shall be and are hereby transferred to and vested in the said "Freehold Loan and Savings Company" and all the shareholders in the said Property transfersed.

Society shall be shareholders for like amounts and with like rights in the said "Freehold Loan and Savings Company" but all legal proceedings heretofore regularly begun by or against the "Freehold Permanent Building and Savings Society of Toronto" 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 said "Freehold Loan and Savings Company."

Officers, &c., continued.

4. The present President, Vice-President, Directors and officers of the said "Freehold Building and Savings Society of Toronto" shall continue in office as such in the said "Freehold Loan and Savings Company," with the names of President, Vice-President, Directors and officers of the said "Freehold Loan and Savings Company," until replaced in conformity with the by-laws of the said Company.

By-laws and rules continued.

5. All the present by-laws and rules of the said "Freehold Permanent Building and Savings Society of Toronto" shall continue in full force and effect and shall be binding in law as regards the said "Freehold Loan and Savings Company," its Directors, officers, shareholders and borrowers until modified amended or repealed in conformity with the provisions of this Act.

By-laws and amendment thereof.

6. The Directors of the said Freehold Loan and Savings Company may from time to time alter, amend, repeal, or create any regulation, rule or by-law for the working of the said Company; Provided that such action of the Directors shall not have a binding force beyond the day of the holding of the next annual meeting of the Company unless confirmed thereat.

Special general meetings.

7. All special general meetings of the shareholders of the said Corporation for any object relative to the business of the said Company shall be called by the President, Vice-President, or Manager on the order of the Board of Directors or upon a requisition of twenty or more shareholders whose shares in the said Company amount to at least fifty thousand dollars, by a notice inserted at least once a week in one or more newspapers published in the City of Toronto during the two weeks next preceding the day fixed for such meeting, when a majority of the shareholders present in person or by proxy shall govern.

Liability of shaseholders united.

8. No shareholder of the Company shall be liable for or charged with the payment of any debt or demand due from the Company, beyond the extent of his shares in the capital of the Company not then paid up; and no action therefor shall be commenced before an execution against the Company shall have been returned unsatisfied, in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder.

Company may loan money.

9. The said Freehold Loan and Savings 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, without requiring any of such borrowers to become subscribers to the stock or members of the said Company.

Business of the Company.

10. The said Freehold Loan and Savings Company may purchase and make advances on mortgages, debentures of Municipal or other Corporations or on Dominion Stock, at such rates of discount or interest as may be agreed upon, 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.

How advances may be repaid.

11. The principal moneys 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 said Company shall direct and appoint, and as shall be specified in the mortgage or assignment of mortgage, to be made of such real estate and of such revenues, rates, rents, tolls or profits as hereinafter mentioned, and the said Company may do all acts that may be necessary for advancing such money, and for recovery and obtaining repayment thereof, and for enforcing payment of all interest accruing therefrom, or any conditions annexed to such advance, or any forfeiture consequent on the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same; and do, authorize and exercise all acts and powers whatsoever, requisite or expedient to be done or exercised in relation to the said purposes.

Directors may issue debentures.

12. It shall be lawful for the Board of Directors of the said Company to issue debentures of the Company for such sums, in such currency, and at such rate of interest as they may deem advisable, and such debentures shall be numbered in arithmetical progression beginning with number one, and be respectively distinguished by the number affixed to them; and each shall truly state the sum for which it is issued, the time and place at which it is payable and the rate of interest which it bears; and the paid in and subscribed capital of the Company shall be liable for the amount so borrowed, and for any amounts received on deposit by the said Company: Provided only that the amount of debentures issued shall not exceed the amount of the subscribed capital of the Company, and 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 mortgages at such time held by the said Company. The debentures of the Company may be in the form in Schedule A to this Act, or to the like effect.

Proviso.

Interest may be paid in advance.

13. The said Company may, and are hereby empowered, to demand and receive in advance the half-yearly interest from time to time accruing on any advances of money made by the said Company, under and by virtue of this Act.

Mortgage and debenture book.

14. The Company shall keep a book, to be called "The Mortgage and Debenture Book," and in such book shall be fairly and distinctly entered from time to time, the date, names, amount of mortgage money advanced, and other short particulars of every mortgage deed in their custody and possession, together with the number and amount, and other short particulars of the debenture or debentures issued in respect thereof, which shall in no case exceed the amount so advanced on mortgage.

Statement of affairs to be transmitted to Minister of Finance.

15. 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 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.

Statement to be attested under oath,

16. 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 the Company, 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 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, the Company shall incur a penalty of one hundred dollars per diem; and if the same be not transmitted within one month after the said day, or if it shall appear by the statement that the Company is insolvent, the Minister of Finance may, by notice in the Gazette, declare the business of the Company 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 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 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.

and to be published.

Provision, if statement be not transmitted.

Powers of President and Directors.

17. The President, Vice-President, and Directors of the said Freehold Loan and Savings Company shall have and exercise the powers, privileges and authorities set forth and vested in them by this Act and any other Act regulating the Company, and they shall be subject to and be governed by said rules, regulations and provisions as are herein contained with respect thereto and by the by-laws to be made for the management of the said Company, and the Directors shall and may lawfully exercise all the powers of the Company except as to such matters as are directed by this Act to be transacted by a general meeting of the Company; the Directors may use and affix, or cause to be used and affixed, the seal of the Company 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 as they may deem expedient which are or shall at any time be authorized to be made by or on the behalf of the Company, and enter into all contracts

for the execution of the purposes of the Company, 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 the Company for the time being, in such manner as they shall deem expedient and conducive to the benefit of the Company, as if the same lands, property and effects were held and owned according to the tenure, and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being of full age; 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 the Company by the Parliament of Canada for the performance and fulfilment of any conditions or provisions from time to time prescribed by the said Parliament in giving such further powers and authorities or in altering or repealing the same respectively, or any of them.

Election of President, Vice-President and Directors.

18. The choice and removal of the President, Vice-President, and the Directors of the said Company, the determination as to the remuneration of the Directors and of the Auditors, shall be exercised at a general meeting of the Company.

Appointment of officers and agents. By-laws.

19. It shall be lawful for the Directors from time to time to appoint such and so many officers, solicitors and agents, either in Canada or elsewhere, and so many servants as they deem expedient for the management of the affairs of the Company, and to allow to them such salaries and allowances as may be agreed upon between them and the Company, and in addition to their powers heretofore granted to make such by-laws as they may think fit for the purpose of regulating the conduct of the officers, solicitors, agents and servants of the Company, and for providing for the due management of the affairs of the Company in all respects whatsoever, and from time to time to alter and repeal any such by-laws and make others, provided such by-laws be not repugnant to law or to the provisions of this Act and former Acts affecting the Company, and all by-laws of the Company shall be reduced to writing, and shall have affixed thereto the common seal of the Company, and a copy of such by-laws shall be given to every officer and servant of the Company, and any copy or extract therefrom certified under the signature of the secretary shall be evidence in all Courts of Justice in Canada of such by-laws or extract from them, and that the same were duly made, and are in force; and in any action or proceeding at law, criminal or civil or in equity, it shall not be necessary to give any evidence to prove the seal of the Company, and all documents purporting to be sealed with the seal of the Company, shall be held to have been duly sealed with the seal of the Company.

SCHEDULE A.

FREEHOLD LOAN AND SAVINGS COMPANY.

Debenture No. Transferable $

Under the authority of an Act of the Parliament of Canada Vic., Cap.

The President and Directors of the Freehold Loan and Savings Company 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* at their Agent's in London.)

COUPON.

FREEHOLD LOAN AND SAVINGS COMPANY.

No. 1. $

Half yearly dividend due of 18 , on Debenture No. , issued by this Company on the day of , 18 , for $, at per cent. per annum, payable at the office of the Treasurer, Toronto, (*or* at the Companp's Agents London).

For the President and Directors.

A. B.

C. D.,
Secretary.

Dated at Toronto, the day of , 18 .

For the President and Directors of the Freehold Loan and Savings Company.

C. D.,
Secretary.

A. B.

No. 36.

1st Session, 2nd Parliament, 36 Vict

BILL.

An Act to change the name of the Permanent Building Society of to that of the "Freehold Loan ings Company," and to extend t thereof.

PRIVATE BILL.

MR. MO

No. 37.] **BILL.** [1873

An Act to incorporate the Empire Fire and Marine Insurance Company of Canada.

Preamble.

WHEREAS Arthur M. Jarvis, the Honorable Archibald McKellar, Nathaniel Dickey, William McGiverin, George Cox, Egbert A. Smith, Moses Staunton, James Watson, and John McBean, have by their petition represented that the establishment of an association for the insurance of buildings and other property on land and also for the insurance of vessels and other property on water, would be beneficial to the interests of the Dominion and promote the extension of that business in the hands of Canadians, and have prayed that they may be incorporated for the purpose of carrying on a business of that description by the name and style of the Empire Fire and Marine Insurance Company of Canada, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons, enacts as follows:

Certain persons incorporated.

1. The said Arthur M. Jarvis, the Honorable Archibald McKellar, Nathaniel Dickey, William McGiverin, George Cox, Egbert A. Smith, Moses Staunton, James Watson and John McBean, and all such persons as hereafter shall become shareholders of the said Company shall be and are hereby ordained, constituted and declared to be body corporate and politic in law, in fact and in name by the style and title of the Empire Fire and Marine Insurance Company.

Capital stock.

2. The capital stock of the said Company shall be five hundred thousand dollars divided into five thousand shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same their legal representatives and assigns, subject to the provisions of this Act; provided always that it shall and may be lawful for the said Company to increase its capital stock to such sum not exceeding one million dollars, as a majority of the shareholders at a special general meeting to be expressly convened for that purpose shall agree upon.

Provisional Directors.

3. For the purpose of organizing the said Company the persons named in the preamble to this Act shall be provisional directors thereof, and they, or a majority of them, may cause stock books to be opened after giving due public notice thereof, upon which stock books shall be recorded the subscriptions of such persons as desire to become shareholders in the said Company; and such books shall be opened in the city of Toronto, and elsewhere, at the discretion of the said provisional directors, and shall be kept open so long as they may deem necessary.

Stock books to be opened.

First meeting of shareholders.

4. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per centum of the amount so subscribed paid in, the said provisional directors may call a general meeting of the shareholders at some place to be named, in the city of Toronto, giving at least twenty days' notice thereof in the Canada Gazette, and also in some daily newspaper published in the said city, at which general meeting the shareholders present in person or by proxy shall elect thirteen directors in the manner and qualified as hereinafter provided, who shall constitute a board of directors and shall hold office until the first in in the year following their election.

Calls on stock

5. The shares of capital stock subscribed for shall be paid in and by such instalments, and at such times and places, as the said directors shall appoint; no such instalment shall exceed ten per cent., of which call two months' notice shall be given, and executors, administrators and curarors paying instalments upon the shares of deceased shareholders, shall be and they are hereby respectively indemnified for paying the same; provided always that it shall not be lawful for the said Company to commence the business of insurance until the sum of not less than two hundred and fifty thousand dollars shall have been subscribed and ten per cent. thereof shall have been paid in on account of such subscribed stock.

Election of Directors.

6. The stock, property, affairs and concerns of the said Company shall be managed and conducted by Directors, one of whom shall be chosen President, who, except as is hereinbefore provided for, shall hold office for one year, which Directors shall be shareholders and shall be elected at the annual general meeting of shareholders to be holden at Toronto, on the first Wednesday in July in each year or such other day as may be appointed by by-law, not less than twenty days notice of such meeting being given as provided in section four, and the said election shall be held and made by such of the shareholders present in person or by proxy, or shall have paid all calls made by the Directors and then due, and all such elections shall be by ballot and the persons who shall have the greatest number of votes at any such election shall be Directors, except as hereinafter directed, and if two or more persons shall have an equal number of votes, in such a manner that a greater number of persons shall appear to be chosen directors, then the directors who shall have a greater number of votes, or the 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 , and the said Directors, as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be the President, and one to be Vice-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 shares, whereon at least ten per cent. shall have been paid, and shall have paid all calls made upon his stock, and all liability incurred by him to the Company.

Election of President.

Vacancies, how filled.

Proviso.

Provision in case of failure of election.

7. In case it should at any time haptpen that an election of Directors of the said Company should no be made on any day when pursuant to this Act it should have been made, 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 in such manner as may be regulated, directed and appointed by the Directors for the time being, and the Directors in office shall to continue until a new election is made.

Votes.

8. At all general meetings of the said Company, each shareholder shall be entitled to give one vote for every share held by him, not less than fourteen days prior to the time of voting, upon which all calls then due have been paid; such votes may be given either in person or by proxy, the holder of any such proxy being himself a shareholder, and no shareholder shall be entitled to give more than one hundred votes upon proxies held by him. 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; provided that no clerk of the said company shall vote either in person or by proxy, at the election of directors.

Company may asure vessels and freight.

9. 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 of or to sea or lake going ships, boats, vessels, steamboats, or other craft, or any ships, boats, vessels, steamboats, or other craft, navigating the ocean, seas, lakes, rivers, high seas, or any other navigable waters whatsoever, from any port or ports in Canada, to any other ports or ports in Canada, or to any foreign port or ports upon the ocean, 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 seas, lakes, rivers and navigable waters aforesaid, or against any loss or damage of or to the cargoes on property conveyed in or upon such ships, vessels, boats 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 the ocean or upon all or any of the seas, lakes, rivers and navigable waters aforesaid, or on any railway or stored in any warehouse or railway station, and generally to do all matters and things relating to or connected with marine insurance, on all or any of the seas, lakes, rivers and navigable waters aforesaid, and to make and grant policies therein and thereupon, and the said Company in like manner shall have power to effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire on any houses, stores or other buildings whatsoever, and also on any goods, chattels or personal estate whatsoever, for such time or times, and for such premiums and considerations and under such modifications and restrictions, and upon such conditions as may be bargained or agreed upon or set forth by and between the Company and the person or persons agreeing with them for such insurance, and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, or to insure any other insurance company against any loss or risk which such other Company 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 contracts or policies

May insure against fire.

Re-insurance.

Policies.

of insurance issued or entered into by the said Company shall be under the seal of the said Company, and shall be signed by the President, Vice-President or Managing Director for the time being, and countersigned by the manager or secretary or otherwise, as may be directed by the by-laws, rules and regulations of the Company, in case of the absence of any of the said parties, and being so sealed, signed and countersigned shall be deemed valid and binding upon them according to the tenor and meaning thereof; and the chief place of business of the said Company shall be in Toronto, or in such other place in Canada as may be agreed on at a special general meeting convened for the purpose.

Where insurance shall be effected.

No insurance shall be effected by them in any province or place other than the province of Ontario, until the Company shall have established an office in such other province or place, with a local agent, and in that case the service of process in such other province may be made at such local office or upon such local agent personally.

Appointment of local agents.

10. It shall be lawful for the said Company to appoint under the corporate seal of the Company, resident agents at any port or place within the Dominion of Canada or elsewhere, for the purpose of effecting at such port or places marine insurance and insurances against losses by fire in the foregoing sections of this Act described, subject to such conditions, restrictions and provisions as the said Company shall from time to time establish and improve.

Subscriptions or shares.

11. It shall and may be lawful for any person or persons or body politic or corporate to subscribe for such and so many shares as he, she or they may think fit, not, however, exceeding during the first month after the subscription books are opened one hundred shares; Provided, nevertheless, that after the expiration of such first month there shall be no limitation to the subscription for or acquisition of any number of shares.

Provision in case of non-payment of calls.

12. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the Directors may forfeit such share or shares 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 thereon, 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 shall be deemed necessary to pay such arrears, interest and expenses.

Recovery of calls on stock.

13. If payment of such arrears of call, interest and expenses be made before any share so 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 or 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 it shall not be necessary to prove the appointment of the Directors who made such calls or any other matter whatsoever other than what is hereinbefore 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 a Vice-President, or the manager 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 further proof thereof, and without proof of the official character or signature of the officer signing the same or the corporate seal. Evidence of by-law.

14. At all meetings of Directors five 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 equality of votes, the President, Vice-President or presiding Director shall give the casting vote in addition to his vote as a Director. Quorum of Directors and votes.

15. At the annual meeting of the shareholders the election of Directors shall be held and all business transacted without the necessity for 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 all the shareholders thereof, and all such further information as shall be required by the by-laws shall be laid before the shareholders. Special general meetings of 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 the Vice-President, or in the absence of both of them, a Director 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 meetings. Special general meetings.

16. The Director shall have full power and authority 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 appointment of a Managing Director, and of sub-boards to facilitate the details of business, and the definition of the duties and powers of such sub-boards, the making of calls upon the subscribed capital, the appointment and removal of officers and agents of the Company, the regulation of their duties and powers, and the salaries to be paid to them, the regulation of the transfer of stock and the form thereof, the compensation of Directors, and the establishment and regulation of agencies. Provided always that all such by-laws, rules, regulations and ordinances made by the Directors as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved by such meeting, and shall thereafter have force and effect as so approved or modified at such meeting, and provided further that such by-laws do not contravene the provisions of this Act. Powers of Directors. Proviso.

17. The Company shall have power to acquire and hold real estate for the purpose of its business within the Dominion of Canada of an annual value not exceeding ten thousand dollars and to sell or dispose of the same, and acquire other property in Company may hold real estate.

its place, as may be deemed expedient, and to take, hold and acquire all such other lands and tenements, real or immovable estate, as shall have been *bona fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its dealings or purchased at sales upon judgment which shall have been obtained for such debts or purchased for the purpose of avoiding a loss to the Company in respect thereof, or of the owners thereof, and to retain the same for a period not exceeding ten years ; and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada, or of any of the provinces thereof, or of any foreign state or states, such investments in the securities of foreign states not to exceed fifty per cent. of the capital stock of the Company, or in the bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures, or in mortgages on real estate, or such other securities as may be approved of by the Directors.

Investment of funds.

Transfer of shares.

18. 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 necessary 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.

Proviso.

Liability of shareholders limited.

19. In the event of the property and assets of the said Company being insufficient to liquidate its debts, liabilities and engagements the shareholders shall be liable for the deficiency, but to no greater extent than the amount of the balance remaining upaid upon their respective shares in the capital stock. Provided always that nothing in this section shall be construed to alter or diminish the additional liabilities of the Directors of the Company herein provided for.

Dividends.

20. The Directors of the Company 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, and also may by resolution order that the holders of policies or other instruments shall be paid such portion of the actual realized profits in such proportions, at such time and in such manner as the said Directors may think proper, and may enter into obligations so to do either by endorsement on the policies or otherwise. Provided always, that the holders of policies or other instruments so participating in the profits shall not be in anywise answerable or responsible for the debts of the said Company.

Policy holders may participate in profits.

This Act to be subject to provisions of 31 V., c. 48, and 34 V., c. 9, and other Acts.

21. This Act and the Company hereby incorporated and the exercise of the powers hereby conferred, shall be subject to the provisions contained in the Act thirty-first Victoria, chapter forty-eight, intituled, "*An Act respecting Insurance Companies*," as amended by the Act thirty-fourth Victoria, chapter nine, and to such other legislation on the subject of insurance as may from time to time be passed.

BILL.

An Act to Incorporate the Empire Fire and Marine Insurance Company of Canada.

PRIVATE BILL.

MR. CRAWFORD.

OTTAWA:

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

1873.

No. 38]

BILL.

[1873.

An Act to incorporate the North Star Silver Mining Company.

Preamble.

WHEREAS the persons hereinafter named have by petition represented that they are desirous of associating themselves together for the purpose of carrying on mining operations, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for an act of incorporation to that end; 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 incorrated.

1. Alexander T. Machattie, John B. Taylor, Theophilus S. Wills, Thomas Aspden, Thomas J. Almy, and James H. Fraser, together with such other persons as shall become shareholders in the Company hereby constituted, shall be and they are hereby constituted a body corporate and politic by the name of "The North Star Silver Mining Company."

Business of the Company.

2. The Company may carry on the business of exploring for, mining, smelting, manufacturing and selling gold, silver, copper and other ores and metals, and for these purposes may acquire and hold by purchase, lease or other legal title, personal property, lands and mining claims or rights, and construct and maintain buildings, machinery and other erections and improvements thereon or connected therewith, with power to sell and convey any of such lands or other property.

Head Office.

3. The head office of the Company shall be in the city of London, in the Province of Ontario, but the Directors may have offices and transact business wherever they may see fit.

Capital Stock.

4. The capital stock of the said Company shall be one million, one hundred and fifty thousand dollars, in eleven thousand five hundred shares of one hundred dollars each, which said capital stock may from time to time be increased as the wants of the Company may require, by a two-third vote of the majority of the shareholders, at a meeting of the Company called for that purpose, to an amount not exceeding three million dollars.

Increase of capital stock.

When Company may commence operations.

5. The Company shall not commence operations under this Act, until at least ten per centum of the capital stock shall be actually paid in.

Prefesence shares.

6. The Directors may set apart a part of the stock not exceeding one thousand five hundred shares as preference shares, each preference share to be sold for the full par value thereof actually paid in cash, and the holders of such preference shares shall be repaid the amount therefor, with interest at ten per centum per

annum, within two years from the first day of January, one thousand eight hundred and seventy-three, and upon such repayment they shall cease to be shareholders in respect of such preference shares.

Re-payment of preference shares, how enforced.

7. To secure such repayment and interest the said preference shareholders shall have a first charge on all property of the said Company, real and personal, and proceedings may be taken in any court of competent jurisdiction where the property is situated, or within whose jurisdiction the Company shall have any place of business to make such security available, in case such repayment and payment of interest shall not be made within the said two years.

By whom proceedings may be taken.

8. Such proceedings may be taken by any preference shareholder on behalf of himself, and any other preference shareholders or otherwise, as the practice of such Court may permit.

No dividend to be declared until preference shares are repaid.

9. Until the repayment of the said preference shares and interest as aforesaid, no dividends shall be paid on any other shares of the said Company, but all earnings applicable to the payment of dividends shall be applied in payment of the said preference shares and interest as aforesaid.

Assignment of stock.

10. The stock of the Company shall be deemed personal estate, and shall be assignable in such manner only and subject to such conditions and restrictions as the by-laws may prescribe, but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Aliens may vote and hold office.

11. Aliens as well as British subjects, and whether resident in the Dominion of Canada or elsewhere may be shareholders in the said Company, and all such shareholders shall be entitled to vote on the shares equally with British subjects, and shall be also eligible to offices in the said Company as Directors or otherwise. Provided always, that the President and a majority of the Directors shall be subjects of Her Majesty and residents of the Dominion of Canada.

Vote.

12. At all meetings after the first annual meeting of the Company every shareholder not being in arrears in respect of any instalment called for and being the *bona fide* holder of stock and registered as such on the stock books of the Company, for at least three months before such meeting, shall be entitled to vote as the by-laws of the said Company shall provide, and no shareholders being in arrear shall be entitled to vote, and all votes may be given in person or by proxy ; Provided always, that the proxy is held by a shareholder not in arrear and is in conformity with the by-laws.

Proxy.

Board of Directors and qualification.

13. The affairs of the Company shall be administered by a Board of six Directors, being severally holden of at least fifty shares of stock, who shall be elected at each annual meeting of the Company to hold office until their successors are elected, and who, if otherwise qualified, may always be re-elected ; and three members of such Board present in person shall be a quorum thereof, and in case of the death, resignation, removal, or disqualification, of any Director, such Board, if they see fit may fill the vacancy until the next annual meeting of the Company by ap-

pointing any qualified shareholder of the Company thereto ; but a failure to elect directors, or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the corporation called for the purpose.

First Board of Directors.

14. Alexander T. Machattie, John B. Taylor, Theophilus S. Wills, Thomas Aspden, Thomas J. Almy, and James H. Fraser, are hereby constituted the first board of directors of the said Company, to hold office until the first election as hereinafter provided for. The board of directors shall have full power in all things to administer the affairs of the Company, and to make or cause to be made any purchase and any description of contract which the Company may by law make ; to adopt a common seal ; to make from time to time any and all by-laws (not contrary to law or to the votes of the Company), regulating the allotment of shares, the calling in of instalments of shares and payment therefor ; the issue and registration of certificates of shares ; the forfeiting of shares for non-payment of calls ; the disposal of forfeited shares and the proceeds thereof ; the transfer of shares ; the declaration and payment of dividends ; the appointment of, 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 and place for holding annual and other meetings of the Company ; the calling of meetings of the Company and of the board of directors ; the requirements as to proxies ; 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 ; but every such by-law, and every repeal, amendment and re-enactment thereof, shall have force only until the next annual meeting of the Company, unless confirmed at some general meeting of the Company, and every copy of any by-law under the seal of the Company and purporting to be signed by any officer of the Company, shall be received in all courts of law as *primâ facie* evidence of such by-law.

Powers.

By-laws.

Proviso, by-laws to be confirmed.

Appointment of Agents.

15. The directors of the said Company may act as directors in Canada or elsewhere, and shall and may appoint one or more agents in Canada or elsewhere, and for such time and on such terms as to them shall seem expedient, and the directors may by any by-law to be made for such purpose, empower and authorize any such agent or agents, to do and perform any act or thing or to exercise any powers which the directors themselves, or any of them, may lawfully do, perform and exercise, except the power of making by-laws ; and all things done by any such agent, by virtue of the power in him vested by such by-law, shall be valid and effectual to all intents and purposes as if done by such directors themselves, anything in this Act to the contrary notwithstanding.

Power of agents.

Company not responsible for execution of trusts.

16. The Company shall not be bound to see to the execution of any trust whether expressed or implied or constructive, in respect of any shares, and the receipt of the person in whose name the same shall stand in the books of the Company, shall be a discharge to the Company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the Company, and the Company shall not be bound to see to the application of the money paid upon such receipt.

Directors may borrow money and issue debentures.

17. The Directors of the said Company after the sanction of three-fourths in number of the shareholders shall have been first obtained at a general meeting to be called from time to time for that purpose, shall have power to borrow from time to time for the purposes of the Company hereby incorporated, either in the Dominion of Canada or elsewhere, such sums of money as may be necessary for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures or other securities for the sum so borrowed, and to make the same payable either in currency or sterling, and at such place or places within the Dominion of Canada or elsewhere as may be deemed advisable, and to sell the same at such prices as may be deemed expedient and to hypothecate, mortgage or pledge the lands, revenues and other property 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 such bonds, debentures and securities shall be made and signed by the President and Vice-President of the said Company, and under the seal of the said Company: Provided the said Company shall not be authorized to borrow a sum exceeding one hundred thousand dollars.

Proviso.

Limitation of Act.

18. Unless mining operations be commenced under this Act within two years from the passing thereof, this Act of incorporation shall be null and void, saving only to the said Company the right to part with any real estate or personal property which they may hold or possess and to make such conveyances as may be necessary for that purpose.

Mines and

19. The Directors of the said Company may purchase mines or other property necessary for the business of the Company, and issue stock in payment therefor, and the stock so issued shall be declared and taken to be paid up stock, and shall be entered in the book mentioned in section twenty-three of "*The Canada Joint Stock Companies Clauses Act*, 1869," as paid in full; but this section shall not be taken to authorize the issue of stock beyond the amount authorized by the fourth section of this Act.

20. The provisions of "*The Canada Joint Stock Companies Clauses Act*, 1869," shall, except in so far as they are inconsistent with the provisions hereof, apply to the Company hereby incorporated.

No. 38.

1st Session, 2nd Parliament, 36 Victoria

BILL.

An Act to incorporate the North Silver Mining Company.

(PRIVATE BILL.)

HON. MR. CA

OTTAWA:

Printed by I. R. TAYLOR 29, 31 and 33, Rid

1873.

No. 39.] **BILL.** [1873.

An Act to incorporate the Maritime Improvement Company of the Dominion of Canada.

Preamble.

WHEREAS James Domville, M.P., Jeremiah Harrison, George McKean, William Davidson, Thos. E. Grindon, William Henry Thorne, James Scovil and others have by their petition represented that they are desirous of organizing a company for the purpose of undertaking the building and construction of works of various kinds throughout the Dominion of Canada, and have prayed that they may be incorporated for that purpose, 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:

Certain persons incorporated.

1. James Domville, M.P., Jeremiah Harrison, George McKean, William Davidson, Thomas E. Grindon, William Henry Thorne and James Scovil, 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 "*Maritime Improvement Company of the Dominion of Canada*," and the words "the Company," when used in this Act shall mean the "*Maritime Improvement Company of the Dominion of Canada*," hereby incorporated.

Powers of the Company.

2. The company shall have power to contract with any person, firm, company or corporation to build and construct by its agents, employees, or subcontractors, any house, church or building of any nature or kind whatsoever, or any wharf or any telegraph line, canal lock or other public improvement, requiring mechanical work in any part of the Dominion of Canada, and to supply and furnish all needful materials, labor, implements, instruments and fixtures of any and every kind whatsoever requisite for any such work, and to use any such work pending the construction thereof.

Bonds may be taken in payment.

3. The Company may receive in payment of such work the bonds and securities of other companies, and sell and otherwise use or negotiate the same; and may receive and hold real estate for its own purposes of an annual value not exceeding four thousand dollars; and may hold real estate or mortgages thereon as security for moneys due thereon.

Real estate.

Capital stock.

4. The capital stock of the company shall be two hundred thousand dollars, which amount may be raised by the parties herein named, and such other parties as may become shareholders in the said stock; and such capital may be increased from time to time by the shareholders under the by-laws of the company, as the works undertaken by the company may render necessary; Provided always that no such increase shall take place until the stock previously subscribed for shall be paid in full.

Proviso.

First meeting of shareholders.

5. So soon as 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 Saint John in the City and County of Saint John and Province of New Brunswick, as they may think proper, giving at least two weeks' notice in one newspaper published in the said city; at which general meeting and at the annual general meeting 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.

Directors.

Company may make promissory notes and borrow money.

6. The company may become parties to promissory notes and bills of exchange for sums not less than one hundred dollors to be executed as provided by the by-laws; and the directors may from time to time, with the consent of the shareholders present or represented in a general meeting, borrow money on behalf of the company, at such rates of interest and upon such terms as they may think proper; and the directors may for that purpose make, or cause to be made, bonds or other instruments under the common seal of the company, for sums not less than one hundred dollars, which may be payable at any place, and either to order or to bearer, and may have interest coupons attached; Provided that the aggregate of the sums is borrowed shall not at any time exceed the amount of the paid-up capital of the company for the time being, and no lender shall be bound to enquire into the occasion for any such loan or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted.

Provisional Directors; their powers and duties.

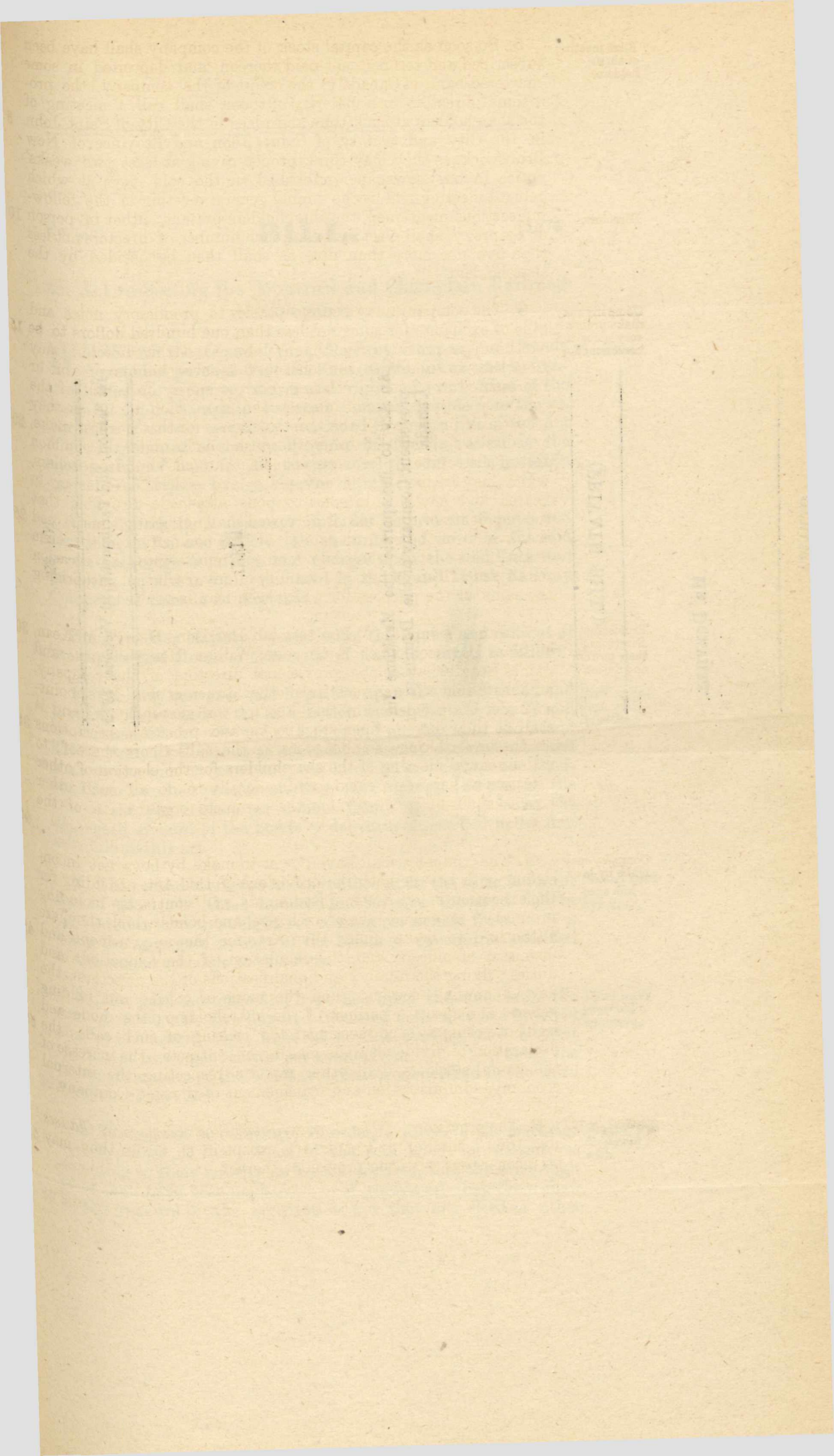
7. James Domville, M.P., Jeremiah Harrison, George McKean, William Davidson, Thos. E. Grindon, Willian Henry Thorne and James Scovil shall be the provisional directors of the company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders; and it shall be their duty to open stockbooks and procure subscriptions for the undertaking; to allot stock to the subscribers thereof; to call a general meeting of the 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.

Company may make by-laws.

8. The company shall have power to make by-laws not inconsistent with law, or with the provisions of this Act, providing for the execution of all deeds, instruments and contracts, including promissory notes and bills of exchange, and bonds which they are authorized to make under this Act; for the appointment and dismissal of officers, and the regulation of their functions and duties; fixing the number and qualifications of the directors; the day of annual meeting; and the mode of calling and holding general and special meetings of the shareholders; the mode and right of voting at such meetings; the making of such calls; the declaration of dividends; the making of contracts; the increase of the capital stock; and all other matters respecting the internal economy, administration and management of the said Company.

32-33 V., c. 12, to apply.

9. 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.



instrument in writing, creating or evidencing any mortgage or hypothec in respect of such bonds or debentures or any of them, shall be or shall have been registered, or shall hereafter require to be registered.

THE FIRST SCHEDULE.

First mortgage bonds issued by virtue of the Statute of the late Province of Canada, 23 Victoria, Chapter 107, viz. :

Nos. 1 to 90, both numbers inclusive. of £1,000 sterling each	£ 90,000
Nos. 101 to 206, both numbers inclusive, of £500 sterling each.....	53,000
Nos. 401 to 550, both numbers inclusive, of £200 sterling each.....	30,000
Nos. 601 to 684, both numbers inclusive, of £100 sterling each	8,400
	£181,400

THE SECOND SCHEDULE.

Second mortgage bonds issued by virtue of the Statute of the late Province of Canada, 25 Victoria, Chapter 57, viz. :

Nos 1 to 300, both numbers inclusive, of $100 each.....	$ 30,000
Nos. 1 to 80, both numbers inclusive, of $500 each.....	40,000
Nos. 1 to 200, both numbers inclusive, of $1,000 each...	200,000
Nos. 1 to 50, both numbers inclusive, of $2,000 each....	100,000
	$370,000

THE THIRD SCHEDULE.

Third mortgage bonds issued by the Grand Trunk Railway Company of Canada, by virtue of the Act of the Parliament of Canada, 35 Victoria, chapter 64, viz. :

Nos. 1 to 1,028, both numbers inclusive, of £100 sterling each	£102,800

No. 40.

1st Session, 2nd Parliament, 36 Victoria

BILL.

An Act respecting the Montreal and plain Railroad Company.

Received and read, first time, Wednesd March, 1873.

Second reading,

PRIVATE BILL.

Mr. I

OTTAWA:

Printed by I. B. Taylor, Nos. 29, 31 & 33, Ride

1873.

BILL.

No. 41.] [1873

An Act to extend the powers of the Montreal Telegraph Company, and for other purposes.

Preamble.

WHEREAS the Montreal Telegraph Company have, by their petition, prayed that the powers of the Company may be extented to all parts of the Dominion, and especially to the Province of Nova Scotia, 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 :

Powers of the Company extended to the Province of Nova Scotia

1. The powers, privileges, and franchises conferred upon the said Company, in and by any Act of the Parliament of the late Province of Canada, shall be and are hereby extended to, and may by the Company be exercised and enjoyed in all parts of the Dominion of Canada, and especially in the Province of Nova Scotia, as fully and amply, to all intents and purposes, as if the clauses and provisions granting the same had been set forth at length, and extended and made applicable to the said Province, and all Acts of the Parliament of the late Province of Canada, relating to the said Company shall have the same force and effect in and in relation to the said Province, from and after the passing of this Act, as they now have in and in relation to the other Provinces of the Dominion of Canada.

No. 41.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to extend the powers of the Montreal Telegra ph Company.

PRIVATE BILL.

Mr. Ryan.

OTTAWA :

No. 42.] **BILL.** [1873.

An Act respecting Friendly Societies.

WHEREAS the protection and encouragement of Friendly Societies in Canada, or in any part thereof established for the raising by voluntary subscription of the members thereof funds for the mutual relief and maintenance of the said members in sickness, old age and infirmity, and other the purposes hereinafter mentioned, is likely to be attended with beneficial effects by promoting the happiness of individuals and encouraging thrift and economy; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enact as follows:— Preamble.

1. It shall be lawful for any number of persons to form and establish a Friendly Society under the provisions of this Act, for the purpose of raising by voluntary subscriptions of the members thereof, with or without the aid of donations, a fund for any of the following objects, that is to say: Establishment and objects of Friendly Societies.

(1). For insuring a sum of money to be paid on the birth of a member's child, or on the death of a member, or for the funeral expenses of the wife or child of a member:

(2.) For the relief or maintenance of the members, their husbands, wives, children, brothers or sisters, nephews or pieces, in old age, sickness or widowhood, or the endowment of members or nominees of members of any age:

(3.) For any purpose which shall be authorized by the Secretary of State of Canada, as a purpose to which the powers of this Act ought to be extended:

Provided that no member shall subscribe or contract for an annuity exceeding two hundred dollars per annum, or a sum payable on death, or on any other contingency, exceeding one thousand dollars: Provis

And if such persons so intending to form and establish such Society shall transmit rules for the government, guidance, and regulation of the same to the Secretary of State aforesaid, and shall obtain his certificate that the same are in conformity with law, as hereinafter mentioned, then the said Society shall be deemed to be fully formed and established from the date of the said certificate. Upon approval of rules by Secretary of State, Society to be deemed fully formed.

2. And whereas many provident, benevolent and charitable institutions and societies are formed, and may be formed for the purpose of relieving the physical wants and necessities of persons in poor circumstances, or for improving the dwellings of the laboring classes, or for granting pensions, or for providing habitations for the members or other persons elected by them, and it is expedient to afford protection to the funds thereof; Therefore, if two copies of the rules of any such institution or society, and from time to time the like copies of any alterations or an amendment made in the same, signed by the *members* and the Secretary Recital.

Upon approval of rules certain sections to apply to charitable societies.

thereof, shall be transmitted to the Secretary of State aforesaid, such Secretary of State shall, if he finds the same are not repugnant to law, give a certificate to that effect, and thereupon the following sections of the Act, that is to say the *sixteenth, seventeenth, eighteenth, nineteenth. twentieth, twenty-first, twenty-second, twentyfourth, fortieth, and fortyfirst,* shall extend and be applicable to such institution and society as fully as if the same were established under this Act.

Dissolution of Societies.

3. It shall be lawful for the members of any Society established under this Act at some meeting thereof, to be specially called in that behalf, to dissolve or determine the same by consent; Provided

Proviso.

that no Society established under this Act, or any Act to be hereafter passed relating to friendly societies, shall be dissolved or determined without obtaining the votes of consent of five-sixths in value of the then existing members thereof, including the honorary members, if any, to be ascertained in manner hereinafter mentioned, nor without the consent of all persons (if any) then receiving or entitled to receive any relief, annuity or other benefit from the funds thereof, to be testified under their hands individually and respectively, unless the claim of every such person be first duly satisfied, or adequate provision made for satisfying such claims;

Votes.

and for the purpose of ascertaining the votes of such five-sixths in value of the members as aforesaid, every member shall be entitled to one vote, and an additional vote for every five years that he may have been a member, but no member shall have more than five votes in the whole; and the intended appropriation, or division of

Distribution of property.

the funds or other property, shall be fairly and distinctly stated in the agreement for dissolution prior to such consent being given; and the agreement for such dissolution, duly signed as aforesaid, accompanied with a declaration by one of the Trustees, or by three members and the Secretary, taken before a Justice of the Peace, that the provisions of this Act have been complied with, shall be forthwith transmitted to the Secretary of State to be by him deposited with the rules of the Society, and such agreement shall thereupon be an effectual discharge at law and in equity to the Trustees, Treasurers, and other officers of such Society, and shall operate as a release from all the members of the Society to such Trustees, Treasurers and other officers; and it shall not be lawful

Claims of Members to be satisfied.

in any Society to direct a division or appropriation of any part of the stock thereof, except for the purpose of carrying into effect the general interests and objects declared in the rules as originally certified, unless the claim of every member is first duly satisfied, or adequate provision be made for satisfying such claims: And in the event of the dissolution or determination of any Society, or the

Penalty for contravention.

division or appropriation of the funds thereof, except in the way hereinbefore provided, any Trustee, or other officer or person aiding or abetting therein, shall on conviction thereof before two Justices, be committed to any common gaol, there to be kept at hard labor for any term not exceeding three calendar months, as to such Justices shall seem meet.

Union of Societies.

4. It shall be lawful for any two or more Societies established under this Act to unite and become incorporated in one Society, with or without any dissolution or division of the funds of such Societies, or either of them, or a Society formed under this Act may be allowed to transfer its engagements to any other Friendly Society, if any other such Society shall undertake to fulfil the engagements of such society upon such terms as shall be agreed upon by the major part of the Trustees, and also of the committee

of Management of both Societies, or the majority of the members of each of such Societies at a general meeting convened for that purpose.

Admifsion of minors.

5. A person under the age of twenty-one may be elected or admitted as a member of any Society established under this Act, the rules of which do not prohibit such election, and may and he is hereby empowered to execute all necessary instruments and to give all necessary acquittances; Provided always that during his non-age he shall not be competent to hold any office of Director, trustee, treasurer or manager of such Society.

Proviso.

Powers as to real estate.

6. It shall be lawful for the Trustees or Trustee for the time being, of any Friendly Society formed and established under this Act, with the consent of a majority of the members thereof, present at a special or general meeting of the Society, to purchase, build, hire or take upon lease any building for the purpose of holding such meetings; to adapt and furnish the same, and purchase or hold upon lease any land not exceeding one acre, for the purpose of erecting thereon a building for holding the meetings of the Society, and such trustees or trustee shall thereupon hold the same in trust for the use of such Society; and with the like consent as aforesaid, such trustee or trustees may mortgage, sell, exchange or let such building, or any part thereof, and the receipt in writing of such trustee or one of such trustees for the time being shall be a legal discharge for the money arising from such mortgage, sale, exchange or letting, and no mortgagee, purchaser, tenant or assignee, shall be bound to enquire into or ascertain, or prove the consent aforesaid, to rectify his title; Provided, nevertheless, that all money spent in purchasing, building, hiring or taking upon lease, any building for the purpose of holding such meetings, and in adapting and furnishing the same, be raised according to the rules of the Society in such behalf provided.

Proviso.

Appointment of trustees.

7. Every Friendly Society established under this Act, shall, at some meeting of its members, and by a resolution of a majority of the members then present, nominate and appoint one or more person or persons to be trustee or trustees for the said Society, and the like in the case of any vacancy in the said office; and a copy of the resolution so appointing such person or persons to the office of Trustee, and signed by such trustee or trustees and by the Secretary of said Society, shall be sent to the Secretary of State, to be by him deposited with the rules of the said Society in his custody.

Property to be vested in trustees.

8. All real and personal estate whatsoever belonging to any Society established under this Act, shall be vested in such trustee or trustees for the time being for the use and benefit of such Society and the members thereof, and the real and personal estate of any branch of a Society shall be vested in the trustee of such Branch and be under the control of such trustee or trustees, their respective executors and administrators according to their respective claim and interest, and upon the death or removal of any trustee or trustees the same shall vest in the succeeding trustee or trustees for the same estate and interest as the former trustee or trustees had therein, and subject to the same trusts, without any conveyance or assignment whatsoever; and in all actions or suits, or indictments, or summary proceedings before magistrates touching or concerning any such property, the same shall be stated to be the property of the person or persons for the time being,

then holding the said office of trustee in his or their proper name or names as trustees of such Society without any further description.

Trustees may bring actions.

9. The trustee or trustees of any such Society are hereby authorized to bring or defend, or cause to be brought or defended, any action, suit or prosecution in any court of law or equity touching or concerning the property, right, or claim to property of the Society for which he or they are such trustee or trustees as aforesaid, and such trustee or trustees shall and may in all cases concerning the real and personal property of such Society sue and be sued, plead and be impleaded in any court of law or equity in his or their proper name or names as trustee or trustees of such society without other description, and no such action, suit or prosecution shall be discontinued, or shall abate by the death of such person, or his removal from the office of trustee, but the same shall and may be proceeded in by or against the succeeding trustee or trustees as if such death or removal had not taken place, and such succeeding trustee or trustees shall pay or receive the like costs as if the action or suit, or prosecution had been commenced in his or their name or names, for the benefit of or to be reimbursed from the funds of such Society.

Trustees may be substituted for Society in suits.

10. In any proceeding against a Society, it shall be sufficient to make the trustee or trustees of any such Society at the time of the commencement of the suit the defendant or defendants in such suit by his or their name or names, and the title of the office he or they may hold; and the proceedings in such suit shall be carried out in the name of such officer on behalf of the Society, and shall not be abated or prejudiced by the death or resignation or removal, or by any act of such officer or officers after the commencement thereof, and the summons to be issued may be served by leaving the same at the usual place of business of the Society.

Liability of officers limited.

11. Provided nevertheless that no trustee or trustees of any such society shall be liable to make good any deficiency which may arise or happen in the funds of such Society, but shall be liable only for the moneys which shall be actually received by him on account of such Society.

Treasurer to give security.

12. The treasurer of every such Society, or any other officer who is required by the rules to give security, shall before he takes upon himself the execution of his office become bound with one sufficient surety in a bond according to the form set forth in the second schedule to this Act, or give the security of a Guarantee Society established in Canada, in such penal sum as the Society or the committee of management shall direct and appoint, conditioned for his just and faithful execution of his said office of treasurer, and of rendering a just and true account of all moneys received or paid by him on account of the said Society, at such time as the rules of the said Society shall direct and appoint, and at such time as he shall be required so to do by the trustee or trustees of the said Society, or by a majority of the said committee of management, or by a majority of the members present at any meeting of such society; and every such bond shall be given to the trustee or trustees of the said Society for the time being, and if the same shall at any time become forfeited, it shall be lawful for such trustee or trustees, for the time being, to sue upon such bond for the use of such Society.

13. Every such treasurer or other officer at such times as by the rules of such Society he should render such account as aforesaid, or upon being required so to do by the trustee or trustees of such Society, or by a majority of the said committee of management, or by a majority of the members present at a meeting of the said Society, as aforesaid, within seven days after such requisition, shall render to the trustee or trustees of the Society, or to the said committee of management, or to the members of such society, at a meeting of the Society, a just and true account of all monies received and paid by him since he last rendered the like account, and of the balance then remaining in his hands, and of all bonds or securities of such Society, which account the said trustee or trustees, or committee of a mnagement shall cause to be audited by some fit and proper person or persons, by them to be appointed, and such treasurer if thereat, required upon the said account being audited shall forthwith hand over to the said trustee or trustees the balance which on such audit shall appear to be due from him, and shall also, if required, hand over to such trustee or trustees all securities and effects, books, papers and property of the said Society in his hands or custody, and if he shall fail to do so, the trustee or trustees of the said Society may sue upon the bond aforesaid, or may sue such treasurer in any court having jurisdiction for the balance appearing to be due from him upon the account last rendered by him, and for all the monies since received by him on account of the said Society, and for the securities and effects, books, papers and property in his hands or custody, being hereto set off in such action, the sums, if any, which he may have since paid on account of the said Society, and in such action the said trustee or trustees shall be entitled to recover their full costs of suit to be taxed as between attorney and client.

Treasurer to render account.

and to hand over moneys.

Proceeding in case of failure or neglect.

14. If any officer, member or other person being, or representing himself to be a member of such Society, or the nominee, executor or assignee of a member thereof, or any person whatsoever, by false representation or imposition shall obtain possession of any moneys, securities, books, papers, or other effects of such Society, or having the same in his possession, shall withhold or misapply the same, or shall wilfully apply any part of the same to purposes other than those expressed or directed in the rules of such Society, it shall be lawful for any Justice of the Peace acting in the County or city in which the place of business of such Society shall be situated, upon complaint made by any person on behalf of such Society, to summon the person against whom such complaint is made, to appear at a time and place to be named in such summons, and any two Justices present at the time and place mentioned in the said summons, shall proceed to hear and determine the said complaint in manner directed by the Act of the Parliament of Canada, thirty-two and thirty-three Victoria, chapter thirty-one, intituled: "*An Act respecting the duties of Justices of the Peace out of sessions in relation to Summary Convictions and Orders*," and if the said Justices shall determine the said complaint to be proved against such person they shall adjudge and order him to deliver up all such moneys, securities, books, papers, or other effects to the Society, or to repay the amount of money applied improperly, and to pay, if they think fit, a further sum of money, not exceeding one hundred dollars, together with costs, not exceeding ten dollars; and in default of such delivery of effects or re-payment of such amount of money, or payment of such penalty and costs aforesaid, the said Justices may order the said person so convicted to be imprisoned in the common gaol of the county or

Withholding or misappropriating money, &c.

City as the case may require, with or without hard labor, for any term not exceeding three calender months: Provided that nothing herein contained shall prevent the said Society from proceeding by indictment against the said party: Provided also, that no person shall be proceeded against by indictment if a conviction shall have been previously obtained for the same offence under the provisions of this Act.

Proviso.

Proviso.

Society to make rules.

15. Before any Friendly Society shall be established under this Act, the persons intending to establish the same shall agree upon and frame a set of rules for the regulation, government and management of such Society, and in such rules they may, amongst other things, make provision for appointing a general committee of management of such Society, and delegating to such committee all or any of the powers given by this Act to the members of Friendly Societies formed or established under or by virtue of the same, and such rules shall set forth:

Name. (1.) The name of the Society, and place of meeting for the business of the Society:

Objects. (2.) The whole of the objects for which the society is to be established, the purposes for which the funds thereof shall be applied, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member of such Society:

Rules. (3.) The manner of making, altering, amending and rescinding rules:

Officers. (4.) A provision for the appointment and removal of a general committee of management, of a trustee or trustees, treasurer, and other officers:

Funds. (5.) A provision for the investment of the funds, and for an annual or periodical audit of accounts:

Deposited. (6.) The manner in which disputes between the Society and any of its members, or any person claiming by or through any member, or under the rules, shall be settled:

Accounts, how kept. And the rules of every such Society shall provide that all moneys received or paid on account of each and every particular fund or benefit assured to the members thereof, their husbands, wives, children, fathers, mothers, brothers or sisters, nephews or nieces, for which a separate table of contributions payable shall have been adopted, shall be entered in a separate account, distinct from the moneys received and paid on account of any other benefit or fund; and also that a contribution shall be made to defray the necessary expenses of management, and a separate account shall be kept of such contributions and expenses.

Copies of rules to be transmitted to Secretary of State.

16. Two printed or written copies of such rules, signed by three of the intended members and the secretary or other officer, shall be transmitted to the Secretary of State aforesaid, and the said Secretary of State shall advise with the secretary of the Society, or other officer if required, for the purpose of ascertaining whether the said rules are calculated to carry into effect the intentions and objects of the persons who desire to form such Society; and if the Secretary of State shall find that such rules are in conformity with law and with the provisions of this Act, he shall give a certificate in the form set forth in the first schedule of this Act, and shall return one of the said copies to the said Society, and shall keep the other in the office of the Secretary of State for Canada, and for which certificate no fee shall be payable and all rules when so certified as aforesaid shall be binding on the several members of the said Society.

Alteration and amendment of rules.

17. After the rules of a Friendly Society shall have been so certified by the Secretary of State as aforesaid, it shall be lawful for such Society, by resolution, at a meeting specially called for that purpose, to alter, amend or rescind the same, or any of them, or to make new rules; Provided always that two copies of the proposed alterations or amendments and of such new rules, signed by three members of such Society, and the secretary or other officer, shall be transmitted to the said Secretary of State, to one of which shall be attached a declaration by the secretary of the said Society or one of the officers of such Society; that in making the same the rules of such Society respecting the making, altering amending and rescinding rules, or the directions of the Act under which such Society were established have been duly complied with; and if the Secretary of State shall find that such alterations, amendments or new rules are in conformity with law he shall give to the Society a certificate in the form set forth in the schedule to this Act, and return one of the copies to the Society, and shall keep the other with the rules of such Society in his custody; and for such certificate no fee shall be payable, and all rules, alterations and amendments when so certified as aforesaid, shall be binding on the several members of the said Society; and all persons claiming on account of a member or under the said rules, but unless, and until the same shall have been so certified as aforesaid, such rules, alterations and amendments shall have no force or validity whatsoever.

Certificate of alterations.

Change of place of business.

18. Whenever any Friendly Society, established under this Act, shall change its place of business, notice of such change, under the hands of two of the trustees or three members and the Secretary or other officer, shall, within fourteen days thereafter, be sent to the said Secretary of State.

Person circulating, &c., false rules, guilty of a misdemeanor.

19. If any person shall give to any member of a Friendly Society established under this Act, or to any person intending or applying to become a member of such Society, a copy of any rules or of any alterations or amendments of the same other than those respectively which have been certified by the Secretary of State aforesaid, with a copy of his certificate appended thereto, under color that the same are binding upon the members of such Society, or shall make any alterations in or addition to any rules or tables of such Society after they shall have been respectively certified by the Secretary of State aforesaid, and shall circulate the same purporting that they have been duly certified under this Act, when they have not been so duly certified, every person so offending shall be deemed guilty of a misdemeanor.

Copies of rules to be evidence.

20. All rules and tables of any Society established under this Act, and all alterations and amendments thereof, and all copies thereof, or escheats therefrom, and all writings and documents relating to a Friendly Society, and purporting to be signed by the Secretary of State aforesaid, shall, in the absence of any evidence to the contrary, be received in all courts of law and equity, and elsewhere, without proof of the signature thereto.

Investment of funds of society.

21. The trustee or trustees of every Friendly Society established under this Act shall from time to time, with the consent of the committee of management of such Society, or of a majority of the members of such Society present at a general or special meeting thereof, or in accordance with the rules of such Society, invest the funds of such Society, or any part thereof, to any account

in any savings bank, or in public funds or stocks of the Dominion of Canada, or of any Province of the Dominion, or in Municipal debentures, or on mortgage or security of real estate in Canada, or in such other security as the rules of such Society may direct, not being the purchase of house or land (save and except the purchase of buildings wherein to hold the meetings or transact the business of such Society as hereinbefore mentioned) and not being the purchase of shares in any joint stock company, or other company with or without Charter of incorporation, and not being personal security, except in the case of a member of one full year's standing at least, and in respect of a sum not exceeding one half of the amount of his insurance on life, such member providing the written security of himself and two satisfactory sureties for repayment, and in case of such member's death before repayment the amount of such advance, with interest, may be deducted from the sum so assured, without prejudice in the meantime to the operation of such security.

On persons being member of several societies not to receive more than a certain amount from all

22. If any person becomes a member of more than one Society whereby certain benefits accrue on account of the same kind of assurance from more than one Society, it shall not be lawful for him or for any person entitled through or under him or by reason of his membership or for any number of such persons in the aggregate to receive more than one thousand dollars, or in the case of annuities two hundred dollars a year from such societies collectively, and in any case where a person shall so as aforesaid be a member of more than one Society, and he or any other person or persons shall be entitled to any benefit in gross or by way of annuity from any such Society, he or (as the circumstances may require), every such other person shall before he shall receive any such benefit, from any of such Societies make and sign a declaration that the total value of all benefits accruing or which shall have accrued in respect of any one kind of assurance does not exceed the value of one thousand dollars, or in case of annuities two hundred dollars a year, and it shall be lawful for any society to require any member or any other person who shall be entitled to any such benefit before he shall receive the same to make and sign a declaration to the same effect, or that such member was not when the benefit accrued a member of any other association, and if any person shall knowingly make any false or fraudulent declaration in any such case, he shall be guilty of a misdemeanor.

Subscriptions to Hospitals, &c.

23. The trustees of any Friendly Society may out of the funds thereof subscribe to any hospital, infirmary, charitable, or other Provident institution, such annual or other sum as may be agreed upon by the committee of management or by a majority of the members at a meeting called for that purpose, in consideration of any member of such Society, his wife, child or other person nominated being eligible to receive the benefits of such hospital or other institution according to the rules thereof.

Disputes, how settled.

24. Every dispute between any member or members of any Society established under this Act, his, her or their executors, administrators or assigns, or any persons claiming thereto, or under a member, or under the rules of such Society, and the trustee treasurer or other officer or the Committee thereof, shall be decided in manner directed by the rules of such Society, and the decisions so made shall be binding and conclusive on all parties without appeal.

25. The trustees of Friendly Societies established under this Act, or the officer thereof appointed to prepare returns shall once in every year, in the months of February or March, transmit to the Secretary of State for Canada, a statement of the funds and affects of such Society during the past twelve months, or a copy of the last annual report of such Society; and shall also within three months, after the expiration of the month of December, one thousand eight hundred and seventy-eight, and so again within three months after the expiration of every five years succeeding transmit to the said Secretary of State a return of the rate or amount of sickness and mortality experienced by such Society within the preceding five years, on such form as shall be prepared by the said Secretary of State, and an abstract of the same shall be laid before Parliament, and the Secretary of State shall also lay before Parliament every year a report of his proceeding under this Act, and of the principal matters transacted by Friendly Societies which have come under his cognizance during the past year. Returns to be made to Secretary of State.

26. The word "Society" shall extend to and include every branch of a Society by whatever name it may be designated. Interpretation.

SCHEDULES.

Referred to in the foregoing Act.

FIRST SCHEDULE.

Form of Secretary of State's certificate to rules of Friendly Societies.

I hereby certify that the foregoing rules [*or* the alterations or amendments of the rules] of the Society at in the County of are in conformity with law [and in the case of a new society], and that the Society is duly established from the present date, and is subject to the provisions and entitled to the privileges of the Act respecting Friendly Societies.

SECOND SCHEDULE.

Form of Bond.

Know all men by these presents, That we A. B. of treasurer, &c., [*as the case may be*] of the Society, established at , in the County of , and C. D., of (as surety on behalf of the said A. B.,) are jointly and severally held and firmly bound to A. B. of C. D. of , and E. F. of , the trustees of the said Society, in the sum of to be paid to the said A. B., C. D. and E. F. as such trustees or their successors trustees for the time being on their certain attorney, for which payment well and truly to be made, we jointly and severally bind ourselves and each of us by himself our and each of our heirs, executors and administrators firmly by these presents sealed with our seals, dated the day of in the year of Our Lord

Whereas the above bounden A. B. hath been duly appointed treasurer, &c., [*as the case may be*] of the Society established as aforesaid, and he, together with the above bounden C. D. as his surety have entered into the above written bond subject to the condition hereinafter contained now therefore the condition of the above written bond is such that if the said A. B. shall and do justly and faithfully execute his office of treasurer, etc., [*as the case may be*] of the said Society established as aforesaid, and shall and do render a just and true account of all moneys

received and paid by him, and shall and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all securities and effects, books,papers and property of or belonging to the said Society, in his hands or custody, to such person or persons as the said Society shall appoint according to the rules of the said Society together with the proper or legal receipts or vouchers for such payments, and likewise shall and do in all respects well and truly and faithfully perform and fulfil his office of treasurer, &c., [*as the case may be*] to the said society according to the rules thereof, then the above within bond shall be void and of no effect, otherwise shall be and remain in full force and virtue.

No. 42.

1st Session, 2nd Parliament, 36 Victori

BILL.

An Act respecting Friendly Soci

Received and read the first time, W
26th March, 1873.

Second reading, Friday, 28th March, 1

Mr. Le

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33 Rid

1873

No. 43.] BILL. [1873

An Act to amend the Acts incorporating the Queenston Suspension Bridge Company.

WHEREAS the Queenston Suspension Bridge Company conjointly with the Lewiston Suspension Bridge Company, constructed a Suspension Bridge across the Niagara River, uniting the village of Queenston with the village of Lewiston on the American side; and whereas the said bridge was in the month of January, one thousand eight hundred and sixty-four, seriously injured by a gale of wind, and has ever since remained unfit for public use; and, whereas the shareholders of the said Companies have agreed to reorganize and build an entirely new bridge on the old site upon a larger and more permanent basis—and, whereas in consequence of the destruction of the said bridge, and in view of of equalizing the value of the old stock shares with the new capital stock necessary to construct the new bridge, the shareholders at a special meeting called for that purpose and held at Queenston on the thirty-first day of July, one thousand eight hundred and seventy-two, unanimously passed a resolution agreeing to relinquish their capital stock shares, and to accept new paid up stock shares to be issued under the reorganization at the rate of fifty cents on the dollar paid upon the said shares, which reduction has been ascertained by competent engineers to be equivalent to the value of the lands, materials, and properties belonging to the old Bridge Company: And, whereas in pursuance of such resolution, the President and Directors of the said Company have by their petition, prayed that such reduction shall be made as aforesaid; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

Mode and rat of conversion of old stock into new.

1. For and notwithstanding anything mentioned in the Act passed in the twelfth year of Her Majesty's reign, and intituled "*An Act to incorporate the Queenston Suspension Bridge Company*," or any Act amending the same, each and every share in the capital stock of the said Queenston Suspension Bridge Company and the amount paid thereon shall, from and after the passing of this Act, be held to represent and be equal to the sum of fifty cents on the dollar and no more, and the shareholders shall be entitled to receive, in lieu of the old stock shares held by them respectively, new paid up stock shares at the rate of fifty cents in the dollar as aforesaid.

Directors may issue bonds.

2. The Directors of the said Company are hereby authorized and empowered to issue bonds or debentures which shall be and form a first charge on the undertaking, lands, buildings, and income of the Company, or any or all of them as may be expressed by the said bonds or debentures; and such bonds and debentures shall be in such form and for such amounts, and payable at such times and places as the Directors from time to time may appoint and

direct. The said bonds and debentures shall be signed by the President or Vice President and countersigned by the Secretary, and shall have the corporate seal of the Company affixed thereto;

Proviso. Provided that the amount of such bonds and debentures shall not exceed the sum of seven hundred and fifty thousand dollars, but no such bonds shall be issued for a less sum than one hundred dollars.

Municipalities may assist undertaking.

3. And it shall further be lawful for any municipality or municipalities through any part of which or near which the works and buildings of the said Bridge Company shall be situated, to aid or assist the said Company by taking or purchasing capital stock or loaning or guaranteeing or giving money by the way of bonus or other means to the Company, or issuing municipal bonds to or in aid of the Company and otherwise, in such manner and to such extent as such municipalities or any of them shall think expedient;

Proviso Provided always, that the taking or purchasing of such capital stock or the granting of any aid, loan, bonus or guarantee, shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Act respecting the municipal institutions of the Province of Ontario for the creation of debts, and all such by-laws so passed shall be valid notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such rateable property;

Proviso. Provided that the annual rate of assessment shall not in any case exceed for all purposes, three cents in the dollar on the actual value of the whole rateable property within the municipality creating such debt.

Inconsistent enactments repealed.

4. All Acts and parts of Acts inconsistent herewith are hereby repealed.

No. 43.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Act incorporating the Queenston Suspension Bridge Company.

PRIVATE BILL.

MR. MORRIS.

OTTAWA:

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

1873.

R 744

An Act to incorporate the "Maritime Warehousing Company."

WHEREAS it is desirable that additional facilities be afforded at the city of St. John, in the province of New Brunswick, for the warehousing of produce and other effects and merchandize; and whereas, the persons hereinafter mentioned and others have, by petition, prayed to be incorporated for the purpose of creating such additional accommodation, and for other purposes hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. James Domville, William Henry Harrison, George McKean, George S. Deforest, William Henry Thorne, William Davidson, James Scovil, all of St. John, aforesaid, Esquires, and every such person or persons, body and bodies politic and corporate, as shall under the authority of this act be associated with them, and their several and respective successors, executors, administrators and assigns, as stockholders in the corporation hereby created, shall be a body politic and corporate by the name of the "Maritime Warehousing Company," and by that name shall and may have perpetual succession, and a common seal, with power to break and alter the same, and by that name shall and may sue and be sued, implead and be impleaded, in all courts of law or equity in this Dominion; and the said corporation shall have their principal place of business at St. John aforesaid, but may open such office or offices, at such places, either in this Dominion or elsewhere, as may be found necessary or convenient for the purpose of their business.

2. The said company is hereby authorized and empowered, at its own cost and charges, to erect and build, hire and lease, sheds, stores, warehouses, wharves, slips, piers, cranes, tramways and all other buildings, machinery and appurtenances which may be necessary or convenient to conduct the business of the said company, in any place in the Dominion of Canada, for the reception and storage of goods, wares and merchandize, free of duty or in bond, or otherwise, together with such tramways, elevators and other constructions and erections whatsoever as may be requisite or useful for the reception, safe-keeping and shipment of merchandize, produce and other effects.

3. The said company may, from time to time, purchase, hire, lease and hold such immovable property as may be necessary for carrying on the business of the said company, not exceeding twenty-five thousand dollars in annual value in any one county or district, and may sell, lease or otherwise dispose of such property from time to time as they may see fit.

4. The company may issue certificates of goods received, or warehouse receipts therefor, on the production of which by the holder thereof, and on compliance by him with the terms thereof, the said company shall be compellable to deliver such goods, and such warehouse receipts shall be transferable by endorsement, either special or in blank; and such endorsement shall transfer all right of property and possession of such goods to the endorsee or holder of such warehouse receipts, as fully and completely as if a sale and delivery of the goods mentioned therein had been made in the ordinary way; and on delivery of such goods by the said company in good faith, to a person in possession of such warehouse receipts, the said company shall be free from all further liability in respect thereof; provided always, that the said company shall be subject in respect of such goods, and in respect of such warehouse receipts, to all the obligations and duties imposed upon warehousemen, either by the statute law or by the common law of such part of Canada where they may be carrying on business.

5. The company may, from time to time, make advances on goods stored in or on the wharves, stores, or warehouses of the said company; and may charge a commission on such advances, not exceeding two and a half per centum on the amount thereof; for which advances and commissions the said company shall have a lien upon such goods; but no lien shall attach in favor of the company on any goods, wares and merchandise for which it may issue a receipt, the extent and nature of which lien shall not be clearly expressed upon the face of, and be evidenced by such receipt itself; Provided that in the event of the non-payment of such advances when due, the company may sell the goods whereon such advances have been made, and retain the proceeds, or so much thereof, as shall be equal to the amount due to the company upon such advances, with any interest and costs, returning the surplus, if any, to the owner thereof; but no sale of any goods shall take place under this act until, or unless ten days' notice of the time and place of such sale has been given, by registered letter transmitted through the post-office, to the owner of such goods prior to the sale thereof.

6. All the rights, powers and privileges belonging to the said company for moneys advanced, upon goods and effects in its possession, to the owners of such goods and effects, shall also avail to their benefit for advances made by means of promissory notes of the company, payable to the order of such owners, or obtained by means of the endorsation by the company of any negotiable paper, and the negotiation of such paper by or for the owners or holders of such goods and effects.

7. The company may charge on all property placed with them, or in their custody, a fair remuneration, or such sums as may be agreed upon, for the storage, warehousing, wharfage either at top or side, dockage, slippage, cranage, craulage, gauging, testing, cooperage, or other care or labor in and about such property on the part of the said company, or which such property may have received while in its care or custody.

8. The capital stock of the company shall be four hundred thousand dollars current money of this Dominion, in shares of fifty dollars each, and such shares shall be transferable upon the books of the said company in such manner, and subject to such restrictions, as shall be fixed by the by-laws of the said company; provided always, that no person to whom shall be allotted any stock in the said company shall be exempted from liability to the creditors thereof, or from payment of any calls thereon, by reason of any transfer which he may make of such stock, until the whole amount of the stock so allotted to him be paid in full by the holder thereof, or unless the transfer thereof be consented to by the said company; and such stock shall be called in and paid, in such instalments and upon such notice as shall be fixed by the Directors; provided always, that the said company shall not commence operations until one-half of the said capital shall be subscribed in good faith, and ten per centum thereon paid in.

9. 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, provided that twenty-one days at the least before the day appointed for each call, notice thereof shall be served on each member liable to pay the same, by posting such notice to his address on the stock books of the company; but no call shall exceed the amount of ten per cent. per share, and a period of three months at least shall intervene between two successive calls.

10. Each member shall be liable to pay the amount of any call so made upon him, to such person and at such time and place as the directors shall appoint.

11. A call shall be deemed to have been made at the time when the resolution of the directors authorising such call was passed, and if a shareholder shall fail to pay any call due from him before or on the day appointed for payment thereof, he shall be liable to pay interest for the same at the rate of ten pounds per cent. per annum, or at such other less rate as the directors shall determine, from the day appointed for payment to the time of actual payment thereof.

12. If any member fail to pay any call on the day appointed for the payment thereof, the directors may at any time thereafter, during such time as the call may remain unpaid, serve a notice on him, requiring him to pay such call, together with any interest that may have accrued due thereon by reason of such non-payment; and such notice shall name a day (not being less than twenty-one days for the date of such notice) and a place on and at which such call and interest, and any expenses that may have been incurred by reason of every such non-payment, are to be paid; and such notice shall also state, that in the event of non-payment at or before the time and at the place so appointed as aforesaid, the shares in respect of which such call was made will be liable to be forfeited.

13. If the requisitions of any such notice are not complied with, any share in respect of which such notice has been given may, at any time thereafter, before payment of all calls, interest and expenses, due in respect thereof, be forfeited by a resolution of the directors to that effect.

14. Every share which shall be so forfeited shall be deemed to be the property of the company, and may be sold, re-allotted, or otherwise disposed of, upon such terms, in such manner, and to such person or persons, as the company shall think fit.

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

16. A declaration in writing by the secretary or other thereto duly authorized officer of the company, that a call was made and notice thereof duly served, and that default in payment of the call was made in respect of any share, and that the forfeiture of such share was made by a resolution of the directors to that effect, shall be sufficient evidence of the facts therein stated as against all persons entitled to such share, and such declaration and the receipt of the company for such price of such share shall constitute a good title to such share, and the purchaser shall thereupon be deemed the holder of such share discharged from all calls due prior to such purchase, and shall be entered into the registers of members in respect thereof, and he shall not be bound to enquire or see to the application of the purchase money, nor shall his title to such share be impeached or affected by any irregularity in the proceedings of such sale.

17. The directors shall have power to issue paid-up stock in the said company, in payment of the price of real estate which it may require for the purposes of this act; and such paid-up stock shall be free from all calls whatsoever, and from all claims and demands on the part of the said company, or of the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the said company, and paid by the holder thereof in full.

18. The said company may from time to time, for the purposes of its business as it may require so to do, make and become parties to sign, endorse and accept cheques, promissory notes, and bills of exchange, for any sum not less than one hundred dollars; provided always that no such cheque, promissory note, or bill of exchange, shall be made payable to the bearer thereof, or be circulated or intended to be circulated as money; provided always that to bind the said company as a party to any such cheque, promissory note, or bill of exchange, the signatures of the president, or in his absence of the vice-president, and the secretary or manager shall be necessary; or, if there be no secretary or manager, then the signatures of the president, or in his absence of the vice-president, and of another director shall be necessary; provided always that the directors of the said company shall have the power by by-law specially to authorize any one officer of the company to make, sign and endorse bills, cheques and notes in his own name alone as such officer.

19. 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 on the company; and in no case shall it be necessary to have the seal of the company affixed to any such 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 order or vote; nor shall the party so acting as agent, officer or servant of the company, be thereby subjected individually whatsoever to any third party therefor; provided always that nothing in this section 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.

20. At all meetings of the stockholders held in pursuance of this act, whether the same be annual or special, every stockholder shall be entitled to as many votes as he shall have shares in the said stock, and such vote or votes may be given in person or by proxy; and all questions proposed or submitted for the consideration of the said meetings, shall be finally determined by the majority of the votes of the stockholders present, in person or by proxy, except in any case or cases otherwise provided for by this act; and provided also, that no person shall be entitled to vote as proxy at any meeting unless he shall be a stockholder in the said company, and produce written authority as such proxy.

21. If, at any future period, the said sum of four hundred thousand dollars shall be found insufficient for the purposes of this act, it shall be lawful for the said company to increase their capital stock by a further sum not exceeding one million dollars currency, subscribed either among themselves or by the admission of new stockholders, such new stock being divided into shares of fifty dollars each; provided always, that such increase be decided upon and ordered by a majority of all the stockholders in value of the said company, present in person or by proxy, at a meeting held for the purpose.

22. Until the election of directors as hereinafter mentioned, the said James Domville, William Henry Harrison, George McKean, George S. Deforest, William Henry Thorne, William Davidson, and James Scovil, Esquires, shall be the provisional directors of the said company, with power to open books for the subscription of stock therein, and generally to exercise the usual functions of provisional directors until such first election; and such first election of directors shall be made at a general meeting of the stockholders of the said company, to be held for that purpose at the city of St. John, New Brunswick, so soon as one-half of the capital stock of the said company shall have been subscribed for, and after such notice thereof shall have been given, as is hereinafter required for special general meetings of stockholders in the said company, and at such meeting seven directors shall be elected to hold office until the first Wednesday in the month of October then next; and after such first election the stock, real estate, property, affairs and concerns of the said company shall be managed and conducted by seven directors, to be annually elected by the stockholders at a meeting of stockholders to be held for that purpose on the first Wednesday in the month of October in each year; notice of which annual meeting shall be given in the manner hereinafter mentioned; and no person shall be a director of the said company, unless he be the proprietor of at least ten shares of stock therein.

23. Such meeting shall be held and such election made by such of the stockholders of the said company as shall attend for that purpose, in their own proper persons or by proxy; and all elections for such directors shall be by ballot, and the seven persons who shall have the greatest number of votes, at any such election, shall be directors; and if it shall happen at any such election that two or more persons shall have an equal number of votes, in such manner that a greater number of persons than seven shall, by a majority of votes, appear to be chosen directors, then the said stockholders hereinbefore authorized to hold such election, shall proceedto ascertain by ballot which of the said persons, so having an equal number of votes, shall be a director or directors, to complete the whole number of seven; and if any vacancy shall

at any time happen among the directors, by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year in which it may happen, and until the next annual meeting for the election of directors, by a person to be elected by the stockholders in manner aforesaid, at a special general meeting thereof duly called for that purpose.

24. In case it shall at any time happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said company shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any subsequent day to make and hold an election of directors at the place for holding the annual meetings of the company, after notice of such meeting shall have been given for at least two weeks in two of the principal newspapers of St. John aforesaid, and in such manner as shall have been regulated by the by-laws of the said company; and the previous directors shall, in every case, hold office until the election of their successors.

25. Special general meetings of the stockholders may be convened on the requisition of any three directors, or of a stockholder or stockholders possessing fifty shares of the stock of the said company, and notice of such meeting and of the annual meetings of the said company shall be held to be validly given, if inserted four times as an advertisement in any two newspapers published in the city of St. John; the first of which insertions shall be at least ten days previous to the day fixed for such meeting.

26. The directors for the time being shall have full power in all things to administer the affairs of the company, and may make or cause to be made for the company any description of contract which the company may by law enter into, and may, from time to time, make, alter, and repeal, such by-laws, rules and regulations as to them shall appear needful and proper for the purposes of this act, and among others for the following, to wit:

1. For the direction, conduct and government of the said company and of its property, real and personal, and its improvement and regulation throughout the year;

2. For the appointment, regulation and removal of the officers, clerks and servants of the said company, and the election and remuneration of the directors thereof;

3. For regulating the mode in which all contracts to be entered into by the said company, of whatever nature, may be entered into and executed on behalf of the said corporation;

4. To regulate the allotment of stock, the making of calls thereon, the payment thereof, the transfer of stock, the declaration and payment of dividends, the number of directors, 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;

5. And finally, for the doing of everything necessary to carry out the provisions of this act according to their intent and spirit; provided always, that such by-laws shall have force and effect only until the next annual meeting of the company after passing of the same, when they shall be submitted to such meeting, and in default of confirmation thereat, shall at and from the time of such meeting cease to have force, until sanctioned by a majority of stockholders present in person or by proxy at any annual or other general meeting.

27. The directors may elect from among their members a president and vice-president of the said company.

28. Any director of the said company may vote by proxy upon all questions arising at any meeting of directors at which he is unable to attend by reason

of absence or sickness, upon a written power given to any other director to represent such absentee, and such power need not be for any particular vote, but may be general for the whole time of absence of such absent director.

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

30. The said company is hereby authorized to make contracts of insurance against all loss, damage or injury of the goods and effects entrusted to its safe-keeping, or upon which it may have made advances, to the full amount of the value of such goods and effects, and may obtain policies in the name of the company, evidencing such insurances, and shall have a right to recover from the insurers the full amount of damages or loss caused by any accident or casualty against which it shall have been insured, notwithstanding that it may not be interested in such goods and effects to the extent of such loss or damage, and notwithstanding that at the time of such insurance, and at the time of such accident or casualty, it was only bailee of such goods and effects, and it may sue for and recover the amount of such loss and damage, as owner of such goods and effects, and shall be deemed for the purpose of such recovery, to be owner of such goods and effects, any law, usage or custom to the contrary notwithstanding.

31. The said company may also transfer, to the owners or pledgors of such goods and effects, its claim against the insurers under any such policy of insurance, to the extent of any amount agreed upon between the company and such owners or pledgors; and such transfer may be made by means of a certificate, signed by the company, purporting that the effects held by the company and mentioned in such certificate are insured under the policy, (describing it), to the amount agreed upon and set forth in the certificate, the loss upon which effects (if any) may be made payable to the holder or endorsee of such certificate, provided such holder or endorsee be also at the same time the holder of the warehouse receipt representing such effects; and thereafter the right of action of the company, under the policy, shall be reduced by the amount mentioned in the certificate, and the holders of the certificate shall be entitled to recover from the insurers, who issued the policy, such amount of loss or damage, as the goods purporting to be insured may have suffered, and as may be recoverable under the policy.

32. It shall be the duty of the directors to make annual 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 annual meeting of the said company.

33. No stockholder in the said company shall be in any manner whatsoever liable for, or charged with the payment of any debt or demand due by the said company, beyond the amount remaining unpaid of his, her or their subscribed share or shares in the capital stock of the said company.

34. The eighty-eighth, eighty-ninth, ninetieth and ninety-first sections of the statute 32 and 33 Vic. (1869), chapter twenty-one, being an act respecting larceny and other similar offences, shall be applicable and shall be applied to all false warehouse and other receipts, referred to in this act; and any person or persons knowingly giving, accepting, transmitting and using the same, shall be subject to all the pains and penalties imposed by the said eighty-eighth, eighty-ninth, ninetieth and ninety-first sections of that act, or by any of them, in respect of the receipts therein specified.

35. The right of the company to any lien shall in no way affect, nor be construed to affect, impair or lessen, any pre-existing pledge, mortgage, lien or sale of any goods in respect of which a privilege may be claimed by the said company. This section shall not be so construed as to give to any person holding a mortgage or lien upon goods and effects, or to any purchaser or pledgee of goods and effects upon which the company claims any privilege, any greater, further, or better right, as pledgee, mortgagee or purchaser, than such person, purchaser or pledgee, would have against any individual holding the privilege claimed by the company. The true intent and meaning of this section being, that the respective rights of the company and of any such mortgagee, pledgee or purchaser, shall stand in the same position towards each other, as they would be in the case of individuals holding similar conflicting claims according to the laws of such province of this Dominion, in which the transactions upon which such rights may be based, shall have taken place.

36. This Act shall be deemed a Public Act, and the powers hereby given, and any rights hereby granted, shall be subject to any future legislation passed regulating the business of warehousemen.

No. 44.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate the Maritime Warehousing Company.

Received and Read 1st time, March, 1873.

Second Reading,

James Domville, Esq.,
M. P.

No. 45.] **BILL.** [1873

An Act to incorporate the Huron and Ontario Transportation Company.

WHEREAS Mossom Boyd,, Alexander Smith, James Moore Irvine, Gardiner Boyd, and Mossom Boyd the younger, have by their petition prayed that they may be incorporated for the purpose of carrying on a forwarding, shipping, agency, and transportation business to be called the "Huron and Ontario Transportation Company," and it is expedient to grant the prayer of their petition and to incorporate them with the powers hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The said Mossom Boyd, Alexander Smith, James Moore Irvine, Gardiner Boyd, and Mossom Boyd, the younger, 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 "Huron and Ontario Transportation Company" with all and every the incidents and privileges thereto belonging. Incorporation. Corporate name.

2. It shall be lawful for the said Company to construct, acquire, charter, navigate and maintain steam or other vessels, for the carrying and conveyance of goods and passengers or other traffic between the ports of the Dominion of Canada and the ports of the lakes connected with and on the rivers falling into the River St. Lawrence, and between the ports in the Dominion of Canada, and Ports in the Island of Newfoundland and Prince Edward's Island, and in the United States of America and in the West Indies, and any or all of them, and *vice versa*, and also steam or other vessels for all business and other purposes connected therewith, and the profitable prosecution thereof, with power to sell charter or dispose of the said vessels or any of them, or grant or consent to bottomry or other bonds on the same or any part thereof when and as they may deem expedient; and to make contracts and agreements with any person or corporation whatever, for the purposes aforesaid, or otherwise for the benefit of the Company; and to carry on all such business, including the general business of forwarding and shipping agency. Business of the Company.

3. It shall be lawful for the said Company to purchase, rent take, hold, and enjoy, to them and their successors as well in this Dominion, as in such other places where it shall be deemed expedient, for the purpose, of the said Company, either in the name of the said Company, or in the name of trustees for the said Company, such lands, docks, wharves, warehouses, offices and other buildings, as they may find necessary or convenient for the purposes of the said Company, but not for any other purpose; and to Rea property limited.

sell, mortgage, lease, or dispose of the same when not wanted for the purpose, of the said Company, and to purchase and acquire others in their stead ; provided always, that the yearly value of such lands, wharves, docks, warehouses, offices and other buildings within the Dominion of Canada, at the time when the said Company shall enter into possession thereof, shall not exceed in the whole forty thousand dollars.

Capital and shares.

4. The capital of the said Company shall be one hundred thousand dollars, and shall be divided into a thousand shares of one hundred dollars each, with power to a majority of such of the shareholders as shall be present, either in person or by proxy, at any general or special meeting of the Company, to increase the same at once, or from time to time as may be expedient, to five thousand shares or five hundred thousand dollars ; not less than forty per centum upon the allotted stock of the Company shall by means of one or more calls be called and made payable, within one year from the incorporation of the Company, and the remainder of the said stock shall be called in and made payable in such manner and at such times as the Directors may require and demand, and section eighteen of the *Canada Joint Stock Companies Clauses Act*, 1869, shall not be incorporated with this Act.

Directors and qualification.

5. The business and affairs of the said Company shall be conducted and managed and its powers exercised by a board of five Directors, any three of whom shall constitute a quorum, to be annually elected by the shareholders, and who shall severally be shareholders to an amount of four thousand dollars of the said stock, and who shall be elected at the annual general meetings of the said Company by the shareholders there present in person or by proxy.

Directors may appoint agents

6. The Directors of the said Company may act as Directors in the Dominion or elsewhere, and shall and may appoint one or more agents in this Dominion or elsewhere, and for such time and on such terms as to them may seem expedient, and the Directors may by any by-law to be made for such purpose, empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the Directors themselves or any of them may lawfully do, perform, and exercise, except the power of making by-laws ; and all things done by any such agent, by virtue of the powers in him vested by such by-law, shall be valid and effectual to all interests and purposes, as if done by such Directors themselves, anything in this Act to the contrary notwithstanding.

Directors may take in vessel property as stock.

7. The Directors shall have the power if they think fit, to receive and take into the stock of the Company any steam or other vessels owned or built by any other party or parties assigning shares of the said Company in payment or part payment thereof; provided that the assent of a majority of the stock holders of the Company at a general meeting to be called for that purpose, shall be procured, before any proceedings under this section shall be valid.

Annual meeting and chief office.

8. The annual general meeting of the said Company shall be held in the office of the Company, in the Town of Port Hope, Province of Ontario, on the first Wednesday in February in each year, for the purpose of electing Directors, and for transacting the general business of the Company.

9. No shareholder of the Company shall in any manner be liable to, or charged with the payment of any debt or demand due by the Company, beyond the amount of his or her subscribed share or shares in the Capital stock of the Company, and no shareholder shall be at liberty to transfer his or her share or shares, without the consent of a majority of the Directors previously had and obtained, until the whole of the said capital stock shall have been fully paid up. Liability of shareholders limited.

10. The provisions of the *Canada Joint Stock Companies clauses Act* 1869, shall, except in so far as they are inconsistent with the provisions hereof, apply to the Company hereby inorporat ed. Generalact to apply.

No. 45.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate the Huron and Ontario Transportation Company.

PRIVATE BILL

Mr. Ross,
(Prince Edward.)

OTTAWA :
Printed by I. B. Taylor, 29, 31 and 33 Rideau Street.
1873.

No. 46 **BILL** 1873

An Act to Incorporate the Maritime Railway Equipment Company.

WHEREAS James Domville, Edward G. Scovil, Geo. McKean, Geo. E. R. Burpee, Wm. Henry Thorne, Jeremiah Harrison, James Scovil, Esquires, all of St. John, in the Province of New Brunswick, and others, have by their Petition prayed for an Act of incorporation under the name of the "Maritime Railway Equipment Company" of the Dominion of Canada, for the purposes of manufacturing bolts, screws, nails, axes, rails and railroad iron boiler plates, rivets, tools, implements and machinery; of rolling iron and manufacturing, erecting, selling, and leasing locomotive engines and machinery, rolling stock, stations, storehouses, elevators, workshops, and other buildings and erections used and required by Railway Companies, and for the powers necessary to carry out the undertaking; aud 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 James Domville, Edward G. Scovil, Geo. McKean, Geo. E. R. Burpee, Wm. Henry Thorne, Jeremiah Harrison, James Scovil and such other persons as shall become shareholders in the Company hereby incorporated shall be, and they are hereby constituted a body politic and corporate, by the name of the Maritime Railway Equipment Company, of the Dominion of Canada, and by that name shall have perpetual succession and a common seal, with power to break and alter the same at pleasure, and by that name may sue and be sued, plead and be impleaded in all courts whatsoever.

2. The Capital Stock of the Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each, and may be increased by an amount not exceeding another million dollars, in the manner hereinafter provided; Provided that stock to the amount of not less than two hundred and fifty thousand dollars shall be subscribed, and not less than twenty five thousand dollars paid in before the Company shall go into operation.

3. The Company shall have power from time to time to purchase, hire and lease such real estate water and mill rights and privileges in any part of Canada as they may think necessary for their business; and as often as any property so acquired ceases to be necessary for the purposes of the Company they shall sell or otherwise dispose thereof. The Company may also, from time to time and as their business may require, purchase, lease or build any offices, mills, factories, workshops, machinery or other works and appliances, in any part of Canada which the Company may think proper for their purposes or for the exercise of the powers of this Act conferred; and the same or any part

of them, when the Company find it expedient, may be sold or otherwise disposed of.

4. The Company shall also have the right to enter into arrangements with any railway company or person for the construction of any station or stations, warehouses, workshops, elevators or other buildings or erections required by any such railway company or person for the purposes of their or his business; and the Company incorporated by this Act shall, for their outlay and services, have the right to take security by way of mortgage or hypothec upon the lands and tenements upon which said works may be erected or said machinery placed; or either, and on the said works and machinery; which security may be for the payment of a fixed annual sum, payable in such payments, and at such times, and for such period, and in such manner as may be agreed upon, and for the redemption or discharge of the said property at the times and in the manner in the said mortgage or hypothec mentioned, by the payment of the sum or sums of money in and by such mortgage or hypothec agreed on for that purpose: or the Company may arrange for and take a transfer or conveyance to them of the lands upon which any of the said works may be agreed to be erected, and may lease the said lands so transferred or conveyed with the said works thereon to the railway company or person for whom the said works may be made or constructed, at such rental as may have been agreed upon; and such lease may contain such conditions and stipulations as the parties thereto may agree upon, to secure the due payment of the said rental, and may also provide for the right, to the railway company or person taking said lease, to a conveyance or re-conveyance, as the case may be, of the property so leased, upon the payment of such sum or sums of money at such times and in sueh manner and on such conditions as the said parties may agree upon, and as they may consider most to their convenience.

5. Engines, machinery, rolling stock or other moveable property, either sold or leased by the Company incorporated by this Act, shall not be subject to any mortgage or execution, or to any lien or liability whatsoever upon any mortgage or lien given or created before or after such sale or lease by the company or person making such purchase or taking such lease, or any other company or person whomsoever; nor shall the same be liable to any seizure or distress against any such railway company or person for any cause or in any manner whatever, in case of a purchase while the purchase money or any part thereof or any interest thereon remains unpaid, unless the seizing creditor shall pay or tender such purchase money or interest to the Company previous to such seizure, (a statement of which indebtedness shall be furnished to such creditor by the Company on demand) and, in case of a lease, while such property so leased remains under said lease and continues to be the property of the Company incorporated by this Act: and the purchase money for all such property sold to any railway company, shall be and continue a first charge upon the property so sold; and it shall remain liable to such lien in the hands of any person or corporation who may obtain possession thereof until said purchase money and all unpaid interest thereon is fully paid and satisfied: Provided always that all machinery and rolling stock so sold or leased, while the purchase money remains unpaid, or the same is under lease, as the case may be, shall have painted upon each car or engine, as the case may be, the words "Maritime Railway Equipment Company."

6. Except as hereinafter provided any mortgage or hypothec given by any railway company or person upon any lands, tenements or premises, upon which

any station, warehouse, workshop or other erection or work has been built or erected by the Company incorporated under this Act, or for them, as the case may be, and the moneys secured by such mortgage or hypothec shall be a first charge and lien upon the lands upon which such buildings and works shall stand, for the moneys payable under the said mortgage or hypothec as therein specified; and shall have priority over all other claims upon the said premises: and in any case where the security may be taken by conveyance of the lands upon which such improvements are made, and a lease is given as is above provided, the rent secured by the said lease and the moneys payable to the Company incorporated by this Act for a conveyance of the property, as redemption or purchase money, shall likewise be a first charge or lien upon the said premises and property so leased, and shall rank and take priority over all other liens: Provided always that no such mortgage, hypothec or lien shall have priority over any existing *bailleur de fonds*, balance of purchase money or moneys specially secured on such lands before the creation of the charge or lien authorized by this Act in favour of the said Company: and provided further, in case of any general mortgage or lien upon the lands of any such railway company existing before the creation of the mortgage, hypothec or lien authorized by this Act, the said general mortgage, hypothec or lien shall, to the extent of the actual value of the land occupied by any such buildings or erections (taken as it was before the construction of such buildings, works or erections), have priority over the mortgage, hypothec or lien, above authorized, in favour of the Company incorporated by this Act; and in case it becomes necessary to ascertain the said value, and that the said value or the mode of ascertaining the same cannot be agreed upon between the Company hereby incorporated and the mortgagee,—in every such case the proceedings to fix the said value, shall be the same as is provided in sub-section twelve and the subsequent sub-sections of section nine of "*The Railway Act*, 1868." And after the said value is ascertained, sub-section six and the other sub-sections of the said section nine of "*The Railway Act*, 1868," shall apply, and the Company may avail themselves thereof for the purpose of being relieved from further responsibility in respect of the said value: and where arbitration is resorted to, and there is no person in Canada representing the said general mortgagee, the railway company shall be the parties upon whom the notiee of arbitration may be served, and with whom the arbitration shall be had; and in respect of such arbitration the railway company shall act, and be considered as the trustee.

7. It shall be lawful for the Company in case it is so agreed upon, to pay the purchase money for, or to pay off any mortgage or mortgages which may be upon any land required for any such works; and the Company may, on taking any such security from the railway company, add the same to the amount so to be secured and in respect of which interest or a rental shall be paid as aforesaid.

8. The Company may enter into arrangements with any person or corporation in the Dominion of Canada engaged in any of the lines of business above mentioned, and not being a railway company, for the purchase from such person or corporation of any or all the estate real or personal of such person or corporation, together with all tools, plant and material connected with the works so purchased, possessed by such person or corporation, or any part thereof, for such price, payable in such manner and at such times as may, by the Company and such person or corporation, be agreed upon; and, in respect of said purchase, may give upon the same, security by way of mortgage or otherwise as may

be deemed most expedient; and in case any person or persons, corporation or corporations so selling, for any part of the purchase money of any such property, are willing to accept as part payment paid up stock in the Company incorporated by this Act, the Directors of said Company, may, if they deem it proper to do so, issue to said person or corporation out of the un-subscribed stock of the Company, shares to the amount so agreed to be taken in such part payment; or in case the said one million dollars of stock are all subscribed for and the Company authorize an increase of the capital stock, then such shares may be issued as part of such increase; and in either case the holders of such paid up shares shall have all the rights of shareholders in the said Company, and shall be entitled to dividend thereon in the same manner as if they had subscribed for and paid up their stock in full.

9. It shall be lawful for any company or corporation (not being a railway company) so engaged in any of the lines of business above mentioned, to sell to the Company incorporated by this Act, in the manner above mentioned, and for any and all railway companies desiring to lease or purchase locomotive engines, rolling stock or machinery of any kind from the Company, or desiring to make arrangements for the erection of stations, warehouses, workshops, elevators or any of them, to enter into and complete any of the arrangements which the Company incorporated by this Act are authorized to enter into and make; and all such arrangements so made and the acts done thereunder shall be valid and binding on all parties or persons in the manner and to the extent above expressed.

10. All moneys payable by any railway company, now or hereafter to be incorporated, under any contract authorized by this Act, shall form part of the working expenses of such railway company, and shall be paid before any interest or other debt not by law coming under the denominatian of working expenses.

11. In managing the business of the Company, and in making any of the contracts above provided for, the Directors of the Company shall possess and exercise all the corporate powers of the Company.

12. The affairs of the Company shall be managed by a Board of seven Directors.

The said James Domville, Ed. Geo. Scovil, Geo. McKean, Geo. E. R. Burpee, Wm. Henry Thorne, Jeremiah Harrison, and James Scovil, Esquires, shall be directors of the said company until replaced by others duly elected in their stead.

13. No person shall be elected or named as a Director unless he is a shareholder, owning at least ten shares of stock absolutely in his own right, 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, and subjects of Her Majesty by birth or naturalization. A minority may be aliens.

14. The Directors of the Company shall be elected by the shareholders, in general meeting of the Company assembled, at such times, in such wise, and for such term, not exceeding one year, as the by-laws of the Company may prescribe.

15. In default only of other express provisions in such behalf by the by-laws of the Company :—

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

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 the City of St. John, New Brunswick:

3. At all general meetings of the Company, every shareholder shall be entitled to as many votes as he owns shares in the Company, and may vote by proxy, provided the proxy named be himself a shareholder of the company having a right to vote at such meeting.

4. Elections of Directors shall be by ballot:

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:

6. The Directors shall, from time to time, elect from among themselves, a President and Vice-President of the Company; and shall also name and may remove at pleasure all other officers thereof.

16. 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 effect at any general meeting of the Company duly called for that purpose; and the Directors shall continue in office until their successors are elected.

17. The Directors of the Company shall have full power in all things to administer the affairs of the Company, and may make or cause to be made for the Company any description of contract which the Company may by law enter into; and may from time to time make by-laws not contrary to law, nor to 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; 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 forfeiture admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the Company; and may from time to time repeal, amend or re-enact the same: Provided always that one-fourth part in value of the shareholders of the Company shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in such written requisition and notice as they may issue to that effect.

18. 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 *prima facie* evidence of such by-law in all courts of law and equity in this Dominion.

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

20. The Directors of the Company may call in and demand from the share holders thereof, respectively, all sums of money, by them subscribed, at such times and places, and in such payment or instalments, as they may require;

and interest shall accrue and fall due, at the rate of six per centum per annum, upon the amount of any unpaid call, from the day appointed for payment of such call.

21. The payment of all calls and interest thereon may be enforced 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 in all courts of law and equity as *prima facie* evidence to that effect.

22. If, after such demand or notice, any calls made upon any share or shares be not paid within such time as, by such by-laws relating to the making of calls, may be limited in that behalf, the Directors, in their discretion, by vote to that effect, reciting the facts and duly recorded in their minutes, may summarily forfeit 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 by-law or otherwise they shall ordain.

23. No share shall be transferable until all previous calls thereon have been fully paid in, or until declared forfeited for nonpayment of calls thereon.

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

25. In the event of an increase of the capital stock of the Company being deemed advisable, it shall be lawful for the shareholders, in general meeting, duly called for the purpose, by a vote of a majority of the shareholders present at such meeting, in person or by proxy, to pass a by-law increasing the capital stock by an amount not exceeding one million dollars, in addition to the capital of one million dollars, hereinbefore provided: and thereupon all the provisions, of this Act applicable or referring to the capital stock shall apply to such increased capital.

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

27. The transmission of the interest in any share of the capital stock, in consequence of the marriage, death, bankruptcy or insolvency of a share-

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

28. 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 Court for the Province of New Brunswick petition in writing addressed to the said Court, or to any Judge thereof, 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 Court or Judge 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.

29. 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 section 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.

30. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the Company to an amount equal

to that not paid thereon; but shall not be liable to an action therefor by any creditor, before an execution against the Company has been returned unsatisfied in whole or in part; and no greater sum than the amount due on such execution shall be recoverable with costs against such shareholders.

31. 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 of their respective shares in the capital stock thereof.

32. 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.

33. Every such executor, administrator, tutor, 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.

34. 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.

35. The principal office of the Company shall be in the City of St. John, in the Province of New Brunswick but the Company's works and business may be carried on at such other place or places in the Dominion of Canada as the Directors may from time to time determine.

36. The Company may have an office in London, England, 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 London aforesaid, and in sterling or currency.

37. The Directors may, from time to time, with the consent of the shareholders present or represented in a general meeting, borrow money on behalf of the Company, at such rates of interest and upon such terms as they may think proper; and the Directors may, for that purpose, make, or cause to be made, bonds or other instruments under the common seal of the Company, for sums of not less than one hundred dollars, which may be payable at any place, and

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

38. Service of all manner of summons or writ whatever, upon the Company, may be made by leaving a copy thereof at the office or chief place of business of the Company in the said City of St. John, with any grown person in charge thereof; or, if the Company have no known office or chief place of business, and have no known President or Secretary, then, upon return to that effect duly made, the court shall order such publication as it may deem requisite to be made in the premises, for at least one month, in at least one newspaper; and such publication shall be held to be due service upon the Company.

39. Any description of action may be prosecuted and maintained between the Company and any shareholder thereof; and no shareholder shall be incompetent as a witness therein.

40. In case the whole capital stock of the Company is not subscribed when the Provisional Directors close the books for the purpose of organizing the Company as above provided, the Directors may at any time, and from time to time as they deem proper, open said stock books for new subscriptions until the whole capital stock is subscribed; but in each instance all the provisions of this Act, as to the percentage to be paid on subscription of stock, the liability of the person subscribing upon and in respect of said stock, and as to the rights and liabilities of shareholders, shall apply to the persons making such new subscriptions and to the stock or shares so subscribed.

41. The following words and expressions, used in this Act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say:

The expression "the Company" shall mean the Company incorporated by this Act:

The expression "the undertaking" shall mean the whole of the works and business of whatever kind, which the Company is authorized to undertake and carry on:

The expression "real estate" or "land" shall include all real estate, messuages, lands, tenements and hereditaments, of any tenure:

The word "shareholder" shall mean every subscriber to or holder of stock in the Company, and shall extend to and include the personal representatives of the shareholder:

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

No. 46

1st Session, 2nd Parliament, 36 Vic.,
1873.

BILL.

An Act to Incorporate the Maritime Railway Equipment Company.

Reception and First Reading,

Second Reading,

JAMES DOMVILLE, ESQ., M.P.

1873.

No. 47]. **BILL.** [1873.

An Act to incorporate the "*Banque du Canada.*"

Preamble.

WHEREAS Claude Melançon, Louis Tourville, Joel Leduc Louis Monat, Esprit Anaclet Généreux, Louis O. Turgeon, Ananie S. Hamelin, Charles Hebert, Joseph Hudon, Gustave R. Fabre, Jean Adolphe Gravel and Louis Charles Gravel, all traders of the City of Montreal, have, by their petition, prayed that they may be incorporated for the purpose of establishing a Bank in the City of Montreal, in the Province of Quebec; and whereas it is desirable 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. Claude Melançon, Louis Tourville, Joel Leduc, Louis Monat, Esprit Anaclet Généreux, Louis O. Turgeon, Ananie S. Hamelin, Charles Hebert, Joseph Hudon, Gustave R. Fabre, Jean Adolphe Gravel and Charles Louis Gravel, and all such other persons as may become shareholders in the Corporation to be by this Act created, and their heirs and assigns, shall be, and they are hereby created, constituted and declared to be a corporation, and body politic by the name of "*Banque du Canada.*"

Capital stock.

2. The capital stock of the said bank shall be one million of dollars, divided into ten thousand shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns.

Provisional Directors.

3. For the organization of the said bank, and for the raising of the amount of the said capital stock, the persons hereinbefore mentioned shall be Provisional Directors thereof, and they or the majority of them may cause stock books to be opened after public notice thereof has been given; upon which stock books shall and may be received and inscribed the signatures and subscriptions of such persons as desire to become shareholders in the said bank; and such stock books shall be opened in the City of Montreal aforesaid and elsewhere, at the discretion of the Provisional Directors, and shall be kept and remain open so 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 aforesaid, and one hundred thousand dollars thereof paid into some one of the chartered banks of Canada, a public meeting shall be called of the subscribers thereof, by notice published in two newspapers of the said City of Montreal during at least two weeks, such meeting to be held in Montreal at such time as such notice shall indicate and specify; and at such meeting the subscribers shall proceed to elect seven Directors, having the requisite stock qualification, who shall from thenceforward direct the affairs of the said Corporation, shall assume the charge of the

Stock books.

First meeting of shareholders.

Election of Directors.

stock books hereinbefore referred to, and shall remain in office until the fifteenth day of July next following their election, and until such time as their successors in office shall be duly elected; and immediately upon such election being held the functions of the said Provisional Directors shall cease.

Chief place of business.

4. The chief place or seat of business of the said Corporation, shall be in the City of Montreal.

34 V., c. 5, to apply.

5. The Act thirty-fourth Victoria, chapter five, intituled, "*An Act relating to Banks and Banking,*" and all the provisions thereof, shall apply to the bank hereby incorporated in the same manner as if it were expressly incorporated with this Act, excepting in so far as such provisions may relate only to banks already in existence or to banks *en commandite.*

Treasusy certificate to be obtained.

6. The said bank shall obtain from the Treasury Board within twelve months from and after the passing of this Act the certificate required by section seven of the said "*Act relating to Banks and Banking,*" passed in the thirty-fourth year of Her Majesty's reign, chapter five, in default of which this Act shall become and be null and void and of no effect, and the charter hereby granted, and all and every the rights and privileges thereby conferred shall be forfeited.

Duration of Act.

7. This Act shall remain in force until the first day of July, in the year of Our Lord, one thousand eight hundred and eighty-one.

No. 47.

1st Session, 2nd Parliament, 36 Victoria, 1

BILL.

An Act to incorporate "*La Banque Canada.*"

PRIVATE BILL.

MR. JETTÉ,

OTTAWA:

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

1873.

No. 48.] BILL. [1873.

An Act to Incorporate the Lachine Hydraulic Works Company, and to grant certain powers thereto.

Preamble.

WHEREAS the construction of the Works hereinafter mentioned would afford additional facilities to Inland Navigation, and assist in promoting Trade and Manufactures, and would be for the general advantage of Canada, and the persons hereinafter named have petitioned to be incorporated for the purposes of this Act; therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons, of Canada, enacts as follows:

Certain persons incorporated.

1. That Frederick B. Matthews, John Crawford, Harrison Stephens, Alexander Somerville, Francis Hadley, Daniel Hadley, Frederic Gerrikin, Archibald Ogilvie, John S. Hall, Joseph Rielle, Catherine Dumberry, Joseph Lanouette, Francois X. Brault, D. M. Cadieux, Charles J. Brydges, Robert J. Reekie, Alexander Cross, Patrick Rooney, James H. Springle, Duncan J. Macdonald, and such others as shall become Shareholders in the Corporation hereby created, shall be, and they are hereby constituted a body corporate and politic by the name of the Lachine Hydraulic Works Company.

Corporate name.

Company empowered to construct certain works.

2. The said Corporation, herinafter called the Company, are authorised to construct and maintain, either or all of the works hereinafter designated respectively by the Divisions, Numbers One, Two and Three.

Division number one.

Division number One, to consist of a Canal from the navigable waters of the River St. Lawrence at some point above the Lachine Rapids, to the Harbour of Montreal, or to some point near and convenient thereto.

Division number two.

Division number Two, to consist of Wet and Dry Docks, Piers, Wharves, and Basins at or within the western limits of the Harbour of Montreal.

Division number three.

Division number Three, to consist of a Dam from the North Bank of the River St. Lawrence to the Island, in the vicinity of the Lachine Rapids, known as Isle au Heron, with Docks, Piers, Wharves, and Basins above the said Dam, and a Canal from the waters above the Dam, to or near the Harbour of Montreal.

Further powers of company.

3. The Company may enter upon and survey all lands on the line or localities of said works, and ascertain and set out the portions thereof required for each of said Divisions severally, and so soon as by the terms of this Act they shall be authorised to com-

mence any one of said Division of Works, they may purchase and acquire by voluntary agreement any lands, real estate, or real rights, they may judge nesessary for such works or advantageous for the creation and operation of water powers, or other useful purposes in connection therewith.

8. 8. Railway Act 1868, to apply to works constructed under this Act

4. Section Eight of the Railway Act of 1868, shall be held and considered as incorporated with this Act, and shall form part thereof, and shall be applicable to each of the said Three Divisions of works separately and respectively, in so far as the same can be made applicable for the carrying into effect of the purposes of this Act, save that wherever the term "Railway Company" is made use of, in said Section Eight of said Railway Act of 1868, there shall be substituted and understood to stand instead thereof, "the Company incorporated by this Act," and where the term Railway is made use of in said Section Eight of said Railway Act, there shall be substituted and understood to stand instead thereof the works authorised by this Act.

Section 9 of the Railway Act, 1868, to apply to lands to be taken under this Act.

5. Should the lands necessary for the construction of any one or all of the several Divisions of said works not to be acquired by voluntarily agreement, then so soon as the Company shall have become by the terms of this Act, entitled to commence such Division of works respectively, for the acquisition of such lands as may still be necessary for the said works, the Company shall have all the power and authority specified and set forth in Section 9 of the Railway Act of 1868, in the same manner as if the works authorised by this Act had been the construction of a Railway, and the said 9th Section of the Railway Act of 1868 had been specially invoked and incorporated with the special Act for the construction of such Railway, and to form part thereof, and the said 9th Section shall be held and considered as incorporated with this Act, in so far as it can be can be made applicable, and is not inconsistent herewith save and except only sub-section 18 of said Section 9, which shall not apply, and shall not be held to be incorporated into this Act.

Exception as to sub-section 18.

Company empowered to deepen the bed of the river within the Harbour of Montreal.

6. The said Company in connection with the Division number Two, but subject to the Direction and control of the Harbour Commissioners, may deepen and improve the bed of the River for Navigation purposes, to secure an easy entrance to their docks and works at that place.

Power to connect their canals and works with the Lachine Canal.

7. The said Company may also, by permission of and agreement with Her Majesty, through the Minister of Public Works, connect their canals and docks with the Lachine Canal and its basins and supply water, and other facilities to the latter; and the Minister of Public Works is authorised to make agreements with the Company for these purposes, and generally to facilitate the transit of vessels between the Lachine Canal, the Harbour of Montreal, and the works hereby authorised as well as for all purposes for facilitating navigation and trade in connection with said works.

Power to furnish water power and water supply to the City of Montreal.

8. The Company are further empowered from time to time to agree with the Corporation of the City of Montreal, to furnish water power to the latter, as also to supply, in whole or in part,

water for the use of the City ; and the said Corporation of the City of Montreal, are authorised to enter into all such contracts or agreements with said Company, as may be necessary for any of said purposes.

Power to make arrangements with Railway Companies.

9. The said Company may also from time to time agree with any and all Railway Companies for the laying down and working of Railway tracks, sidings, and other Railway facilities and conveniences in connection with all or any of said works, as also for the use of their said Dam to carry a bridge across the River St. Lawrence, and said Railway Companies are severally authorised to make and carry out all such agreements.

General powers.

10. The said Company may also have power on any of their said works to construct and maintain Locks, Gates, Sluices, Piers, Basins, Wharves, Water Powers, Mills, Machinery, Warehouses, Sheds, Buildings, Elevators, Weighbeams, and all such other works, constructions and appliances as may be incident to, or which may by them be found necessary or useful in carrying out the objects contemplated by the present Act, and especially for facilitating the unloading, shipment, storing and handling of merchandise, also Railways, Railway tracks, Stations, Turn Tables, and everything necessary for the operation of Railways in connection with their said works. They may also for like purpose construct, purchase, own and dispose of all kinds of steamers, vessels and other craft.

Company to construct and maintain fences, bridges and ditches.

11. The Company shall construct and maintain on each side of the said Canals, proper fences of the height and strength of an ordinary division fence, with openings or gates, and bars therein ; shall make and maintain sufficient ditches, when necessary, to keep the farms free from water from the Canals, and shall make and maintain a bridge or farm crossing over such Canals, for each farm through which they or either of them shall pass, for the use of the owner or occupant of such farm, but in case of agreement to that effect with the owner, the Company may arrange to be relieved permanently, or for a time, from erecting and maintaining such fences, ditches, bridges or farm crossings, and in so doing, and on enregistration in the registry office, of such agreement, the Company shall be relieved therefrom, according to the terms of the agreement.

Power to use and dispose of water powers, mills, &c.

12. The Company may use or dispose of their water, water powers, mills, machinery, warehouses, sheds, and other such property and conveniences, including lands not required for the docks or canals, by sale, lease or otherwise on such terms as they see fit, and may from time to time repurchase or acquire the same or others in connection with their works by purchase, lease or otherwise, and again dispose of them in like manner.

Power to use and dispose of certain parts of river bed and beach at entrance of canal for division one.

13. In the construction of Division number One of said works, the Company may, for their profit and advantage, take possession of, use and occupy so much of the bed and beach of the River St. Lawrence at the entrance of the Canal, as may be useful for its efficiency, as well as at any point at which it may be be found expedient to provide outlets or tail races for the water from said canal.

Power to take and occupy certain parts of the bed and beach of St. Lawrence, within the harbour of Montreal, for division number two.

14. In the construction of Division number Two, they may, for their profit and advantage, and to the extent that may be permitted of by the Governor General in Council, with the sanction of the Harbour Commissioners for the time being for the Harbour of Montreal, take possession of, hold, use and occupy that part of the bed and beach of the River St. Lawrence, and real and immovable property within the limits of the Harbour of Montreal, extending from the northern abutment of the Victoria Bridge, downwards towards wind mill point and the mouth of the Lachine Canal, or so much thereof as may be required for said works.

Power to take and occupy certain parts of the river bed of the St. Lawrence, for division number three.

15. And in the construction of Division number Three, they may, for their profit and advantage, take possession of, use and occupy that part of the bed of the River St. Lawrence, situate below the dam, to the extent of two thousand feet, but no more; also, of that part of the bed of the River situate along the River bank, downwards from said dam to the property now or lately in the possession of the Hon. Sir A. T. Galt, inclusively, and to the extent of one thousand feet in width.

Power to levy tolls upon ships, goods, &c.

16. The Company may levy upon all ships, vessels, boats, barges, steamboats, and other floating craft entering their said docks, basins or works, or departing thereform, or being at anchor or otherwise moored therein, and upon all goods landed or shipped in such docks, basins or works, or deposited or stored in any of the said stories, store-houses, warehouses, sheds, or other buildings and erections, such dues, rates and tolls as may be fixed and sanctioned by the Governor in Council.

Tolls, how levied.

17. Such rates, dues, and tolls, shall be levied as follows:

On sea going vessels.

1. *On sea-going vessels.*—The dock dues shall be levied from the master or person in charge thereof; and the wharfage rates and tolls on goods landed, or shipped, or stored, shall be levied from the consignee, shipper, owner, or agent thereof.

On other vessels.

2. *On all other Vessels.*—The dock dues thereon, as well as the wharfage rates on the cargoes, shall be paid by the master or person in charge thereof, saving to him such recourse as he may have by law against any other person, for the recovery of the sums so paid; provided, however, that it shall be lawful for the Company to recover the said wharfage rates, and also the said tolls from the owner or consignees, or agents and shippers of such cargoes of goods.

Company may seize vessels, goods, &c., for dues or tolls.

18. In case of non-payment of the said dues, tolls and rates, or of any other charges under this Act, which the Company may lawfully make, it shall be lawful for the Company to seize forthwith, before judgment, any vessel or goods whatsoever upon which such dues, rates and charges are due, and to detain the same, at the risk, cost and charges of the owner, until the sum so due, and all charges thereon incurred by reason of such seizure and detention, be fully paid.

19. The Company may require from the master or person in

charge of every vessel, in the said docks or basins, a report in writing, signed and certified by him, of his vessel's cargo inwards, and her draft of water—such report to be made before he shall break bulk; also, of her outward cargo, and draft of water made before his vessel leaves the docks or basins, and such other particulars as may be necessary to carry out the provisions of this Act, and in case of refusal or neglect to make such reports, or any of them, the Company may seize and detain such vessel, at the risk, costs and charges of the master, owner or person in charge thereof, until such requirements are complied with; provided, always, that nothing herein contained shall prevent the Company from making such mutual agreement with the masters, owners or agents of steamboats or other vessels, with respect to making such reports, and with respect to the payment of all dues, rates and tolls, or from commuting the same, on such conditions, and for such periods and sums of money as may be mutually agreed upon.

Company may compel masters of vessels to furnish reports of cargo and draft of water, and may seize such vessels for refusal to report.

Proviso.

20. The seizure of any such vessel, which, under this Act, the Company may make, may be effected by the order of any Judge or Justice of the Peace within the Province of Quebec, which order such Judge or Justice of the Peace is hereby authorised and required to give, upon the application of the Company or its authorised Agent, on the institution of any action before such Judge or the court wherein he has jurisdiction, or before any Justice of the Peace, and on the affidavit of any one credible person, that the cause of such action alleged in the declaration, complaint or information, is well founded in fact, and such order shall and may be executed by any constable, bailiff, or other person whom the Company may choose to entrust with the execution thereof; and such constable, bailiff, or other person, is hereby authorised and empowered to take all necessary means and to demand all necessary aid, to enable him to execute such order.

Seizure may be effected by an order of a Judge or Justice of the Peace within the Province of Quebec.

21. If any injury is done to any of the docks, gates, basins, wharves or other erections or works, authorised to be constructed by this Act, by any vessel, or by carelessness or negligence of the crew thereof, while in the execution of their duty, or the orders of their superior officers, the Company may seize such vessel and detain her, until the injury so done shall have been repaired by the master or crew, or until security shall have been given to the satisfaction of the Judge or Justice of the Peace who shall have ordered the seizure by such master, to pay such amount for the injury and costs as may be awarded in any suit which may be brought against him for the same, and such master is hereby declared to be liable to the Company for any such injury.

Company may seize and detain vessels for injuries done to property or works of the Company.

22. Vessels passing through the harbour directly into the said docks and basins, or directly from the said docks and basins, without receiving or landing cargo, or being moored at any of the wharves in the harbour, shall be liable to the Harbour Commissioners for no other rates, dues or charges than for such tonnage duty, as from time to time shall be settled by agreement between the Harbour Commissioners and the Company, or in default thereof by the Governor-General in Council, and such

Harbour dues on vessels passing through the harbour into or from the docks of the Company.

tonnage duty, if fixed by the Governor in Council, shall be so fixed as to cover any deficiency of harbour revenues to be caused by the works of the Company, and otherwise to protect the interest of the Harbour Commissioners.

Penalty for obstructing or injuring the Company's works.

23. If any person shall, by any means, or any manner or way whatsoever, obstruct or interrupt the free use of the said canals, or the works incidental or relative thereto, or connected therewith, or do damage thereto, or to any of the docks, piers, wharves, warehouses, sheds, buildings, tracks, cranes, weighbeams, elevators, or other erections or works of the Company, such person shall, for every such offence, incur a forfeiture or penalty of not less than five dollars nor exceeding fifty dollars.

Company to exhibit a list of tolls, &c.

24. The Company shall, from time to time, print and stick up, or cause to be printed and stuck up in their office, a printed board or paper setting forth all the tolls, rates, dues and charges payable under this Act.

No work to be undertaken until plans shall have been approved by Governor in Council.

25. None of the said works can be undertaken until a plan or plans of such thereof as are proposed to be proceeded with, shewing the outline and extent thereof, shall have been approved of by the Governor General in Council, which approval may take place before or after the subscription of the necessary capital, and the execution of the works so approved of shall be subject to such conditions and restrictions as the Governor General in Council may ordain, but such additions, deviations and alterations as may be found necessary may be made from time to time, provided the same be first sanctioned by the Governor General in Council, and such santion may be given before or after the deposit of the plans and book of reference for any of said works, and if given after such deposit, then the plan and book of reference, if need be, shall be altered and amended so as to conform to the plans approved of by the Governor General in Council.

Capital stock.

26. The capital stock of the said Company shall be three million dollars, with power to increase the same, from time to time, to the amount of six million dollars, by a vote of not less than a majority in value as well as in number of the shareholders, and shall be divided into shares of one hundred dollars each, which shares shall be held to be personal estate, and shall be assignable in such manner and form, and subject to such conditions as to lien or otherwise as may, from time to time, be prescribed by the By-laws of the Company.

Works not to be commenced until a certain proportion of stock shall have been subscribed for, and a certain amount paid thereon.

27. The construction of any or either of the said three divisions shall not be commenced until shares of the capital stock, to the extent of one million dollars, shall have been subscribed, nor until the sum of one hundred thousand dollars shall have been paid thereon, and deposited by the Company in some chartered Bank in this Province; and a like amount will require to be subscribed, and a similar proportion thereon, paid for and in respect of each of the other two divisions before the work thereon can be commenced.

Board of Directors.

28. The business and affairs of the said Company shall be conducted and managed, and its powers exercised by a board of nine Directors, to be elected by the shareholders at the annual meeting of the Company; and until Directors shall, under the provisions of this Act, be elected by the shareholders, the Directors shall be Frederick B. Mathews, John Crawford, Alexander Somerville, John S. Hall, Charles J. Brydges, Robert James Reekie, Alexander Cross, Joseph Lanouette, Daniel Hadly, Duncan J. Macdonald and Frederick Gerriken, who, or any five of whom, shall have power to open books of subscription for stock at such places as they may appoint, and to give due notice thereof.

First meeting for the election of Directors.

29. So soon as the sum of two hundred thousand dollars of the said capital stock shall have been subscribed, and ten thousand dollars actually paid in thereupon, and deposited in some one of the chartered Banks in Montreal, it shall be lawful for the provisional Directors to call a meeting for the purpose of proceeding to the election of Directors of the said company, and such election shall then and there be made by the holders of the majority of shares voted upon at such meeting, and present thereat in person or by proxy, and the persons then and there chosen shall thereafter be the Directors, and shall be capable of serving until the election of Directors at or after the first annual meeting of the Company.

Annual and other meetings of the Company.

30. An annual meeting of the shareholders of the company, for the transaction of the general business of the Company, and the election of Directors from among the shareholders for the management of the affairs of the Company, shall be held at such time and place, at the City of Montreal, and under such regulations with regard to notice as may be determined by the By-laws of the Company; and the holding of such other meetings as may be found necessary, or judged expedient, may also be provided for by such By-law.

One vote for each share.

Proviso.

Majority to decid.

31. Each share shall entitle the holder thereof to one vote at all meetings of the Company, either personally or by proxy, such proxy being a shareholder, and having a written authority; provided always that no single shareholder shall be entitled to vote for any greater number of shares than one-tenth of the subscribed capital of the Company, and all questions shall be determined by the majority of votes given in respect thereof.

President, Vice-President and officers.

32. The Company shall have a President and Vice-President, who shall be elected by the Directors from among themselves; the Directors shall also appoint a Secretary, and may appoint such other officers and may employ such Agents and Managers as they may, from time to time, judge expedient, and may require such officers and Secretary, Agents and Managers, to give such security for the faithful performance of their duties as the Directors shall see fit to exact, and may pay and allow such Secretary and Officers, Agents and Managers, such salaries as may be agreed upon.

Calls.

33. The Directors may make such calls upon the respective

shareholders in respect to the shares subscribed or held by them respectively, as they may, from time to time deem expedient, and may require the same to be paid with or without interest, and may impose penalties for failure of payment, not exceeding five per centum at any one time, on the amount of the call or calls made ; and likewise, subject to such rules and conditions as may be imposed by By-law, may declare forfeited all such shares as may be in arrear in respect of any call or calls, interest or penalty, and such shares shall, upon such declaration, be and become forfeited in favor of the Company as well as the amounts paid thereon, and may thereupon be sold and disposed of in such manner as the Directors may see fit, and the net proceeds applied in reduction of the claims of the Company against the shareholders in default, or the Directors may in their discretion, should they see fit, proceed by suit or action for the recovery of any sum or sums due for a call or calls on such shares, with or without interest and penalties, or either, as the case may be, and afterwards, if not recovered in full, proceed by forfeiture as above directed, without prejudice to their recourse by suit in any case, until the shares shall have been paid for in full.

Forfeitures for non-payment.

What only need be alleged and proved in suits for calls.

34. In any action or proceeding which may be brought by the Company against any shareholder for the recovery of any sum due on any call or calls, or for interest or penalties thereon, 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 in the capital stock of the Company, and is indebted in the sum to which the arrears on the call or calls made on such share or shares amount (together with interest and penalties, if any), and it shall only be necessary to prove that the defendant was proprietor of a share or shares, and that a call or calls had been made thereon.

By-laws how made and for what purposes

35. The Directors may make By-laws, and may, from time to time, alter, repeal, amend, or wholly substitute others for the Government of the said Company, its affairs, business managers, agents, officers and servants, which By-laws shall be subject to approval or disallowance by the shareholders, and shall remain in force after their adoption by the Directors until approved of, altered, modified or disallowed by the shareholders at an annual meeting or any general meeting called for the consideration thereof, either solely or with other business, and said By-laws, besides containing provision for all matters hereinbefore referred to as the subject of such By-laws may subject to the special provisions of this Act provide for the following objects and purposes, viz :—

Directors.

1. To fix and determine the manner of filling up vacancies that may occur among the Directors prior to the annual election, the number of Directors which will constitute a quorum and generally the manner in which their powers shall be exercised.

Meetings.

2. The manner of calling meetings as well of the Directors, as of the shareholders, and fixing the time for the annual meetings.

3. The forfeiture of shares in arrear in respect of a call or calls, and the conditions and manner in which such forfeiture shall be declared. Calls.

4. The keeping of registers and transfer books for shares, prescribing the manner in which transfers shall be made, and the conditions in respect to the previous payments of calls or unpaid balance of the stock on which transfers shall be allowed; also the vouhcers and evidence required to be lodged with the Company in case of transmission of shares by marriage, bequest, inheritance, bankruptcy, or otherwise than by sale, and the forfeiture of shares for non-payment of anything due thereon or in respect thereof, or for any debt due by any stockholder in the Company. Registers of shares, transfers, &c.

5. The keeping of minutes of the proceedings and the accounts of the said Company, and rectifying any errors which may be therein, the auditing of accounts and appointment of auditors. Minutes.

6. The declaration and payment of profits of the said Company and dividends in respect thereof. Dividends.

7. The qualification of Directors and their remuneration. Directors.

8. The borrowing or advancing of money for promoting the purposes and interests of the Company, and the securities to be given by or to the said Company for the same, such borrowing not to exceed the limit hereinafter stated. Borrowing and lending.

9. The times and manner of proposing and voting for increasing the capital stock of the Company, the mode of taking subscription for, and allotting shares for such increase, and making calls thereon and collecting the same. Increase of capital stock.

10. The government and regulation of said Docks, Piers, Wharves, Storehouses, Buildings, and other the said works, and the shipping, unshipping, storing, placing, and handling of merchandise, commodities, and effects thereon or therefrom. Management of Company's property and business.

11. The good and orderly conduct, as well of the officers and servants of the Company, as of all persons using or coming within the limits of said works, or any of them. Conduct of officers and servants of Company.

12. The preventing of injuries to, or encroachments, trespasses, or incumbrances upon any of said works, and for the removal therefrom of all obstructions and incumbrances. Preventing injuries to works.

13. The ordering and regulating, the anchoring, mooring, placing, moving, and fastening of all vessels in the said Docks, Canals, or works. Anchoring and mooring vessels in Company's dock.

14. Regulating the use of fire and lights on or within any of said works, or aboard of vessels coming within any of said works. Use of lights on vessels or works.

15. The collection of all dues, rates, commissions and penalties, which may be incurred or exacted under this Act or said By- Collection of dues, &c.

laws, where such collection is not otherwise specially provided for by this Act.

Imposing penalties.

16. The imposing of penalties for the infringement of any of the By-laws of the Company, to the amount not to exceed in any case the sum of fifty dollars.

Generally.

17. Generally the transaction and management of the affairs and business of the Company, and the carrying into effect all the powers and duties conferred or imposed on the Company, its shareholders, and Directors by this Act.

Copy of By-laws establishing tolls, &c., to be posted up.

36. A printed or written copy of so much of the By-laws as affect any party other than members or servants of the Company, shall be affixed openly in the office of the Company, and in every place where dues, rates, or charges are to be collected, and the like shall be observed with regard to changes so often as they may be made.

Power to borrow money.

37. The Company are authorised to borrow money at any time to the amount and extent of one-half or fifty per cent. of their paid up capital, at such rate of interest as may be agreed upon.

Penalties, how levied.

38. All fines and forfeitures imposed by this Act, or which shall be lawfully imposed by any By-laws to be made in pursuance thereof (of which By-laws, when produced, all Justices are hereby required to take notice), the levying and recovering of which fines and forfeitures are not particularly herein directed, shall, upon proof of the offence, before any one or more Justice or Justices of the Peace for the District, either by the confession of the party or parties, or by the oath or affirmation of any credible witness (which oath or affirmation such Justice or Justices are hereby required to administer without fee or reward), be levied, with costs, by distress and sale of the offender's goods and chattels, by warrant under the hand and seal, or hands and seals, of such Justice or Justices; and all such fines, forfeitures or penalties, by this Act imposed, or authorised to be imposed, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Company, and shall be applied and disposed of for the use of the said undertaking, and the overplus of the money raised by such distress and sale, after deducting the penalty and the expenses of the levying and recovering thereof, shall be returned to the owner of the goods so distrained and sold; for want of sufficient goods and chattels whereof to levy the said penalty and expenses, the offender shall be sent to the common gaol of the district wherein he is convicted, there to remain without bail or mainprize for such term, not exceeding one month, as such Justice or Justices shall think proper, unless such penalty and forfeitures, and all expenses attending the same, shall be sooner paid and satisfied.

Application of penalties.

Statutory rights of the Corporation of the City of Montreal not to be interfered with.

39. The powers vested in the Company by this Act shall in no way interfere with the rights, privileges and advantages enjoyed and possessed by the Corporation of the Mayor, Aldermen and citizens of the City of Montreal, by and in virtue of any Act of the Legislature empowering them to borrow money

and erect water-works; and no works shall be made or constructed by the said Company under this Act, the effect of which will be to injure, disturb, or in any way affect the purity or quality of the water supplied by the Montreal Water-Works, or which may, in any way, interfere with the good working of the said Water-Works, or obstruct in any way the tail-race entering the River St. Lawrence; and the Company shall be responsible for any damages to be suffered by the Corporation, by reason of any of the works made or constructed by the Company.

Works of the Company not to affect or interfere with the water works;

Company to be responsible.

40. Nothing in this Act shall give, or be constructed to give the Company the power of having possession of, or of interfering with, or of exercising any control whatever over any lands belonging to Her Majesty, or any works or water powers under the control of the Dominion or of the Quebec Government, save as herein specially provided for.

Company to have no control over lands belonging to the Crown, &c.

41. Nothing in this Act contained shall relieve the Company from liability for any damage they may cause by back water or the overflow of lands, or the obstruction of drainage consequent on the construction of the works herein contemplated, but claims for such damages may be voluntarily waived or settled for by agreement.

Company liable for damages by back water, &c.

42. All suits for indemnity for any damage or injury sustained by reason of the powers and authority given by this Act, shall be brought within six calendar months next after the time of such supposed damage sustained; or in case there shall be a continuation of damages, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards.

Limitation of time for recovery of damages against Company.

43. One of the said three divisions of said Works must be commenced within five years, and the whole of the said Works must be completed within ten years after the passing of this Act, failing which the powers hereby granted shall cease; nevertheless, if any one, or an effective part or parts of any one or more of said divisions shall have been made so complete as to admit of it, or their being practically useful although only for water powers, all the powers given by this Act, in so far as applicable, shall remain in force in regard to the same, and in such case either of said canals may terminate where found convenient.

Time for commencement and completion of works.

44. Her Majesty, Her Heirs and Successors may, at any time, assume the possession and property and works of the said Company, and the rights, privileges and advantages thereof, (all which shall, after such assumption, be vested in Her Majesty, Her Heirs and Successors,) on giving to the Company one year's notice, and on paying to the Company the value of such property and works, to be fixed by Arbitrators, one to be chosen by the Minister of Public Works, another by the Company, and in case of disagreement, a third Arbitrator, to be chosen by the said two Arbitrators, a majority of whom to decide in such case; Provided that such value shall not be fixed at less than the capital stock, with interest from the time of investment thereof at eight per cent., after deduction of all dividend received. The said

Works of the Company may be assumed by the Crown.

Terms.

Proviso.

Or work may be assumed by Harbour Commissioners.

Harbour Commissioners may likewise, at any time, with the sanction of Her Majesty, declared by the Minister of Public Works for the time being, assume the possession and ownership of such part of the said Works as may be located within the limits of the Harbour of Montreal, on the same terms as Her Majesty is authorized to acquire the whole of said Works, by an Arbitration similarly appointed and on like conditions.

Preliminary expenses.

45. The expenses incurred in and about obtaining the present Charter shall be a first charge and lien upon the subscribed stock of the said Company.

No. 48.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate the Lachine Hydraulic Works Company, and to grant certain powers thereto.

PRIVATE BILL.

Mr. Beaubien.

No. 49] BILL. [1873.

WHEREAS it is expedient to provide for uniformity of weights and measures throughout Canada, and for that purpose to define and establish standard measures of length, weight, and capacity, and to make provision for the inspection of weights and measures in general use, and to legalise the use of the Metric System, by consent of parties; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

WEIGHTS AND MEASURES.

Standard of length.

1. The "Imperial yard" shall be the standard measure of length, wherefrom all other measures of length, whether lineal, superficial or solid, shall be derived, computed and ascertained, and all measures of length shall be taken in parts, multiples, or certain proportions of the standard yard.

Measures of length.

2. One-third part of the standard yard shall be a foot; the twelfth part of the foot shall be an inch; the pole or perch in length shall be five standard yards and a half; the furlong two hundred and twenty standard yards, and the mile one thousand seven hundred and sixty standard yards; the chain shall be twenty-two standard yards, and the link shall be the one hundredth part of a chain.

Measures of superficies.

3. The rood of land shall contain one thousand two hundred and ten square yards according to the standard, and the acre of land shall contain one hundred thousand square links, or four thousand eight hundred and forty square yards.

Standard of weight.

2. The "Imperial pound Avoirdupois" shall be the standard measure of weight from which all other weights and measures having reference to weight shall be derived, computed and ascertained; and all weights and measures having reference to weight, shall be taken in parts, multiples, or certain proportions of the standard pound Avoirdupois.

Measures of weight.

2. One sixteenth part of the standard pound Avoirdupois shall be an ounce, one sixteenth part of an ounce shall be a dram; the one seven thousandth part of the said pound shall be a grain; one hundred standard pounds Avoirdupois shall be a hundredweight, and two thousand standard pounds Avoirdupois shall be a ton.

Cental.

3. A weight of one hundred standard pounds, avoirdupois, shall also be and may be called and described as a "Cental."

Troy weight.

3. The Troy ounce shall be equal to four hundred and eighty avoirdupois grains, and shall be the standard measure of weight for gold, silver, platina, and precious stones; and all measures of Troy weight shall be taken in parts, multiples, and certain proportions of the Troy ounce.

2. Contracts and bargains made for, and sales of gold, silver, platina, and precious stones by the Troy ounce, as ascertained and established by this section, and by any weights, being decimal parts or multiples of such ounce, shall be deemed to be good and valid.

Standard of capacity for liquids.

4. The gallon known as the "Imperial gallon," containing ten pounds weight of distilled water, weighed in air at a temperature of 62 degrees Fahrenheit, and the barometer standing at thirty inches, shall be the standard measure of capacity to be used for liquids, from which all other measures of capacity in respect of liquids shall be derived, computed and ascertained, and all such measures shall be taken in parts or multiples or certain proportions of the standard gallon.

2. One fourth part of the standard gallon shall be a quart, and one eighth part of the standard gallon shall be a pint.

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.

Bushel by weight for certain articles.

2. But in contracts for the sale or delivery of any of the articles in this 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, 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-two 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.

3. *Provided that for a period of years from the passing of this Act, 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*

during the said period of years the ratio or proportion which such measures shall bear to the standard measures, shall be as follows:—Twelve Wine gallons shall be equal to ten Imperial or Standard gallons; one Winchester bushel and thirty-one thousandth parts thereof, shall be equal to one Imperial or Standard bushel. 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 this proviso and their sub-multiples, as may be deemed necessary for the protection of the public.

Weighing Instruments, how to be marked.

6. Every beam, steelyard or other weighing machine shall have conspicuously marked upon some essential part of it, the actual avoirdupois weight of each weight or counterpois used with it.

Multiples and sub-multiples may be named and authorized.

7. The Governor in Council may, from time to time, by an Order published in the Canada *Gazette*, declare any multiples or sub-multiples of any of the weights or measures hereinbefore mentioned, to be legal weights or measures for any or all purposes whatever, by such names as shall be assigned to them in such Order in Council; and may order the discontinuation of any standards, and the substitution or construction of such others not inconsistent with this Act as may be from time to time deemed necessary.

STANDARDS OF WEIGHTS AND MEASURES.

Primary Standards of length and weight to be prepared.

8. The Minister of Inland Revenue shall cause to be prepared three sets of Primary Standards of length and weight, each set consisting of—

1. A Standard Yard:
2. A Standard Pound Avoirdupois, and
3. A Standard Ounce Troy;
4. A Standard Gallon.

And shall cause the same to be duly verified and authenticated in such manner as he shall deem best.

To be the Dominion Standards.

And the Governor, upon being satisfied of the accuracy of the Primary Standards, may, by Order in Council, declare the same to be the legal and only Primary Standards of length and weight for Canada, under the name of "The Dominion Standards," and as such the units or standards of weights and measures from which all other weights and measures defined by this Act shall be computed and ascertained; and from and after the date of such proclamation, all Primary Standards of weights and measures heretofore established and legalised by the Legislature of the late Province of Canada, or by the Legislatures of Nova Scotia, New Brunswick and British Columbia, shall be transferred to and remain in the possession of the Department of Inland Revenue.

Present Standards transferred to Inland Revenue Department.

Custody of Dominion Standards.

9. One set of the Dominion Standards shall be placed in the custody of the Speaker of the Senate, one set in the custody of Speaker of the House of Commons, and one set in the custody of the Minister of Inland Revenue, under such regulations as to precautions against injury and deterioration as may be determined by order of the Governor in Council.

Secondary Standards.

10. The Minister of Inland Revenue shall also cause to be prepared two sets of Secondary Standards of the weights and measures defined and established by this Act, and of the requisite multiples and proportions thereof; and the Governor in Council, upon the report of the Minister that the same have been duly verified and authenticated by comparison with the Dominion Standards, may declare such Secondary Standards to be Legal Secondary Standards of length, weight and capacity, under the name of The Departmental Standards.

Verification.

Departmental Standards.

Custody of Standards and verification of others.

11. The Commissioner of Inland Revenue shall have the custody of the Departmental Standards, and all comparisons, verifications, and other operations with reference to standards of length, weight and capacity, shall be conducted under his supervision and generally he shall have such powers and duties in relation thereto, as may be from time to time assigned to him by Order in Council, and in consideration of the special qualifications and knowledge necessary for the proper discharge of such duties, the said Commissioner may be paid, in addition to his salary as Commissioner, such further allowance out of any moneys voted by Parliament for the purposes of this Act, as may be directed by the Governor in Council.

Allowance to Commissioner.

Balances, apparatus, &c.

12. The Minister of Inland Revenue shall also procure the necessary balances, apparatus and books for use in connection with, or relative to, the Dominion and Departmental Standards.

Proclamation legalizing weights and measures.

13. As soon as the Dominion and Departmental Standards have been received, legalized by the Governor in Council and deposited as above provided, and the necessary apparatus for use in connection therewith has been obtained by the Minister of Inland Revenue, the Governor may, by proclamation, fix a day, giving not less than six months previous notice, upon, from and after which all contracts, bargains, sales or dealings, made or had in any part of Canada, for work to be done, or goods, wares, or merchandise, or other things to be sold, delivered or agreed for by weight or measure, where no special agreement is made to the contrary, shall be deemed and taken to be made and had according to the standard weight and measures fixed and defined by this Act.

Proviso as to certain measures of length, superficies and capacity in the Province of Quebec.

14. Provided that in the Province of Quebec the measures of length, superficies and capacity hereinafter mentioned, may be used in any case by special understanding between the parties to any contract or agreement, and shall be understood to be intended when such contract or agreement relates to any of the purposes for which they are established by the laws of that Province, unless by the express terms or context of such contract or agreement, it appears that the parties intended standard measure; and the ratio or proportion which such measures, with their subdivisions and multiples, shall bear to the standard measures, shall be as follows, that is to say :—

French foot.

1. The foot—"French measure" or "Paris foot"—shall be held to contain twelve inches and seventy nine hundredths of an inch, standard measure.

2. The "Arpent," when used as a measure of length, shall be one hundred and eighty French feet; and when used as a measure of superficies, shall contain thirty-two thousand four hundred square French feet; and the perch, as a measure of length, shall contain eighteen French feet, and a measure of superficies three hundred and twenty-four square French feet. Arpent. Perch.

3. The "Canada minot" shall be held to contain two thousand three hundred and thirty-nine cubic standard inches; Provided that in contracts for the sale or delivery of any of the articles mentioned in Section five, the word "minot" shall be taken to mean the weight of a "bushel', as fixed by the said Section and not a Canada minot of measure, or any greater or less weight than that fixed by the said Section as equivalent to a bushel, unless it appears that the parties must have intended a Canada minot of measure. Minot. Proviso.

15. Upon, from and after the day fixed by proclamation as that upon which the weights and measures fixed and defined by this Act are directed to be used, the several duties of Customs and Excise, and other Her Majesty's revenues shall be payable, collected and taken in accordance therewith: And such duties of Customs and Excise as are now charged and collected by the wine gallon shall thereafter be charged and collected by the mperial or Standard gallon in proportion to the grea er capacity of that measure: that is to say, the duties shall be charged and collected in the proportion of six cents on the Imperial gallon for five cents now charged and collected on the wine gallon. Duties of revenue, &c., to be collected according to standard measure after a day to be fixed.

16. All Orders in Council and Proclamations or Regulations, and any repeal or alteration of any of them, under this Act shall be published in the Canada *Gazette*, and be laid before both Houses of Parliament at their then next Session; and any copy of the Canada *Gazette* containing the same shall be *prima facie* evidence thereof and that they are force under this Act. Publication of Orders in Council, &c.

INSPECTORS.

17. The Governor may, from time to time, appoint one or more Inspectors of Weights and Measures for each Province, and may from time to time assign them Inspection Districts, and their powers and duties shall be as defined by this Act, and by the regulations made under it, and by instructions from the Minister of Inland Revenue. Appointment and duties of Inspectors.

18. Each Inspector, on appointment, shall take an oath for the faithful discharge of his duties, and shall give bonds in a sum to be fixed by Order in Council, for the safe custody and preservation of the standard weights and measures, and other apparatus intrusted to him, and for their delivery over to his successor, in case of his resignation or removal from office. Oath of office and security.

2. The Inspector shall have the same powers in each Inspection Division as are given to the Deputy Inspectors, and shall be understood as included when the Deputy Inspector is mentioned in any Act, unless such inclusion be inconsistent with the context. Powers.

Official Standards.

3. Each Inspector shall be furnished by the Minister of Inland Revenue with a set of Standards to be called "The Official Standards," carefully verified and authenticated by comparison with the Departmental Standards in the custody of the Commissioner of Inland Revenue, and with such apparatus as may be requisite to enable him to perform his duties under this Act.

Official Standards and apparatus; how used.

19. The "Official Standards" and other apparatus shall be used by the Inspector into whose custody they are given, solely for the purpose of comparing and verifying the copies of the same to be used by the Deputy Inspectors hereinafter mentioned, unless otherwise directed by Order in Council or by instructions from the Minister of Inland Revenue.

Duties of Inspectors.

20. The Inspector shall, within the limits of the Inspection District assigned to him, have the supervision of the Deputy Inspectors appointed therein.

1. He shall see that each Deputy Inspector is furnished with the Standards and other apparatus necessary for the faithful discharge of his duties.

2. He shall carefully compare such Standards with the Official Standards and apparatus, and shall certify to the correctness of the same by a suitable mark or stamp, or certificate, as may be directed by Order in Council.

3. He shall hear and determine any dispute that may arise between any Deputy Inspector and any other person in relation to any duties of inspection performed by such Deputy Inspector;

4. And generally shall have such other duties and powers as may be assigned to him by Order in Council for the more effectual enforcement of the provisions of this Act.

DEPUTY INSPECTORS.

District Inspection and Divisions.

21. The Governor may, from time to time, appoint in each Inspection District such number of Deputy Inspectors, and may, from time to time, assign to them such Inspection Divisions as he may deem expedient.

Oath of office.

22. Each Deputy Inspector on appointment shall take an oath for the faithful and impartial discharge of the duties assigned to him, and shall be furnished by the Inspector of his District with the necessary Inspection Standards, being copies duly authenticated by the Inspector, of the Official Standards and other apparatus in his possession; he shall give bonds to an amount to be fixed by Order in Council for the safe custody and careful preservation of such standards and apparatus and for their delivery over to his successor in the event of his resignation or removal from office, and for the due accounting for all moneys received by him in the execution of this Act.

Inspection Standards, security.

Periodical verification of Inspection Standards.

2. Once in every two years at the least, and whenever required so to do by the Inspector, each Deputy Inspector shall present his Inspection Standards and other apparatus in his possession to the Inspector of his District for the purpose of ascertaining and establishing their accuracy by comparison with the Official Standards, and shall obtain from the Inspector a certificate of their accuracy.

23. The Deputy Inspector shall perform such duties incident to the verification of weights and measures and of beams, scales, steel-yards and other weighing machines, comparing and trying the same with the standard weights and measures, and other apparatus in his possession as may be assigned to him by Departmental regulations. Duties.

2. He shall at all proper times carefully examine and compare all weights and measures and all beams, scales or other weighing machines of any kind presented to him within his division, and when found correct and just he shall mark, stamp, or brand the same in such manner as may, from time to time, be directed by the Minister of Inland Revenue, who shall furnish such stamps, brands, and implements as he may think proper for that purpose. Verification of weights and measures, scales, &c.

24. Each Deputy Inspector shall, upon such day or days and at such place or places within his district as may be from time to time appointed by the Inspector of his District—in pursuance of such Departmental regulations as may be made in that behalf, and of which day or days, place or places, public notice shall be given in the manner to be provided by such regulations—attend with his Inspection Standards and other apparatus, for the purpose of inspecting all weights, measures and weighing-machines, and shall then and there inspect and verify, and if found correct shall stamp and certify all weights and measures, scales and weighing-machines brought to him for inspection. Attendance for verification.

25. The Deputy Inspector may, at all reasonable times, enter any shop, store, warehouse, stall, yard, or place whatsoever within his division, where any commodity is bought, sold, exposed, or kept for sale, or charged for carriage or conveyance by weight or measure, and there examine all weights, measures, beams, scales, steel-yards or other weighing machines, and compare and try the same with the Inspection standards of weights and measures in his possession; and it shall be his duty to do so, from time to time, and without previous notice, so as best to ensure compliance with the provisions of this Act, and the discovery and punishment of any infractions thereof, and it shall be his duty to attend at any reasonable time and place, and when not otherwise engaged in the performance of his duties, for the purpose of inspecting and verifying any fixed and non-portable weighing machine in his division; and he may also, at any time when not so engaged as aforesaid, inspect, verify, stamp, and certify any weights, measures, or weighing machines, at the request of the owner thereof, and at any place in his division. Right of entry for examination.

26. The Deputy Inspector shall keep a book in which he shall enter minutes of all verifications made by him, and at the the time of every inspection he shall deliver to the owner of any weights or measures, or weighing machines verified, or to the person procuring their verification, a certificate under his hand, setting forth the fact and date of such verification, and enumerating the weights, measures, or weighing-machines inspected. Minute Books and certificates.

27. Within two months after the expiration of one year from the first verification and stamping, and of each period of one Yearly re-verification.

year after each subsequent verification, every weight, measures, 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 *prima facie* evidence of the verification and stamping or re-verification having taken place within the period prescribed by law.

PENALTIES.

Penalties for using uncertified weights or measures.

28. 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, offers for sale or uses, for any purpose of buying, selling or charging for the carriage of any goods, wares, merchandise or thing, or of measuring any work, 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, offered for sale, or 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.

Penalty for marking any weight or measure, &c., without verifying it.

29. If any Deputy Inspector stamps or marks any balance, beam, weight or measure, or weighing-machine, without having first duly compared and verified the same with the standard or other authorised instrument in his possession for the purpose, he shall on conviction, incur a penalty not exceeding *fifty* dollars.

Or for marking it out of the proper Division.

30. If any Deputy Inspector knowingly stamps any balance, beam, weight or measure, or weighing-machine, of any person residing within the limits of any Inspection Division for which another Deputy Inspector has been legally appointed, he shall, on conviction, incur a penalty not exceeding *five* dollars for every weight or measure or weighing-machine so stamped.

For refusing to produce weights or measures for inspection.

31. Any person who refuses to produce for inspection, when thereunto required, all weights, measures, beams, scales, or weighing-machines in his possession, shall, on conviction, forfeit a sum not exceeding *twenty* dollars for the first, and *forty* dollars for each subsequent offence.

For counterfeiting stamps, &c.

32. If any person counterfeits any stamp or mark used by any Deputy Inspector for inspection purposes, or in any manner whatever diminishes, augments, or alters any balance, beam, weight or measure, or weighing-machine stamped or marked under this Act, or sells, barters, or exchanges any goods, or any things whatever, by any weight or measure, or weighing-machine, stamped or marked with any counterfeit stamp or mark,

or diminished, or altered, or augmented as aforesaid, he shall, for the first offence incur a penalty of *forty* dollars, and for the second and each subsequent offence, he shall incur a penalty *one hundred dollars*, and suffer two months' imprisonment.

Penalty for making or selling false weights, &c.

33. Any person who makes or sells, or causes to be made or sold, any light, false or unjust weight or measure, or other balance, beam, weighing machine, shall, on conviction for the first offence, incur a penalty not exceeding *fifty* dollars; and for each subsequent offence he shall incur a penalty *one hundred dollars* and suffer two weeks' imprisonment.

For obstructing Inspector on duty.

34. If any person obstructs or impedes any Deputy Inspector or other officer acting in execution of this Act, or of any Order of the Governor in Council or Departmental regulation made thereunder, he and every person aiding and assisting therein shall be guilty of an offence against this Act, for which he shall on conviction, incur a penalty of *one hundred* dollars and the Deputy Inspector, or other officer, or any person whom he calls to his assistance, may seize the offender and detain him until he can be taken before a Justice, to be dealt with according to law.

Recovery of penalties, &c.

35. All forfeitures and penalties imposed by this Act, or by any regulation made under its authority, shall be recoverable, with costs, before 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 exeeds that sum, upon proof by confession, or by the oath of one credible witness, and may, if not forthwith paid, be levied by 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 year of Her Majesty's reign, intituled: *An Act respecting the duties of Justices of the Peace and of sessions in relation to summary convictions and orders*, shall apply, subject to the provisions of this Act.

Appropriation of penalties.

2. One half of any penalty so recovered shall belong to the party suing for the same, not being the 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, &c.

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.

Limitation of prosecutions.

36. No action or prosecution shall be brought against any person for any forfeiture or penalty by this Act imposed, unless the same is commenced within three months after the offence is committed.

MISCELLANEOUS.

Denomination to be marked on weights.

37. All weights and measures shall have their legal denominations legibly marked upon them, except only such small denominations as cannot be marked, and no Inspector or Deputy Inspector shall verify or stamp a weight or measure unless so marked.

As to weights and measures stamped in any Division and used in another.

38. No weight or measure, or weighing-machine, duly stamped by any Deputy Inspector, or other person hereby legally authorized to examine and stamp the same, shall be liable to be re-stamped, although the same to be used beyond the limits of the Inspection Division within which it was originally stamped, but shall be considered as a legal weight, or measure, or weighing machine, throughout Canada, unless found to be defective or unjust on any subsequent periodical inspection, to which it shall remain subject as provided by this Act, by the Deputy Inspector for the Division in whichit may then be.

Remuneration of Inspectors or Deputies.

39. The Governor in Council may assign to each Inspector and Deputy Inspector appointed under this Act, such remuneration or salary not exceeding what may have been voted by Parliament, as may be deemed expedient, and may also allow to each such Inspector or Deputy Inspector such further sum as will suffice to meet his actual expenses in the performance of his official duties.

Officers of Inland Revenue may be Inspectors.

40. The Governor may in his discretion appoint any officer of the Inland Revenue Department to the office of Inspector or Deputy Inspector under this Act, and such officer may discharge the duties assigned to him under this Act, in conjunction with and in addition to, his other official duties, anything in any Act or Law to the contrary notwithstanding.

Inspectors &c. not to be makers of weights or measures.

41. No officer appointed under this Act, shall be a maker or seller of weights, measures, or weighing machines. Nor shall any officer appointed under this Act, repair, alter or adjust any weight, measure or weighing machine, verified by him or submitted to him for verification.

Metal for weights and measures.

42. From and after the day appointed by the Governor as that upon and after which the weights and measures in conformity with the standards by this Act established, shall alone be used throughout Canada, no weight made of lead or pewter, or any mixture thereof, shall be stamped or used, unless it be wholly and substantially cased with hard metal; but for the purpose of adjusting any weight, a plug of soft metal, not larger than is necessary for receiving the stamps, may be inserted, if found, necessary and directed by the Deputy Inspector.

Regulations by Governor in Council.

43. The Governor in Council may, from time to time, make, repeal, or amend regulations consistent with this Act, for or concerning any or all of the subjects herein mentioned:—

1. The guidance of the Inspectors or Deputy Inspectors in the performance of their duties.

2. The replacement and use of the standards.

3. The methods of verifying local standards of weights and measures, weighing machines and balances, and of certifying such verification.

4. The amount of error that may be tolerated in weights, weighing machines, balances, and measures.

5. The shapes, dimensions, and proportions to be required in weights, weighing machines, and measures, and the material of which they be made.

6. The marking on weights and measures authorized under this Act of their several denominations.

7. The imposition of penalties not exceeding , dollars, for any contravention of such regulations.

And such regulations shall be published in the Canada *Gazette*.

Governer in Council may from time to time make a Tariff of Fees for inspection.

44. The Governor in Council may, from time to time, make, repeal, or amend a Tariff of Fees to be paid to the Inspectors for inspecting and stamping weights and measures, balances, beams and other weighing machines, under this Act, such tariff being so made as to defray, as nearly as may be, the cost of carrying out this Act, and to provide for the sufficient remuneration of the Inspectors and Deputy Inspectors, in such manner as shall to the Governor in Council seem equitable; and the Order in Council containing such tariff and regulations, and any repeal or amendment thereof, shall be published in the Canada *Gazette*, and the said fees shall form part of the Consolidated Revenue Fund of Canada, and shall be paid over to the Receiver General, in such manner and under such regulations as the Governor in Council shall direct.

When and how such fees shall be paid.

45. Such fees shall be paid at the time of the inspection stamping or verification, to the Deputy Inspector, who shall affix to the certificate given by him an adhesive stamp or stamps to the amount of such duty, and shall at the time of affixing the same, write or mark thereon, in such manner as may be directed by departmental regulations, the date at which it is affixed, and no certificate shall be valid or avail for any purpose whatsoever, unless the requisite stamps have been duly affixed thereto and cancelled.

Stamps for under this Act

46. The Governor in Council may from time to time direct adhesive stamps to be prepared for the purposes of this Act, and bearing such device as he thinks proper, and may defray the cost thereof out of any unappropriated moneys forming part of the Consolidated Revenue Fund.

Device thereon.

47. The device on such adhesive stamp shall express the value thereof, that is to say: the sum at which it shall be reckoned in payment of the duty hereby imposed.

Accounts under this Act.

48. Separate accounts shall be kept of all expenditure incurred and of all fees and duties collected and received under the authority of this Act, and a correct statement of the same up to the 30th day of June, then last past, shall be laid before Parliament within the first fifteen days of the then next Session thereof.

METRIC SYSTEM.

Metric or decimal system may be legally used.

49. Notwithstanding anything contained in any Act or Law now in force to the contrary, no contract or dealing shall be deemed to be invalid or open to objection, on the ground that the weights or measures expressed or referred to in such contract or dealing, are weights or measures of the Metric System, or on the ground that decimal subdivisions of legal weights and measures, whether Metric or otherwise, are used in such contract or dealing.

Tables in Schedule A may be used in computing.

50. The tables in Schedule A hereunto annexed shall be deemed to set forth, in terms of the standard weights and measures of Canada, the equivalents of the weights and measures therein expressed in terms of the Metric System; and such table may be lawfully used for computing, determining, and expressing in weights and measures of Canada, weights and measures of the Metric System.

Governor may procure Metric Standards.

51. Whenever the Governor in Council is of opinion that it has become necessary and desirable, he may direct Standards of Metric Weights and Measures to be procured and legalized, and verified copies of them to be provided, and may by Order in Council make regulations for authorizing and facilitating the use of the same, for the verification of Metric Weights and Measures in use in Canada.

REPEAL—INTERPRETATION AND SHORT TITLE.

Repeal.

52. The Acts and parts of Acts described in the Schedule B to this Act shall be repealed upon the day fixed by proclamation as that upon which weights and measures in conformity with the standards established by this Act, shall alone be used throughout Canada, except in so far as the said Acts respectively repeal any former Act, or provision of law, and except also as to acts done, penalties incurred, or contracts made before the said day.

Interpretation.

53. The expression "weighing machine," in this Act, includes any scales, beam, steel-yard or other apparatus for weighing.

Short Title

54. This Act may be known and cited as "The Weights and Measures Act, 1873."

SCHEDULE A.

Tables of the values of the principal denominations of Measures and Weights on the Metric System, expressed in terms of the Standard Measures and Weights of Canada:—

1.—Measures of Length.

Metric Denominations and Values.		Equivalents expressed in terms of the Standard of Canada.		
——	Metres.	In Standard Yards and decimal parts of a Yard.	In feet and decimal parts of a foot.	In links and decimal parts of a link.
Miriametre ...	10000	10939·444444	32818·333333	49724·74747
Kilometre.....	1000	1093·944444	3281·833333	4972·47474
Hectometre...	100	109·394444	328·183333	497·24747
Decametre ...	10	10·939444	32·818333	49·72474
Metre	1	1·093944	3·281833	4·97247
Decimetre.....	$\frac{1}{10}$	·109394	·328183	·49724
Centimetre...	$\frac{1}{100}$	·010939	·032818	·04972
Millimetre ...	$\frac{1}{1000}$	·001093	·003281	·00497

2.—Measures of Surface.

Metric Denominations and Values.		Equivalents expressed in terms of the Standard of Canada.		
——		Square Metres.	In square yards and decimal parts of a square yard.	In square links and decimal parts of a square link.
Hectare.....	100 Ares.	10000	11967·1444	247255·0511
Decare.....	10 do	1000	1196·7144	24725·5051
Are.....	1 do	100	119·6714	2472·5505
Centiare	$\frac{1}{100}$ do	1	1·1967	24·7255

3.—Weights.

Metric Denominations and Value.		Equivalents expressed in terms of the Standard of Canada.	
—	Grams.	In pounds Avoirdupois and decimal parts of a pound.	In grains and decimal parts of a grain Troy.
Millier	1000000	2204·62125	
Quintal	100000	220·46212	
Myriagram	10000	22·046212	
Kilogram	1000	2·204621	
Hectogram	100	·220462	
Decagram	10	·022046	
Gram	1	·002204	15·4323487
Decigram	$\frac{1}{10}$	·0002204	1·5432348
Centigram	$\frac{1}{100}$	·0000220	·1543234
Milligram	$\frac{1}{1000}$	·0000022	·0154323

4.—Measures of Capacity.

Metric Denominations and Value.			Equivalents expressed in terms of the Standard of Canada.	
—	Cubic Metres.	Litres.	In Imperial gallons and decimal parts of an Imperial gallon.	—
Kilolitre	1	1000	220·2443	
Hectolitre	$\frac{1}{10}$	100	22·0244	
Decalitre	$\frac{1}{100}$	10	2·2024	
Litre	$\frac{1}{1000}$	1	·2202	
Decalitre	$\frac{1}{10000}$	$\frac{1}{10}$	·0220	
Centilitre	$\frac{1}{100000}$	$\frac{1}{100}$	·0022	

SCHEDULE B.

Acts and parts of Acts repealed.

Con. Stat. Can., cap. Vic. 53	An Act respecting certain Weights and Measures.	The whole.
Stat. Province Can. 28 cap. 6.	An Act respecting the Weighing, Measuring, and Gauging of certain articles of general consumption.	Section 21.
Con. Stat. U. C., cap. 58.	An Act respecting Weights and Measures.	The whole.
Con. Stat. L. C., cap. 62.	An Act respecting eights and Measures.	The whole, except sub-sections 4 and 6 of section 3, which shall be subject to the provisions of section 14 of this Act.
Con. Stat. L. C., cap. 63.	An Act respecting the Measurement of Coal and the Weight of Hay and Straw.	The whole, excepting sections 8 and 9.
Revised Stat. New Brunswick, cap. 95.	Of Weights and Measures.	The whole.
New Brunswick, 30 Vic. cap. 7.	An Act relating to Weights	The whole.
Nova Scotia Revised Stat., cap. 86.	Of Weights and Measures.	The whole.
British Columbia.	An ordinance to establish a standard of Weights and Measures passed April 22, 1868.	The whole.
Act of Parliament of Canada, 34 Vic. Cap. 24.	An Act to render permissive the use of the Metric or of the decimal system of Weights and Measures.	The whole.

[No. 49.]

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act respecting Weights and Measures.

Received and read first time, Friday, 28th March, 1873.

Second reading, Tuesday, 1st April, 1873.

HON. MR. TUPPER.

2 h 50

No. 50.] BILL. [1873

An Act to provide for the appointment of Harbor Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick.

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

1. In the construction, and for the purposes of this Act (if not inconsistent with the context or subject matter), the following terms shall have the respective meanings hereinafter assigned to them, that is to say: Interpretation.

"Ship" shall include every description of vessel used in navigation, not propelled by oars.

"Master" shall include every person (except a pilot) having command or charge of a ship.

"Harbor Master" shall mean a Harbor Master appointed under this Act.

"Port" shall mean a port to which this Act applies.

2. The Governor may from time to time appoint a fit and proper person to be Harbor Master for any port in the Province of Nova Scotia, or in the Province of New Brunswick to which this Act applies. Governor may appoint a Harbor Master.

3. Every Harbor Master appointed under this Act shall be under the control of the Minister of Marine and Fisheries, to whom he shall furnish a report in writing and on oath, as soon as possible after the thirty-first day of December in each year, of his doings in office, and of the fees of office received by him during such year. Report to Minister of Marine and Fisheries.

4. The rights, powers and duties of the Harbor Master for any port, shall be such as may from time to time be conferred and imposed upon him by rules and regulations made by the Governor in Council for the Government of his office and of the port for which he is appointed, and for his remuneration, which rules and regulations the Governor in Council is hereby authorized and empowered to make, and from time to time to alter, amend or repeal, and any such rules and regulations may be so made to apply to any one or more Ports to which this Act then applies, or may be afterwards extended by order in Council to any such Port. Regulations by Governor in Council.

5. The Governor in Council may in and by any rule or regulation made under the next preceding section, impose any Regulations may impose penalties.

reasonable penalty, not exceeding in any case *one hundred dollars* for the breach of such rule or regulation, with, in case of a continuing breach, a further penalty, not exceeding in any case *ten dollars* for every twelve hours during which such breach continues, but so that no such rule or regulation shall impose a minimum penalty; and every breach of any such rule or regulation shall be deemed a contravention of this Act, and every such penalty shall be held to be a penalty imposed by this Act.

Copies to be furnished to Pilots.

6. The Harbor Master for any such Port shall furnish copies of the rules and regulations made under the next preceding section, and then in force, to every licensed Pilot of the port, who shall give one of such copies to the Master of every ship which he shall take in charge.

Prosecutions for infraction.

7. It shall be the duty of the Harbor Master of any such port to prosecute every person violating any rules or regulations made by the Governor in Council under this Act.

Remuneration of Harbor Master.

Sections 8 and 9 will originate in Committee.

8. The Harbor Master for any port shall be remunerated for his services solely by the fees, or the portion hereinafter mentioned of the fees, which he may from time to time be authorized by the rules and regulations to be made as hereinbefore provided for to collect, in respect of ships not exempt from the payment thereof as hereinafter mentioned, entering such port, but which shall not at any time exceed the following rates, that is to say:—

Fees.

For every ship of 200 tons or under, registered tonnage, *one dollar*.

For every ship of more than 200 tons, but not more than 300 tons, registered tonnage, *two dollars*.

For every ship of more than 300 tons, but not more than 400 tons registered tonnage, *three dollars*.

For every ship of more than 400 tons, registered tonnage, *four dollars*.

Ships engaged in trading between ports and places in the Dominion, or in the fishing trade, shall be exempt from the payment of any fee.

Salary, how fixed.

9. The Salary or remuneration of each Harbor Master appointed under this Act, shall be from time to time fixed by order of the Governor in Council, but shall not exceed *six hundred dollars*, and shall be subject to the provisions hereinafter made.

Balance to be paid over to Con. Rev. Fund.

10. The Harbor Master of each port shall pay over as soon as possible after the thirty-first day of December in each year to the Receiver General, to form part of the Consolidated Revenue Fund, towards making good any sums which may be appropriated by Parliament for the payment of expenses in connection with the office of Harbor Master and for the improvement of the Harbor of the port for which he is appointed, all moneys received by him for fees under this Act during such year, after deducting therefrom the sum allowed him as aforesaid for his own remuneration; and if the moneys received by him for fees in any year amount to a less sum than is so allowed him, then such less sum shall be his remuneration for that year.

On what occasion only such fees shall be payable.

11. Such fees as aforesaid shall be payable only once in twelve calendar months, to be reckoned from the day upon which such payment shall be made, on any ship not exceeding one hundred

tons, registered tonnage, and not more than twice in any twelve calendar months (to be similarly computed) on any ship exceeding one hundred tons, registered tonnage,—that is to say, on any ship of one hundred tons or under, registered tonnage, the fee shall be payable on her first time of entering any Port during any twelve calendar months, but not on any subsequent time of her entering the said port within the twelve calendar months immediately following; and on any ship of more than one hundred tons, registered tonnage, the fee shall be payable on her first time of entering any Port during any twelve calendar months, and on her second time of entering the same Port within twelve calendar months from the date of her first entering the same, but not on any subsequent time of her entering the same port during the same twelve calendar months.

Book to be kept by Harbor Master.

12. The Harbor Master of any port shall keep a book in which he shall enter from day to day the name of every ship not exempt from the payment of fees under this Act, entering such port, the name of her master, her registered tonnage, the date of her entering the port, and the sum, if any, received by him for his fee on her entering, under this Act; and such book shall be at all times during office hours open and free for inspection by any person, on demand, without fee or reward.

Former Harbor Masters to go out on appointment of others under this Act.

13. The powers and duties of the Harbor Master of any port appointed under any authority other than this Act, shall cease to be exercised by him, from the time when a Harbor Master appointed under this Act, shall come into office at such port, and shall then and thereafter become and be vested in such last-mentioned Harbor Master and his successors in office, in so far and in so far only as they shall not be inconsistent with this Act, or any rule or regulation made under it; and all claims, suits, or proceedings, for penalties incurred or offences committed against law, rule or regulation respecting such port, may be continued to judgment and execution as if this Act had not been passed; but all fees and all powers, duties, rules, regulations or provisions of law inconsistent with this Act, or any rule or regulation made under it, by whatsoever authority they may have been given, imposed or made, shall cease and be of no effect by virtue of such appointment under this Act.

Extent of Act.

14. The foregoing provisions of this Act shall apply to the Provinces of Nova Scotia and New Brunswick only, and to such ports and such ports only in either of the said Provinces as shall from time to time be designated for that purpose by Proclamation, under an order or orders of the Governor in Council, except only the Ports of Halifax and Pictou, in Nova Scotia, and the Port of St. John, in New Brunswick, to which the said provisions shall not apply.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to provide for the appointment of Harbor Masters for certain Ports in Nova Scotia and New Brunswick.

Received and read first time, Friday, 28th March, 1873.

Second reading, Tuesday, 1st April, 1873.

Hon. Mr. Mitchell.

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

1873.

No. 51.] **BILL.** [1873

An Act to Incorporate the Stadacona Bank.

WHEREAS the persons hereinafter named and others by their petition have prayed that they may be incorporated for the purpose of establishing a Bank in the City of Quebec, 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. George Baptist, the Honorable David Price, Richard R. Dobell, William Drum, Pierre Garneau, Thomas Hunter Grant, Adolphe Caron, John L. Gibb, John Laird, Joseph W. Henry, Norbert Germain, Adolphe Tourangeau, M. P., Samuel B. Foote, and such others as shall become shareholders in the Corporation hereby created and their respective executors, administrators and assigns, shall be and they are hereby constituted and declared to be a corporation, body corporate and politic, in fact, by and under the corporate name of the "Stadacona Bank," and as such shall have perpetual succession and a common seal, with power to break, change, and alter the same at pleasure, and also with all other powers incident to and necessary for the purposes hereinafter declared. Certain persons incorporated.

2. The capital stock of the said Bank shall be one million dollars divided into ten thousand shares of one hundred dollars each; and its chief office shall be in the City of Quebec. Capital Stock.

3. The said persons above named shall be Provisional Directors for the purpose of organizing the said Bank, and they or a majority of them may cause stock books to be opened at such times and places as they or a majority of them shall think expedient, after first giving two weeks' notice thereof in one or more newspapers published in the City of Quebec, upon which stock books shall be recorded the subscriptions of such persons as shall desire to become shareholders in the said Bank, and such books shall be kept open at the discretion of the said Provisional Directors, or a majority of them, so long as they shall deem necessary. Provisional directors and subscription of stock.

4. Whenever five hundred thousand dollars of the capital stock of the said Bank shall have been subscribed, and one hundred thousand dollars thereof shall have been *bona fide* paid into some one of the present chartered banks of Canada, it shall be lawful for the said Provisional Directors, or a majority of them, after giving three weeks' notice in one or more newspapers published in the said City of Quebec, in the English and French languages, to call a public meeting of the shareholders, to be held at such place in the said City of Quebec, as shall be mentioned in such notice, for the purpose of electing Directors, and for other purposes connected with the said Bank. And it shall be lawful at such meeting to elect the requisite number of Directors of the said Bank, and thereupon the duties of the Provisional Directors shall cease, and First meeting of Shareholders.

he Bank may thereupon issue its notes and carry on business: provided that if no more than one hundred thousand dollars shall then have been paid in upon such stock in manner aforesaid, such further sum as shall be required to make up the sum of two hundred thousand dollars shall be called in and paid up within two years thereof.

Directors.

5. The number of Directors of the said Bank shall be seven, subject to be increased or diminished from time to time by by-law to be passed as provided in the twenty-eighth section of the Act of the Parliament of Canada, passed in the thirty-fourth year of Her Majesty's reign, chapter five, intituled, *An Act relating to Banks and Banking.*

34 V., c. 5, to apply.

6. The said Act and all the provisions thereof shall apply to the Bank hereby incorporated in the same manner as if the same were expressly incorporated in this Act, except in so far as such provisions relate specially to Banks in existence before the passing thereof, or to Banks *en commandite*, or are inconsistent with this Act.

Bank shall obtain certificate from Treasury Board.

7. The said Bank shall obtain from the Treasury Board within twelve months from and after the passing of this Act, the certificate required by section seven of the said act, relating to Banks and Banking, passed in the thirty-fourth year of Her Majesty's reign, chapter five, in default of which this Act shall become and be null and void and of no effect, and the charter hereby granted, and all and every the rights and privileges hereby conferred, shall be forfeited.

Duration of Act.

8. This Act shall remain in force until the first day of July, in the year of Our Lord, one thousand eight hundred and eighty-one.

1st Session, 2nd Parliament, 36 Victoria,

BILL.

An Act to Incorporate the Stadacona

PRIVATE BILL.

MR. TOURAN

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33 Ride

1873.

No. 52.] BILL. [1873.

An Act to make better provision respecting Election Petitions, and matters relating to Controverted Elections of Members of the House of Commons.

WHEREAS, it is expedient to provide by one law, common to the whole Dominion of Canada, for the trial of Election Petitions, and the decision of matters connected with Controverted Elections of Members of the House of Commons of Canada: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. This Act may be cited for all purposes as "The Controverted Elections Act, 1873." Short Title.

2. The expression "the election court" shall for the purposes of this Act, mean any three Judges, of whom, under the provisions hereinafter made, any one might try an election petition in the Province to which the enactment in which the expression occurs has reference, sitting specially, either in term or in vacation, for the purposes of this Act: Interpretation "Election Court."

The election court for the Dominion, or for the Province or place in which the election in question was held, as the case may be, shall always be understood as intended when "the election court" is mentioned; and the expression "the election Judges," shall mean all the Judges who can sit in such election court; the expression "the Judge," shall mean the Judge trying any such petition or performing the duty to which the enactment in which the expression occurs, has reference; the word "Judges," shall include Chief Justices. Election Judges.

3. The following terms shall, in this Act, have the meaning hereinafter assigned to them, unless there is something in the context repugnant to such construction, that is to say: Other Expressions.

"Member," shall mean a member of the House of Commons of Canada; Member.

"Election," shall mean an election of a member to serve in the House of Commons of Canada. Election.

"Electoral District," shall mean an electoral district entitled to return a member; Electoral Districts.

"Candidate," shall mean any person elected to serve as a member, and any person who has been nominated as, or declared himself a candidate at an election; Candidate.

"Corrupt practices," or "corrupt practice," shall mean bribery and undue influence, treating, personation, and other illegal and prohibited acts in reference to elections, or any of such offences, as defined by Act of the Parliament of Canada. Corrupt Practices.

"Rules of Court," shall mean rules to be made as hereinafter mentioned; Rules of Court.

Prescribed. "Prescribed," shall mean "prescribed by this Act, or by the rules of court, made in virtue of this Act."

The Speaker. 4. For the purposes of this Act, the expression "the Speaker," shall mean the Speaker of the House of Commons; and when the office of Speaker is vacant, or when the Speaker is absent from Canada or is unable to act, the Clerk of the House of Commons, or any other officer for the time being, performing the duties of the Clerk of the said House, shall be deemed to be substituted for and included in the expression "the Speaker."

General Court of Appeal for the Dominion to be Election Court for the same. 5. Whenever a General Court of Appeal for the Dominion shall be constituted, one of the Judges of that Court shall try any election petition relating to any election held thereafter, and any three Judges of the said Court, sitting specially for the purposes of this Act, shall be the Court for hearing any appeal from the Judge trying any election petition, and shall be intended by the expression "the Election Court," whenever it occurs in this Act, and such Election Court shall sit at the place where the sittings of the General Court of Appeal are held.

Provincial Judges (with consent of Local Government) to act until such Court is constituted. 6. If, and so long as there is no such General Court of Appeal for the Dominion, then in the several Provinces hereinafter mentioned, the Judges, of whom one shall try election petitions relating to elections held in each of the said Provinces, respectively, and of any three of whom the Election Court as respects such petitions shall consist, shall be those hereinafter mentioned, provided the Lieutenant Governor of such Province, shall, by order made by and with the advice and consent of the Executive Council thereof, have authorized and required such Judges to perform the duties hereby assigned to them, and so long as such Order in Council shall be in force, that is to say:

In Quebec. 1. In the Province of Quebec, the Judges of the Superior Court directed to reside at the city of Quebec, or to perform judicial duties in any of the judicial districts of Quebec, Three Rivers, Saguenay, Chicoutimi, Gaspé, Rimouski, Kamouraska, Montmagny, Beauce or Arthabaska, if the petition relates to any election for an electoral district in any one of the said judicial districts; and the said Judges shall be hereinafter intended by the expression "the Quebec judges," and the said judicial districts by the expression "the Quebec Division," and "the Election Court," as respects any electoral district therein, shall be held at the city of Quebec:

The same. And in the said Province, the Judges of the Superior Court directed to reside at the city of Montreal, or to perform judicial duties in any one of the judicial districts of Montreal, Ottawa, Terrebonne, Joliette, Richelieu, St. Francis, Bedford, St. Hyacinthe, Iberville or Beauharnois, if the petition relates to any election for an electoral district in any one of the said judicial districts; and the said Judges shall be hereinafter intended by the expresssion "the Montreal Judges," and the said judicial districts by the expression "the Montreal Division" and "the Election Court," as respects any electoral district therein, shall be held at the city of Montreal.

The judicial districts intended by this Act, shall be those now established in the said Province; and for the purposes of

this Act, if an electoral district extends into two or more such judicial districts, it shall be held to be in that one in which the greater part of it lies:—

In Ontario.

2. In the Province of Ontario, the *Chancellor and Vice Chancellors*, and the judges of the Courts of Queen's Bench and Common Pleas respectively, and the Election Court shall be held at Toronto.

In Nova Scotia

3. In the Province of Nova Scotia, the Judges of the Supreme Court of that Province, and the Election Court shall be held at Halifax:

In New Brunswick.

4. In the Province of New Brunswick, the Judges of the Supreme Court of that Province, and the Election Court shall be held at Fredericton:—

In Manitoba

5. In the Province of Manitoba, the Judges of the Supreme Court of that Province, and the Election Court shall be held at Winnepeg:—

In British Columbia.

6. In the Province of British Columbia, the Judges of the Supreme Court of Civil Justice of that Province, and the Election Court shall be held at Victoria.

If any Local Government does not give such consent, Judges *ad-hoc* to be appointed.

7. If no such order as aforesaid of the Lieutenant Governor in Council, shall be made in any one of the said Provinces, or having been made shall cease to be in force, the Governor General may appoint not less than *three* nor more than *five* persons being Barristers in such Province of at least *five* years' standing, to be Judges *ad hoc* for the purposes of this Act, in and for such Province, and of whom any one may try any election petition relating to an election for any electoral district in such Province, and of whom any three may hold the Election Court for the same; and such Court shall be held in the Province of Quebec, at the city of Quebec, and if in any other Province than at the place hereinbefore appointed for holding the Election Court for such Province:—Such Judges *ad hoc* shall hold their offices during good behaviour, or until they resign the same, or a General Court of Appeal for the Dominion shall be established.

Tenure of office.

Judges may arrange as rotation for duty.

8. The Judges of each Election Court may arrange among themselves by what Judge or Judges thereof, any duty assigned to the Election Court or a Judge thereof, shall be performed.

Allowance to Provincial Judges or Judge *ad hoc* for duties under this Act.

9. Every Judge of any of the Provincial Courts, who, under the provisions of this Act, becomes liable to be called upon to try any Election Petition, or to act as a member of an Election Court, shall receive an allowance for the same of *one hundred dollars* for each Election Petition tried by him, in addition to his salary as such Judge of a Provincial Court,—and a further allowance of *ten dollars per diem*, for each day during which he is necessarily engaged in the trial of an election petition, or at a sitting of the Election Court, and his travelling expenses when absent on any such duties from his place of residence:—and

NOTE.
This section will be proposed in committee.

2. Every judge *ad hoc* under this Act, shall receive a like allowance of *one hundred dollars* for each Election Petition tried by him, and a further allowance of *ten dollars per diem*, for each day during which he is necessarily engaged in the trial of an election petition, or at a sitting of the Election Court, and his

travelling expenses when absent on any such duties from his place of residence.

How payable. 3. And such allowances shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, on the report of the Auditor General that they have been claimed and are due.

Presentation of an Election petition. **10.** A petition complaining of an undue return, or undue election of a member, or of no return or a double return, at any election held after the coming into force of this Act, may be presented to the Election Court by any one or more of the following persons:

(1.) Some person who was duly qualified to vote, at the election to which the petition relates; or

(2.) Some person claiming to have had a right to be returned or elected at such election; or

(3.) Some person alleging himself to have been a candidate at such election.

And such petition is in this Act called an election petition.

The same. **11.** The following enactments are made with respect to the presentation of an election petition under this Act:

Form and allegations of petition. 1. The petition may be in any prescribed form, but if, or in so far as no form is prescribed, it need not be in any particular form, but it must complain of the undue election or return of a member, or that no return has been made, or that a double return has been made, or of matter contained in any special return made, and it must be signed by the petitioner or all the petitioners if there be more than one;

When to be presented in ordinary cases. 2. The petition must be presented within *twenty-one* days after the return has been made to the Clerk of the Crown in Chancery, unless it questions the return or election upon an allegation of corrupt practices, and specifically alleges a payment of money or other act of bribery, to have been committed by any member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practice, in which case the petition may be presented at any time within twenty-eight days after the date of such payment, or act so committed;

If specific bribery be alleged.

How presented. 3. Presentation of a petition shall be made by delivering it at the office of the Clerk of the Election Court, or in other prescribed manner;

Security for costs, and in whose favor. 4. At the time of the presentation of the petition, security for the payment of all costs, charges and expenses that may become payable by the petitioner,—

(*a.*) To any person summoned as a witness on his behalf, or,

(*b.*) To the member whose election or return is complained of (who is hereinafter referred to as the respondent,)—or,

(*c.*) To the returning officer, if his conduct be complained of,—

Shall be given on behalf of the petitioner:

How given. (5.) The security shall be to the amount of *one thousand* dollars; it shall be given either by recognizance, to be entered into by any number of sureties, not exceeding four, or by a deposit of money with the Clerk of the Election Court if no other manner

be prescribed, or in the prescribed manner, (if any) or partly by recognizance and partly by such deposit.

(6) On the presentation of the petition, the Clerk of the Election Court shall send a copy thereof by mail to the Returning Officer of the Electoral District to which the petition relates, who shall forthwith publish the same in such Electoral District. Copy to Returning officer.

12. Notice of the presentation of a petition under this Act, and the nature of the proposed security, accompanied with a copy of the petition, shall, within *five* days after the day on which the security is given, or within the prescribed time, or within such longer time as the *Election Court* or *any Judge thereof*, may, under special circumstances of difficulty in effecting service, allow, be served by the petitioner on the respondent; and it shall be lawful for the respondent where the security is given wholly or partially by recognizance, within *five* days from the day of the service on him of the notice to object in writing to such recognizance, on the ground that the sureties, or any of them, are insufficient, or that a surety is dead, or that he cannot be found or ascertained from the want of a sufficient description in the recognizance, or that a person named in the recognizance has not duly acknowledged the same. In case service cannot be effected on the respondent either personally or at his domicile, within the time granted by the Election Court or Judge, then it may be effected upon such other person, or in such other manner as the Court or Judge, on the application of the petitioner, may appoint. Service of petition on the Respondent. Respondent may object to recognizance. If personal service cannot be effected.

13. Any objection made to the security given shall be heard and decided in the prescribed manner, or if none be prescribed, then by one judge of the Election Court, in a summary manner:— If an objection to the security is allowed, it shall be lawful for the petitioner, within *five* days after the day of such allowance, to remove such objection by a deposit in the prescribed manner, if any, and if none, then in the hands of the Clerk of the Election Court, of such sum of money as may be deemed, by the judge, or any prescribed officer, having cognizance of the matter, proper to make the security sufficient. If on objection made, the security is decided to be insufficient, and such objection is not removed in manner hereinbefore mentioned, no further proceedings shall be had on the petition; otherwise, on the expiration, without objection made, of the time limited for making objections, or after objection made on the sufficiency of the security being established, the petition shall be held to be at issue, unless preliminary objections or grounds of insufficiency be urged under the following section, within the time thereby limited. Objections to security how determined. If objections allowed, be not removed. When the petition shall be at issue.

14. Within *five* days after the expiration of the time limited for objecting to the security, or after the security has been established, the respondent may present in writing any preliminary objections or grounds of insufficiency which he may have to urge against the petition, or against any further proceedings thereon, and shall, in such case, at the same time, file a copy thereof for the petitioner. The Election Court, or any Judge thereof, shall thereupon hear the parties upon such objections and grounds, and shall decide the same in a summary manner. Preliminary objections to petition, and how decided.

Answer to petition.

15. Within *five* days after the decision upon the preliminary objections, if presented and not allowed, or on the expiration of of the time for presenting the same, if none be presented, the respondent may file a written answer to the petition, together with a copy thereof for the petitioner; but whether such answer be or be not filed, the petition shall be held to be at issue, after the expiration of the said five days, and the Election Court shall, upon the application of either party, fix some convenient day and place for the hearing of the case and the production of evidence.

List of petitions at issue to be made by the Clerk.

16. The Clerk of the Election Court shall, as soon as may be, make out a list of all petitions presented under this Act, and which are at issue, placing them in the order in which they were presented, and shall keep at his office a copy of such list (hereinafter referred to as the Election List), open to the inspection of any person making application; and such petitions, as far as conveniently may be, shall be tried in the order in which they stand on such list.

One Judge is sufficient, except in certain cases.

17. Any one judge of the Election Court, may receive and decide upon the security aforesaid and all matters relating thereto, and may perform any of the duties and exercise any of the powers of the Election Court, except such as are herein specially directed to be performed or exercised by the Court only, or as relate to the decision of points of law raised by the petition, or in any special case, or reserved by the Judge for the determination of the Court, and the Judge may so reserve any such point raised in any proceeding under this Act.

How Election petitions shall be tried.

18. Every election petition shall, except where it raises a of question law for the determination of the Court, be tried by one of the Judges of the Election Court, sitting in open court without a jury:

Where to take place.

b. The trial of an election petition shall take place in the electoral district, the election or return for which is in question:

Proviso.

Provided always that if it appears to the Election Court that special circumstances exist, which make it desirable that the petition should be tried elsewhere than in such electoral district, the Court may appoint such other place for the trial as may appear most convenient:

Notice.

c. Notice of the time and place at which an election petition will be tried shall be given in the prescribed manner, not less than fourteen days before that on which the trial is to take place.

Adjournment.

d. The Judge at the trial may adjourn the same from time to time, and from any one place to another, in the same electoral district, as to him may seem convenient.

Decision and certificate of the Judge.

19. At the conclusion of the trial the Judge shall determine whether the member whose election or return is complained of, or any and what other person was duly returned or elected, or whether the election was void, and shall forthwith certify in writing such determination to the Speaker, appending thereto a copy of the notes of the evidence, and the determination thus certified, shall be final to all intents and purposes.

20. When any charge is made in an election petition of any corrupt practice having been committed at the election to which the petition refers, the Judge shall, in addition to such certificate, and at the same time, report in writing to the Speaker, as follows: Judge's report if corrupt practices are charged.

(*a.*) Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at such election, stating the name of such candidate, and the nature of such corrupt practice;

(*b.*) The names of any persons who have been proved, at the trial, to have been guilty of any corrupt practice;

(*c.*) Whether corrupt practices have, or whether there is reason to believe, that corrupt practices have extensively prevailed at the election to which the petition relates.

21. The Judge may, at the same time, make a special report to the Speaker, as to any matters arising in the course of the trial, an account of which, in his judgment, ought to be submitted to the House of Commons. Special report.

22. When, upon the application of any party to an election petition duly made to the Election Court, it appears to the Court that the case raised by the petition can be conveniently stated as a special case, the Court may direct the same to be so stated, and any such special case shall, as far as may be, be heard before the Court, and the decision of the Court shall be final, and the Court shall certify to the Speaker its decision on such special case. Court may direct a special case to be stated.

23. Provided also, that if it appears to the Judge, on the trial of the petition, that any question or questions of law, as to the admissibility of evidence, or otherwise, require further consideration by the Election Court, then it shall be lawful for the Judge to postpone the granting of his certificate until the determination of such question or questions by the Court, and for this purpose to reserve any such question or questions, in like manner as questions are usually reserved by a Judge, on a trial at *Nisi Prius*, or in the Province of Quebec on a trial by jury. Questions of law may be reserved.

24. The Speaker shall, at the earliest practicable moment after he receives the certificate and report or reports (if any) of the Election Court or of the Judge, give the necessary directions and adopt all the proceedings necessary for confirming or altering the return, or for the issuing of a new writ for a new election, (for which purpose he may address his warrant, under his hand and seal, to the Clerk of the Crown in Chancery,) or for otherwise carrying the determination into execution, as circumstances may require, and shall, at the earliest practicable moment, communicate to the House of Commons the said certificate and report or reports, with a report of his action thereon. Speaker's duty on receiving report.

25. Where the Judge makes a special report, the House of Commons may make such order in respect of such special report, as they think proper. Case of special report.

26. Unless the Judge otherwise directs, any charge of corrupt As to evidence of corrupt practices.

practices may be gone into, and evidence in relation thereto received, before any proof has been given of agency on the part of any candidate in respect of such corrupt practices.

Acceptance of office not to stop proceedings.

27. An election petition may be presented, and the trial of an election petition under this Act shall be proceeded with, notwithstanding the acceptance by the respondent of an office of profit under the Crown, but the respondent may, notwithstanding anything in this or any other Act contained, accept office at any time after the election, subject always to the provisions of the twelfth section of the Act passed in the thirty-first year of Her Majesty's Reign, and intituled *An Act further securing the independence of Parliament*, in construing which after this Act is in force, the words "Election Court or Judge" shall be substituted for the words "Election Committee."

Proviso.

Nor prorogation.

28. The trial of an election petition under this Act, shall be proceeded with, notwithstanding the prorogation of the Canadian Parliament.

PROCEDURE.

Service of Election petition.

29. Notice of an election petition under this Act shall be served as nearly as may be in the manner in which a writ of summons is served in civil matters, or in such other manner as may be prescribed.

Joint respondents.

30. Two or more candidates may be made respondents to the same petition, and their cases may, for the sake of convenience, be tried at the same time; but for all other purposes of this Act such petition shall be deemed to be a separate petition against each respondent.

When there is more than one petition as to the same election.

31. When under this Act more petitions than one are presented relating to the same election or return, all such petitions shall, in the election list, be bracketed together, and shall be dealt with, as far as may be, as one petition; but such petitions shall stand in the election list in the place where the last presented of them would have stood if it had been the only one presented as to such election or return, unless the Election Court orders otherwise.

JURISDICTION AND RULES OF COURT.

Judges to make rules.

32. The judges of each Election Court, or a majority of them, may, respectively, from time to time, make, and may, from time to time, revoke and alter general rules and orders (in this Act referred to as the rules of court) for the effectual execution of this Act, and of the intention and object thereof, and the regulation of the practice and precedure, and costs of election petitions and the trial thereof, and the certifying and reporting thereon:

Their effect.

(2.) Any general rules and orders made as aforesaid, and not inconsistent with this Act, shall be deemed to be within the powers conferred by this Act, and shall, while unrevoked, be of the same force as if they were enacted in the body of this Act:

(3.) Any general rules and orders made in pursuance of this section, shall be laid before the House of Commons, within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament. To be laid before House of Commons.

33. Until rules of court have been made by the Judges of any Election Court, in pursuance of this Act, and so far as such rules do not extend, the principles, practice and rules, on which election petitions touching the election of members of the House of Commons in England, are, at the time of the passing of this Act, dealt with, shall be observed, so far as consistently with this Act they may be observed, by such Election Court or any Judge thereof. Practice in cases not provided for.

ATTENDANCE AND JURISDICTION OF THE JUDGE.

34. The Judge shall be received and attended at the place where he is about to try an election petition under this Act, if he be not resident there, in the same manner, so far as circumstances will admit, as if he were about to hold a sitting at *Nisi Prius*, or a sitting of the Dominion or Provincial Court of which he is a member, or if he be a Judge appointed *ad hoc* under this Act, then as if he were a judge of one of the Superior Courts of law for the Province. Reception of and attendance on the Judge.

35. The travelling and other expenses of the Judge, and all expenses incurred by the Sheriff or other officer, in consequence of any sitting for the trial of an election petition, and providing a court room and accessories, shall be defrayed in like manner as other incidental expenses payable by the Dominion under this Act. Expenses, how paid.

36. On the trial of an election petition and in other proceedings under this Act, the Election Court or the Judge, respectively, shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority, as one of the superior courts of law for the province in which such election was held, sitting in term, would have in any civil or criminal case pending before it; and each Election Court shall be a court of record. Powers of the Court or Judge.

WITNESSES.

37. Witnesses shall be subpœnaed and sworn in the same manner, as nearly as circumstances admit, as in cases within the jurisdiction of the Superior Courts of law in the same province; and shall be subject to the same penalties for perjury. How subpœnaed and sworn.

38. On the trial of an election petition under this Act, the Judge may, by order under his hand, compel the attendance of any person as a witness, who appears to him to have been concerned in the election to which the petition refers, and any person refusing to obey such order, shall be guilty of contempt of court. The Judge may examine any witness so compelled to attend or any person present, although such witness is not Compelling attendance of witnesses. Examination.

called and examined by any party to the petition. After the examination of a witness as aforesaid by a Judge, such witness may be cross-examined by or on behalf of the petitioner and respondent, or either of them.

Witness not excused from answering by certain circumsiances.

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

Proviso.

Expenses of witnesses.

40. The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition under this Act, according to the scale allowed to witnesses on the trial of civil actions in the *Superior Courts* of law in the same Province, may be allowed to such person by a certificate under the hand of the Judge or of the clerk of the Election Court or prescribed officer; and such expenses, if the witness be called and examined by the Judge, shall be deemed part of the expenses of providing a Court, and in other cases shall be deemed costs of the party calling the witness, and shall be taxed against such party interested in the trial of such petition as the Judge may determine.

How paid.

By what officers certain duties shall be performed.

41. The duties to be performed by the Clerk or other prescribed officer of any Election Court under this Act or the rules of Court, shall, if the Election Court consist of Judges of any Dominion or Provincial Court or Courts be performed by such officer or officers of the court or courts last mentioned, as the Judges of the Election Court may appoint, and if the Election Court consisted of Judges appointed *ad hoc*, then by such person or persons as the Governor may appoint to act as such clerk or other prescribed officer:—and the remuneration to be allowed in either case for such services, shall be fixed by the Governor in Council, on the report of the Election Court in question.

WITHDRAWAL AND ABATEMENT OF ELECTION PETITIONS.

Withdrawal to be by leave of Court or Judge.

42. An election petition under this Act shall not be withdrawn without the leave of the Electoral Court or of the Judge (according as the petition is then before the Court, or before the Judge for trial) upon special application to be made in and at the prescribed manner, time and place:—

Notice.

No such application shall be made until the prescribed notice has been given in the electoral district to which the petition relates, of the intention of the petitioner to make an application for the withdrawal of his petition.

Substitution of a petitioner.

On the hearing of the application for withdrawal, any person who might have been a petitioner in respect of the election to

which the petition relates may apply to the Election Court or to the Judge to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition;

Additional security may be ordered in certain cases.

The Election Court or any Judge may, if it or he think fit, substitute as petitioner any such applicant as aforesaid, and may further, if the proposed withdrawal is, in the opinion of the Court or Judge, induced by any corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that to the extent of the sum named in such security, the original petitioner shall be liable to pay the costs of the substituted petitioner;

If no such order be made.

If no such order be made with respect to the security given on behalf of the original petitioner, security, to the same amount as would be required in the case of a new petition and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within the prescribed time after the order of substitution;

Effect of substitution.

Subject as aforesaid, a substituted petitioner shall stand in the same position as nearly as may be, and be subject to the same liabilities as the original petitioner;

Costs.

If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent, unless the Election Court or the Judge otherwise orders;

All petitioners must join for withdrawal.

When there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

Report in case of corrupt withdrawal.

43. In every case of the withdrawal of an election petition, under this Act, if the Election Court or the Judge is of opinion that the withdrawal of such petition was the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition, the Court or Judge shall report such opinion to the Speaker, stating the reasons thereof, and the circumstances attending the withdrawal.

Abatement by death of petitioner.

44. An election petition under this Act shall be abated by the death of a sole petitioner, or of the survivor of several petitioners.

Costs.

The abatement of a petition shall not affect the liability of the petitioner to the payment of costs previously incurred.

Notice of abatement.

On the abatement of a petition, the prescribed notice of such abatement having taken place shall be given in the electoral district to which the petition relates; and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the Election Court or Judge, in and at the prescribed manner, time and place, to be substituted as a petitioner:

Substitution of new petitioner.

The Court or Judge may, if it or he think fit, subtitute as a petitioner, any such applicant who is desirous of being substituted and on whose behalf security to the same amount is given as is required in the case of a new petition.

Effect of death of respondent.

45. If before or duringthe trial of any election petition under this Act, any of the following events happen in the case of the respondent, (that is to say):

(1.) If he dies;

(2.) If the House of Commons has resolved that his seat is vacant;

(3.) If he gives notice to the Election Court or to the Judge in and at the prescribed manner and time, that he does not intend to oppose, *or further to oppose* the petition;

Notice of such event to be given.

(4.) If he is summoned to Parliament as a member of the Senate, notice of such event having taken place shall be given in the electoral district to which the petition relates; and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the Court or Judge, to be admitted as a respondent to oppose the petition, or so much thereof as may remain undisposed of, and such person shall, on such application, be admitted accordingly, to oppose such petition *or such portion thereof*, either with the respondent, if there be one, or in place of the respondent; and any number of persons not exceeding three, may be so admitted; and if either of such events happen during the trial, the Judge shall adjourn the same, in order to the giving of notice that such event has happened, as herein provided; and the person or persons so admitted, shall have the same liability as the respondent with respect to any costs thereafter incurred

Admission of new respondent.

Adjournment of during trial.

Liability of new respondent.

Respondent not opposing petition not to act as a party, nor to vote or sit.

46. A respondent who has given the prescribed notice that he does not intend to oppose or further oppose the petition, shall not be allowed to appear or act as a party against such petition in any proceedings thereon, and shall not vote or sit in the House of Commons until the House has been informed of the report on the petition; and the Election Court or the Judge shall, in all cases in which such notice has been given, in the prescribed time and manner, report the same to the Speaker.

Case of double return, and respondent not opposing petition.

47. When an election petition under this Act complains of a double return, and the respondent has given notice in the prescribed time and manner that it is not his intention to oppose the petition, and no party has been admitted, in pursuance of this Act, to oppose the petition, then the petitioner, if there be no petition complaining of the other member returned on such double return, may withdraw his petition, by notice addressed to the prescribed officer, and upon such withdrawal, the prescribed officer shall report the fact to the Speaker, and the House of Commons shall, thereupon, give the necessary directions for amending the said double return, in such manner as the case may require.

COSTS.

Costs of proceedings under this Act.

48. All costs, charges and expenses of and incidental to the presentation of an election petition under this Act, and to the proceedings consequent thereon, with the exception of such costs, charges and expenses as are by this Act otherwise provided for, shall be defrayed by the parties to or those opposing the petition, in such manner and in such proportions as the Election Court or the Judge may determine, regard being had to the disallowance of any costs, charges or expenses which may, in the opinion of the Court or Judge, have been caused by vexatious

conduct, unfounded allegations or unfounded objections, on the part either of the petitioner or the respondent, and regard being had to the discouragement of any needless expense, by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are, or are not on the whole successful.

How taxed and recovered.

The costs may be taxed in the prescribed manner and according to the same principles as they are taxed between parties in actions at law, and such costs may be recovered in the same manner as the costs in actions at law in the same Province, or in such other manner as may be prescribed.

Enforcing recognizance in case of non-payment of costs.

49. If any petitioner in an election petition presented under this Act neglects or refuses for the space of six months after demand to pay to any person summoned as a witness on his behalf, or to the respondent, any sum certified to be due to him for his costs, charges and expenses, and if such neglect or refusal be within one year after such demand proved to the satisfaction of the Election Court, in every such case every person who has entered into a recognizance, relating to such petition, under the provisions of this Act shall be held to have made default in his said recognizance and the prescribed officer shall thereupon certify the same to be forfeited, and such certificate shall have the same effect as to any such recognizance as if the same were estreated or otherwise proceeded upon for enforcing payment of the sum forfeited, which such sum shall be paid to the prescribed officer, and shall, as shall also all moneys paid in as security on the presentation of an election petition, be paid as the Election Court or Judge may direct, in pursuance of the recognizance and conditions of the security as hereinbefore provided.

MISCELLANEOUS.

As to Sundays and holidays.

50. If the time limited by this Act for any proceeding or the doing of any thing under its provisions, expires or falls upon a Sunday or any day which is a holiday under the Interpretation Act, the time so limited shall be extended to, and such thing may be done on the day next following which is not a Sunday or such holiday.

What elections shall be tried under this Act, if controverted.

51. All elections held after the coming into force of this Act, shall be subject to the provisions thereof, and shall not be questioned otherwise than in accordance therewith; but no election or return held or made prior to the coming into force of this Act, shall be controverted or questioned under it, and all contestations of suchelections or returns shall be governed by the laws then in force, with respect to controverted elections for the House of Commons.

If Returning officer be complained of.

52. Whenever any election petition complains of the conduct of any Returning Officer, such Returning Officer shall, for all the purposes of this Act, except the admission of respondents in his place, be deemed to be a respondent.

If no return be complained of.

53. A petition under this Act, complaining of no return, may be presented, and shall be deemed to be an election petition within the meaning of this Act, and such order may be made thereon by the Election Court as it may deem expedient for compelling a return to be made, or the Election Court may allow

such petition to be tried in the manner hereinbefore provided with respect to ordinary election petitions.

If seat be claimed for person not returned.

54. On the trial of a petition under this Act complaining of an undue return and claiming the seat for some person, the respondent may give evidence to show that the election of such person was undue, in the same manner as if he had presented a petition complaining of such election.

Who may practice in election cases as Attorney or Counsel.

55. Any person who, according to the law of the Province in which the petition is to be tried, is entitled to practice as an attorney-at-law or solicitor before the Superior Courts of such Province, and who is not a member of the House of Commons, may practice as attorney or agent, and any person who, according to such law, is entitled to practice as a barrister at law or advocate before such Courts, and who is not a member of the House of Commons, may practice as Counsel in the case of such petition and all matters relating thereto, before any election court in such Province.

Repealing clause: Acts of Canada, Nova Scotia, New Brunswick, Manitoba.

British Columbia.

Other inconsistent enactments.

56. The *Act respecting controverted parliamentary elections*, chapter seven of the Consolidated Statutes of Canada; chapter three of the Revised Statutes of Nova Scotia, entitled *Of Controverted Elections*; chapter ninety-eight of the Revised Statutes of New Brunswick, entitled *Of Controverted Elections*; the Act of the Legislature of the Province of Manitoba, passed in the thirty-fifth year of Her Majesty's Reign and entitled *An Act to provide for the trial of Controverted Elections*; and the Act of the Legislature of the Province of British Columbia, passed in the thirty-fourth year of Her Majesty's reign, and entitled *An Act to make provision for enquiring into Controverted Elections and disputed returns of members to serve in the Legislature*, and all Acts, laws or enactments amending the same or any of them, or inconsistent with this Act, or making any provision in any matter provided for by this Act, shall be and are hereby repealed as to all elections of Members of the House of Commons, to be held after the coming into force of this Act.

Commencement of this Act.

57. This Act shall come into force and effect on the *first day* of January next after the passing thereof.

[No. 52.]

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to make better provision respecting Election Petitions, and matters relating to Controverted Elections of Members of the House of Commons

Received and read first time, Friday, 28th March, 1873.

Second reading, Tuesday, 1st April, 1873.

RT. HON. SIR JOHN A. MACDONALD.

No. 53.] **BILL.** [1873.

An Act to amend the general Acts respecting Railways.

Preamble.

IN amendment of the general Acts respecting railways, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Power to erect snow fences on adjoining lands.

1. Each and every railway company heretofore incorporated or which may hereafter be incorporated, and subject to the jurisdiction of the Parliament of Canada, as well as the Government of Canada with respect to all railways constructed by or being the property or under the control of the Dominion of Canada, shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into and upon the lands of any corporation or person whatsoever, lying along the route or line of any railway, and to erect and maintain snow fences thereon, subject to the payment of such land damages (if any) as may be thereafter established, in the manner provided by law with respect to such railway, to have been actually suffered: Provided always, that any snow fences so erected shall be removed on or before the first day of April then next following.

Proviso.

No. 53.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL

An Act to amend the General Railway Acts

Received and read first time, Friday, 28th March, 1873.
Second reading, Tuesday, 1st April, 1873.

Hon. Mr LANGEVIN.

No. 54.] **BILL.** [1873.

An Act to amend the Erie and Niagara Railway Company Act of 1863.

WHEREAS the Erie and Niagara Railway Company have petitioned for power to construct one more branches from their line of Railway to the Niagara River, and otherwise to extend their corporate powers, 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 said company shall have power to construct and open one or more branch lines of Railway in the Counties of Lincoln and Welland to the Niagara River, and "*The Erie and Niagara Railway Company Act*, 1863," shall be taken, held and construed to apply to any such branch lines as fully and effectually as if the said branch lines had been originally authorized to be constructed and operated in and by the said last mentioned Act. Company may open branch lines.

2. The gauge of the said Railway may be such as the directors in their discretion may determine upon. Gauge.

3. The Erie and Niagara Railway Company may extend to any Railways which may have a terminus in the State of New York on the Niagara River, the same privileges which are authorized to be conferred on the Railway Companies mentioned in the twenty-ninth section of "*The Erie and Niagara Railway Company Act*, 1863," subject to the provisions in the said section contained. Privileges may be extended to certain railway companies.

4. The Company are authorized to acquire by purchase or lease land and premises in the City of Toronto for the erection of docks, elevators; warehouses, stations, buildings and offices, and to sell and convey the same when no longer required for the purposes of the Company. Company may acquire land for docks, &c.

No. 54.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Erie and Niagara Railway Act, 1863.

(PRIVATE BILL.)

MR. MORRISON.

OTTAWA:

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

1873.

No. 55.] **BILL.** [1873.

An Act to amend the Act incorporating the River St. Clair Railway Bridge and Tunnel Company.

Preamble.

WHEREAS Milton Courtright and other provisional directors of the River St. Clair Railway Bridge and Tunnel Company have petitioned for the repeal of the thirtieth section of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered eighty-seven, intituled, "*An Act to incorporate the River St. Clair Railway Bridge and Tunnel 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:

S. 30, of 35 V., c. 87, repealed.

1. Section thirty of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered eighty-seven, intituled, "*An Act to incorporate the River St. Clair Railway Bridge and Tunnel Company*" is hereby repealed.

Capital stock may be increased.

2. The capital stock of the said company may be increased according to the provisions of "*The Railway Act,* 1868," and the said company may also under the provisions of "*The Railway Act,* 1868," issue bonds.

No. 55.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Act incorporating the River St. Clair Railway Bridge and Tunnel Company.

PRIVATE BILL.

Mr. Morrison.

OTTAWA:

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

1873.

No. 56.] **BILL.** [1873.

An Act to amend the Act incorporating the Detroit River Railway Bridge Company.

Preamble.

WHEREAS Milton Courtright and other provisional directors of the Detroit River Railway Bridge Company have petitioned for the repeal of the thirtieth section of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered ninety-one, intituled, "*An Act to incorporate The Detroit River Railway Bridge Company*," and that the name of the said Company may be changed, and the capital stock increased, 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:

S. 30, of 35 V., c. 91, repealed.

1. Section thirty of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered ninety-one, intituled, "*An Act to incorporate The Detroit River Railway Bridge Company*," is hereby repealed.

Capital stock may be increased.

2. The capital stock of the said company may be increased according to the provisions of "*The Railway Act* 1868," and the said company may also under the provisions of "*The Railway Act* 1868," issue bonds.

No. 56.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Act incorporating the Detroit River Railway Bridge Company.

PRIVATE BILL.

Mr. MORRISON.

OTTAWA:

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

1873.

No. 57.] **BILL.** [1873.

An Act to incorporate the "Banque de St. Jean"

Preamble.

WHEREAS the persons hereinafter mentioned have, by their petition, prayed that they might be incorporated for the purpose of establishing a bank in the town of St. Johns, in the Province of Quebec, and whereas it is desirable 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:—

Incorporation.

1. Louis Molleur, the younger M. P. P., Felix G. Marchand, M. P. P., Arcade Decelles, Thomas R. Jobson, Isaac Coote, Philibert Baudouin, Jacques Emri Molleur Joseph P. Carreau, Joseph L'Ecuyer, and all such other persons as may become shareholders in the corporation to be by this Act created, and their assigns, shall be and they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of the "Banque de St. Jean."

Corporate name.

Capital stock and shares.

2. The capital stock of the said bank shall be one million of dollars, divided into ten thousand shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns.

Provisional Directors.

3. For the organization of the said bank and for the raising of the amount of the said capital stock, the persons hereinbefore mentioned shall be provisional Directors thereof and they or the majority of them may cause stock books to be opened after public notice thereof has been given, upon which stock books shall and may be received and subscribed the signatures and subscriptions of such parties or persons as desire to become shareholders in the said bank; and such stock books aforesaid shall be opened at St. Johns aforesaid and elsewhere, at the discretion of the provisional Directors, and shall be kept and remain open so long as they shall deem necessary; and so soon as five hundred thousand dollars of the capital stock shall have subscribed upon the stock books aforesaid and one hundred thousand dollars thereof actually paid into some one of the chartered banks doing the business of banking in Canada, a public meeting shall be called of the subscribers thereof by notice published in two newspapers of the said town of St. Johns during at least two weeks; such meeting to be held in St. Johns aforesaid at such time as such notice shall indicate and specify; and at such meeting the subscribers shall proceed to elect seven Directors having the requisite stock qualification, who shall from thenceforward direct the affairs of the said corporation, shall assume the charge of the stock books hereinbefore referred to, and shall remain in office until the second Thursday of January which shall be in the year next after the year in which they are so elected, and until such time as their successors in office shall be duly and regularly

First meeting of shareholder

Election of Directors.

elected, and immediately upon such election being held the functions of the said provisional Directors shall cease.

Chief place of business.

4. The chief place or seat of business of the said corporation shall be in the town of St. Johns, in the Province of Quebec.

Act 34 V., c. 5, to apply.

5. The Act thirty-fourth Victoria, chapter five, "*Relating to Banks and Banking*" and all the provisions thereof shall apply, to the Bank hereby incorporated in the same manner as if it were expressly incorporated with this Act, excepting in so far as such provisions may relate only to banking institutions already in existence or to banks *en commandite*.

Certificate of treasury board to be obtained.

6. The said bank shall obtain from the Treasury Board within twelve months from and after the passing of this Act, the certificate required by section seven of the said Act relating to Banks and Banking, passed in the thirty-fourth year of Her Majesty's reign, chapter five, in default of which this Act shall become and be null and void and of no effect, and the charter hereby grauted, and all and every the rights and privileges thereby conferred shall be forfeited.

Duration of Act.

7. This Act shall remain in force until the first day of July in the year of Our Lord one thousand eight hundred and eighty-one.

No. 57.

1st Session, 2nd Parliament, 36 Victor

BILL.

An Act to incorporate the "Ba St. Jean.

PRIVATE BILL.

MR. B

OTTAWA:
Printed by I. B. Taylor, 29, 31, & 33, Rid
1873.

No. 58.] **BILL.** [1873.

An Act to incorporate the Canada and Detroit River Bridge Company.

Preamble.

WHEREAS certain persons hereinafter named have petitioned for power to build a bridge across the Detroit River for railway and other purposes at such points in or near Windsor and Detroit as may be found eligible, with the object of connecting by means of railways on such bridge the Great Western Railway and the Michigan Central Railroad, and all such other railways or railroads which now or may hereafter terminate either at Windsor or Detroit, and of affording ready communication between the said places; And whereas the Great Western Railway Company claiming rights under their Acts of incorporation to construct the said work have also petitioned, praying that the aforesaid petitioners should be entrusted with the enterprize, and an Act of incorporation be passed in their aid; and 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:—

Certain persons incorporated.

1. The Honorable William McMaster, Senator, James F. Joy, of the City of Detroit, in the State of Michigan, Esquire; Sir Thomas Dakin, London, England; Gilson Homan, Sandford House, Kirkstall, near Leeds, England; Donald McInnes, of the City of Hamilton, in the Province of Ontario, Esquire; the Honorable John Carling, of the City of London, Ontario; Joseph Price, of the aforesaid City of Hamilton, Esquire: William Ker Muir, of the same place, Esquire; Samuel Barker, of the same place, Esquire, and John Kennedy of the same place, Esquire, together with such persons and corporations as shall under the provisions of this Act become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Canada and Detroit River Bridge Company."

Corporate name.

Railway Act incorporated.

2. "*The Railway Act*, 1883," is hereby incorporated with this Act and shall form part hereof and be construed herewith as forming one Act.

Company may build bridge over Detroit River.

3. The Company hereby incorporated shall have full power and authority under this Act to construct, maintain, work and manage a railway bridge across the Detroit River for railway purposes, from some point at or near the Town of Windsor, in the County of Essex, towards a point at or near the City of Detroit, in the State of Michigan, and such other works as are hereinafter mentioned.

Declaratory.

4. The Canada and Detroit River bridge and other works by this Act authorized to be constructed are hereby declared to be works for the general advantage of Canada.

Power to work trains across bridge.

5. The said Company are hereby authorized to work trains by steam or horse or other power for local passengers and freight traffic between the State of Michigan and the County of Essex over the bridge hereby authorized to be constructed, and to connect the said trains with other railways, and by and upon rails or otherwise to work and convey the said trains into the said County and into the said Town of Windsor and within the corporate limits thereof.

Power to acquire land, &c.

6. The Company shall have full power and authority to purchase, acquire, take and hold all such lands, lands covered with water, beaches, and other property as may be necessary for the purpose of constructing the said bridge and working the said trains or for the convenient using of the same, and also for the construction and using of such branch railway, not exceeding four miles in length, as may be necessary to make connections or to approach the said bridge and to use any of the public highways for the purpose of constructing and working the same or any of them, with the consent of the Municipal Council having jurisdiction over such highway.

Provisional Directors.

7. The persons named in the first section are constituted the Board of Provisional Directors of the said Company and shall hold office as such until the first election of Directors under this Act, and shall have power and authority immediately after the passing of this Act, to open stock books and procure subscriptions of stock for the undertaking, giving at least four weeks previous notice by advertisement in the "Canada Gazette" of the time and place of their meeting, to receive subscriptions of stock; and the said Provisional Directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing; and it shall be their duty as hereinafter provided, to call a general meeting of shareholders for the election of Directors.

Stock books

Plans and surveys.

Subscription of stock and allotment.

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

All shareholders to have equal rights.

9. All shareholders in the said Company whether British subjects or aliens, or residents, or corporations in Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same, and to be eligible to office in the said Company.

10. The capital stock of the said Company shall be five hundred thousand dollars divided into five thousand shares of one hundred dollars each, with power to increase the same to one million of dollars. Capital and shares. Increase.

11. So soon as two hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent. *bonâ fide* paid thereon, and deposited in one or more of the chartered Banks of Canada for the purposes of the Company, the hereinbefore mentioned Directors or a majority of them, shall call a meeting of the shareholders of the said Company, at such time and place as they may think proper, giving at least two weeks' notice in the Canada and Ontario Gazettes, 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. First meeting of shareholders or election of directors.

12. The annual general meeting of the shareholders for the election of directors, and other general purposes, shall be held at the City of Hamilton, in the Province of Ontario, or elsewhere as may be appointed by by-law on the first Wednesday in the month of June in each year, and two weeks' previous notice thereof shall be given by publication, as provided in the last preceding section. Annual general meeting.

13. No person shall be elected a director of the said Company, unless he shall be the holder and owner in his own right or as trustee for any such corporation, of at least forty shares in the stock of the said Company, and shall have paid up all calls made thereon. Qualification of directors.

14. 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 amount unpaid on any stock held by him. Calls. Limited liability.

15. It shall be lawful for the directors of the said Company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, to issue bonds made and signed by the President or Vice-President of the Company and countersigned by the Secretary and Treasurer and under the seal of the said Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking and revenues, and the property of the Company real and personal then existing or at any time thereafter acquired, and each holder of any bond or bonds so issued from time to time shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking, revenues and property of the Company as aforesaid; and such bonds may be for any term of years not exceeding thirty years, and may bear interest at any rate of interest not exceeding the rate of seven per centum per annum; Provided however that the whole amount of such issue of bonds shall not exceed in all the sum of eight hundred thousand dollars. Power to borrow money and issue bonds. To be preferential claims. Proviso; amount limited.

16. 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. Powtr to become parties to promissory notes.

and such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the directors, shall be binding on the Company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer, as such shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown, and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note, nor shall the President, Vice-President or Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever; Provided always that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer or any promissory note intended to be circulated as money or as the notes of a bank.

Proviso.

When more land has to be required.

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

Company sell the same.

Plans to be submitted to Governor for approval.

18. The said Company shall not commence the said bridge or any work thereunto appertaining, until the Company shall have submitted to the Governor in Council, plans of such bridge, and of all the intended works thereunto appertaining, nor 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 bridge and works, shall have been complied with, nor shall any such plan be altered, nor any deviation therefrom allowed except by the permission of the Governor in Council and upon such conditions as he shall impose; Provided always that the said bridge shall be constructed so as to have two draws in the main channel of the River, which said draws shall each be of the width of one hundred and sixty feet, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said River, and the said draws shall at all times during the season of navigation be kept open, except when actually required to be closed for the passage of railway trains, and shall otherwise be tended and moved at the expense of the said Company, so as not to hinder unnecessarily the passage of any vessel: from sun down until sunrise, during the season of navigation, suitable lights shall be maintained upon the said bridge, to guide vessels approaching the said draws; and for assisting the passage of any vessel through the said draws, the said Company shall at all times keep in readiness, a steam tug suitable for towing the said vessels through the said draws, and shall tow all the said vessels through the said draws respectively,

Draws.

Lights.

Steam tug.

whenever requested so to do by the officers of such vessels, without charge, and the said Company shall be liable to pay the owners of any vessel or of the cargoes or freight thereof, all damages they may respectively sustain by reason of any neglect of any of the foregoing provisions; and the use of the said bridge shall be subject to such regulations as shall be from time to time approved of by the Governor in Council.

Damages for neglect.

Regulations.

19. It shall be the duty of the said Company during the construction of such bridge, to put up and maintain, in the night time during the season of navigation, a good and sufficient light at each end of any coffer dam or pier, which may be erected by the said Company, the said light to be placed at least five feet above the said dam or pier, and also such buoys during both day and night as may be necessary for the guidance of persons navigating the said river; provided always that before commencing the works of the said bridge or taking possession of any part of the beach or land covered with water or other property of the Crown, the Company shall obtain the consent of the Governor in Council, who may impose such terms and conditions as he shall think proper before granting permission to commence the works or take possession of any property of the Crown as aforesaid.

Lights to be kept up during the construction of the bridge.

Proviso; consent of Governor to commencement of works.

20. It shall be lawful for the said Company, to enter into any agreement with any railway or railroad company or companies in the Dominion of Canada, or in the United States of America, for leasing the said bridge branch railway and other works or any of them, or the entire or partial use thereof at any time or times, or for any period, to such railway or railroad companies or for leasing or hiring from such company or companies any railway or railroad, or part thereof or the use thereof, or for the leasing or hiring any locomotives, tenders or moreable property, and generally to make any agreement or agreements with any such company or such companies, touching the use by one or the other or others of the bridge or railway or railways, or railroad or railroads, or moreable property of either or of any of them or any part thereof, or touching any service to be rendered by the one company to the other or others and the compensation therefor, and any such railway or railroad company or companies may agree for the loan of its credit (either by direct guarantee or traffic contract or otherwise) to or may subscribe to and become the owner of the stock of the company hereby created, in like manner and with like rights as individuals, and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof, and any company accepting and executing such lease, shall be and is empowered to exercise all the rights and privileges in this Charter confered subject to the limitations and reservations (if any) in such agreement or lease expressed.

Agreements with railway companies for lease of bridge.

21. When the said Railway Bridge is completed and ready for traffic, all cars of all Railways or Railroads terminating at or near the Town of Windsor aforesaid, or in the State of Michigan, at or near the City of Detroit, now constructed or hereafter to be constructed (including the cars of any other Railway Company which may be brought over such Railways,) shall have the right to be hauled and forwarded over the said Bridge at corresponding tariff rates for the persons and property transported, so that no discrimination in tariff for such transportation shall be made in favour or against any Railway or Railroad whose cars or business may be forwarded over the Bridge.

All railway trains to be entitled to cross without prefcrence.

Arbitration in case of disagreement.

22. In case of any disagreement, and, as often as the same may arise, as to the rights of any railroad or railway, whose cars or business shall pass over the said work hereby authorized to be constructed, or the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by the Company hereby incorporated, and another by the Company with whom the disagreement shall have arisen, and a third (who shall be some person experienced in railway affairs) by one of the Superior Courts of the Province of Ontario, 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.

Proviso.

Power to the Company to amalgamate with another or others.

23. It shall be lawful for the said Company to unite, amalgamate, and consolidate its stock, property and franchises with the stock, property and franchises of any other Company, incorporated or which may be incorporated bythe laws of the State of Michigan one of the United States of America, for a similar purpose with the Company hereby incorporated, and to enter into all contracts and agreements therewith, necessary to such union and amalgamation, and which said Company shall be by the laws of the State of Michigan, authorized to enter into such amalgamation, or consolidation.

Proceedings in such case,

24. The directors of the Company hereby incorporated, and of any corporation proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement in duplicate under the corporate seals of each of the said Corporations, for the amalgamation and consolidation of the said Corporations,—prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new Corporation, the number of the Directors and other officers thereof, and who shall be the first directors and officers thereof, and their places of residence, the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said Corporations into that of the new Corporation, and how and when and for how long, directors and other officers of such new Corporation shall be elected, and when elections shall be held, with such other details as they shall deem necessary to perfect such new organization and the consolidation and amalgamation of the said Corporations, and the after management and working thereof ; and such new Corporation shall have power to consolidate or unite with either or any of the lines of railway having powers of consolidation or union, connecting with the said bridge by the same means and to the same ends as the same may be consolidated by this Act.

Agreement to be submitted to stockholders.

25. Such agreement shall be submitted to the stockholders of each of the said corporations at a meeting thereof to be held separately for the purpose of taking the same into consideration ; notice of the time and place of such meetings and the object thereof shall be given by written or printed notices, addressed to each of the

Notice.

persons in whose names, at the time of giving such notice, the capital stock of such corporations shall stand on the books of such corporations, and delivered to such persons respectively or addressed to them by mail, at their last known post office address or place of residence, and also by a general notice to be published in a newspaper published in the County of Essex, and in the City of Detroit,

once a week for two successive weeks. At such meetings of stockholders, such agreement shall be considered and a vote by ballot taken for the adoption or rejection of the same,—each share entitling the holder thereof to one vote, and the said ballots to be cast in person or by proxy; and if two thirds of the votes of all the stockholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the Secretary of each of such Corporations under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said Corporations, one of the duplicates of the agreement so adopted and of the said certificates thereon shall be filed in the office of the Secretary of State of the Dominion of Canada, and the other in the office of the Secretary of State of the State of Michigan, and the said agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the Company and of such other corporation, and a copy of such agreement so filed, and of the certificates thereon, properly certified shall be evidence of the existence of such new Corporation.

Voting on agreement.

Filing of agreement if adopted.

26. Upon the making and perfecting of the said agreement and act of consolidation, as provided in the next preceding section and the filing of the said agreement as in the said section provided, the several corporations parties thereto shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, powers, privileges and franchises, and be subject to all the disabilities and duties of each of such corporations so consolited and united, except as herein otherwise provided.

Powers of consolidated corporation.

27. Upon the consummation of such act of consolidation as aforesaid, all and singular the property, real, personal and mixed, and all rights and interest appurtenant thereto, all stock, subscriptions, and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken and deemed to be tranferred 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.

All property of several corporations transferred to new corporation.

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

New corporation to negotiate loans.

What rates of tolls or compensation may be charged for use of bridge.

29. The Company hereby incorporated, or the said new corporation, or any railway or railroad company or companies, being lessees of the said railway bridge, shall have the right to charge such compensation for the use of the said bridge by railway or railroad companies, whose business shall pass and be forwarded over the said bridge, as shall be found by experience requisite to yield an amount which would be sufficient to pay the expense of keeping in repair, maintaining and managing the works hereby authorized to be constructed, the interest upon the money borrowed for the construction thereof, and dividends not exceeding ten per centum per annum upon the capital stock, and an additional sum which would be sufficient to furnish a sinking fund each year, not to exceed five per cent of the amount of the bonded debt; and deficiencies in the amount of tolls in any one year may be charged for and collected in any subsequent year.

Provision if tolls are not sufficient to meet amount guaranteed.

30. If the tolls collected shall not in any year have paid the amount which the railway companies shall have guaranteed, and the railway companies shall have had to pay the deficiency, such deficiency shall be a debt due by the bridge company, (or the new corporation in case of amalgamation or consolidation) to the railway companies, to be discharged thereafter with interest; or the said railway companies and the said bridge company, or the new corporation as aforesaid, may agree for the discharge of the said debt by the creation and issue of capital stock at such rates or prices as may be agreed on.

Votes.

31. At all meetings of the stockholders of the company hereby incorporated, each stockholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy, and the directors of the said company may also at any meeting of the Board vote by proxy, such proxy to be held by another director; Provided that no more than two proxies shall be held by one director of the other directors, and not less than four directors shall be present in person at any meeting of the Board of Directors for the transaction of business.

Proxies.

Act limited.

32. One hundred thousand dollars shall be paid in within two years, and the said railway bridge shall be commenced within two years, and completed within six years from the coming into force of this Act.

Conditions to be enforced before this Act shall come into force.

33. This Act shall have no force or effect until duly certified copies of any Act passed by the Legislature of the State of Michigan, incorporating any company for objects similar to those contemplated by this Act, and of any Act of Congress of the United States conferring necessary powers in respect of the same are filed in the Department of the Secretary of State of Canada, upon which the Governor in Council may by proclamation order that from and after a day to be mentioned therein this Act shall be of full force and effect, and this Act shall accordingly thenceforth have full force and effect.

Company may construct foot bridge.

34. The Company hereby incorporated, and the said new corporation shall have power to and may construct as part of or in connection with the said railway bridge and other works, a passage floor or way for horses, carriages and foot passengers, and may construct the same either during the construction of the said railway bridge or at any time after the completion thereof, and in the event of their electing to construct the same, may make, amend, repeal,

re-enact and enforce all such by-laws, rules and regulations as shall seem to them proper and necessary, as to the management, control and use thereof, and as to the tolls and fares to be received and charged for passing over the same.

35. This Act may be cited as "The Canada and Detroit River Bridge Act, 1873." Short title.

No. 58.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate the Canada and Detroit River Bridge Company.

PRIVATE BILL.

Hon. Mr. CARLING.

OTTAWA:

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

1873.

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An Act to provide for the establishment of "The Department of the Interior."

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

1. There shall be a Department of the Civil Service of Canada to be called "The Department of the Interior," over which the Minister of the Interior, for the time being, appointed by the Governor General, by Commission under the Great Seal of Canada, shall preside; and he shall hold office during pleasure, and shall have the management of the Department of the Interior.

2. The Minister of the Interior shall have the control and management of the affairs of the North West Territories.

3. The Minister of the Interior shall be the Superintendent General of Indian affairs, and shall, as such, have the control and management of the lands and property of the Indians in Canada

4. The Minister of the Interior shall have the control and management of all Crown Lands being the property of the Dominion, including those known as Ordnance and Admiralty Lands, and all other public lands not specially under the control of the Public Works Department, or of that of Militia and Defence, (and excepting also Marine Hospitals and Light Houses and land connected therewith, and St. Paul's, Sable, and Portage Islands,) and he is hereby substituted for the former Commissioner of Crown Lands, as regards Ordnance and Admiralty Lands, transferred to the late Province of Canada, and lying in Ontario and Quebec.

5. The Minister of the Interior is hereby substituted for the Secretary of State of Canada in all the powers, attributes, functions, restrictions, and duties laid down and prescribed in the Dominion Lands' Act, 1872; and wherever the words "Secretary of State" are used in that Act, the words "Minister of the Interior" shall be deemed to be substituted therefor; and wherever the words "Department of the Secretary of State" are used, the words "Department of the Interior" shall be deemed to be substituted therefor; and all the provisions of the said Act shall be and continue obligatory upon the Minister of the Interior, and all the officers appointed under the said Act shall become, and continue to be, officers of the Department of the Interior.

6. The Governor may appoint, and at his pleasure remove, a "Deputy of the Minister of the Interior," who shall be charged, under the Minister of the Interior, with the performance of the

Departmental duties of the Minister of the Interior, and with the control and management of the Officers, Agents, Clerks, and Servants of the Department, and with such other powers and duties as may be assigned to him by the Minister of the Interior.

7. The Governor may also appoint, subject to the Civil Service Act of 1868, and at his pleasure remove, such Departmental Officers, Agents, Clerks and Servants as may be requisite for the proper conduct of the business of the Department at Ottawa, and also such Agents, Officers, Clerks and Servants as may be necessary for the same purpose in the North West Territories, and amongst the Indians, and elsewhere, in the Dominion.

8. The several clauses of Chapter 42 of the Statutes passed in the 31st year of Her Majesty's reign, entitled "An Act providing "for the Organization of the Department of the Secretary of State "of Canada, and for the Management of Indian and Ordnance "Lands," relating to the management of Indian affairs and lands, and of Ordnance Lands, shall be and remain in force, and shall govern the Minister of the Interior in the several matters to which they relate; and wherever the words "Secretary of State" or "Department of the Secretary of State" occur in those clauses, the words "Minister of the Interior" and "Department of the Interior" shall be deemed to be substituted therefor.

9. The Governor in Council may, by proclamation, from time to time exempt from the operation of this Act, and of the said Act, Chapter 42 of the Statutes passed in the 31st year of Her Majesty's reign, or of any one or more of the clauses thereof, the Indians, or any Tribe of them, or the Indian Lands, or any portion of them, in the North West Territories, or in the Province of Manitoba, or in the Province of British Columbia, and may again, by like proclamation, from time to time, remove such exemption.

10. The Geological Survey of Canada shall be attached to the Department of the Interior.

11. The Minister of the Interior shall annually lay before Parliament within fifteen days after the meeting thereof, a report of the proceedings, transactions, and affairs of the Department during the year then next preceding.

12. The Secretary of State of Canada shall have charge of the State Correspondence with the Governments of the several Provinces included, or which may be hereafter included within the Dominion of Canada.

13. The remaining duties hitherto discharged by the Secretary of State for the Provinces, as regards matters other than those relating to the subjects by this Act transferred to the Department of the Interior, shall devolve upon, and be discharged by, the Secretary of State of Canada, to whom also is transferred the duty

of supplying the Stationery required by theseveral Departments of the Government, and the charge of that Branch of the Public Service.

14. The Office of Secretary of State for the Provinces is and stands abolished.

15. This Act shall only come into force after the expiration of one month from the publication in the *Canada Gazette* of a Proclamation to that effect under an order of the Governor in Council.

No. 60.] **BILL.** [1873.

An Act to incorporate the Dominion Fire and Inland Marine Insurance Company.

WHEREAS Edward Brown, Anthony Copp, John Harvey, Edward Martin, Alexander Harvey, C. R. Murray, A. McInnes, Dennis Moore, W. G. Stark, Adam Brown, A. T. Wood, Alexander Murray, W. E. Sanford, and others, have by their petition represented that the establishment of an association for the insurance of fire and inland marine risks would be greatly beneficial, and have prayed for an act of incorporation for the purpose of carrying on a business of that nature under the name of the Dominion Fire and Inland Marine Insurance Company, and it is expedient to grant their prayer; Therefore Her Majesty, by and with the advice of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. The persons hereinbefore mentioned, and all such persons as now are or hereafter shall become shareholders of the said Company, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in law, in fact, and in name, by the style and title of the Dominion Fire and Inland Marine Inland Insurance Company, for effecting insurance against fire and inland marine risks. Certain persons incorporated.

2. The capital stock of the said Company shall be one million dollars, divided into twenty thousand shares of fifty dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act. Capital stock.

3. For the purpose or organizing the said Company, A. McInnes, Edward Moore, Anthony Copp, John Harvey, C. R. Murray, Edward Martin and Alexander Harvey shall be provisional directors thereof, and they, or a majority of them may cause stock books to be opened, after giving due public notice thereof by advertisement for two weeks in one or more of the daily papers published in the city of Hamilton, upon which stock books shall be recorded the subscriptions of such persons as shall desire to become shareholders in the said Company, and such books shall be opened in the city of Hamilton, and elsewhere, at the discretion of the said provisional directors, and shall remain open as long as they deem it necessary, and the provisional directors are hereby authorized to receive from the shareholders a deposit of five per cent. on the amount of their stock subscribed by them respectively. Provisional Directors. Stock books may be opened. Deposit on account of shares.

4. When and so soon as two hundred and fifty thousand dollars of the said capital stock shall have been subscribed as aforesaid, and five per cent. of the amount so subscribed paid in, the said First general meeting of shareholders.

provisional directors shall call a general meeting of shareholders at some place to be named in the city of Hamilton, giving at least ten days' notice thereof in the *Canada Gazette*, and also in some daily newspaper published in the said city; at which annual meeting the shareholders present in person or by proxy shall elect seven directors in the manner and qualified as hereinafter provided, who shall constitute a board of Directors, and hold office for one year after their election.

Payment of instalments on shares.

5. The shares of capital stock subscribed for shall be paid, in and by such instalments and at such times and places as the said Directors shall appoint; no such instalment shall exceed ten per cent., of which call thirty days' notice shall be given, and executors, administrators and curators paying instalments upon the shares of deceased shareholders shall be and they are respectively indemnified for paying the same. Provided always that it shall not be lawful for the said Company to commence the business of fire and inland marine insurance, until a sum of not less than twenty-five thousand dollars shall have been actually paid in on account of the subscribed stock.

Proviso.

Annual general meeting.

Election of directors.

6. The stock, property, affairs and concerns of the said Company shall be managed and conducted by seven directors, one of whom shall be chosen President and one Vice-President, who shall hold office for one year, which Directors shall be shareholders residing in Canada, and be elected (after the expiry of the year for which the board to be elected under the provisions of the fourth section shall hold office) at the annual general meeting of shareholders to be holden at Hamilton on the anniversary of the first election of Directors, and on the same or such other day in in each following year as may be appointed by by-law not less than ten days' notice of such meeting being given, as provided in section four; the said election shall be held and made by such of the shareholders present in person or by proxy as shall have paid all calls made by the Directors and then due; and all such elections shall be by ballot, 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 greater 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 in like manner to elect by ballot one of their number to be the President, and one to be the Vice-President, but shareholders not residing within the Dominion of Canada shall be ineligible, and if any Director shall move his domicile out of Canada, his office shall be considered as vacant; 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 an 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 forty shares, whereof after the first election of Directors at least ten per cent. shall have been paid in, and shall have paid all calls

Who may vote. Proxies. Ballot.

Equality of votes.

President and Vice-President.

Vacancies.

Qualification of directors.

made upon his stock, and all liability actually matured and incurred by him with the Company.

Provision in case of failure to hold election.

7. In case it should at any time happen that an election of Directors of the said Company should not be made on any day when pursuant to this Act it should have been made, 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 in such a manner as may be regulated, directed and appointed by the Directors for the time being, and the Directors in office shall so continue until a new election is made.

Voting at general meetings.

8. 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: Provided that no clerk or other employee of the said Company shall vote either in person or by proxy at the election of Directors.

Proviso.

Business of the Company.

9. The said Company shall have power and authority to make and effect contracts of assurance with any person or persons, body politic or corporate, against loss or damage by fire on any houses, stores or other buildings whatsoever, and in like manner on any goods, chattels or personal estate whatsoever, for such time or times, and for such premiums or considerations and under such modifications and restrictions, and upon such conditions as may be bargained and agreed upon or set forth by and between the Company and the person or persons agreeing with them for such insurance, and also to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage of or to lake-going ships, boats, vessels, steamboats, or other craft, or on any ships, boats, vessels, steamboats, or other craft, navigating the River St. Lawrence from Quebec upwards, or lakes, or any other inland navigable waters whatsoever, from any inland port or ports in Canada, or to any other inland port or ports in Canada, or to any inland foreign port or ports, upon the lakes, rivers, or other inland navigable waters aforesaid, or from one inland foreign port through inland navigable waters to another inland foreign port, or from any inland foreign port or ports, through inland navigable waters, to any inland port or ports in Canada, or elsewhere, upon all or any of the lakes, rivers, and inland navigable waters aforesaid, and against any loss or damage of or to the cargoes or property conveyed in or upon such ships, vessels, boats, 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 all or any of the said lakes, rivers, and inland navigable waters aforesaid; or on any railway, or stored in any warehouse or railway station, and generally to do all matters and things relating to or connected with inland marine insurances on all or any of the lakes, rivers and inland navigable waters aforesaid, and to make and grant policies therein and thereupon, and 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

Policies to be under seal; and by whom signed.

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 under the seal of the said Company, and shall be signed by the President or Vice-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 in case of the absence of any of the said parties, and being so sealed, signed and countersigned, shall be deemed valid and binding upon them according to the tenor and meaning thereof; and the chief place of business of the Company shall be in the city of Hamilton, and no insurance shall be effected by them in any Province other than the Province of Ontario, until the Company shall have established an office in such other Province, with a local agent, and in that case service of process in such other Province may be made at such local office or upon such local agent personally.

Chief place of business.

Appointment of agents.

10. It shall be lawful for the Dominion Fire and Inland Marine Insurance Company to appoint under the corporate seal of the Company resident agents at any port or place within the Dominion of Canada or elsewhere, for the purpose of effecting at such ports or places inland marine insurance upon ships, freights, and cargoes and insurances against losses by fire on buildings and other property, real and personal, subject to such conditions, restrictions and provisoes as the said Company shall from time to time establish and impose.

Forfeiture of shares for non-payment of calls.

11. If any shareholder shall rofuse or neglect to pay the instalments due upon any share or shares held by him, the Directors may forfeit such share or shares, 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 shall be deemed necessary to pay such arrears, interest and expenses.

Calls may be paid after forfeiture.

12. If payment of such arrears of calls, interest and expenses be made before any share so 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 or 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 it shall not be necessary to prove the appointment of the Directors who made such calls, or any other 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 a Vice-President or the Manager 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,

Suits for recovery of calls and what only need be alleged and proved therein.

regulation, minute or entry without further proof thereof, and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

Meetings of directors.

13. At all meetings of Directors there 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, Vice-President or Presiding Director shall give the casting vote in addition to his vote as a Director.

Business to be transacted at annual meetings.

14. At the annual meeting of the shareholders the election of Directors shall be held and all business transacted without the necessity for 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 all 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.

Special general meetings of 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 the Vice-President, or in the absence of both of them a Director 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.

Who shall preside.

Power of directors to make by-laws.

15. The Directors shall have full power and authority 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 the number of Directors; the appointment of a Managing Director, and of sub-boards to facilitate the details of business and the definition of the duties and powers of such sub-boards; the making of calls upon 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 salaries to be paid to them; the regulation of the transfer of stock and the form thereof; the compensation of Directors, and the establishment and regulation of agencies: Provided always, that all such by-laws, rules, regulations and ordinances made by the Directors as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved by such meeting, and shall thereafter have force and effect as so approved or modified at such meeting; and provided further that such by-laws do not contravene the provisions of this Act.

Proviso; by-laws to be submitted for approval of shareholders.

Power to hold real estate, and for what purposes.

16. The Company shall have power to acquire and hold real estate for the purpose of its business within the Dominion of Canada of an annual value not exceeding ten thousand dollars, and to sell or dispose of the same and acquire other property in its place, as may be deemed expedient, and to take, hold and acquire all such lands and tenements, real or immovable estate, as shall have been *bona fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof, or of the

owners thereof, and to retain the same for a period not exceeding ten years; and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada, or of any of the Provinces thereof, or of any foreign state or states (such investments in the securities of foreign states not to exceed fifty per cent. of the paid up capital stock of the Company) or in the stocks of any chartered banks or building societies, or in the bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures, or in mortgages on real estate, and may from time to time vary or sell the said securities or mortgage, or pledge the same from time to time as occasion may require

Investment of funds.

17. 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 necessary 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.

Transfer of shares.

Proviso.

18. 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 thereof, but no further, and the shares shall be deemed personal estate.

Liability of shareholders limited.

19. Suits may be prosecuted or maintained by any shareholder by or against the Company, and no shareholder shall be incompetent as a witness in any proceeding by or against this Company.

Shareholders to be competent witnesses.

20. 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; and also may by resolution order that the holders of policies or other instruments shall be paid such portion of the actual realized profits in such proportions, at such times, and in such manner as the said Directors may think proper, and may enter into obligations so to do either by endorsement on the policies or otherwise; Provided always, that the holders of policies or other instruments so participating in the profits, shall not be in anywise answerable or responsible for the debts of the said Company.

Declaration of dividends.

Participation by policy-holders.

Proviso.

21. Any suit cognizable in any division or local court upon or for any premium note given for any marine or fire insurance may be entered and tried and determined in the Court for the division wherein the head office or any agency of the Company is situated.

Where suits may be tried.

22. This Act and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in the Act thirty-first Victoria, chapter forty-eight, intituled "An Act respecting Insurance Companies," as amended by the Act thirty-fourth Victoria, chapter nine, and to such other legislation on the subject of insurance as may from time to time be passed.

This Act and the Company to be subject to Insurance Acts.

No. 60.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate the Dominion Fire and Inland Marine Insurance Company.

(PRIVATE BILL.)

MR. WITTON.

OTTAWA:

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

1873.

No. 61.] **BILL.** [1873

An Act to Incorporate The Marezzo Marble Company of Canada.

Preamble.

WHEREAS George Davey, William S. Symonds, Atwood W. Doane and William Myers Gray, have by their petition represented that they are desirous of organizing a Company for the purpose of manufacturing, selling and trading in Davey's patent Marezzo Marble in the Dominion of Canada, and have prayed that they may be incorporated for that purpose, 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:—

Incorporation.

Corporate name.

1. George Davey, William S. Symonds, Atwood W. Doane and William Myers Gray, with all such other persons 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 Marezzo Marble Company of Canada" and the words "The Company," when used in this Act, shall mean "The Marrezzo Marble Company of Canada" hereby incorporated.

Capital stock.

Increase.

Proviso.

2. The capital stock of the Company shall be thirty thousand dollars, which shall be divided into three hundred shares of one hundred dollars each, and may be raised by the parties herein named, and such other persons as may become shareholders in the Company; and such capital may be increased from time to time by the shareholders under the by-laws of the Company as the work of the Company may render necessary: Provided always that no such increase shall take place until the stock previously subscribed for shall have been paid up in full.

Objects of the Company.

Head office and branches.

3. The Company shall have power to manufacture, sell and otherwise trade in Davey's Patent Marezzo Marble, and to enter into contracts to finish, ornament, decorate, or otherwise embellish any buildings, halls, churches or other edifices with any person or persons, or body or bodies corporate, and to furnish all necessary materials, labor or fixtures requisite for any such work, and to deal in and vend any such material connected therewith: the head office of the Company shall be in the City of Halifax, in the Province of Nova Scotia, with branch offices and manufactories at such other places in the Dominion of Canada as may be expedient for the Company to carry on its said works and business.

Stock to be personal estate.

Liability limited.

4. The stock in the Company shall be deemed personal estate, and shall be transferable as such, subject to such conditions and restrictions as shall be prescribed by the by-laws of the Company; and no shareholder shall be liable in his person or separate estate for the liabilities of the Company, to a greater amount in the whole than the amount of 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

Proviso.

sum by becoming surety for the debts of the Company : but no shareholder who may transfer his interest in the stock of the Company shall cease to be liable for any contract of the Company entered into before the date of such transfer, provided any action in respect of such liability be brought within six months after such transfer.

Provisional Directors.

5. The said George Davey, William S. Symonds, Atwood W. Doane, and William Myers Gray shall be the Provisional Directors of the Company (three of whom shall form a quorum), 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 of stock or shares ; 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.

First meeting of shareholders.

6. So soon as the capital stock of the Company shall have been subscribed, and fifty 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 Halifax as they may think proper, giving at least two weeks' notice in two new papers published in the said city, at which meeting and at the annual general meetings to be provided for under the by-laws of the Company, the shareholders present, either in person or by proxy, shall elect by ballot such number of Directors as shall then be decided by the shareholders.

Election of Directors.

Patent right may be acquired.

7. The Company are hereby authorized to deliver to the said patentee, shares in the said Company either fully or in part paid up, in exchange for his said patent right, and any such shares so disposed of, shall be taken and considered as paid up to such extent as the certificates thereof shall express, as though the same had been paid up in cash according to the terms and requirements of this Act.

Power to make by-laws.

8. The Company shall have power to make by-laws not inconsistent with law or with the provisions of this Act, providing for the execution of all deeds, instruments and contracts, including the making and endorsing of promissory notes and bills of exchange which they are hereby authorised to make, sign, and endorse in the ordinary course of their business; for the appointment and dismissal of officers, and the regulation of their duties and functions; fixing the number and qualification of their Directors, the day of annual meeting, and the mode of calling and holding general and special meetings of the shareholders, the mode and right of voting at such meetings, the making of calls and the declaration of dividends, the making of contracts, the increase of capital stock, and all other matters respecting the internal economy, administration and management of the said Company.

Real estate.

9. The Company shall have power to buy, sell, mortgage and hold real estate to the value of ten thousand dollars.

General Act to apply.

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.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate the Marezzo Marble Company of Canada.

(PRIVATE BILL.)

MR. SAVARY.

OTTAWA:

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

1873.

No. 62.] **BILL.** [1873

An Act to incorporate "The Dominion Express Company of the Dominion of Canada."

Preamble.

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

Company incorporated.

1. The Honorable William Pierce Howland, Companion of the Bath, of the City of Toronto, in the Province of Ontario; the Honorable David Lewis Macpherson, of the same place, Senator; Casimir Stanislaus Gzowski, of the same place, Esquire; John Crawford, of the same place, Esquire, M. P.; George Airey Kirkpatrick, of the City of Kingston, in the said Province, Esquire, M. P.; Alexander Gunn, of the same place, Esquire; John Curtis Clark, of the same place, Esquire; Horatio Yates, of the same place, Esquire, M.D.; William Robert Mingaye, of the same place, Esquire; and such others as may be associated with them, and their successors, and such and so many other persons or parties who have become or may become shareholders in the capital stock hereinafter mentioned, shall be and they are hereby constituted a body politic and corporate, in fact and in name, and by the title of "The Dominion Express Company of the Dominion of Canada," with power to acquire and hold real and personal estate for the use of the said corporation, and may sell any alienate the same as they may deem convenient.

Capital stock.

2. The capital stock of the said corporation shall be one million dollars, divided into ten thousand shares of the value of one hundred dollars each.

Liability limited.

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

4. It shall and may be lawful for the said company—

Business to be transacted by company.

(1) To contract with railway companies, steamboat companies or owners, stage or waggon proprietors and others, for the carriage and transport of any goods, chattels, merchandise, money, packages or parcels that may be entrusted to them for conveyance from one place to another within the Dominion of Canada.

(2.) To contract with British and Foreign Express Companies, and other parties for co-operating with and transacting such business as aforesaid in connection with the said company.

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

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

Transfer of shares.

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

Proviso.

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

Shares to be personal estate.

6. The stock of the said corporation shall be deemed personal estate, notwithstanding the conversion of any portion of the funds constituting the same into lands; and at all meetings of the shareholders held in persuance of this Act, whether the same be general or special, every shareholder shall be entitled to as many votes as he or she shall have shares in the said stock, and such votes shall be given in person or by proxy, and all the questions proposed or submitted for the consideration of the meeting, shall be determined by the majority of votes; Provided, that no person shall be entitled to vote as proxy at any meeting unless he shall be a shareholder in the said corporation, and produce written authority as such proxy in the form to be prescribed by any by-law of the said corporation.

Votes.

Election of directors.

7. For the managing of the affairs of the said corporation there shall, from time to time, be elected out of the members of the said tion, seven persons, being each a proprietor of not less than one hundred shares of the said capital stock, to be directors of the said corporation; which number may be increased to nine or diminished to five by by-law of the said corporation, and a majority of the said directors shall form a quorum of the board, and may exercise all the powers of the directors.

Vacancies among directors how filled.

8. Whenever any vacancy shall happen among the directors, by death or resignation, such vacancy shall be filled up until the next general meeting of the shareholders, by the appointment of some one of the shareholders, qualified as aforesaid, to the vacancy so occurring by death or resignation as aforesaid; and the majority of the directors for the time being, shall have power and authority to elect or appoint the person to fill or supply the vacancy made in the board of directors by either of the causes aforesaid; and the directors shall have power and authority to make such calls for money from the several shareholders for the time being, as may be provided for by any by-law, rule or regulation of the said corporation; and they may sue for and get in all calls, whether already made or hereafter to be made, or cause and declare the said shares to be forfeited to the said corporation in case of non-payment, on such terms and in such ways as shall be prescribed by some by-law of the said corporation; and in order to maintain an action for the recovery of calls due, it shall be sufficient to prove, by any one witness, that the de-

Calls how made and enforced.

fendant, at the time of making such call, was a stockholder in the number of shares alleged, and that the calls sued for were made and notice thereof given in conformity with the by-laws of the said corporation; and it shall not be necessary to prove the appointment of directors or any other matter whatsoever.

Power to make contracts and by-laws &.

9. The directors of the said corporation shall have full power in all things to administer the affairs of the said corporation, and may make or cause to be made for the said corporation any description of contract which the said corporation may by law enter into; and may from time to time make by-laws not contrary to law, 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 said corporation, their remuneration, and that (if any) of the directors, the time at which and the place or places where the annual meetings of the corporation shall be held, and where the business of the said corporation shall be conducted, the calling of meetings, regular and special, of the board of directors, and of the said corporation, 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 said corporation; 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 said corporation, duly called for that purpose, shall only have force until the next annual meeting of the said corporation, and in default of confirmation thereat, shall, from that time only, cease to have force.

Copy of by-law to be evidence.

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

First general meeting.

11. The first general meeting of the shareholders of the said corporation shall be holden at the office of the said corporation, in the city of Toronto, at which place the said corporation shall have its principal place of business, unless otherwise provided by a by-law of the said company, on the first day of July in in the year of Our Lord, one thousand eight hundred and seventy-three, and at such time and place, and upon the like day in each and every year thereafter, until otherwise provided for by by-law; the said shareholders shall elect seven qualified persons to be directors of the said corporation, which said directors so elected, shall elect a president; and until such first election, the directors of the said corporation are hereby declared to be the Honorable William Pierce Howland, C.B., the Honorable David L. Macpherson, Casimir Stanislaus Gzowski, Esquire, John Crawford, Esquire, M.P., George Airey Kirkpatrick, Esquire, M.P., Alexander Green, Esquire, and John Curtis Clark, Esquire; and they, or the successor or successors of them, shall be and are constituted to be directors of the said corporation, and shall have and exercise all and every the powers, and shall be subject to all and every the clauses, conditions and restrictions imposed upon the directors

Provisional Directors.

Proviso; election of President.

to be chosen under this Act; Provided that at the first meeting of the directors to be chosen, after the passing of this Act, the said directors shall choose and elect from among themselves, some one to be president; Provided also that no meeting of directors shall be held out of the Dominion of Canada.

Provision in case of failure to hold a meeting.

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

Ten per cent to be paid on stock before commencing.

13. It shall not be lawful for the said corporation to proceed with their operations under this Act, unless they shall have paid up the sum of ten per centum on the amount of their capital stock.

Power to increase capital.

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

Proviso.

Public Act to be subject to any general Act.

15. The powers and privileges hereby conferred shall be subject to the provisions of any general Act that may hereafter be passed by the Parliament of Canada;

1st Session, 2nd Parliament, 36 Victoria, 18

BILL.

An Act to incorporate the Dominion press Company of the Dominion Canada.

(PRIVATE BILL.)

Mr. CRAWF

OTTAWA:

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

1872.

No. 63.] **BILL.** [1873

An Act to amend the Acts incorporating the London and Canadian Loan and Agency Company (Limited).

Preamble.

WHEREAS The London and Canadian Loan and Agency Company (Limited), incorporated by the Legislature of the late Province of Canada by an Act passed in the twenty-seventh year of Her Majesty's reign chaptered fifty, amended by an Act passed in the thirty-fifth year of Her Majesty's reign, chaptered one hundred and eight, have by their petition prayed that the said Acts may be amended, and further powers conferred upon them, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Secion 5 of 27 V., c. 50, amended.

1. The fifth section of the said firstly cited Act is hereby amended, by subtituting therein the word "Dollars" for the word "Pounds sterling."

Section 12 amended.

2. The last clause of the twelfth section of the said firstly cited Act with regard to the right of members and others to peruse the register of securities is hereby repealed.

Section 19 repealed; new section.

3. The nineteenth section of the said firstly cited Act is hereby repealed and the following substituted in lieu thereof: "Notice of any trust expressed, implied or constructive entered on the books of the Company shall not in any way affect the Company."

Section 27 amended.

4. The twenty-seventh section of the said firstly cited Act is hereby amended by substituting the words "six per cent" for the words "five per cent" in the last clause thereof.

"Stock register."

5. Whenever in the said firstly cited Act the words "register of members" occur the words "stock register" are hereby substituted.

Section 31 repealed.

6. The thirty-first section of the said firstly cited Act and the schedule thereto are hereby repealed.

Section 44 repealed.

7. The forty-fourth section of the said firstly cited Act is hereby repealed.

Section 6 of 35 V., c. 108, repealed; new provision.

8. The sixth section of the said secondly cited Act is hereby repealed, and in lieu thereof it is enacted that it shall be lawful for the said Company either on their own behalf or on behalf of others to lend money on any security real or personal or both, and to purchase mortgages, debentures of municipal or other corporations, the stock of incorporated banks and other securities, or evidences of debt and the same to resell as they may deem advisable and for that purpose to execute such assignments or other instruments as may be necessary for carrying the same into effect.

Section 7 amended.

9. The seventh section of the said secondly cited Act is hereby amended by striking out therefrom the words "being not less than six months."

Section 8 amended.

10. The eighth section of the said secondly cited Act is hereby amended by adding thereto after the word "period" the words "in such amounts."

No. 63.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Acts respecting the London and Canadian Loan and Agency Company (Limited).

PRIVATE BILL.

Mr. GIBBS.
South Ontario.

OTTAWA:
Printed by I. B. Taylor, 29, 31 & 33, Rideau Street.
1873.

No. 64.] **BILL.** [1873.

An Act to incorporate "Date's Patent Steel Company, Limited."

WHEREAS Casimir Stanislaus Gzowski, Josiah Burr Plumb, William H. Howland, Henry H. Date, John McNab, Henry Paffard, Frederick H. Date, and Charles Worden, have by their petition represented that they are the proprietors of certain patents granted by the Dominion of Canada and other countries for a new and useful invention and discovery for the manufacture of steel, and that they are desirous of manufacturing steel in accordance with the said patents, and carrying on business connected therewith in the several Provinces of Canada, and they are desirous of obtaining an Act of incorporation, conferring upon them all necessary power for the same, and praying for such 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 Casimir Stanislaus Gzowski, Josiah Burr Plumb, William H. Howland, Henry H. Date, John McNab, Henry Paffard, Frederick H. Date, Charles Worden, and such other persons as shall become shareholders in the Company hereby incorporated, shall be, and they are hereby constituted a body politic and corporate by the name of "Date's Patent Steel Company, Limited," and by that name shall have perpetual succession and a common seal, with power to break and alter the same at pleasure, and by that name may sue and be sued, plead and be impleaded in all courts whatsoever. Certain persons incorporated.

2. The capital stock of the Company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, and the same may be increased by an amount not exceeding five hundred thousand dollars in the manner hereinafter provided, but stock to the amount of not less than one hundred thousand dollars shall be subscribed, and not less than ten per cent. thereof paid in before the Company shall go into operation. Capital stock.

3. The Directors of the Company shall have power and authority at any time after the passing of this Act, to open stock books, and to procure subscriptions thereto, and they may call in and demand from the shareholders thereof respectively all sums of money by them subscribed at such times and places, and in such times and places, and in such payments or instalments as they require or determine; and interest shall accrue and fall due at the rate of six per centum per annum upon the amount of any unpaid call from the day appointed for such call. Stock books may be opened.

4. In case the whole capital stock of the Company is not subscribed when the Directors close the books for the purpose of Proviso, if all the stock is not subscribed.

organizing the Company, the Directors may, at any time, and from time to time, as they deem proper, open the said stock books, for the new subscriptions until the whole capital stock is subscribed, but in each instance all the provisions of this Act, as to the percentage to be paid on subscription of stock, the liability of the person subscribing upon and in respect of the said stock, and as to the rights and liabilities of shareholders shall apply to the persons making such new subscriptions and to the stock or shares so subscribed.

Company may acquire certain patents.

5. The Company may become the assignees of a patent bearing date the twenty-third day of December, in the year one thousand eight hundred and seventy-one, granted to Henry Harrington Date, of the town of St. Catherine's, in the county of Lincoln, in the Province of Ontario, tool manufacturer, and Frederick Havill Date, of the same place, machinist, for a new and useful art or process of converting iron into steel, to be called or known as Date's Steel-Converting Process, and of all rights thereunder granted, and of any other patents heretofore or hereafter to be granted for the converting of iron into steel or for the manufacture of iron or of steel or of any other process in connection with the manufacture of iron or steel, or of the conversion of iron into steel, or of the products thereof, and whether such patents have been or may be granted by or from Canada or any other country or countries, and may work and manufacture the same according to the several specifications thereof, and may sell and dispose of and assign any such patents, or any part thereof, or any interest therein, or the use of the same under royalties or upon such other terms as from time to time they see fit, and they may also buy or acquire and manufacture, or work, iron, steel or other metals, minerals or ores, and machinery, iron or steel work, tools or railway or other appliances of any nature or kind whatsoever, and sell and dispose of the same.

Further power of the Company.

Chief place of business.

6. The principal office and place of business of the Company shall be at the town of Niagara in the Province of Ontario, unless and until otherwise at any time or times provided by by-law of the Company, and the business and operations of the Company may be carried on in any part or parts of the Dominion of Canada, as the Directors may from time to time determine, and for the purposes aforesaid the Company shall have power from time to time to lease or to purchase and to hold any real estate in any part of Canada, and so often as any property so purchased and acquired ceases to be necessary for the purposes of the Company, they shall, when the Company find it expedient, sell or dispose thereof; and the Company may also, from time to time, and as their business may require, purchase, lease or build any workshops, machinery or other works and appliances in any part of Canada which the Company may think necessary and proper for their purposes or for the exercise of the powers by this Act conferred, and the same or any part of them, when the Company find it expedient, shall be disposed of.

Power to hold real estate.

Patents may be paid for in stock or bonds.

7. The Directors shall have power to contract for or purchase and acquire upon such terms and conditions as they think fit the patent of inventions hereinbefore mentioned as heretofore issued, and all rights and privileges thereto belonging and in any such contract for purchase or any purchase thereof, may agree to pay or may pay therefor in paid-up stock or in bonds of the Company, and shall have the like powers in reference to any other patents of

invention heretofore or hereafter to be granted, and acquired or to be acquired by the Company as hereinbefore provided, and any other matters or things which are hereinbefore authorized to be purchased or acquired by the Company, and any such contract for purchase or acquisition and the terms thereof shall be binding upon the Company.

Powers of Directors.

8. In managing the business of the Company, and in making any contracts for any of the purposes of the Company the Directors of the Company shall possess and exercise all the powers of the Company.

Directors.

9. The affairs of the Company shall be managed by a Board of not less than three nor more than nine Directors.

First board of Directors.

10. The said Casimir Stanislaus Gzowski, Josiah Burr Plumb, William H. Howland, Henry H. Date, John McNab, Henry Paffard, Richard H. Date and Charles Worden, together with such other persons as they may associate with themselves, shall be the Directors of the Company until replaced by others duly appointed in their stead.

Subsequent directors.

11. The subsequent Directors of the Company shall be elected by the shareholders in general meeting of the Company assembled at such times, in such wise and for such term not exceeding one year, as the by-laws of the Company may from time to time prescribe.

Increase of capital stock.

12. In the event of an increase in the capital stock of the Company being deemed advisable it shall be lawful for the shareholders, in general meeting duly called for the purpose, by the vote of a majority of the shareholders present at such meeting, in person or by proxy, to pass a by-law increasing the capital stock by an amount not exceeding five hundred thousand dollars in addition to the capital of five hundred thousand dollars hereinbefore provided, and thereupon all the provisions of this Act, and of the "*Canada Joint Stock Companies Clauses Act*, 1869," not herein excepted from incorporation with this Act, shall apply to such increased capital.

Company may borrow money.

13. The Company may from time to time borrow money to an extent not exceeding in the whole the sum of two hundred thousand dollars at such rates of interest and upon such terms as they think proper; and may for such purpose make and issue bonds in sums of not less than one hundred dollars, under the common seal of the Company, and to order or to bearer, and with or without coupons for interest attached, and the same and the coupons may be made payable at such place or places as they think fit, and such bonds shall without registration or filing of the same be and be taken as an hypothec, mortgage and pledge according to the rank and priority which may be therein mentioned upon the real and personal property, patent rights, privileges 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 all and every the property of the Company hereinbefore mentioned. And no lender shall be bound to inquire into the occasion of any such loan or into any validity of any by-law or resolution authorizing the same, or the purpose for which such loan is wanted. But such hypothec,

mortgage or pledge hereby created shall not effect any machinery, work, tools, or railway or other appliances of any nature or kind whatsoever, manufactured by the Company for sale or disposal in the course of the business of the Company.

Conversion of bonds into steck.

14. The Company may make and express on the face of such bonds that the same are convertible into stock at the option of the holder, and may at any time issue stock beyond the maximum amount of original or increased stock hereinbefore authorized, and upon such conversion the bonds so converted shall be absolutely null and void.

Voting by bondholders.

15. The Company may give to the holders of such bonds a right to vote as if the same were stock, and such right to vote may or may not be expressed upon the face of such bonds

32-33 V., c. to apply.

16. "The Canada Joint Stock Companies Clauses Act, 1869," is hereby incorporated with this Act except the eighteenth section of the same, which is hereby excepted from incorporation herewith.

1st Session, 2nd Parliament, 36 Victoria,

BILL.

An Act to incorporate "Date's P
Steel Company, Limited."

PRIVATE BILL.

MR. Morris

OTTAWA:

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

1873.

No. 65.] **BILL.** [1873.

An Act to incorporate the Royal Canadian Insurance Company.

Preamble.

WHEREAS the Hon. John Young, Louis Alphonse Boyer, Thomas Caverhill, Benjamin Lyman, Jacques Felix Sincennes, Andrew Robertson, James Crathern, William Workman, Joseph Rozaire Thibaudeau, John Duncan, Edward R. Greene, John Adams Perkins, Alfred Perry, Joseph Barsalon, Edward Goff Penny, Jonathan Hodgson, R. Jos. Reekie, John Grant, Henry Bulmer, William McNaughton, James Benny, Henry Lyman, James Donnelly, Samuel H. May, James Conistine, James Popham, William Rodden, Walter Macfarlane, William O'Brien, Andrew Wilson, Henry Mulholland, Alexander Buntin, and Thomas Tiffin, all of the city and district of Montreal, Esquires, have petitioned for an Act to incorporate them and others under the style and title of "The Royal Canadian Insurance Company," to enable parties owners of, or interested in property to insure the same against loss by fire and also to carry on the business of fire marine and inland navigation insurance, and insurance generally; and whereas it has been considered that the establishment of such an association would be greatly beneficial to the interests of the Dominion and tend to the retaining therein a large portion of the moneys annually sent away as premiums for such insurance; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The said persons and all other person and persons, body and bodies politic, as shall from time to time be possessed of any share or shares of the stock of the Company are hereby constituted and shall be one body politic and corporate by the name of "the Royal Canadian Insurance Company" 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.

Stock and shares of the Company.

2. Each share in the stock of the said Company shall be one hundred dollars; the number of shares shall not exceed fifty thousand, and books of subscription shall be opened in the principal cities and towns of the Dominion at the same time, of which public notice shall be given by such person or persons, and under such regulations as the majority of the Directors hereinafter appointed shall direct: Provided always, that it shall and may be lawful for the said corporation to increase its capital stock to a sum not exceeding ten millions of dollars, as a majority of the stockholders, at a meeting to be especially convened for that purpose, shall agree upon.

Increase.

Subscription of shares and payment of calls.

3. It shall be lawful for any person or persons, or body politic, to subscribe for such and so many shares as he, she or they may think fit, and five per cent. shall be paid at the time of subscription,

and five per cent. shall be paid in three months thereafter, to be called for by the Directors, and the remainder shall be payable in such instalments as a majority of the Directors may determine upon, not to exceed five per cent. per call, and at periods of not less than three months interval: Provided always, that no instalment shall be called for, nor be payable in less than thirty days after public notice shall have been given in two newspapers published in the city of Montreal (one in the English language and the other in the French language) and in the *Canada Gazette*, and by circular, addressed to each stockholder at his, her or their last known residence.

Forfeiture of shares for non-payment.

If any stockholder or stockholders as aforesaid shall refuse or neglect to pay to the said Directors the instalment due upon any share or shares held by him, her or them at the time required so to do, such stockholder or stockholders as aforesaid shall forfeit such share or shares as aforesaid, together with the amount previously paid thereon, and such forfeited share or shares may be sold at a public sale by the said Directors, after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always, that in case the money produced by any sale of shares be more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus money shall be paid on demand to the owner, and no more shares shall be sold than shall be deemed necessary to pay such arrears, interest and expenses.

Proviso.

Company may make contracts of Insurance.

4. The 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 on any houses, stores or other buildings whatsoever, and on any shipping or vessels whatsoever, wheresoever or whithersoever proceeding, against loss or damage by fire water or any other risk whatever and in like manner on any goods, chattels, or personal estate whatever, whether on shore or afloat, and 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 the necessary matters and things connected with and proper to promote those objects.

Re-Insurance.

Investment of funds.

5. It shall be lawful for the Company to purchase and hold, for the purpose of investing therein any part of the funds or money thereof, any of the public securities of the Dominion, the stock of any of the banks or other chartered companies, and the bonds and debentures of any incorporated city or town or municipal or other corporation, and also to sell and transfer the same, and again to renew such investment when and as often as a due regard to the interests of the Company shall require, and also to make loans of the funds on bond and mortgage, at any legal rate of interest, with power to receive the same in advance, and the same investments to call in and reloan as occasion may require.

Board of Directors.

6. The property, affairs and concerns of the said Company shall be managed and conducted by a Board of nine Directors, one of whom shall be chosen President and one Vice-President; which Board, in the first instance, and until replaced by others, shall consist of the Honorable John Young, Louis Alphonse Boyer, Thomas Caverhill, Joseph Rozaire Thibaudeau, Andrew Robertson, Jacques Felix Sincennes, John Duncan, Alfred Perry, and John Adams Perkins, all of the city of Montreal.

Head office and branches.

7. The principal office of the Company shall be in the city of Montreal, in the Province of Quebec, but the Company may establish agencies or branch offices in any part of Canada.

8. It shall be lawful for the Directors to return to the holders of the policies or other instruments, such part or parts of the actual realized profits of the Company, in such parts, shares and proportions, and at such times and in such manner as the said Directors may deem advisable, and to enter into obligations so to do either by endorsements on the policies or otherwise: Provided always, that such holders of policies or other instruments shall not be held to be in anywise answerable for the debts or losses of the Company, beyond the amount of the premium or premiums which may have been actually paid up by him, her or them.

Participation in profits by policy-holders.

Proviso.

9. The transmission of the interest in any share of the capital stock, in consequence of the marriage, death, bankruptcy, or insolvency of a shareholder, or by any other lawful means than an ordinary transfer, shall be authenticated and made in such form, by such proof, with such formalities, and generally in such manner, as the Directors shall from time to time require or by any by-law may direct; and in case the transmission of any share of the capital stock of the Company shall be by virtue of the marriage of a female shareholder, it shall be competent to include therein a declaration to the effect that the share transmitted is the sole property, and under the sole control of the wife, and 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.

Transmission of shares; proof required in certain cases.

Transmission by marriage of female shareholder.

10. If the Directors of the Company shall entertain doubts as to the legality of any claim to and upon such share of stock, it shall be lawful for the Company to make and file in the Superior Court of Montreal a declaration and petition in writing addressed to the said court, or to one judge thereof, setting forth the facts and praying for an order or judgement adjudicating or awarding the said share to the party or parties legally entitled to the same, and by which order or judgement the Company shall be guided and held fully harmless and indemnified and released from all and every other claim for the said share, or arising therefrom: Provided always, that notice of such petition shall be given to the party claiming such share, who shall, upon the filing of such petition, establish his right to the 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 court or judge 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.

Proceedings in case of doubt as to title to such share.

Proviso.

Proviso.

11. Any person, who, as secretary, clerk, or other officer of the Company shall be guilty of any designed fraud or falsehood in any matter or thing pertaining to his office or duty shall be guilty of a misdemeanor, and any person offering to vote in person at any election of Directors in the said Company who shall falsely per-

Fraud to be a misdemeanor.

sonate another, or who shall falsely sign or affix the name of any other person, a member of the Company, to any appointment of a proxy shall be guilty of a misdemeanor.

Double Insurance.

12. If any insurance shall be and subsist in the said Company, and in other office or from, and by another person or persons at the same time, the assurance made in and by the said Company shall be deemed and become void, unless such double assurance subsist with the consent of the Directors signified by endorsement on the policy, signed by the President, Secretary, or otherwise as directed by the by-laws and regulations of the Company.

Officers may be witnesses.

13. In all actions, suits, and prosecutions in which the said Company may be at any time engaged, any officer or stockholder in the said Company shall be a competent witness, notwithstanding any interest he may have therein.

Names of stockholders.

14. During the hours of business, every stockholder of the said corporation, shall have power to ask and receive from the President, Secretary or other officer the names of all the stockholders of the said corporation.

Returns to Parliament.

15. The said Company shall, when required so to do, by either of the branches of the Legislature, present a return under oath of the amount of real estate held by the said corporation, the amount of capital stock subscribed and paid up, with a list of the shareholders and the stock subscribed by each, and the names of the Directors together with a statement of the amount of risks paid during the past year, the amount of risks for which the Company is liable under each class, the amount to be paid the stockholders in dividends and bonuses, and the amount of money in hand at the time of making the return.

General Act to apply.

16. Notwithstanding any thing contained in "*Canada Joint Stock Companies Clauses Act*, 1869," or in any other law the said Act shall extend and apply to the Company hereby incorporated, and shall be incorporated with and form part of this Act: Provided always, that the words "or insurance" in the third section of the said cited Act, and that sections eighteen, twenty-four, twenty-five, twenty-eight, twenty-nine, thirty-two, thirty-nine, and forty, of the said cited Act shall not be incorporated with this Act.

1st Session, 2nd Parliament, 36 Victoria

BILL,

An Act to incorporate the Royal Ca
Insurance Company.

PRIVATE BILL.

Hon. Mr. YOUNG,
(Montreal W

OTTAWA:
Printed by I. B. Taylor, 29, 31, and 33, Rideau
1873.

No. 66.] **BILL.** [1873

An Act to Incorporate the Canada Car and Manufacturing Company.

WHEREAS the "Canada Car Company" have by their petition set forth that with a view to extend their usefulness for manufacturing generally, and to enable them the better to supply the great demand for rolling stock and other material for railway companies now in existence, and hereafter to be formed, in all parts of the Dominion, it is necessary that their capital stock should be increased, and greater powers should be conferred upon than they at present possess under their Charter of Incorporation; and, whereas they have petitioned for a special Act for the purposes aforesaid, conferring on them more extensive powers, and giving them authority to increase their capital and to change their name as 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.

1. The shareholders of the "Canada Car Company," incorporated by letters patent under the "*Canada Joint Stock Companies Letters Patent Act of* 1869," together with such other persons as may hereafter become shareholders in the Company, shall continue to be and are hereby constituted a body politic and corporate by the name of "The Canada Car and Manufacturing Company," with all and every the incident powers and privileges to such Company heretofore belonging and hereinafter mentioned: Provided always that nothing herein contained shall be construed in any way whatever to affect any right or liability of the said Company under its present charter of incorporation, or the rights or liabilities of the shareholders of the Company on their subscriptions for stock and their payments made on account of the same or otherwise in respect of any contract, matter or thing affecting the said Company, or any action, suitor proceeding commenced on behalf of or against the Company at the time of the passing of this Act; and all property, real and personal, heretofore belonging to or vested in the said Company and all their interest in the same is hereby transferred to and shall from henceforth be held by and vested in the "Canada Car and Manufacturing Company," in the same manner and by the same title and with all the benefits and liabilities attached to the same as existed at the time of the passing of this Act: Provided that the Company hereby formed shall be liable for all the debts and liabilities of the said Company, and that the liabilities of the shareholders of the said Company is hereby transferred to the Company hereby constituted. Incorporation. Corporate name. Not to affect liability and rights of existing company. Property transfesred. Proviso.

2. The said Company shall have their principal place of business, and may erect workshops in the city of Toronto, and they may also carry on business, erect workshops, and open an office or Chief place of business and branches.

offices at such other places within the Dominion of Canada as the shareholders may at a general meeting, from time to time, determine.

Board of Directors.

3. The affairs of the Company shall be administered by a Board of nine Directors, being severally holders of at least forty shares of stock, who shall be elected at each annual meeting of the Company and shall hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected; and three members of such Board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any Director, such Board, if they see fit, may fill the vacancy until the next annual meeting of the said Company, by appointing any qualified shareholder thereto; but a failure to elect Directors or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the Company called for that purpose. The first Directors of the Company incorporated under the Act shall be John Crawford, Hon. John McMurrich, C. J. Campbell, Hugh Baines, Frank Shanly, Nicol Kingsmill, Clarkson Jonas, H. S. Howland, and John L. Blackie, and they shall hold office until the next annual meeting of the Company.

Quorum.

Vancancies.

Failure of election not to dissolve corporation.

First board of Directors.

Directors to manage affairs and make by-laws.

4. The Board of Directors shall have full power in all things to administer the affairs of the Company, and to make or cause to be made any purchase and any description of contract which the Company may by law make, to adopt a common seal, to make from time to time any and all by-laws (not contrary to law or to the votes of the Company) regulating the calling in of instalments on stock and payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and the proceeds thereof, the transfer of stock, the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the Company; the security to be given by them to the Company; their remuneration, and that, if any, of the Directors; the time and place for holding the annual and other meetings of the Company; the calling of meetings of the Company and of the Board of Directors; the requirements as to proxies; the procedure in all things at such meetings; the site of their chief place of business, and of any other office or offices they may require to have; 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: but every such by-law and every repeal, amendment and re-enactment thereof shall have force only until the next annual meeting of the Company, unless confirmed at some general meeting of the Company; and every copy of any by-law under the seal of the Company, and purporting to be signed by any officer of the Company shall be received in all courts of law as *primâ facie* evidence of such by-law.

Proviso; by-laws to be consumed.

Business of the company.

5. The said Company may carry on the manufacture of railway cars, trucks, carriages, rolling stock, locomotive engines and equipment of all kinds, including everything employed in and about the construction of such cars, trucks, carriages, rolling stock and engines, and whether consisting of wood, metal, cloth, leather or other material; they may also manufacture and construct rails and railway points and everything used or employed in the fixing, fastening and securing of rails, and in and about the construction of a railway; and may manufacture any materials and articles made of metal, wood or other raw materials, and may erect and

construct all things in which metal and wood form a component part.

Further power of the company.

6. The Company may sell or lease rolling stock and all the other things manufactured by them to any person, company or body corporate, whether residing or doing business within or without the Dominion of Canada; and they may purchase, lease or take in exchange all kinds of rolling stock, railway material and other articles the Company may require, and may re-sell or lease the same, and for the purposes aforesaid they may make all contracts, do all acts, and exercise all powers consistent with this Act; and in the course of such business they may agree for, take, dispose of, and enforce any species of security which a private individual may agree for, take, dispose of and enforce, including the bonds or debentures of any other company or corporation.

Company to have a first lien.

7. The Company shall have a first lien or charge upon all rolling stock, locomotive engines and other railway materials and all other articles sold or leased by them for the amount due or payable in respect of the same, and such first lien or charge may be enforced against all persons, companies or corporations, in any court of law or equity, in the same manner as other liens or charges could be enforced if the same had been created between private individuals: Provided always that such lien or charge may be regulated, waived, altered, or destroyed by any special agreement made for that purpose.

Company may acquire patents.

8. The said Company may from time to time, for the purpose of manufacturing or using the same, acquire such patent or patent rights as may have been already or shall hereafter be granted within the Dominion of Canada or elsewhere, and may sell the same again, and they shall thereby acquire and enjoy the same exclusive rights, immunities, privileges, and powers, in using, manufacturing and selling the same as a private individual would under similar circumstances have acquired and enjoyed.

May acquire timber limits.

9. The said Company shall have power to acquire a title by purchase or lease, to timber limits, and lands with timber thereon growing, and other real estate necessary for the purposes of carrying on their works, and may erect mills for the manufacture of lumber and other timber on the same, and may sell or mortgage the same as seems to them fit.

May acquire stock or charter of other companies.

10. The said Company shall have power to subscribe for or to purchase the stock of any other company or companies, and may hold the same in all respects as a private individual could do, and may purchase the charter of any other company or companies, and may work the same under such charter or charters, having all the powers conferred on them by such purchase as the parties originally incorporated under such charter or charters; and the said Company may from time to time sell the said stock or the said charter or charters, and all their interest in the same as seems to them fit and proper: provided that no such subscription or purchase of stock of the charter of any other company or companies shall take place, except on the consent of the majority of the shareholders of the said Company obtained at a general meeting of the Company called for that purpose.

Running arrangements with railways.

11. The said Company shall have power to enter into arrangements with any railway company for the purpose of hiring or

running their own cars on such railway at a fixed rate or for tolls, and they may either hire traction power from such railway company or provide the same themselves.

Company may borrow money and issue bonds.

12. The said Company may from time to time, for the purposes of the Company, borrow, either in the Dominion of Canada or elsewhere, such sum or sums of money not exceeding the amount of the paid up capital of the Company as the Directors for the time being may deem necessary, and may issue bonds therefor in such amounts and made payable at such times and in such ways, and bearing such interest and secured in such manner by mortgage or otherwise as to the Directors for the time being may seem fit for carrying out any of the objects or purposes of this Act.

May become parties to promisory notes.

Proviso.

13. The said Company shall have power to draw, endorse, and accept promissory notes and bills of exchange, signed by the President or Vice-President, and counter-signed by the Secretary or Treasurer, provided that nothing herein contained shall be deemed to authorize the Company to issue any notes payable to the bearer thereof, or any promissory note intended to be circulated as money or as notes of a bank, 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.

Increase of capital stock.

14. The said Company is hereby authorized to increase its capital stock to the sum of two million dollars in shares of one hundred dollars each, which increase shall only be made by a majority of two thirds of the votes of the shareholders assembled at any general meeting of the Company called for that purpose, and may be so made in one vote or from time to time as may be deemed expedient; and thereupon stock books for such additional stock may be opened at such times and places as may be authorized by the Directors for the time being, but the allotment of such stock shall be wholly in the discretion of the Directors, and they shall not be bound to make an allotment to every subscriber unless it seems to them to be for the benefit of the Company so to do.

Calls how paid.

Forfeiture of shares.

Proviso.

15. On the allotment of stock the sum shall be paid by the subscribers therefor, when, where and as the Directors of the Company shall require, or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per cent per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the Directors with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the Directors may by vote, reciting the fact and duly recorded in their records, summarily forfeit any share whereon such payment is not made, and the same shall thereupon become the property of the Company, and may be disposed of as the by-law or votes of the Company may provide; provided always, that the notice of any such call shall be published for three weeks in some daily paper published in the city of Toronto.

Transfer of shares.

16. The stock of the Company shall be deemed personal estate, and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

17. Aliens, as well as British subjects, and whether resident in the Dominion of 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, and shall be also eligible to hold all offices as Directors or otherwise in the said Company. Aliens may be shareholders.

18. At all meetings of the Company, every shareholder not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the Company; and no shareholder being in arrear shall be entitled to vote; and all votes may be given in person or by proxy; Provided always the proxy is held by a shareholder not in arrear, and is in conformity with the by-laws. Votes. Proxy.

19. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the person in whose name the same shall stand in the books of the Company shall be a discharge to the Company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the Company, and the company shall not be bound to see to the application of the money paid upon such receipt. Company not bound to see to the transaction of trusts.

20. The shareholders shall not as such or as individuals be liable for any claim, engagement, loss, or payment, or for any matter or thing relating to or in connection with the said Company or the liabilities, acts or defaults of the said Company beyond the amount remaining unpaid on their respective shares. Liability limited.

21. The shareholders in the Company shall be jointly and severally individually liable for all debts due and owing to any of the labourers and servants thereof for services performed for the Company: but no shareholder in such Company shall be personally liable in respect of any such debt which is not to be paid within one year from the time of the debt is contracted, nor unless a suit for the collection of such debt be brought against the Company within one year after the debt became due; and no suit shall be brought against any shareholder in such Company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company nor until an execution against the Company shall have been returned unsatisfied in whole or in part. Shareholders to be liable for wages. Exception.

21. *The Joint Stock Companies' General Clauses Consolidation Act* of the late Province of Canada shall not apply to the Company hereby incorporated. General Act not to apply.

22. If at any time the Directors consider it expedient to cease carrying on the business of the Company, and to wind up and close it, they shall have power to do so in such manner as they shall deem best for the interests of the shareholders; Provided that the consent of a majority of the shareholders present at any meeting called for that purpose be obtained thereto. Winding up of the company.

No. 66.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate the Canada Car and Manufacturing Company.

PRIVATE BILL.

Mr. MORRISON.

OTTAWA:

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

1873.

No. 67] **BILL.** [1873

An Act to grant additional powers to the Quebec and Gulf Ports Steamship Company.

WHEREAS the Quebec and Gulf Ports Steamship Company, incorporated by charter granted under the provisions of the Act of the Parliament of the late Province of Canada, twenty-seventh and twenty-eighth Victoria, intituled: "*An Act to authorize the granting of Charters of Incorporation to Manufacturing Mining and other Companies,*" have by their petition represented that they have not sufficient power under their charter to enable them to carry on and extend their business, and have prayed for a special Act of incorporation; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. All persons who are now shareholders in the Quebec and Gulf Ports Steamship Company, or shall at any time hereafter become shareholders in the said Company, under the provisions of this Act, and the by-laws made under the authority thereof, and their successors, shall be a body corporate and politic, with perpetual succession and a common seal, by the name of the "Quebec and Gulf Ports Steamship Company," and by that name may sue, and be sued, plead and be impleaded in all Courts, whether of law or equity. Incorporation. Corporate name.

2. The capital stock of the said Company shall be two million five hundred thousand dollars, divided into twenty-five thousand shares of one hundred dollars each, two hundred and ninety-five thousand dollars of which has been alloted; the balance of the said capital not yet allotted may be issued in such manner as the Directors may from time to time direct. Capital stock.

3. The 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; also to own, construct, buy, sell, or lease wharves, roads, stores, buildings, or other property, and to purchase, sell and lease real estate, and mines, and purchase or sell shares in mining companies, and to buy and sell coals and merchandize of any kind. Powers and business of the company.

4. The affairs of the Company shall be managed by a Board of not less than seven nor more than nine Directors, three of whom shall be a quorum; the shareholders shall, at the first annual meeting after the passing of this Act, before proceeding to the election of Directors, declare by resolution the number of the Directors. Board of Directors.

5. No person shall be eligible as a Director hereafter, unless he is the owner of stock, absolutely in his own right, to the value of twenty shares paid up in full. Qualification of Directors.

Election of Directors.

6. The Directors shall be elected annually by the shareholders at a general meeting called for that purpose, and shall remain in office until their successors are elected; notice shall be sent to each shareholder, and a notice shall be inserted in one English and one French newspaper, published in the city of Quebec, at least ten days before the day of meeting; the election shall be held at such time between the first day of February and the first day of April in each year, and at such place as may be appointed by resolution of the Directors; any vacancy in the Board of Directors occasioned by death, resignation, disqualification, or absence from the Province for a period of six months, without the sanction of the Board, shall be filled by such person or persons duly qualified as the Directors may appoint.

Vacancies.

Notice of general meetings.

7. Notice of the time and place for holding all general meetings shall be given in the same manner as that for the election of Directors.

Votes.

8. At all general meetings of the Company for the election of Directors or transaction of any other business, every shareholder shall be entitled to as many votes as he owns shares in the Company; provided, however, that no such shareholders shall be entitled to vote on any shares which are in arrears of calls; shareholders may vote by proxy, provided such proxy is a shareholder duly entitled to vote.

Proxy

Annual statement of affairs.

9. An exact statement of the affairs, debts, and assets of the Company up to the thirty-first day of December in each year, shall be submitted to the shareholders at each annual meeting.

Auditors.

10. Two shareholders, not being officers or Directors of the Company, shall be elected at each annual meeting to audit the books and accounts for the succeeding year.

Ballot.

11. At all elections of Directors, the voting shall be by ballot.

Election and appointment of officers

12. The Directors shall, within two days after their election, elect from amongst themselves, a President and Vice President, and shall also name, and may remove at pleasure all other officers of the Company; the President may vote at all meetings of Directors, and, in case of an equal division of votes, shall also have a casting vote.

Who shall preside at meetings.

13. The President, or in his absence the Vice President, shall preside at all meetings of the Board, or of the shareholders; in the absence of both, a chairman shall be named by the meeting from the Directors present.

Failure of election not to dissolve corporation.

14. 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.

Directors to administer affairs.

By-laws.

15. The Directors of the Company shall have full power in all things to administer its affairs, and may make, or cause to be made for the Company any description of contract which the Company may by law, enter into, and may pass such resolutions, and make such regulations and by-laws as shall appear to them proper and necessary to regulate the allotment of the unissued 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 appoint-

ments, 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 of the Directors, the time at which, and the place or places where the annual meetings of the Company shall be held, and where the business of the Company shall be conducted, 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 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 from that time only cease to have force.

Proviso.

Copy of by law to be evidence.

16. A copy of any by-law of the Company, under their seal, and purporting to be signed by any officer of the Company, shall be received as *primâ facie* evidence of such by-law, in all Courts of law or equity in Canada.

Transfer of shares.

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

Calls on shares.

18. The Directors of the Company may call in and demand from the shareholders thereof respectively, all sums of money by them subscribed at such time and places, and in such payments or instalments, as the resolution of Directors or the by-laws of the Company may require or allow; and interest not exceeding eight per cent. per annum may be charged upon the amount of unpaid calls from the day appointed for the payment of such calls, and no dividend shall be declared or paid on any shares in arrears for unpaid calls.

Recovery of calls.

19. The Company may 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 an officer of the Company, to the effect that the defendant is a shareholder, and that so much is due by him and unpaid thereon, shall be received in all courts of law and equity within the Dominion as *primâ facie* evidence to that effect.

Forfeiture of shares for non-payment of calls.

20. If, after such demand or notice as by the resolution of the Directors or the 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 resolution or by-laws may be limited in that behalf, the Directors, in their discretion, by vote to that effect, reciting the facts and duly recorded in their minutes, may summarily forfeit 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 by-law or resolution they shall ordain.

When shares shall be transferable.

21. No share shall be transferable until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon or sold under execution.

Books of record to be kept.

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

The names of all persons who are or have been shareholders.

The address and calling of every such person, while such shareholder.

The number of shares of stock held by each shareholder.

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

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

The names, addresses and calling of all persons who are or have been Directors of the Company, with the several dates at which each become or ceased to be such Director.

Directors may disallow entry of transfer in certain cases.

23. The Directors may refuse to allow the entry in any such books of any transfer of stock, whereof the whole amount has not been paid in ; and no transfer made with the view of relieving the transfer from pre-existing debts of the Company, shall be valid or prevent any antecedent creditor from exercising his remedy against such transfer or in the same way as if he had continued to be a shareholder in such Company.

Further provisions as to transfer of shares.

24. No transfer of stock shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto toward each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferor, to the Company and their creditors—until entry thereof has been daily made in such book or books ; no stock shall be transferable till all calls due thereon and all other debts due to the Company have been paid and the Directors shall have the right to retain from any shareholder any dividend due to such shareholder until such debt shall be paid, or they may apply such dividend in payment of any debt due to the Company ; no transfer of a fraction of a share shall be allowed.

No examination of books by shareholders.

25. No shareholder or any other person except the auditors and Directors shall be permitted to examine the books or other documents of the Company.

Books to be evidence.

26. Such books shall be *primâ facie* evidence within the Dominion of all facts purporting to be thereby stated, in any suit or proceeding by or against the Company or against any shareholder.

Penalty for making false entries.

27. 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 neglects to make any proper entry therein, shall be liable to a penalty not exceeding twenty dollars, for making each such untrue entry, and for each such refusal or neglect, and also for all loss or damage which any party interested may have sustained thereby.

Company not bound to see to the execution of trusts.

28. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares ; 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 shares, and whether or not notice of such trust shall have been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Execution contracts &c.

29. Every contract, agreement, engagement, or bargain made, and every mortgage, debenture, and 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 accordance with any resolution or regulation, and with his powers as such under the by-laws of the Company, shall be binding upon the Company; and the party so acting as agent, officer or servant of the Company, shall not be thereby subjected individually to any liability whatsoever, to any third party therefor; Provided always, that nothing in this section 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.

Proviso.

30. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the Company, to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor, before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable, with costs, against such shareholder to the extent of the amount by him due on his shares.

Liability limited.

31. 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 due by them on their respective shares in the capital stock thereof.

Liability of executors &c.

32. 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.

Representation.

33. Every such executor, administrator, tutor, curator, guardian, or trustee, shall represent the stock in his hands, at all meetings of the Company, and may vote accordingly as a shareholder or may appoint any shareholder to act as his proxy.

Declaration of dividend when company is insolvent to retail responsibility on Directors.

34. 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 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.

No loan to be made to a shareholder.

35. 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 any wise assenting thereto, shall be jointly and severally liable to the Company for the amount of such loan—and also to third parties, to the extent of such loan with legal interest, for all debts of the Company contracted from the time of the making of such loan to that of the repayment thereof.

Actions.

36. Any description of action may be prosecuted and maintained between the Company and any shareholder thereof, and no shareholder, not being himself a party to such suit, shall be incompetent as a witness therein.

Existing Directors continued in office.

37. The Directors elected under the charter incorporating the Company shall remain in office until the next election of Directors between the first day of February and the first day of April in the year one thousand eight hundred and seventy-four, and any by-law, resolution or regulation adopted under the said charter shall remain in force till repealed, or until new by-laws, resolutions and regulations shall be adopted.

No. 67.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to grant additional power to Quebec and Gulf Port Steamship pany.

PRIVATE BILL.

Hon. Mr. McGREE

OTTAWA:

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

1873.

No. 68.] **BILL.** [1873

An Act to incorporate the Insurance Company of Canada.

WHEREAS the Hon. Sir Francis Hincks, Theodore Hart, Henry Judah, Andrew Allan, and Hector McKenzie, have by their petition prayed that they may be incorporated for the purpose of carrying on the business of Marine, Inland Navigation and Transportation, and Fire Insurance; 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. There shall be established in the city of Montreal, an Insurance Company for Marine, Inland Navigation and Transportation, and Fire risks, to be called "*The Insurance Company of Canada.*" Incorporation.

Insurance powers.

2. The said Corporation shall have power, Marine risks.

(1.) To make Marine Insurance upon vessels, freights, goods, wares and merchandise, specie, bullion, commission profits, bank-notes, bills of exchange and other evidences of debt, bottomry and respondentia interests, and to make all and every insurance appertaining to or connected with Marine or Inland Transportation risks.

(2.) To make insurance on dwelling houses, stores, and other buildings, household furniture, merchandise and other property against loss or damage by fire; and Fire risks.

(3.) To cause itself to be re-insured against any risk upon which it has made or shall make insurance. Re-insurance.

3. The Corporate powers of the said Company shall be exercised by a Board of Trustees, and such Officers and Agents as the said Board may appoint. The Board of Trustees shall consist of sixteen persons, all of whom must be inhabitants of the District of Montreal; they shall elect from among themselves a President and a Vice-President, and an executive committee of three, annually, who shall hold their offices until others are elected in their stead; and the said Board of Trustees shall have power to declare by a By-law, what number of Trustees, less than a majority of the whole Board, shall be a quorum for the transaction of business. Board of Trustees and officers.

Quorum.

4. The Trustees of the said Corporation shall at their first meeting divide themselves by lot into four classes of four each. The term of the first class shall expire at the end of one year; the term of the second class shall expire at the end of two years; the term of the third class shall expire at the end of three years; and the term of the fourth class shall expire at the end of four years. After the first election, four Trustees shall be elected annually, for a term of four years; and all vacancies in the Board of Trustees occasioned by death, resignation or removal from the District of Term of office of Trustees.

Vacancies.

Montreal, shall be filled by a choice to be made by the said Board of Trustees, by a plurality of votes. Trustees whose term has expired shall continue in office until others are elected in their stead and Trustees going out shall be eligible as new Trustees.

Commissioners for organizing Company.

5. The Hon. Sir Francis Hincks, Theodore Hart, Henry Judah Andrew Allan, and Hector McKenzie, all of the City of Montreal, are appointed Commissioners for the organization of the Company. It shall be their duty within two years from the passing of this Act, to open books to receive applications for insurance to be effected by the said Company, and as soon as applications amounting to $500,000 shall be received, to give notice to the persons who have made such applications, of a meeting for the election of sixteen Trustees, and of three Scrutineers for the next election. Every person having so made application for insurance shall be entitled to vote at the said election, and shall be eligible as a Trustee or Scrutineer.

First election of Trustees.

Votes.

Insurers shall be members.

Votes.

6. Every person and every firm having taken a policy during the preceding year, and every person and firm holding a certificate of the Company not discharged by payment of losses, shall be a member of the said Corporation, and entitled to vote at all elections, and eligible as Trustees and Scrutineers. Individual members shall vote either in person, or by proxy; and firms shall be represented and vote by one of the members thereof, or by the proxy of the firm. Every person or firm who shall become a member of the said Corporation by effecting insurance therein, shall the first time he or it effects insurance and before receiving the policy, pay the rates that shall be fixed upon and determined by the Trustees, and no premium so paid shall ever be withdrawn from the said Company, but shall be liable to all the losses and expenses incurred by the said Company, during the continuance of its charter.

Insurers to pay rates on insuring which shall not be withdrawn.

Elections after the first notice.

7. After the first election, annual elections shall be held for the election of four Trustees, and of three Scrutineers to hold the next election. Notice of the time and place of holding every election shall be given, for two weeks preceding such election, in two public newspapers, printed in the city of Montreal, the one in the English, and the other in the French language.

Yearly nett profits to be ascertained.

8. The officers of the said Company shall, within one month after the expiration of one year from the day on which they shall have issued their first policy, and within the first month of every subsequent year, cause an estimate to be made, as near as may be, of the profits of the said Company during the preceding year, in which estimate the losses and expenses of the said Company for the year shall be deducted from the earnings of the said Company during the same year, arising as well from premiums as from the income derived from the investments; and the balance, (if any,) shall be deemed the amount of the net profits for such preceding year, which estimate shall be binding upon all persons entitled to receive certificates as hereinafter mentioned. The said officers shall thereupon credit on the books of the said Company each person or firm who shall have paid any premium to the said Company during the preceding year, with such proportion of the said nett balance, (exclusive of fractional parts of ten dollars as hereinafter mentioned,) as the amount of earned premiums paid by such person or firm during such year and not returned, shall bear to the whole amount of earned premiums received by the said Company during the said year (less returned premiums), and they shall issue

And each member credited with his proportion thereof.

Certificate of such proportion, and its contents.

to such person or firm a certificate declaring him or it to be entitled to a portion of the invested funds of the said Company equal to the amount so credited to him or it, and also to the receipt annually, out of the interest or income derived by the said Company from the investments of the said profits, of an interest not exceeding six per centum per annum, but the said certificate shall contain a proviso, that the amount named therein is liable for any future losses by the Company. No person or firm shall be credited with, or receive a certificate for a share of profits less than ten dollars; and if such share shall exceed ten dollars, so much shall be deducted therefrom as will make it equal to the largest multiple of ten dollars contained therein; and all shares less than ten dollars, and the excess of the other shares over-multiples of ten dollars, shall be passed to the contingent fund of the Company, and applied to the expenses and other charges of the subsequent year.

As to portions less than ten dollars.

9. In case any person or firm entitled to a certificate shall be indebted to the Company for sums past due, and unpaid, the Company may withhold the certificate, and either deduct such indebtedness from the amount thereof, and reduce the certificate, or cancel the same, as the case may require.

Members indebted to the Company.

10. It shall be lawful for the said Company, to invest its funds or any part thereof in Dominion or Provincial stock or debentures, or in Municipal debentures; and in the stock of chartered banks, or the stock or debentures of incorporated companies; and to loan the same upon the security of such stocks and debentures, worth at least ten per centum more than the sum loaned thereon, or on hypothec or mortgage on real estate in the Dominion of Canada worth fifty per centum more than the sum charged thereon.

Investment of funds.

11. The said Company shall have the right to acquire and hold real estate in the city of Montreal to the value of one hundred thousand dollars, in which it shall provide itself with the offices necessary for the prosecution of its business; and the said Company, in addition to the above mentioned real estate, may purchase and hold all real estate on which it holds mortgages or hypothecs, which may be brought to forced sale, or it may take any real estate, with the approval of the majority of the Board of Trustees, in payment of any debt due to it in the course of its legitimate business; but the said Company shall sell such real estate, either so purchased or so taken in payment, within ten years after the same shall have been acquired, and the said Company shall not at any one time hold such real estate to an extent exceeding in value, in the aggregate, the sum of $100,000.

Real estate for use of Company.

Power to hold other real estate in certain cases.

Limitation.

12. Whenever the accumulation of the nett profits of the Company shall exceed $500,000, the excess, or such part thereof as may seem fit to the majority of the Board of Trustees, may be applied and employed in redemption of outstanding certificates of profits, in whole or in part; but the certificates of a subsequent year shall not be redeemed until all those of preceding years are provided for.

Redemption of certificate of shares of profits.

13. In case that the expenses and the losses of any year should exceed the receipts thereof, the officers of the Company shall declare a *pro rata* deduction of the amount of the outstanding certificates of profits, and shall debit the holders thereof on the books of the Company with their respective portion of such deduction, and the outstanding certificates shall thereupon be called in and new ones issued in their stead, less the proper reduction.

Redemption on certificates in case of loss.

14. All certificates of profits and interest in the Company shall be deemed personal property.

Certificates to be personalty.

Suits between members and the Company.

15. Suits at law or in equity may be prosecuted and maintained by any member of the Corporation against the same; and no member of the Corporation not being in his individual capacity a party to such suit shall be incompetent as a witness in it or in any suit by or against the Corporation.

Yearly statement of affairs and what it shall show.

16. On some day in the first month, after the expiration of the first year from the time when the said Company shall issue its first policy, and within the first month of every subsequent year, the officers of the said Company shall cause to be made and printed a general balance statement of the affairs of the said Company which shall contain :—

(*a.*) The amount of premiums received during the previous year, and specifying what amount was received on fire risks, what on marine risks, and what on inland transportation and navigation risks;

(*b.*) The amount of the expenses of the said Company during the year;

(*c.*) The amount of losses incurred during the year, specifying what amount of losses have been incurred by fire risks, what on marine risks, and what on inland transportation and navigation risks;

(*d.*) The balance remaining with the said Company;

(*e.*) The amount of the accumulation of nett profits, and the nature of the security in which the same is invested, specifying what amount is invested in real estate in the city of Montreal, what in real estate out of the city of Montreal; what on mortgage and hypothec; what in stocks and debentures; and what amount of cash is on hand.

Publication of statement.

17. The above mentioned general balance statement shall be published for one week in two public newspapers printed in the city of Montreal, the one in the English, and the other in the French language; and a printed copy shall be delivered to each member on request.

Guarantee Fund, how raised and invested.

18. With a view to afford due security to the policy holders, until the accumulation of profits have formed a reserve fund of $100,000, it shall be lawful for the Board of Trustees, if the majority thereof see fit, to raise a "Guarantee Fund" of $100,000, which shall be invested in the manner provided for the investment of the funds of the Company, and shall be liable for the payment of losses. The said Guarantee Fund shall be raised by subscription in shares of $1000, numbered consecutively, and shall be paid in such instalments as the Board of Trustees may resolve; and

Repayment thereof.

each year the nett profits shall be applied in repayment of the said Guarantee Fund, repaying each year such number of shares as the amount will allow, to be chosen by lot, and passing any balance less than a share to the contingent fund. The subscribers

Interest to subscribers.

to the said guarantee fund shall be entitled to interest at the rate of seven per centum per annum; and certificates shall be issued to them for their respective shares. The shares shall be transfer-

Shares therein and rights of shareholders. Votes.

able, and every holder thereof shall be a member of the Company, and shall have one vote for each share held; and should such holder be a member as the holder of a policy or a certificate of profits, he shall be entitled to such vote or votes for shares in the guarantee fund in addition to his vote as an ordinary member.

To be represented by Trustees.

Until the guarantee fund be wholly refunded, at least four of the Trustees shall be taken from the holders of the shares thereof; and the President and two of the members of the Executive Committee shall be elected from the Trustees who are the holders of such shares.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate The Insurance Company of Canada.

PRIVATE BILL.

Mr. Ryan.

OTTAWA :

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

1873.

No. 69.] **BILL.** [1873.

An Act to amend the *Act to re-adjust the representation in the House of Commons.*

WHEREAS doubts have existed as to the boundaries of the Electoral District of Muskoka; and certain electors resident within the boundaries of the Muskoka Census District No. 85, Province of Ontario, were excluded from voting in any Electoral District at the last general election; and whereas it is expedient to define more clearly the boundaries of the said Electoral District of Muskoka: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. Subsection three of section two of the said Act is hereby repealed, and the following substituted for it:

3. The Townships of *Morrison, Ryde, Muskoka, Draper, Oakley, Wood, Monck, Macaulay, Maclean, Medora, Watt, Stephenson, Brunel, Humphrey, Foley, Cardwell, Stisted, Chaffey, Christie, Monteith, McMurrich, Matchett, Ryerson, Spence, McKellar, McDougall, Ferguson, Carling, Hagerman, Croft, Chapman, Ferrie, McKenzie, Wilson, Brown, Blair, Mowatt, Cowper, Conger, Parry Island, Parry Sound, Aumick, Lake Territory, Maganetawan,* and all other surveyed and unsurveyed territory lying north of the North Ridings of Victoria and Simcoe (the North Riding of Simcoe being bounded on the north by the River Severn and Gloucester Bay), and south of the Nipissing District and the most southerly branch of French River, shall form the Electoral District of Muskoka, and shall return one member. Limits of Muskoka.

No. 69.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend an Act, 35 Vic., Chap 13, to re-adjust the representation in the House of Commons.

Received and read first time, Friday, 4th April, 1873.

Second reading, Monday, 7th April, 1873.

Mr. COCKBURN,
(Muskoka.)

OTTAWA:

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

1873

No. 70.] **BILL.** [1873.

An Act to incorporate "The King's County Board of Trade."

WHEREAS the persons hereinafter mentioned, resident or carrying on business in King's County in the Province of New Brunswick, or in the vicinity thereof, have by their petition represented that they have associated themselves together for some time past, for the purpose of promoting such measures as they have deemed important towards developing the general trade of Canada, and the County of King's in particular; and have further represented that their said association would be more efficient in its operations, should an Act of incorporation conferring certain powers on them and their successors be granted: and whereas it is expedient that the prayer of the said petition be granted; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. James Domville, M.P., of Rothesay; George H. White, Hugh McMonagle, senior, William Fairweather and Andrew McAfee, of Sussex; Walter B. Scovil and Samuel B. Raymond, of Springfield; John M. Raymond and Edward, J. Baxter of Norton; Samuel Foster and W. P. Flewelling, of Kingston; J. Titus and John Woodward of Rothesay; J. Cutler, Upham, and Thomas Morall of Upham; J. D. M. Keator and John Darling of Hampton; Alfred Markham and John Mills, of Hammond; Murray B. Keith and John C. Price of Havelock; John M. Stockton and John Sheck of Stadholm; D. Warrington Belyea, David Homm, Jeremiah Dolan and John Linton of Westfield; William McLeod and John L. Wilmot of Greenwich; John W. Cookson and B. Mills of, Kars, and such other persons, resident, or carrying on business in King's County, in the Province of New Brunswick, or in the vicinity thereof, as are or shall be associated with the persons above named for the purposes of this Act in the manner hereinafter provided, and their successors shall be and are hereby constiuted a body politic and corporate by the name of the "King's County Board of Trade," and by that name shall have all the general powers made incident to corporations by "*The Interpretation Act*:" Provided always, that the clear annual value of the real and personal estate, together held by the said corporation at any one time shall not exceed ten thousand dollars: and provided also that the said corporation shall not have nor exercise any corporate powers excepting such as are expressly conferred on the said corporation by this Act, or are necessary for carrying the same into effect, according to its true intent and meaning. Incorporation. Corporate name and powers. Proviso as to real and personal estate. Proviso as to corporate powers.

2. The funds and property of the said corporation shall be used and applied to and for such purposes only as may be calculated to extend and promote the just and lawful trade of Canada generally and of the County of King's more especially, or as may be necessary for attaining the objects for which the said corporation is instituted according to the intent and meaning of this Act. Application of funds.

Domicile.

Service of psocess.

3. The legal place or places of meeting of the said corporation, as designated by by-law of the council, shall be held to be the legal domicile thereof; and service at such place or places of any notice or process of any kind addressed to the said corporation, shall be held to be sufficient service of such notice or process on the corporation.

Council of Corporation.

4. For the management of the affairs and business of the said corporation, there shall be a council to be called "The Council of the King's County Board of Trade" which shall until the first election hereinafter mentioned, consist of a President, a Vice-President and twenty-nine other members of the council, all of whom shall be members of the said corporation, and shall have the powers and perform the duties hereinafter mentioned and assigned to the said corporation.

Provisional President, Vice-President and members of board.

5. The said James Domville shall be the President, the said George H. White the Vice-President; and the said Hugh McMonagle,senior, Willia m Fairweather, Andrew McAfee, Walter B. Scovil, Samuel B. Raymond, John M. Raymond, Edward J. Baxter, Samuel Foster, W. P. Flewelling, J. Titus, John Woodward, J. Cutler, Upham; Thomas Morall, J. D. M. Keator, John Darling, Alfred Markham, John Mills, Murray B. Keith, John C. Price, John M. Stockton, John Sheck, D. Warrington Belyea, David Homm, Jeremiah Dolan, John Linton, William McLeod, John L. Wilmot, John W. Cookson, and B. Mills the other members of the council, until the first election to be had under provisions of this Act; and the council hereby appointed shall, until the said election, have all the powers assigned to the council of the said corporation by this Act.

Annual meeting and election of officers and board.

Term of office.

Proviso in case of failure of election.

6. The members of the association shall meet annually at some place within the County of King's, of which due notice shall be given by the council for the time being of each year; and they or a majority of them shall then and there elect by ballot from among the members of the association, one President, one Vice-President, and ———— other members of the council; and the council so constituted shall, at their next meeting thereafter, choose from among the members of the association, six other persons to be members of the said council, making such choice in such manner that, as far as may be, the principal branches of trade and commerce carried on within the County of King's shall be represented therein; and the President, Vice-President and members so elect and chosen shall form the council of the said association, and shall hold their office until others shall be elected at the next annual meeting, or until they shall be removed from office, or shall vacate the same under the provisions of any by-law of the association; Provided always, that if the said election shall not take place in the month of in any year, such election may be had at any general meeting of the association to be called in manner hereinafter provided, and the members of the council then in office shall so remain until such election shall be had.

Vacancies how filled.

7. If any member of the council shall die, resign his office, or be absent for six months continually from the said province, it shall be lawful for the said corporation, if they shall see fit at any general meeting, to elect a member of the corporation to be a member of the council in the place of the member so dying, or resigning or being absent; and the member so elect shall hold office until the next election, and no longer, unless re-elected.

Quorums at general meetings.

8. At any annual or general meeting of the corporation any six or more members shall form a quorum, and shall be competent to do and perform all acts which, either by this Act or by any by-law of the corporation, are or shall be directed to be done at any such general meeting.

Retirement of members.

9. Any member of the said corporation intending to retire therefrom or resign his membership may at any time do so, upon giving to the Secretary ten days' notice of such intention in writing, and discharging any lawful liability which may be standing on the books of the said corporation against him at the time of such notice.

Power to enact by-laws for certain purposes.

10. It shall be lawful for the said corporation, or the majority of those present, and being a quorum at any general meeting, to make and enact such by-laws, rules and regulations for the government of the said corporation, providing for the admission and expulsion, or the retirement of members, and for the management of its council, officers and affairs, and the guidance of the Board o Arbitration hereinafter mentioned, and all other by-laws in accordance with the requirements of this Act or the laws of Canada as such majority may deem advisable; and such by-laws shall be binding on members of the said corporation, its officers and servants, and all other persons whomsoever, lawfully under its control.

Who may become members of the corporation.

11. Each and every person resident in the County of King's, being or having been a merchant, trader, mechanic, resident, director or manager of a bank, or insurance agent in the said county shall be eligible to become a member of the said corporation; provided always, that any other person whomsoever shall be eligible to be proposed and balloted for as a member, and to become a member of the said corporation as aforesaid, in case such person shall be recommended by the council of the Board of Trade at any such meeting.

Proviso as to others.

Extraordinary general meetings how called.

12. It shall always be lawful for the President or the council of the corporation by at least nine days' notice being given in two newspapers published in New Brunswick, to call a general meeting of the corporation for any of the purposes of this Act. It shall be the duty of the President upon a requisition to that effect in writing, signed by at least five members of the council, to call a general meeting of the corporation for the purposes stated in such requisition.

Additional powers of the council under by-laws.

13. The said council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-laws of the corporation, except only the power of enacting or altering any by-law, which shall be done in the manner provided by this Act, and no other; and any five or more members of the council lawfully met, (and of whom the President or Vice-President shall be one), shall be a quorum; and any majority of such quorum may do all things within the power of the council; and at all meetings of the said council, and at all general meetings of the corporation, the President, or in his absence the Vice-President, or if both be absent any member of the council then present who may be chosen for the occasion, shall preside, and in all cases of equality of votes, shall have a double or casting vote.

Meetings of the council.

Who to preside.

Casting vote.

Secretary and treasurer.

14. It shall be competent to the said council to appoint, and from time to time to remove and reappoint a secretary and

treasurer of the board, and to hold meetings from time to time, and to adjourn the same when necessary, and at the said meetings to transact such business as may by this Act or by the by-laws of the corporation be assigned to them; and such meetings of the council shall be convened by the secretary at the instance of the President or at the request of any two members of the council or by the said President or members, in case there shall be no secretary, or in case the secretary for the time being shall neglect or refuse to summon any such meeting.

Special meetings.

By-laws to be framed and submitted for adoption.

15. It shall be the duty of the council hereby appointed, so soon as may be after the passing of this Act, to frame such by-laws, rules and regulations as they shall consider best adapted to promote the welfare of the corporation and the purposes of this Act, and to submit the same for adoption to a general meeting of the corporation called for the purpose, in the manner hereinbefore provided.

Subscriptions how paid or recovered.

16. All subscriptions of members due to the corporation 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, 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.

Meetings and minutes of proceedings.

17. The meetings of the members of the council shall be open to all other members of the corporation, who may attend at the same, but who shall take no part in any proceedings thereat, and minutes of the proceedings of all such meetings, and of all general meetings of the corporation shall be entered in the register to be kept for that purpose by a person or persons appointed to keep the same, and the entry shall be signed by the secretary, and such register shall be open at all reasonable hours to any member of the corporation free of any charge, and also to all other persons, on payment of a fee of twenty cents to the officer having charge of the register.

Minutes to be opened to all persons.

Board of Arbitration.

18. At the same time and times as are hereby appointed for the election of the council, and in the same manner, it shall be lawful for the members of the said corporation to elect from among their number six persons who shall be called "the Board of Arbitration", and any three of whom shall have the power to arbitrate upon, and to give their award in any commercial case of difference which shall be voluntarily referred to them by the parties concerned; and whenever any such parties shall agree and bind themselves, by bond or otherwise, to submit the matter in dispute between them to the decision of the said board of arbitration, such submission shall be understood to be made to any three members of the said board, who may, either by the special order of the Board or by virtue of any general rule adopted by them or under any by-laws of the corporation with regard to the consideration of cases so submitted to them, be appointed to hear and arbitrate upon the case, and shall be understood to bind the parties to submit to the decision of the said board; and any such submission shall be in the form of the schedule of this Act, or in other words to the same effect.

Powers and duties.

Members of arbitration to be quorum.

19. The several members of the said board of arbitration shall, before they act as such, take and subscribe before the President or Vice-President of the corporation, an oath that they will faithfully, impartially and diligently perform their duties as members of the said board of arbitration, and will, in all cases

submitted to them, give a true and just award according to the best of their judgment and ability, without fear, favor or affection of or for any person or party whomsoever, and this oath shall be kept among the documents of the corporation.

Member of council may be arbitrator.

20. Any member of the council of the corporation may be at the same time a member of the said board of arbitration.

Powers of arbitrators.

May examine witnesses under oath.

21. The three members appointed to hear any case submitted for arbitration as aforesaid, or any two of them shall have full power to examine into the facts of such case, and to examine on oath (which oath any one of such three members is hereby empowered to administer) any party or witness who appears voluntarily before them, and shall be willing to be so examined, and shall give their award thereupon in writing; and their decision or that of any two of them given by such award shall bind the parties according to the terms of the submission and to the provisions of this Act.

Affirmation allowed instead of oath.

Perjury.

22. Any person, who may by law, in other cases make a solemn affirmation instead of taking an oath, may make such solemn affirmation in any case when by this Act an oath is required; and any person hereby authorized to administer an oath, may in such case as aforesaid administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely in any case where an oath or solemn affirmation is by this Act requested or authorised, shall be guilty of wilful and corrupt perjury.

Saving of rights of the Crown.

23. Nothing in this Act shall affect the rights of Her Majesty, her heirs or successors, or any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected.

SCHEDULE.

Form of Submission to the Award of the Board of Arbitration.

Know all men that the undersigned and the undersigned (*if there be more parties, that is more separate interests, mention them*), having a difference as to the respective rights of the said parties in the case hereunto subjoined, have agreed and bound themselves, under a penalty of , to perform the award to be made by the Board of Arbitration in the case aforesaid, under the penalty aforesaid to be paid by the party refusing to perform such award to the party ready and willing to perform the same.

In witness whereof the parties have hereunto interchangeably set their hands at on the day of

Form of Oath to be taken by the Members of the Board of Arbitration.

I swear that I will faithfully, impartially, and diligently perform my duty as a member of the Board of Arbitration of the King's County Board of Trade, and that I will in all cases in which I shall act as Arbitrator give a true and just award, according to the best of my judgment and ability, without fear, favor, or affection of or for any party or parties whomsoever. So help me God.

No. 70

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate "King's County Board of Trade."

PRIVATE BILL.

MR. DOMVILLE,

OTTAWA:

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

No. 71.] **BILL.** [1873:

An Act to enable James K. Ward and others, to place booms in the channel between *Ile St. Ignace* and *Isle-du-Pads*, in the Parish of *Isle-du-Pads*, in the District of Richelieu.

Preamble.

WHEREAS James K. Ward, Charles Little, William Little, Carlos Darius Meigs, Charles McCaffrey and Michel Mathieu have, by their petition to Parliament, represented that they propose to erect a saw-mill and other manufactories on Isle St. Ignace in the Parish of Isle-du-Pads, in the District of Richelieu, in the Province of Quebec, and that the effect of such an undertaking would be to develop the resources of the Dominion and to promote its interests; and that, for that purpose, they are desirous of obtaining the right of constructing booms in the channel between Isle St. Ignace and Isle-du-Pads in the said District of Richelieu; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons may construct booms.

1. The said James K. Ward, Charles Little, William Little, Carlos Darius Meigs, Charles McCaffrey and Michel Mathieu, their heirs and assigns, shall have the right, and it shall be lawful for them to construct a boom or booms across the channel situated between Isle-du-Pads and Isle St. Ignace, in the Parish of *La Visitation de l' Isle-du-Pads*, in the District of Richelieu, for retaining the logs brought by them into the said channel, and they shall be held to be seized of the said booms and to have a valid interest therein, in such way that they may institute and continue any action or actions against any person or persons removing, destroying or injuring the same in any manner whatsoever; Provided always that it shall not be lawful for the persons hereinbefore mentioned to construct any boom in this Act mentioned, in the said channel, or upon the beach or in the bed of the said channel, or upon lands covered by the waters thereof, unless and until the proposed plan and site of such works shall have been first submitted to the Governor in Council, and shall have been approved by him; and no deviation shall be made from the plan and site approved by him without his consent.

Proviso.

Rights may be transferred.

2. The rights conferred by this Act may be ceded and conveyed by the said James K. Ward, Charles Little, William Little, Carlos D. Meigs, Charles McCaffrey, and Michael Mathieu, to any firm or company, which may be formed hereafter, and may be composed of the persons hereinbefore mentioned or any of them and of other persons, and every conveyance or transfer made by a majority of the persons hereinbefore mentioned, shall be in law binding upon all of them.

No. 71.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to enable James K. Ward and others to place booms in the channel between *Ile St. Ignace* and *Isle-du-Pads* in the parish of *Isle-du-Pads*, in the District of Richelieu.

PRIVATE BILL.

MR. MATHIEU.

OTTAWA :
Printed by I. B. Taylor, 29, 31 and 33, Rideau Street.
1873.

No. 72.] **BILL.** [1875.

An Act to Incorporate the Exchange, Loan and Trust Company of Manitoba.

WHEREAS the persons hereinafter named have, by their petition, prayed that they may be incorporated as a Company, having for its object the borrowing and lending of money, the purchase and dealing in public securities, and in stocks, bonds and debentures of corporate bodies, receiving and holding property upon trust, acting as agents for the investing of money, the carrying on a general banking business by way of discount and deposit, and dealing in exchange without the privilege of issuing notes payable on demand; and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:— Preamble.

1. Gilbert McMicken, John F. Bain, Sedley Blanchard, Walter R. Bown, Alexander McMicken, Henry M. Drummond, Hamilton G. McMicken (who are hereby named 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 politic and corporate by the name of "The Exchange, Loan and Trust Company, of Manitoba," 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. Incorporation. Corporate name and powers.

2. The head office of the Company shall be in the..... in the Province of Manitoba, but the Company may establish agencies or offices, and transact business in any part of the Dominion of Canada. Head office.

3. The capital stock of the Company shall be one hundred thousand dollars, divided into one thousand shares, of one hundred dollars each; Provided always that it shall be lawful for the said Company to increase its capital stock to a sum not exceeding two millions of dollars, as a majority of the shareholders at a general meeting, to be expressly convened for that purpose, or at a regular meeting, shall agree upon. Capital stock. Increase.

4. For the purpose of organizing the Company, the Provisiona Directors, or a majority of them, may cause stock books to be opened, after giving due public notice thereof, in which stock-books shall be recorded the names and subscriptions of such persons as desire to become shareholders in the Company; and such books shall be opened in.....and elsewhere at the discretion of the said Provisional Directors, or a majority of them, and shall remain open so long as they deem necessary. Stock books may be opened

First meeting of shareholders.

5. When the said capital stock shall have been subscribed, and twenty per cent. of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of the shareholders at some place in....., giving at least four weeks' notice of the time and place for holding such meeting, by publishing the same in one or more of the newspapers published in....., at which general meeting the shareholders present, or represented by proxy, shall elect five Directors who shall constitute a Board of Directors, and shall hold office until the first Monday in July following their election.

Election of directors.

Qualification and election of directors.

6. The said Directors shall be shareholders residing in Canada, and they shall be elected, except as above provided, at the annual general meeting of shareholders to be holden in....., on the first Monday in July in each year, or such other day as may be appointed by by-law, not less than four weeks' notice of such meeting being given as provided in the next preceding section; and all elections of Directors shall be held and made by such of the shareholders present, or represented by proxy, as shall have paid the twenty per cent. above prescribed, and all calls made by the Directors then due; and all such elections shall be by ballot, and the persons having the greatest number of votes at any such election shall be Directors of the Company and constitute the Board aforesaid, and the said Directors, so soon as may be after their election, shall proceed in like manner to elect, by ballot, one of their number to be President, and one to be Vice-President. If any Director shall move his domicile out of Canada, or be absent from Canada more than six months at a time, without the consent of the Board, his seat shall thereby become vacant. Any vacancy occurring amongst the Directors by death, disqualification, or removal during the current year of office, shall be filled for the remainder of the year by the remaining Directors, or a majority of them, electing a shareholder or shareholders, eligible for such office; Provided that no person shall be eligible to be, or continue, as Director, unless he shall hold, in his own name, and for his own use, stock in the said Company to the amount of twenty shares, whereof at least twenty per cent. shall have been paid in; Provided further, that whenever the capital stock shall be increased as hereinbefore provided, it shall be competent for the shareholders at any special or general meeting to resolve that the Directors be increased to any number not exceeding fifteen, and this power they may exercise from time to time as the said stock is increased, and as they may deem expedient. If an election of Directors from any cause should not be made on any day when pursuant to this Act it should have been made, the said Company shall not be dissolved for cause thereof, but it shall be lawful on any other day to hold and make the election, as may be regulated, directed and appointed by the Directors for the time being, and the Directors in office shall so continue until a new election is made.

Election to be by ballot.

Vacancies.

Proviso.

Proviso; Increase of number of directors.

Failure of election not to dissolve corporation.

Votes.

7. At all general meetings of the Company each shareholder shall be entitled to give one vote for each share held by him not less than one month prior to the time of voting, upon which all calls then due have been paid; such votes may be given either in person or by proxy, the holder of such proxy being a shareholder, and all questions proposed for the consideration of the shareholders shall be determined by a majority of votes, the Chairman at such meeting having a casting vote in case of an equality of votes.

Proxy.

8. If any shareholder shall refuse or neglect to pay the instalment, or instalments, due upon any share or shares held by him, or her, the Directors may forfeit such share, or shares, 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 public or private sale by the Directors, after such notice as they may order and direct. No shares shall be sold beyond the amount that may be sufficient to pay the arrears and interest with expenses of sale, the surplus of such sale to be paid to the owner of such share or shares. Forfeiture of shares for non-payment of calls.

9. The Company may institute and carry on suits or actions against any shareholder for the recovery of arrears and calls, or for any other debt or engagement, and in such suits or actions it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to declare that the defendant is a shareholder, and is indebted to the Company in respect of one call or more, or other money due, 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, or such debt due and that notice was given as directed by this Act; and in all actions or suits by or against the Company, it shall not be necessary to prove the appointment of the Directors, or any matter whatsoever other than what is before mentioned, and 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, Vice-President, Manager, or Secretary of the Company, sealed with the corporate seal, shall be received in all Courts and proceedings as *primâ facie* evidence thereof without further proof of the official character, or signature of the officer signing the same, or of the corporate seal. Recovery of arrears and calls.

10. At all meetings of directors a majority of the whole Board 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, Vice-President or presiding Director shall give the casting vote. Quorum at meeting of directors.

11. The Directors shall have full power and authority to make, and from time to time, to alter such by-laws, rules and regulations and ordinances, as shall appear to them proper and needful, touching the well ordering of the company; they shall also have full power and authority over the management and disposition of its stock, property, estate and effects, the regulation of the rates, terms and conditions on which guarantee and other agreements shall be undertaken by the Company; the calling of special general meetings, the regulation of the meetings of the Board of Directors; the appointment and removal of officers, agents, clerks and servants, fixing their salaries, and the terms and conditions of their appointment, and the regulation of their powers and duties, the regulation of the transfer of stock, and the form thereof, the compensation of Directors, the establishment and regulation of agencies; and generally the Directors may in addition to the powers expressly conferred upon them, exercise all such powers, give all such covenants, make all such engagements and agreements, and do all such acts and things as are or shall be necessary and proper for the management of the affairs of the Company, and for carrying out the provisions of this Act according to its true meaning and spirit. Powers and duties of directors.

Company may lend money.

12. The Company may, from time to time, invest, lend or advance moneys in or upon any security, real or personal, which they may deem satisfactory; and they shall have power to do all acts that may be necessary for the advancing of such moneys, for the realizing of such securities, and the re-payment of the moneys lent or advanced thereon, with interest, and for enforcing all agreements made in relation thereto, as to sale, forfeiture or otherwise.

Company act as agency association.

13. The Company is empowered to act as an agency association, 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 them as agents, and may exercise all the rights which the parties so transferring or delivering the same might or could exercise; the Company may give such guarantee as may be agreed upon, for re-payment of principal or interest, or both, of any moneys, mortgages, hypothecs, securities, or evidences of debt; Provided that no commission to which they may be entitled as agents shall exceed two and one-half per centum upon the amount of the loan, the money realized, or the transaction effected.

Proviso.

Company may receive deposits.

14. The Company may receive deposits which may or may not bear interest, as may be ordered and agreed upon, but shall not grant certificates of deposit *payable to bearer* or *on demand*; but all certificates of deposit issued by the Company shall be made payable to the order of some person and at some period not less than one month from the date thereof, and the rate of interest if any shall be plainly stated thereon.

Power to hold real estate.

15. The Company may hold such real estate as may be necessary for the transaction of their business, not exceeding in annual value four thousand dollars; they may also hold such real estate as may be acquired by them in payment of debts, mortgages or hypothecs, or in the ordinary business transactions of the Company; Provided that all real estate so acquired (except such as may be necessary for their business) shall by them be sold or disposed of within five years after the same shall have been acquired.

Proviso.

Calls on stock.

16. The Directors shall have power, and they are hereby authorized, at the expiration of six months from the organization of the Company, to make a call of ten per cent. upon each share held by the shareholders of the Company; and at any time thereafter they may call in, from time to time, further instalments, until the whole amount of subscribed stock is paid up, but no instalment shall exceed ten per cent. upon each share; and three months' public notice by publication continuously in some newspaper published in shall be given of each call respectively made, and each shareholder shall be further notified of each call by writing sent to his or her proper post office address, if known by the Secretary, at least sixty days before the day on which such call shall be payable.

Calls, when to date from.

17. A call shall be deemed to have been made at the time the resolution of the Directors authorizing such call was passed.

Transfers.

18. No transfer of any share of the stock of said Company shall be made upon which there are arrears of calls due and unpaid.

19. The said Company shall transmit annually, not later than the first day of April, in each year, to the Minister of Finance, a statement, verified upon oath of the President, Manager or Secretary, setting out the capital stock of the company, the proportion paid up, the amount of assets and liabilities respectively, and such other details as may be required by the Minister of Finance; and such statement shall be made up to the thirty-first day of December in each year. Annual Statement to Minister of Finance.

20. The Company shall not make any dividends as of profits or otherwise, whereby the capital stock will be in any way reduced. Dividends.

2. The eighty-second and three following sections of the Act thirty-second and thirty-third Victoria, Chapter twenty-one, shall, with the addition of the words "or clerk," after the words "public officer," be considered as forming part of this Act, and the punishment for the several offences therein provided for shall be the same as before mentioned. 32, 33 V., c. 21, to apply.

22. The words "property" and "security," or "securities," shall be interpreted in the manner provided for in the Act above mentioned. Interpretation

23. Every Director shall be liable for his own acts, and not for the acts of the Board, and shall be indemnified by the Company from and against all costs, charges or expenses incurred in any way arising out of his being such Director, and properly acting as such on behalf of the Company. Liability of Directors.

24. Every writing, document, instrument, certificate, bond or note, that shews indebtedness on the part of the Company, or a promise to pay or give security to the holder, shall bear distinctly upon its face the words "limited liability," and no shareholder in the said Company shall be liable in any cause or action beyond the amount unpaid on the share or shares held by him or her in said Company, but if any portion of such share or shares remains uncalled or not paid in to the Company as hereinbefore provided for, the same shall be recoverable from such shareholder or shareholders, and be collected as an ordinary debt, by the creditor bringing the action against the Company—after having recovered a verdict against the Company for any cause of loss, default or non-payment.

No. 72.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate the Exchange, Loan and Trust Company of Manitoba.

PRIVATE BILL.

Mr. Morrison.

OTTAWA:
Printed by I. B. Taylor, 29, 31 and 33 Rideau Street.
1873.

No. 73] **BILL.** [1873

An Act to enable James McNabb, of the Township of Bosanquet, to obtain an extension of his Patent for a Horizontal Car Coupler.

Preamble.

WHEREAS James McNabb, of the Township of Bosanquet (formerly of the Town of Owen Sound, in the County of Grey), hath by his petition represented that by letters patent, under the Great Seal of the late Province of Canada, dated the twelfth day of October, one thousand eight hundred and fifty-seven, he became the patentee of a Horizontal Car Coupler, of which he was the original inventor:—that the said invention has been recently adopted on two of the Railways in the Dominion, but has not hitherto been remunerative to the Patentee: that the petitioner applied for and obtained an extension of his Patent in the year 1871, to the whole Dominion of Canada, for a term of five years, but was subsequently notified that the said extension had been so issued in error, inasmuch as he had failed to publish the notice required by the sixteenth section of chapter thirty-four of the Consolidated Statutes of Canada, under which the original patent had issued, and that a suit had been instituted by the Government to quash the said extension on the ground of such irregularity; and whereas the said James McNabb has obtained a postponement of the trial of such suit, and has petitioned for an Act to confirm and legalize the said extension of letters patent notwithstanding any irregularity in the issue thereof, or to make such other provision for his relief as may be found advisable; and it is expedient to grant his prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Extension of patent may be granted to James McNabb.

1. Notwithstanding anything to the contrary contained in section sixteen of chapter thirty-four of the Consolidated Statutes of Canada, it shall be lawful for the Commissioner of Patents, upon the surrender to him by the said James McNabb, of the extension of a patent illegally issued to him on the eighth day of January, 1872, for a Horizontal Car Coupler—to issue to him letters patent for the whole Dominion, extending for a period of seven years from the twelfth day of October, 1871, when his original patent expired.

No. 73.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to legalize, confirm and extend Letters Patent granted to James McNabb, "Inventor of a Horizontal Car Coupler."

PRIVATE BILL.

MR. MORRISON.

OTTAWA:

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

1873

No. 75.] [1873.

BILL.

An Act to provide for the Registration of Marriages, Births and Deaths, and the collection and publication of Statistics.

Preamble.

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

General Registry and Public Archives Office.

1. There shall be attached to the Department of Agriculture, as a branch thereof, an office to be called the General Registry and Public Archives Office, and the Minister of Agriculture for the time being, shall be the Registrar General of Statistics, and his Deputy, the Deputy Registrar General of Statistics.

Rules and Regulations to be made and published.

2. The Registrar General of Statistics may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms as may appear necessary and expedient for the purposes of this Act; and such rules, regulations, and forms, when assented to by the Governor in Council, and published in the *Canada Gazette*, shall have the force of law so long as they are not repealed or superseded; and any printed copy thereof published by the Queen's Printer shall be evidence thereof.

Appointment of officers and clerks.

3. The Governor in Council may, on the Registrar General of Statistics certifying to the ascertained competency of the persons to be appointed, from time to time, appoint such officers, clerks and other employees as may be necessary for the purposes of this Act; and such officers, clerks and employees shall hold office during pleasure. The Governor may also appoint, at any time, temporary clerks, or employees for an indefinite period, the term of service of such temporary employees to cease and determine on the Registrar General of Statistics giving them notice that their services are no longer required.

Annual report to be made to Parliament.

4. The Registrar General of Statistics shall cause a report of the proceedings under this Act, including copies of the rules and regulations made under section two thereof to be prepared annually, and to be laid before Parliament.

REGISTRATION OF MARRIAGES, BIRTHS AND DEATHS, AND COLLECTION OF STATISTICAL INFORMATION,

Registration and collection of Statistics.

5. Under the authority of this Act there shall be established and carried into effect a system of registration of marriages, births and deaths throughout Canada, and a system of collecting, compiling, tabulating and publishing agricultural, industrial, and other statistics.

Registration divisions and subdivisions.

6. The Governor in Council shall, subject to re-adjustment from time to time, divide Canada, for the purposes of this Act, into registration divisions and subdivisions, for each of which

divisions a Superintendent of Registration and Statistics shall be appointed, and for each of which subdivisions one or more Registrars shall be appointed; and the said Superintendents and Registrars shall hold office during pleasure.

Appointment of deputies and clerks.

7. By permission or order of the Registrar General of Statistics, deputies and clerks may be appointed to supplement or assist the Superintendents and Registrars in the discharge of the duties of their respective offices.

Necessary books and forms to be obtained and distributed.

8. The Registrar General of Statistics shall procure all necessary books and forms for the purposes of this Act, and he shall distribute the same to the Superintendents, Registrars, and other persons called upon to perform any service in the registration of marriages, births and deaths, and also in procuring statistical information.

Superintendent of Registration to be keepers of records.

9. The Superintendents of Registration and Statistics and the Registrars shall, under order of the Registrar General of Statistics, be the keepers of the records of their respective offices and shall transmit to the Registrar General of Statistics, such duplicates or returns as may be from time to time ordered by the rules and regulations or by instruction from the Registrar General of Statistics.

Duties of officers, how defined.

10. The duties to be performed by the various officers appointed for the purposes of this Act, and the mode of procedure to be followed by them, shall be regulated by the rules and regulations herein before mentioned, and by instructions from the Registrar General of Statistics.

SOURCES OF INFORMATION.

Who shall register births.

11. The father of any child born, or in case of his death or absence, the mother, or in case of the death or inability of both parents, any person standing in the place of the parents, or, if none such there be, then the occupier of the house or tenement in which, to his knowledge, such child was born, or the nurse present at the birth, shall within the time to be fixed by the rules and regulations, give notice thereof, to the Registrar of the subdivision in which such child was born, giving as far as possible the particulars required by such Registrar for entry in his books.

Who shall register deaths.

12. The occupier of the house and tenement in which a death shall take place, or if the occupier be the person who shall have died, then some one of the persons residing in the house in which the death took place, or, if such death shall not have taken place within a house, then any person present at the death, or having any knowledge of the circumstances attending the same, or the coroner who may have held any inquest on such person, shall, within the time to be fixed by the rules and regulations furnish to the Registrar of the subdivision in which such death took place, as far as possible, the particulars required by such Registrar for entry in his books.

Who shall register marriages.

13. Every clergyman, minister, or other person authorised to celebrate marriages, shall within the time and in the manner to be prescribed by the rules and regulations, give the particulars required by the Registrar of each subdivision of every marriage he celebrates; and for every such information he shall be entitled to the fee hereinafter mentioned, unless such clergyman be himself the Registrar of the subdivision concerned.

14. Every physician or medical practitioner shall give the particulars of the death of any person, whom he may have attended professionally, to the Registrar of the subdivision wherein such death may occur, within the time and in the manner to be prescribed by the said rules and regulations, stating the nature of the disease or other cause of death, so far as he can do so; and he shall also answer questions put by any Registrar respecting every birth at which he attended professionally; which information, by such physician or medical practitioner, shall be entered by the Registrar, unless such birth or death has been previously reported and entered, in which case the entry shall be supplemental in such particulars as to the cause of death, or other information required by the Registrar; and for each such information the physician or medical practitioner shall be entitled to the fee hereinafter mentioned, unless he be himself the Registrar of the subdivision concerned.

Special information to be given by physicians.

Fees.

15. Any clergyman, minister, institution or corporation, who may keep special Registers of baptisms or of births, and of burials or of deaths, or any person in charge of a burying ground who may keep such registers, and who may agree to allow the said registers to be used by a Registrar as a source of information, and who shall assist the said Registrar to transfer the information therein contained in the Registration Book shall be entitled to the fee hereinafter mentioned for such service, unless the person so possessed of the said source of information be himself the Registrar of the subdivision concerned.

Fee payable to certain persons keeping registers.

16. The Superintendents of Registration and Statistics shall, as a part of their duty, make such enquiry and prepare such reports of statistical information of all kinds as they may be called upon to do, from time to time, or at stated periods, by the Registrar General of Statistics.

Superintendents to furnish reports.

17. The Governor may, by proclamation, order public officers under the control of the Government of Canada to answer questions and otherwise assist the Registrar General of Statistics and his employees in the procuring and collecting of statistical information.

Public officers may be required to furnish information.

OFFENCES AGAINST THIS ACT.

18. Wilfully to make any false entry or alteration in any register of marriages, births and deaths, shall be a misdemeanor on the part of the offender, and shall be punishable as such; and any malicious entry or alteration made for the purpose of depriving any individual or family of his or their legitimate rights, shall be deemed a forgery, with intent to defraud, and punishable as such.

Making false entry to be a misdemeanor.

19. Any person knowingly making, or causing to be made, any false statement touching any of the particulars required to be reported and entered under this Act and the rules and regulations hereby provided for, shall, upon conviction thereof, forfeit a sum not less than *ten dollars*, and not more than *one hundred dollars*; and any person making any such false statement wilfully and maliciously, to the prejudice of persons interested in the correctness of such entries, shall be guilty of a misdemeanor.

Penalty for making false statements.

20. Any person required by this Act to report any marriage, birth or death, refusing or neglecting to do so within the time

Neglect to report births,

marriages or deaths.

fixed, shall for each such offence forfeit to Her Majesty a sum not less than *one dollar* and not more than *twenty dollars*.

Defacing or abstracting registers.

21. Any Superintendent of Registration and Statistics, or any Registrar appointed under this Act, or any person whosoever, who defaces, injures, abstracts, destroys, or wilfully allows to be so altered or destroyed, any register, book or paper, belonging to a Registration Office, shall be guilty of misdemeanor, punishable by fine not exceeding *five hundred dollars*, or by imprisonment not exceeding one year, or by both fine or imprisonment in the discretion of the Court before which the conviction takes place; and any person employed in connection with Registration and Statistics who refuses or neglects to deliver, on the order of the Registrar General of Statistics, such registers, books or papers, to his successor in office, or to any person to whom he may have been ordered to so deliver the said documents shall forfeit to Her Majesty a sum not less than *two dollars* and not more than *ten dollars* for every day of such wilful neglect or refusal; and the Registrar General of Statistics may cause possession of the same to be taken, and by force if necessary.

Refusing to deliver registers when ordered.

Recovery of penalties.

22. Any Justice of the Peace, having jurisdiction within the locality where any offence against this Act has been committed, not being a misdemeanor, the penalty imposed for which does not exceed twenty dollars, may hear and determine such complaint and shall have power, in case the penalty and costs awarded by him are not forthwith paid upon conviction, to cause the same to be levied by distress and sale of the goods and chattels of the offender, by warrant under his hand and seal; and in default of payment or sufficient distress, the offender may, by warrant signed and sealed as aforesaid, be imprisoned in the common gaol or any other place of confinement for a period not less than one day, nor more than twenty days, at the discretion of such Justice, unless such penalty, costs and charges, be sooner paid; and any penalty exceeding twenty dollars may be recovered in the manner provided by the Interpretation Act; but the amount of the penalty shall belong to the Crown; and in every case of contravention of this Act the offender shall be furthermore liable in damages to any person injured by the offence.

Offender to be further liable for damages.

SALARIES AND FEES.

Salary and fees of superintendent.

23. Every Superintendent of Registration and Statistics shall receive a permanent yearly salary not exceeding *eight hundred dollars* and shall besides be entitled to *five cents* for the entry of each marriage, each birth, and each death contained in the Registers of the Registration Division over which he presides; and such salary and fees shall be in full payment of all services which may be required from him either for Registration or for Statistics, and shall include the remuneration to be paid by him to his deputy and to any clerks employed under him by permission or by order of the Registrar General of Statistics.

These salaries and fees as well as penalties will be proposed in committee.

Fees of registrars.

24. Every Registrar shall receive, as compensation for the collection of the facts to be registered, for the making, keeping, and transmitting of duplicate registers and indexes, and for all other services relevant to his duties as an officer of Registration and Statistics, a fee of *twenty five cents* for each marriage, each birth and each death entered in his books; and such fees shall be in full payment of all services required from such officers for the purposes of this Act, and shall include compensation of deputies and clerks

employed by them by permission or order of the Registrar General of Statistics. Every Registrar will be entitled for his own profit to a fee of *twenty cents* for every search made by him in the entries in the books covering a period of one year; and to a fee of *fifty cents* for every copy delivered of the entry of a marriage, a birth, or a death; and such fees shall be paid by the person requiring the said services to be performed.

Fees to individuals for furnishing information.

25. Every clergyman, every medical practitioner, every representative of an institution, of a corporation or company, who shall furnish to a Registrar the information mentioned in sections thirteen, fourteen, and fifteen, of this Act shall receive for each such detailed information, dictated or given in writing with attestation, to the satisfaction of the Registrar of the subdivision concerned, and upon the certificate of the Superintendent Registrar of the division a fee of *ten cents*.

Fees for searches at General Registry Office.

26. Any search required to be made in the duplicate registers at the General Registry and Public Archives office shall be paid for by the person requiring it at the rate of *one dollar* for each hour of search of one clerk, and a fee of *fifty cents* for every certified copy delivered of an entry made in the said registers.

Fees to be paid out of appropriations

27. All salaries and fees, not hereby directed to be otherwise paid, shall be paid out of moneys to be appropriated for that purpose by Parliament.

Certified copies of extracts from registers to be evidence.

28. The certified copy of any entry made in the registers or duplicate registers authorized by this Act shall be proof of the facts therein stated in any criminal case, or any matter within the jurisdiction of the Parliament of Canada, and shall be furnished for similar purposes to any court, officer, or person authorized to that effect by enactment of the Legislature of any Province of Canada for purposes within their jurisdiction.

Commencement of Act.

29. The foregoing provisions of this Act, except the first four sections thereof, which shall be in force from the time of its passing, shall come into force on the day to be appointed for that purpose by proclamation of the Governor upon a report from the Registrar General of Statistics that the requisite preparations, rules, forms, and training of officers, for the successful carrying out of the purposes of this Act, have been made and accomplished.

Short title.

30. This Act shall be known as "The Statistics Act, 1873."

No. 75.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to provide for the registration of Marriages, Births and Deaths and for the collection and publication of Statistics.

Received and read first time, Friday, 4th April, 1873.

Second reading, Tuesday, 22nd April, 1873.

Hon. Mr. POPE.

OTTAWA:

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

1873.

No. 76.] **BILL.** [1873.

An Act to empower the Montreal Northern Colonization Railway Company to extend its line from Deep River to a point of intersection with the proposed Canadian Pacific Railway; and also to extend its line to Sault Ste. Marie, Georgian Bay and Lake Superior, or to unite its line with any line of Railway extending to the points above mentioned.

Preamble.

WHEREAS the Montreal Northern Colonization Railway Company have by their petition represented that it is desirable that they should be permitted and authorized to continue their line of Railway to the terminus of the Canadian Pacific Railway, and also to be authorized to extend their line of Railway to Sault Ste. Marie, Georgian Bay and the navigable waters of Lake Superior, and to unite or amalgamate with any line of Railway going to the aforesaid places; and have prayed that an Act be passed amending their Act of Incorporation in these respects, and whereas it is expedient that the prayer of their said petition be granted. Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Declaratory.

1. The Montreal Northern Colonization Railway is hereby declared to be a work for the general advantage of Canada.

Company may extend their Railway to a point of intersection with the Canadian Pacific Railway, &c

2. The Montreal Northern Colonization Railway Company may continue its line from any point on the North Shore of the Ottawa River, in the County of Pontiac, across the said Ottawa River, and for that purpose construct a Railway Bridge over the waters of the said Ottawa River, and thereafter to the Eastern Terminus of the Canadian Pacific Railway, or to a point on the line of the said Canadian Pacific Railway within sixty miles of its terminus, or to any line of Railway to be built, and connecting with the said Canadian Pacific Railway, and by which the Montreal Northern Colonization Railway Company might obtain access to the Canadian Pacific Railway.

May also extend their Railway to Sault Ste. Marie, &c.

3. The said Company is also authorized and empowered to continue its line of Railway to Sault Ste. Marie, Georgian Bay, North of French River and to the navigable waters of Lake Superior, and to unite or amalgamate with any line of Railway to be built and running to the aforesaid points, and also to construct and operate a Telegraph Line along the whole of its line of Railway.

[No. 76]

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to empower the Montreal Northern Colonization Railway Company to extend its line from Deep River to a point of intersection with the proposed Canadian Pacific Railway; and also to extend its line to Sault Ste. Marie, Georgian Bay and Lake Superior, or to unite its line with any line of Railway extending to the points above mentioned.

PRIVATE BILL.

Mr. Louis Beaubien.

OTTAWA:
Printed by Robertson, Roger & Co.
1873.

No. 77]. **BILL.** [1873.

An Act to add to the number of the Members of the Corporation of the Trinity House of Quebec, and to increase the powers thereof.

WHEREAS it is desirable that the number of the Members of the Corporation of the Trinity House of Quebec should be increased from nine to fourteen, and that such last mentioned number should be reduced to thirteen on the first occurrence of a vacancy among the Wardens appointed by the Governor not being Wardens *ex officio*, and that four of such thirteen or fourteen Members should be elected by the Council of the Quebec Board of Trade; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. After the commencement of this Act, the Trinity House of Quebec shall consist of a Master and thirteen (to be reduced as and when hereinafter mentioned to twelve) Wardens, that is to say, the Harbor Master of Quebec for the time being, the Superintendent of Pilots for and below the Harbor of Quebec for the time being, and the Chairman of the Board of Directors of the Corporation of Pilots for and below the Harbor of Quebec for the time being, who shall be Wardens, *ex officio*, and ten (to be reduced as and when hereinafter mentioned to nine), other Wardens appointed or elected as hereinafter mentioned. Members of the Corporation.

2. Within *fourteen days* after the commencement of this Act the Council of the Quebec Board of Trade shall elect four persons, to be, with the said Harbor Master and Superintendent of Pilots and Chairman and the other six Wardens appointed by the Governor General, then in Office, the first Wardens of the Trinity House of Quebec under this Act; and the names of the persons so elected shall be forthwith, after such election, certified to the Minister of Marine and Fisheries, under the Seal of the Quebec Board of Trade; and in case the Council of the Board of Trade shall refuse, or shall for such *fourteen days* neglect to make such election of such four persons, and to certify the names of such four persons as aforesaid, the Governor General may within *thirty days* after the expiration of such *fourteen days*, appoint four persons to make up the full number of the said Wardens; and in case any person elected as aforesaid shall refuse to accept the office, the Governor General may appoint in the place of the person so refusing some other person to be a Warden of the Trinity House of Quebec. Appointment and election of Members of the Corporation.

3. Every vacancy happening from time to time among the Wardens of the Trinity House of Quebec appointed by the Governor General, not being Wardens so appointed by reason of the refusal or neglect of the Council of the Quebec Board of Trade, or the refusal to accept office hereinbefore mentioned, except the Mode of filling vacancies.

first vacancy which shall happen after the commencement of this Act, which shall not be filled up at all, and after the occurrence of which the Trinity House of Quebec shall consist only of a Master and twelve Wardens, shall be filled up by the Governor General; and every other vacancy shall be filled up by the Council of the Quebec Board of Trade, and the name of the person elected to fill any such vacancy shall be forthwith, after his election, certified to the Minister of Marine and Fisheries, under the Seal of the Quebec Board of Trade.

Governor may appoint on neglect or refusal to fill up or accept office.

4. In case the Council of the Quebec Board of Trade refuse, or for *fourteen days* after having been required so to do by the Minister of Marine and Fisheries, neglect to fill up any vacancy happening from time to time among the Wardens elected by the said Council or appointed by the Governor General by reason of their refusal or neglect or the refusal to accept office hereinbefore mentioned, and to certify the name of the person elected to fill such vacancy, the Governor General may appoint a person to fill such vacancy; and in case any person elected to fill a vacancy as aforesaid shall refuse to accept the office, the Governor General may appoint in the place of the person so refusing some other person to fill such vacancy.

Appointments by Governor to be under Great Seal.

5. Every appointment by the Governor General under this Act shall be made by an instrument under the Great Seal of Canada.

As to salaries &c.

6. The Wardens of the Trinity House of Quebec, other than the Harbor Master and the Superintendent of Pilots, shall not be entitled to any remuneration for their services.

Judical powers of T. H. Q.

7. In case a ship under the charge of a pilot for and below the Harbor of Quebec meets with an accident in the port of Quebec, the Trinity House of Quebec may, if they see fit cause for doing so, on the complaint of the master, owner or consignee of such ship, or of any other interested party against such pilot, investigate the matter; and the complaint in such case shall be made in the manner and within the time prescribed by section seventy-six of the Act of the Legislature of the late Province of Canada, passed in the twelfth year of Her Majesty's Reign, chapter one hundred and fourteen.

Complaints how brought.

Corporation heretofore existing to continue.

8. Nothing in this Act shall be construed to constitute the Trinity House of Quebec a new Corporation, or to require that any Member or Officer of the same, being such at the time of the commencement of this Act, should receive a new appointment; and the Members of the said Corporation under this Act, whether elected or appointed, and their successors elected or appointed from time to time as required by this Act, shall be, and be deemed to be the successors of the Members of the said Corporation under the Acts constituting and continuing the same.

Quorum 12 V., c., 114 s. s. 5. 6. amended.

9. Any five and not less than five, of the members of the said Corporation shall be a quorum thereof—and sections five and six of the Act of the Legislature of the late Province of Canada passed in the twelfth year of Her Majesty's Reign, chapter one hundred and fourteen, shall be read and construed as if the word five occurred in lieu of the word three in the second line of each of the said sections.

10. So much of the second section of the Act cited in the next preceding section of this Act as enacts that the Trinity House of Quebec shall consist of a Master, Deputy Master and seven Wardens, or of a Master and eight Wardens, is hereby repealed. 12. V. c. 114 sect. 2, subsect. 4.—Repealed in part.

11. This Act shall not come into operation until the first day of January, one thousand eight hundred and seventy-four, which day is in this Act referred to as the commencement of this Act. Commencement of Act.

No. 77.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to add to the number of the Members of the Corporation of the Trinity House of Quebec, and to increase the powers thereof.

Received and read first time, Friday, 4th April, 1873.

Second reading, Tuesday, 8th April, 1873.

Hon. Mr. MITCHELL.

OTTAWA:

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

1873.

No. 78.] **BILL.** [1873.

An Act respecting Pilotage.

WHEREAS, it is expedient to make provision by one and the same law for the licensing and regulation of pilots, and for other matters relating to pilotage throughout Canada; Therefore, 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 for all purposes as "The Pilotage Act, 1873." Short title.

2. In this Act Construction.

The term "the Minister," means the Minister of Marine and Fisheries;

The term "ship" includes every description of vessel used in navigation not propelled by oars.

The term "ships belonging to Her Majesty," includes ships the cost of which has been defrayed out of the Consolidated Revenue Fund of Canada; and ships described as the property of Canada by the one hundred and eighth section of "The British North America Act, 1867."

The term "master," includes every person having command or charge of any ship.

The term "pilot," means any person not belonging to a ship who has the conduct thereof;

The term "boat," means every description of vessel used in navigation not being a ship.

The term "pilot-boat," means any ship or boat employed in the pilotage service of any district.

The term "license," includes a branch;

The term "licensed pilot," includes a branch pilot.

The term "pilotage authority," means any persons authorized to appoint or license pilots, or to fix or alter rates of pilotage, or to exercise any jurisdiction in respect of pilotage;

The term "pilot fund," means any fund established by a pilotage authority, or by pilotage authorities for the relief of superannuated or infirm licensed pilots, or of their wives, widows or children, or of any two or more of such classes of persons collectively.

Terms referring to the pilotage authorities of pilotage districts generally, as applied to the pilotage district of Quebec, mean and include only the Trinity House of Quebec.

Terms referring to the pilotage authorities of the districts for which pilots are licensed, as applied to pilots for and above the harbor of Quebec, mean and include only the Montreal Harbor Commissioners.

3. This Act shall not come into operation until the first day of January one thousand eight hundred and seventy-four, which day is in this Act referred to as the commencement of this Act. Commencement.

4. Nothing in this Act shall apply to ships belonging to Her Act not to ap-

ply to Queen's ships, &c.

Majesty, nor to ships wholly employed in Her Majesty's service while so employed, the masters of which have been appointed by Her Majesty's Government, either in the United Kingdom or in Canada.

PILOTAGE AUTHORITY.

Pilotage district of Quebec.

5. The Trinity House of Quebec shall be the pilotage authority of the pilotage district of Quebec, comprising the River St. Lawrence from the basin of Portneuf, inclusively, to an imaginary line drawn from the eastern anchorage ground off Barnaby Island to the eastern anchorage ground under Cape Columbia on the north shore, together with those parts of all rivers, waters, creeks, bays, and coves within the said limits where the tide ebbs and flows.

Pilotage district of Montreal.

6. The Montreal Harbor Commissioners shall be the pilotage authority of the pilotage district of Montreal, comprising the River St. Lawrence, from the basin of Portneuf exclusively, to the Province line, formerly dividing the Provinces of Upper and Lower Canada and now dividing the Provinces of Ontario and Quebec, and the several rivers falling into the St. Lawrence within the said limits, and also, so far as relates to pilots and their apprentices, pilotage, pilot dues and pilot boats for and above the Harbor of Quebec, of that part also of the pilotage district of Quebec comprising the River Saint Lawrence, between Saint Patrick's Hole and the basin of Portneuf, both inclusive, and that part of all rivers, waters, creeks, bays and coves within the said last mentioned limits where the tide ebbs and flows.

Pilotage district of Halifax.

7. The Halifax Pilot Commissioners constituted as hereinafter provided shall be the pilotage authority of the pilotage district of Halifax, the limits of which shall be fixed by an Order in Council as hereinafter provided.

Election and appointment of Halifax Pilot Commissioners.

8 For the purposes of this Act, and within *fourteen* days after the commencement of this Act, the City Council for the City of Halifax, hereinafter termed the City Council, shall elect two persons, and the Executive Committee of the Chamber of Commerce of the City of Halifax, hereinafter termed the Executive Committee, if any such there be, shall elect two persons, to be with the persons to be appointed by the Governor General, as hereinafter mentioned, the first Commissioners under this Act at Halifax, and the names of the persons so elected by the City Council shall be forthwith, after such election, certified to the Minister under the seal of the City of Halifax, and the names of the persons so elected by the Executive Committee shall be forthwith, after such last mentioned election, certified to the Minister under the hand and seal of

and the Governor General may, within *thirty* days after the commencement of this Act, by an instrument under the Great Seal of Canada, appoint to be such Commissioners three persons; Provided always, that if the City Council shall refuse or shall for such *fourteen* days neglect to make such election of such two persons, and to certify the names of such persons as aforesaid, the Governor General may, within *thirty* days after the expiration of such *fourteen* days, by an instrument under the Great Seal of Canada, appoint two persons, and if there be no such Chamber of Commerce, or no such Executive Committee, or if the Executive Committee shall refuse, or shall for such *fourteen* days neglect to make such election of such two persons and to certify the names of such two persons as aforesaid, the Governor General may, within *thirty*

days after the expiration of such *fourteen* days, by an instrument under the Great Seal of Canada, appoint two persons to make up the full number of such Commissioners; Provided also, that if any person elected as aforesaid, shall refuse to accept the office, the Governor General may, by an instrument under the Great Seal of Canada, appoint in the place of the person so refusing, some other person to be such Commissioner.

Mode of filling vacancies.

9. Every vacancy happening from time to time among the Commissioners appointed by the Governor General under this Act, not being Commissioners so appointed by reason of any refusal or neglect to elect or refusal to accept office when elected herein mentioned, shall be filled up by the Governor General, by an instrument under the Great Seal of Canada, and every other vacancy shall be filled up as follows:

a. If the person whose death or resignation has caused the vacancy had been elected by the City Council, or had been appointed by the Governor General by reason of the refusal or neglect of the City Council to elect, or by reason of the refusal of any person elected by the City Council to accept office, the City Council shall, within *fourteen* days after the receipt of due notice of such vacancy, elect a person to fill such vacancy;

b. If the person whose death or resignation has caused the vacancy had been elected by the Executive Committee or had been appointed by the Governor General by reason of the refusal or neglect of the Executive Committee to elect, or by reason of the refusal of any person elected by the Executive Committee to accept office, the Executive Committee shall, within *fourteen* days after the receipt of due notice of such vacancy, elect a person to fill such vacancy;

and the name of every person so elected by the City Council to fill a vacancy shall be forthwith after his election certified to the Minister under the seal of the City of Halifax, and the name of every person so elected by the Executive Committee to fill a vacancy, shall be forthwith after his election certified to the Minister under the hand and seal of

Proviso.

Provided always, that if the City Council or the Executive Committee, as the case may be, shall refuse, or shall for such *fourteen* days neglect to elect a person to fill any such vacancy and to certify the name of such person as aforesaid, the Governor General may, within *thirty days* after the expiration of such *fourteen* days, by an instrument under the Great Seal of Canada, appoint a person to fill such vacancy; Provided also, that if any person elected to fill a vacancy as aforesaid, shall refuse to accept the office, the Governor General may, by an instrument under the Great Seal of Canada, appoint in the place of the person so refusing some other person to fill such vacancy.

Proviso.

Commissioners' incorporated.

10. And such Commissioners, and the survivor or survivors of them, and their successors, so from time to time elected and appointed as aforesaid, (any three of whom shall be a sufficient quorum for the transaction of business and the exercise of all the powers conferred by this Act), shall be and are hereby declared to be a body corporate and politic in deed and in name, by the name of "The Halifax Pilot Commissioners," with all the powers vested in Corporations by the Interpretation Act.

Appointment

11. The Governor General may appoint a fit and proper person

of Secretary-Treasurer.

to be Secretary and Treasurer of the Halifax Pilot Commissioners and may assign him an annual salary of not more than *eight hundred dollars*, payable out of the Consolidated Revenue Fund of Canada.

Pilotage district of Saint John.

12. The St. John Pilot Commissioners constituted as hereinafter provided, shall be the pilotage authority of the pilotage district of St. John, the limits of which shall be fixed by Order in Council, as hereinafter provided.

Election and appointment of Saint John Pilot Commissioners.

13. For the purposes of this Act, and within *fourteen* days after the commencement of this Act, the Mayor, Aldermen and Commonalty of the City of St. John, shall elect two persons, and the Council of the Saint John Board of Trade shall elect two persons, to be with the persons to be appointed by the Governor General as hereinafter mentioned the first Commissioners under this Act at Saint John, and the names of the persons so elected by the Mayor, Aldermen and Commonalty of the City of Saint John, shall be forthwith, after such election, certified to the Minister, under the seal of the City of St. John, and the names of the persons so elected by the Council of the Saint John Board of Trade, shall be forthwith after such last mentioned election, certified to the Minister under the seal of the Saint John Board of Trade, and the Governor General may, within *thirty* days after the commencement of this Act, by an instrument under the Great Seal of Canada, appoint to be such Commissioners three persons; Provided, always, that if the Mayor, Aldermen and Commonalty of the City of Saint John, shall refuse or shall for such *fourteen* days neglect to make such election of such two persons, and to certify the names of such persons as aforesaid, the Governor General may, within *thirty* days after the expiration of such *fourteen* days, by an instrument under the Great Seal of Canada, appoint two persons, and if the Council of the Saint John Board of Trade shall refuse, or shall for such *fourteen* days neglect to make such election of such two persons, and to certify the names of such two persons as aforesaid, the Governor General may, within *thirty* days after the expiration of such *fourteen* days, by an instrument under the Great Seal of Canada, appoint two persons, to make up the full number of such Commissioners; Provided, also, that if any person elected as aforesaid, shall refuse to accept the office, the Governor General may, by an instrument under the Great Seal of Canada, appoint in the place of the person so refusing, some other person to be such Commissioner.

Mode of filling vacancies.

14. Every vacancy happening from time to time among the Commissioners appointed by the Governor General under this Act, not being Commissioners so appointed by reason of any refusal or neglect to elect or refusal to accept office when elected herein mentioned, shall be filled up by the Governor General, by an instrument under the Great Seal of Canada, and every other vacancy shall be filled up as follows:

a. If the person whose death or resignation has caused the vacancy had been elected by the Mayor, Aldermen and Commonalty of the City of St. John, or had been appointed by the Governor General by reason of the refusal or neglect of the Mayor, Aldermen and Commonalty of the City of St. John to elect, or by reason of the refusal of any person elected by the Mayor, Aldermen and Commonalty of the City of St. John to accept office, the

Mayor, Aldermen and Commonalty of the City of St. John shall within *fourteen* days after the receipt of due notice of such vacancy, elect a person to fill such vacancy;

b. If the person whose death or resignation has caused the vacancy, had been elected by the Council of the Saint John Board of Trade, or had been appointed by the Governor General by reason of the refusal or neglect of the Council of the Saint John Board of Trade to elect, or by reason of the refusal of any person elected by the Council of the Saint John Board of Trade to accept office, the Council of the Saint John Board of Trade shall, within *fourteen* days after the receipt of due notice of such vacancy, elect a person to fill such vacancy;

and the name of every person so elected by the Mayor, Aldermen and Commonalty of the City of St. John, to fill a vacancy, shall be forthwith after his election, certified to the Minister under the Seal of the City of St. John, and the name of every person so elected by the Council of the Saint John Board of Trade to fill a vacancy, shall be forthwith after his election certified to the Minister under the Seal of the Saint John Board of Trade; Provided always, that if the Mayor, Aldermen and Commonalty of the City of St. John, or the Council of the Saint John Board of Trade, as the case may be, shall refuse, or shall for such *fourteen* days neglect to elect a person to fill any such vacancy, and to certify the name of such person as aforesaid, the Governor General may, within *thirty* days after the expiration of such *fourteen* days, by an instrument under the Great Seal of Canada, appoint a person to fill such vacancy; Provided, also, that if any person elected to fill a vacancy as aforesaid, shall refuse to accept the office, the Governor General may, by an instrument under the Great Seal of Canada, appoint in the place of the person so refusing, some other person to fill such vacancy. Proviso. Proviso.

15. And such Commissioners and the survivor or survivors of them and their successors so from time to time elected and appointed as aforesaid, (any three of whom shall be a sufficient quorum for the transaction of business and the exercise of all the powers conferred by this Act), shall be and are hereby declared to be a body corporate in deed and in name, by the name of "The St. John Pilot Commissioners," with all the powers vested in Corporations by the Interpretation Act. Commissioners incorporated.

16. The Governor General may appoint a fit and proper person to be Secretary and Treasurer of the St. John Pilot Commissioners, and may assign him an annual salary of not more than *eight hundred dollars*, payable out of the Consolidated Revenue Fund of Canada. Appointment of Secretary-Treasurer.

17. The Governor may, by Order in Council, fix the limits of pilotage districts, in any places not included within either of the above described pilotage districts of Quebec or Montreal, and may constitute pilotage authorities, each consisting of not less than three nor more than five persons (any majority of whom respectively shall be a sufficient quorum for the transaction of business and the exercise of all the powers conferred by this Act), in any places not included within either of the pilotage districts of Quebec, Montreal, Halifax or St. John, and may by any Order in Council from time to time make the payment of pilotage dues compulsory or not compulsory, within any limits so fixed. Powers of the Governor in Council.

GENERAL POWERS OF PILOTAGE AUTHORITIES.

Powers of pilotage authorities. Imp. Stat. 17 & 18 Vict. cap. 104, s. 333.

18. Subject to the provisions of this Act, or of any Act for the time being in force in their pilotage district, every pilotage authority shall have power from time to time, by by-law confirmed by the Governor in Council, to do all or any of the following things within their district, namely:

To determine qualifications of pilots.

(1.) To determine the qualification in respect of age, time of service, skill, character, and otherwise, to be required from persons applying to be licensed as pilots.

To make regulations respecting pilot boats.

(2.) To make regulations respecting the approval, licensing, management, and maintenance of pilot boats, and respecting the distribution of the earnings of pilots and pilot boats, and to require that decked pilot boats be provided with life boats to be used in conveying pilots to and from ships, and also with such numbers of life preservers as such pilotage authority may deem advisable.

To aid companies for the support of pilot boats.

(3.) To provide for aiding in the establishment of and participating in the profits of companies for the support of pilot boats.

To grant licenses.

(4.) To license pilots and (except in the pilotage district of Quebec) apprentices, and (except in the pilotage districts of Quebec, Montreal, Halifax and Saint John,) to certificate masters and mates to act as pilots, as hereinafter mentioned.

To make regulations as to licenses and certificates.

(5.) To fix the terms and conditions of granting licenses to pilots and (except as above excepted) apprentices, and (except as above excepted) such pilotage certificates as in this Act mentioned to masters and mates, and the fees to be payable for such licenses and certificates, and to regulate the number of pilots; Provided always that in the pilotage district of Quebec, after the apprentices under indentures at the commencement of this Act, or such of them as shall have undergone satisfactory examinations within *two months* from and after the final expiration of their apprenticeships respectively, including any further or additional periods imposed by or under this or any other Act have been licensed, as pilots, such number shall never be less than one hundred and fifty nor more than two hundred.

To make regulations for the government of pilots.

(6.) To make regulations for the government of the pilots, licensed and the masters, and mates (if any), certificated by such pilotage authority, and for ensuring their good conduct and constant attendance to and effectual performance of their duty on board and on shore, and for the government of apprentices, and (elsewhere than in the pilotage district of Quebec) for regulating the number of apprentices.

To make rules for punishing breaches of regulations.

(7.) To make rules for punishing any breach of such regulations by the withdrawal or suspension of the license or certificate of the person guilty of such breach, or by the infliction of penalties, so, however, that no single penalty be made to exceed the sum of *forty dollars*, with, in case of a continuing breach, a further penalty not exceeding *four dollars*, for every twenty four hours during which such breach continues, and that every such penalty be capable of reduction at

the discretion of the court by whom the same is inflicted.

To fix and alter pilotage dues.

(8.) To fix and alter the mode of remunerating the pilots licensed by such authority, and the amount and description of such remuneration (in this Act called pilotage dues), and the person or authority to whom the same shall be paid.

Proviso.

Provided always that the rates of pilotage for and below the Harbor of Quebec set forth in Tables 1 and 2 of Schedule A., to the Act of the Legislature of the late Province of Canada, passed in the twelfth year of Her Majesty's reign, chapter one hundred and fourteen, intituled "*An Act to consolidate the laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes,*" shall not be altered for three years after the commencement of this Act, nor then, unless the share of the net income of the Corporation of Pilots for and below the Harbor of Quebec annually accruing to each member of the said Corporation acting and practising as a pilot for and below the Harbor of Quebec, has been less than six hundred dollars on an average of the said three years, in which case it shall be the duty of the Trinity House of Quebec to submit to the Governor in Council for approval, a by-law establishing such increased rates of pilotage, or pilotage dues, as may be deemed necessary for the purpose of securing to each such pilot an average annual share of not less than six hundred dollars of such net income, and so on for and during each successive period of three years thereafter.

To provide for the compulsory retirement of aged pilots.

(9.) To provide for the compulsory retirement of licensed pilots having attained the age of sixty-five years, subject to the provisions contained in section thirty-six of this Act.

To provide for the compulsory retirement of infirm or intemperate pilots.

(10.) To provide for the compulsory retirement of licensed pilots proved on oath before the authority to be incapacitated by mental or bodily infirmity or by habits of drunkenness before attaining the age of sixty-five years.

To provide for the decision of disputes about pilotage.

(11.) To provide for the adjustment and decision of questions and disputes arising between masters of ships, pilots and others, respecting pilotage.

To establish and regulate pilot funds.

(12.) To establish (elsewhere than in the pilotage districts of Quebec and Montreal) either alone or in conjunction with any other pilotage authority or authorities, funds for the relief of superannuated or infirm licensed pilots, or of their wives, widows, or children, and in any pilotage district to make any new regulations with respect to any funds for the time being applicable to those purposes or any of them; with power to determine the amount, manner, time and persons (such persons to be in the service of such pilotage authority) to, and in which, and by and upon whom the contributions in support of such existing or future funds may be made or levied; but not to determine that any contribution to any such fund shall be made or levied by or upon any pilot to any amount exceeding *seven* per cent of his earnings; and further, to determine what persons, or class of persons, from among the men in the

service of such pilotage authority, their wives, widows or children, are, and are not respectively entitled to participate in the benefits of such existing or future funds, and the terms and conditions upon which, if entitled, they are to be so entitled.

To repeal or alter previous by-laws.

(13.) To repeal or alter any by-law made in exercise of the powers of this section, or any by-law touching any of the matters enumerated in this section in force in and for their district at the time of the commencement of this Act, and to make a new by-law, or new by-laws, in lieu thereof.

Penalties and their recovery and application.

And any by-law made by any pilotage authority, according to the provisions of this section, may impose a reasonable penalty, not exceeding in any case *forty dollars*, for the breach of such by-law, with, in case of a continuing breach, a further penalty not exceeding *four dollars* for every twenty-four hours during which such breach continues; but so that no such by-law shall impose a minimum penalty. Every penalty imposed by any such by-law, so made confirmed and published as aforesaid, shall be summarily recoverable with costs by civil action or proceeding at the suit of the Crown only, or of any private party suing as well for the Crown as for himself, in any form allowed in such case by the law of that Province where it is brought,—before any court having jurisdiction to the amount of the penalty in cases of simple contract,—upon the evidence of any one credible witness other than the plaintiff or party interested; and one half thereof shall belong to the relief fund, hereinafter termed pilot fund, established under this section by the pilotage authority for the breach of whose by-law the same has been recovered, if any such fund there be, and if there be no such fund then to such pilotage authority themselves, to be applied by them to the relief of any superannuated or infirm pilot licensed by them, or of the wife, widow or child of any such pilot, and the other half shall belong to the private plaintiff, if any there be, and if there be none, the whole shall belong to such pilot fund or pilotage authority as the case may be.

Confirmation of by-laws.

19. Every by-law made by any pilotage authority in exercise of the powers conferred upon it by the next preceding section of this Act shall, if and when confirmed by order of the Governor in Council and published as hereinafter mentioned, be valid and effectual, and every breach thereof shall be deemed an offence against this Act.

Publication of by-laws.

20. Every by-law made by a pilotage authority and confirmed by the Governor in Council, shall be published in the "Canada Gazette," and the copy thereof printed in the "Canada Gazette" shall be *prima facie* evidence of the original and of the contents thereof and of its having been confirmed by order of the Governor in Council.

Special provision for Quebec.

21. A copy of every by-law made by the Trinity House of Quebec under this Act shall be furnished to the Corporation of Pilots for and below the Harbor of Quebec twenty days before such by-law is submitted to the Governor in Council for the purpose of being confirmed.

Existing pilotage authorities to retain all their powers

22. Every pilotage authority existing at the time of the commencement of this Act shall, until replaced by order of the Governor in Council under section seventeen of this

Act, if subject to be so replaced under the same, and if not subject to be so replaced, continually, retain all powers and jurisdiction which they lawfully possess at the commencement of this Act, so far as the same are consistent with the provisions of this Act; but nothing done after the commencement of this Act by any pilotage authority shall, if inconsistent with this Act, be of any force whatever.

and jurisdiction, subject to section 17 of this Act.

23. Every by-law, rule or regulation, law or ordinance made by any pilotage authority before the commencement of this Act shall, so far as the same is not inconsistent with any provision of this Act, continue to be of the same force and effect as if this Act had not been made, until repealed or altered by a by-law of the proper pilotage authority duly made and confirmed under the authority of this Act.

Existing by-laws continued in force subject to this act.

RETURNS BY PILOTAGE AUTHORITIES.

24. Every pilotage authority shall on or before the tenth day of January in every year transmit to the Minister in such form as the Minister requires, returns, in this Act called pilotage returns of the following particulars with regard to pilotage within their district, made up to the thirty-first day of December previous, namely:—

Pilotage authorities to make annual returns. Imperial Statute 17 and 18 Vict. c. 104, s. 337.

(1.) The name and age of each and every pilot, apprentice, master, or mate licensed, certificated, or authorized to act by such authority, and of each and every pilot or apprentice acting, either mediately or immediately under such authority, whether so licensed or authorized, or not;

Names and ages of pilots, &c.

(2.) The service for which each pilot, apprentice, master, or mate is licensed or certificated;

Services of pilots, &c.

(3.) The pilotage dues for the time being in force, including therein the amounts and description of all charges upon shipping made in respect of pilotage;

Pilotage dues.

(4.) The total amount received for pilotage dues, distinguishing the amounts received from British ships and from foreign ships, and the amount received in respect of different classes of ships paying different rates of pilotage dues for the time being in force, and the amounts received for the several classes of service rendered by pilots.

Amount of pilotage dues received.

(5.) The receipt and expenditure of all money received by or on behalf of such authority, in respect of pilots or pilotage; and such other particulars as the Minister may from time to time require to be included in any such return;

Receipts and expenditure of all money received.

APPRENTICES—QUEBEC.

25. Persons desirous of becoming pilots for and below the Harbor of Quebec, shall continue to pass their indentures of apprenticeship with the Corporation of Pilots for and below the Harbor of Quebec, and not with the individual pilots as required by the said Act twelfth Victoria, chapter one hundred and fourteen, and for that purpose the said corporation shall continue subject to the provisions of the said Act, as amended by this Act, and to those of the by-laws of the Trinity House of Quebec made under the provisions of the said Act or of this Act, relative to

Indentures of apprenticeship in pilotage district of Quebec. Act of Canada 27, 28 Vict. c. 57, s. 1.

pilots taking apprentices, and shall continue to have power to cause such apprentices to serve in turn on board ships piloted, or on board the schooners of the corporation.

Limitation of number of pilots' apprentices in said district. Act of Canada 27, 28, Vict. c. 57, s. 2.

26. The number of apprentice pilots indentured to the Corporation of Pilots for and below the Harbor of Quebec shall not at any time be less than thirty-six, nor more than sixty, and the Trinity House of Quebec shall be and are hereby empowered to see to the carrying out of this provision; and the said Corporation of Pilots for and below the Harbor of Quebec shall in each year make a return of the number of its apprentice pilots to the Trinity House of Quebec.

As to apprentice pilots whose term of apprenticeship has been interrupted. 32, 33 Vict. c. 41, s. 3.

27. Notwithstanding anything to the contrary contained in section twenty-one of the said Act, passed in the twelfth year of Her Majesty's Reign, if the period of apprenticeship of any apprentice indentured to the said Corporation of Pilots for and below the Harbor of Quebec has been interrupted for less than four months altogether, or on account of sickness, involuntary absence, or other legitimate cause, the Trinity House shall grant him, if found otherwise qualified and entitled, a license as pilot, on proof that he has served a regular apprenticeship of seven years in all, provided he has made up for the time lost by such interruption by an additional period or additional periods of service after the lapse of seven years from the commencement of his apprenticeship, and has made four voyages to Europe as required by the said Act, subject always to the provisions contained in section thirty-two of this Act.

After a certain time no apprentices to be licensed by the Trinity House of Quebec, unless there is a vacancy.

28. In the pilotage district of Quebec, after the persons serving apprenticeships to be pilots at the commencement of this Act, or such of them as shall have undergone satisfactory examinations within *two months* from and after the final expiration of their apprenticeships respectively, including any further or additional periods imposed by or under this or any other Act, have been licensed as pilots, no apprentices shall be licensed as pilots unless nor until the number of licensed pilots for and below the Harbor of Quebec is less than that for the time being prescribed and regulated by by-law of the Trinity House of Quebec in that behalf, and then so many only may be so licenced from time to time as may be required to keep up the number of such pilots, for the time being prescribed and regulated by by-law of the Trinity House of Quebec in that behalf, and those as nearly as may be practicable, in the order of their seniority as apprentices.

LICENSING OF PILOTS.

Contents, form and regulation of licenses to pilots. Imp. Stat. 17, 18, Vict. c. 104. s. 349.

29. Every pilot on being licensed by any pilotage authority, shall receive a license containing his name and usual place of abode, a description of his person, and a specification of the limits within which he is qualified to act, which license may be in the form of the first Schedule of this Act, or in any like form; and the collector of customs at the principal port of the district within which any pilot is licensed to act, shall, on his request, and without fee or reward, register his license, and add his name to the list posted up at the Custom House, if not already on it; and a licensed pilot shall not be entitled to act as such until his license is so registered. Any licensed pilot acting beyond the limits

for which he is qualified by his license, shall be considered an unlicensed pilot.

Copies of this Act, and of dues and by-laws to be furnished to and produced by pilots. Imp. Stat. 17 and 18 Vict. c. 104, s. 350.

30. Every licensed pilot shall, on receiving his license, be furnished with a copy of this Act, and a copy of the dues and by-laws established within the district for which he is licensed; and he shall produce such copies to the master of any ship or other person employing him, when required to do so, and in case of default shall incur a penalty not exceeding *twenty dollars*.

Existing licenses continued in force

31. Every pilot who has received a license from a duly constituted authority in that behalf, before the commencement of this Act, may retain the same under and subject to the provisions of this Act, and shall be held and deemed to be, for all and every the purposes of this Act, a pilot licensed by the pilotage authority of the district to which his license extends.

Apprentices now under indentures to be examined only under by-laws under which they commenced their apprenticeship. Act of Canada 12 Vict. c. 114, s. 34.

32. Every person, who at the commencement of this Act is serving an apprenticeship to be a pilot, shall be entitled to be licensed as a pilot at or after the expiration of the term fixed for such apprenticeship by the law, by-law, rule or regulation under which he commenced his apprenticeship, on proving, to the satisfaction of the pilotage authority of the district in which he has served his apprenticeship, that he has complied with all and every the terms and conditions imposed upon apprentices by such law, by-law, rule or regulation, and on being found by such pilotage authority, after due examination, to possess the qualifications required of pilots by such law, by-law, rule or regulation.

Pilots to produce licenses when offering their services and when employed. Imp. Stat. 17, 18 Vict. c. 104, s. 351.

33. Every licensed pilot while acting in that capacity shall be provided with his license, and shall produce the same (whether requested to produce it or not) to every person by whom he is employed, or to whom he offers his services as pilot, at the time when he enters into the employment of, or offers his services to such person, and shall at all times produce his license, at the request of every person by whom he is employed as pilot, and if he neglects or refuses to produce his license, he shall, for each offence, incur a penalty not exceeding *forty dollars*, and shall be subject to suspension or dismissal by the pilotage authority by whom he is licensed.

License forfeited by non-user during two years. Act of Canada 12 Vict. c. 114, s. 17 & 18.

34. Every branch pilot or licensed pilot who shall pass two full and consecutive years without acting as a pilot (unless in case of sickness, unavoidable absence, or special permission from the pilotage authority of his district) shall forfeit his license.

License to be delivered up in certain cases. Imp. Stat, 17 & 18 Vict. c. 104, s. 352.

35. Every licensed pilot, suspended or deprived of his license or compelled to retire, shall produce or deliver up his license to the authority by whom he is suspended or deprived or compelled to retire; and on the death of any licensed pilot, the person into whose hands his license comes shall, without delay, deliver it to the pilotage authority of the pilotage district for which he was licensed; and if any person, without reasonable cause (proof whereof shall lie on him), fails to comply with any requirement of this section, he shall incur a penalty not exceeding *forty dollars*, and any court of summary jurisdiction may, besides inflicting such penalty, by summary order direct such license to be forthwith delivered up to such authority.

Pilots

36. Every licensed pilot shall, on attaining the age of sixty-five

years of age to deliver up their licenses &c.

years, produce and deliver up his license or branch to the pilotage authority of the district to which it extends, who may, grant him a new license for one year, and so on from year to year.

Names and addresses of all licensed pilots to be published.

37. The names and addresses of all licensed pilots shall be published in the following manner :—

List of Pilots to be transmitted to Collectors of Customs.

(1.) Every pilotage authority shall, from time to time, and at least once in every year, prepare a list of the pilots holding licenses for their pilotage district, specifying the name and usual place of abode of every pilot holding such license, and the limits within which he is licensed to act; and shall transmit such list to the Collector of Customs at the principal port within such district.

And posted up at Custom Houses.

(2.) Every Collector of Customs, to whom any such list is so transmitted, shall, immediately after the receipt thereof, cause the same to be posted up, and shall always keep the last received of such lists posted up at the Custom House of the Port.

Registers of pilots licences to be kept at certain places.

38. Each of the pilotage authorities of Quebec, Montreal, Halifax and St. John shall cause every Pilot's license granted by such authority to be registered in a book to be kept for that purpose in the office of such pilotage authority; and every such book shall at all times during the usual office hours be open to all persons for inspection without fee or reward.

Retired pilots and widows and children of pilots to have pensions. Act of Canada, 12 Vict. c. 114, s. 61 & 62.

39. Every pilot compelled to retire under the provisions of this Act on account of age or of mental or bodily infirmity, and every widow and child of a deceased pilot shall be entitled to such pension or assistance as the pilotage authority of the district in and for which such pilot was licensed may deem it proper to grant to him or her out of the pilot fund of such district, if any there be.

RIGHTS OF PILOTS GENERALLY

Allowances to pilot taken out of his district. Imp. Stat. 17 & 18, Vict. c. 104, s. 357, Act of Canada, 12 Vict. c. 114, s. 65.

40. No pilot shall, without his consent, be taken to sea or beyond the limits for which he is licensed, in any ship whatever; and every pilot so taken, shall be entitled to cabin passage, and over and above the pilotage dues otherwise payable, to him, to the sum of *two dollars* a day, to be computed from, and inclusive of the day on which the ship passes the limit up to which he was engaged to pilot her, and up to and inclusive of, either the day of his being returned in the said ship to the place where he was taken on board, or if he is discharged from the ship at a distance from such place, such day as will allow him sufficient time to return thereto; and in such last-mentioned case he shall be entitled to his reasonable travelling expenses by cabin passage or first-class conveyance by land, as the case may be, over and above such pilotage dues and other sums.

Allowances to pilot detained in quarantine. Act of Canada 12 Vict.,c.114, s. 64, English Bill of 1873, s. 498.

41. In case a licensed pilot is placed in quarantine, owing to his having been taken on board any ship, he shall be entitled to suitable board and accommodation, and over and above the pilotage dues payable to him, to the sum of *three dollars* a day, from and inclusive of the day on which he is placed in quarantine up to and inclusive of either the day on which he is discharged therefrom, or, if he is discharged at a distance from the place where he was taken on board, such day as will allow him sufficient time to return

thereto; and in such last-mentioned case, he shall be entitled to his reasonable travelling expenses over and above such pilotage dues and other additional sums.

When a pilot may quit a ship which he has undertaken to pilot. Act of Canada 12 Victoria, c. 114, s. 38.

42. Any licensed pilot may quit a ship which he has undertaken to pilot as soon as such ship is finally anchored or moored after completion of her voyage or removal, as the case may be, or as soon as she passes out of the pilotage district to which his license extends, whichever may first happen, when the service for which he was hired shall be held and deemed to have been performed.

Amount of damage caused by condemned pilot to ship to be deducted from his pilotage dues. Act of Canada 23 Vict. c.123, s. 26.

43. A pilot deprived of his license, or suspended or condemned to pay a penalty for having caused damage to a ship, shall not be entitled to any pilotage dues if the amount of such damage is equal to or exceeds that of such dues, nor, if it is less, to more than the excess of the amount of such dues over that of such damage; and the provisions of this section shall be deemed to be referred to in section twenty-six of the Act of the Legislature of the late Province of Canada, chapter one hundred and twenty-three, intituled: "*An Act to incorporate the Pilots for and below the Harbor of Quebec.*"

RIGHTS OF PILOTS IN PILOTAGE DISTRICTS IN WHICH THE PAYMENT OF PILOTAGE DUES IS FOR THE TIME BEING COMPULSORY.

When licensed pilot unable to board entitled to pilotage. Imp. Stat. 17 & 18 Vict., c. 104, s. 356.

44. If any boat or ship having on board a licensed pilot leads any ship which has not a licensed pilot on board when such last-mentioned ship cannot, from particular circumstances, be boarded, the pilot so leading such last-mentioned ship shall be entitled to the full pilotage dues for the distance run, as if he had actually been on board and piloted such ship; and such pilot while leading such last-mentioned ship, shall keep his pilot flag flying, and such last-mentioned ship shall, while being so lead, show the ensign of such ship at her fore.

Penalty on unlicensed persons acting as pilots.

45. In case any person pilots a ship in any such pilotage district for which he is not a licensed pilot, under any circumstances not provided for in the next following section of this Act, he shall be liable to a penalty of *forty dollars*.

Occasions on which unlicensed persons may act as pilots. Imp. Stat. 17 & 18 Vict., c. 104, s. 362.

46. Any person may, within any such pilotage district for which he is not a licensed pilot, without subjecting himself or his employer to any penalty, pilot a ship under all or any of the following circumstances:—

(1.) When no licensed pilot for such district has offered to pilot such ship, or made a signal for that purpose, although the master of the ship has displayed and continued to display the signal for a pilot in this Act provided, whilst within the limits prescribed for that purpose.

(2.) When a ship is in distress, or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time,

Power of licensed pilot to supersede unlicensed pilot. Imp. Stat. 17 & 18 Vict., c. 104. s. 360.

47. A licensed pilot may, in any such district upon showing his proper signal and exhibiting his license, supersede an unlicensed pilot, but the master shall pay to such unlicensed pilot a sum in proportion to the distance run for his services, and deduct the same from the charge of the licensed pilot; and in case of dispute, the pilotage authority of the district for which the licensed pilot is licensed, shall

determine the proportionate sum to which each party is entitled; and if not so superseded, the unlicensed pilot shall be entitled to be paid the full pilotage dues.

Penalty on unlicensed pilot continuing in charge after arrival of licensed pilot. Imp. Stat. 18 & 18 Vict., c. 104, s. 361.

48. Any unlicensed pilot who continues in the charge of a ship in any such district after a licensed pilot has offered as aforesaid to take charge of her, shall for each offence, incur a penalty not exceeding *one hundred dollars*, in default of payment of which he may be committed to prison for any period not exceeding one month.

Penalty for moving a ship at Quebec, without a pilot Act of Canada, 27 & 28 Vict., c. 57, s. 3.

49. In case any master of a ship not being an exempted ship, removes such ship, or causes such ship to be removed from one place to another within the Harbor of Quebec without the assistance of a licensed pilot for and below the Harbor of Quebec, he shall pay to the Corporation of Pilots for and below the Harbor of Quebec the same pilotage dues as he would have been liable to pay if he had had the assistance of one of such licensed pilots; but this provision shall not apply to the master of any ship actually proceeding to Montreal or elsewhere above the Harbor of Quebec, in change of a pilot for and above the Harbor of Quebec.

PILOTAGE DUES.

What persons liable to pay pilotage dues. Imp. Stat. 17 & 18 Vict., c. 104, s. 363.

50. Where, under the provisions of this Act, any pilotage dues are made payable by or in respect of any ship, the following persons shall be liable to pay such dues; (that is to say,) the owner, the master, and the recognized consignee or agent thereof provided such recognized consignee or agent has moneys in his hands received on account of such ship.

Consignee or agent how to re-imburse himself. Im. Stat. 17 & 18 Vict., c. 104. s. 364.

51. Every recognized consignee or agent of a ship not being the owner or master of such ship may, out of any moneys in his hands received on account of such ship retain the amount of pilotage, dues so paid by him, together with any reasonable expenses he may have incurred by reason of such payment and liability.

Recovery of pilotage dues.

52. All pilotage dues may be recovered as a debt due to the pilot or corporation of pilots or pilotage authority, as the case may be, to whom the same are payable; and all sums made payable to a pilot over and above the pilotage dues, shall be payable by the same persons, and recoverable in the same manner as if they were part of the pilotage dues payable to such pilot; but the mode of payment of pilotage dues in the pilotage districts of Quebec and Montreal shall remain the same as before the commencement of this Act.

Settlement of difference as to draught of ship. Imperial Statutes 17-18 Vic., cap. 104, sec. 384.

53. Whenever any difference arises between the master and the licensed pilot of any ship trading to or from any port in Canada, as to her draught of water, the pilotage authority at such port, shall, upon application by either party, made, in case of a ship inward bound either within twelve hours after her arrival or at some time before she begins to discharge her cargo, and in the case of a ship outward bound before she quits her moorings, appoint some proper person who shall measure the ship, and settle the difference accordingly: And there shall be paid to the person measuring such ship, by the party against whom he decides, such remuneration for his services as the pilotage authority may appoint.

54. If a master, on any licensed pilot beginning or offering to pilot his ship, refuses or neglects to declare to such pilot her draught of water, or himself makes or is privy to any other person making, a false declaration to such pilot as to such draught, he shall incur a penalty for every such offence, not exceeding double the amount of pilotage dues which would have been payable by such ship to such pilot or to any corporation of pilots of which such pilot may be a member.

Penalty on making a false declaration of draught of ship. Imperial Statutes 17-18 Vic., cap. 104, sec. 359,

55. If a master or any person interested in a ship makes or is privy to the making of, a fraudulent alteration in the marks on the stern or stem post of such ship, denoting her draught of water, he shall be guilty of a misdemeanour.

Penalty for falsifying marks on ship. Imp. Stat. 17-18 Vict., cap. 104, sec. 359.

FREE PILOTAGE.

56. After the commencement of this Act, no owner or master of any ship, shall, in any case be compelled to employ or to give his ship into the charge of a pilot, notwithstanding any Act making the employment of a pilot compulsory.

Employment of pilot not to be compulsory. English Bill of 1873, sec. 484.

COMPULSORY PAYMENT OF PILOTAGE DUES, AND EXEMPTIONS THEREFROM.

57. Every ship which navigates within either of the pilotage districts of Quebec, Montreal, Halifax or St. John, or within any pilotage district within the limits of which the payment of pilotage dues is for the time being made compulsory by Order in Council under section seventeen of this Act, shall pay pilotage dues, unless either:

Compulsory payment of pilotage dues in certain districts. Acts of Canada 12 Vict. c. 114, sec. 54, and 55, and c. 117, sec. 23. R.S.N.S. c. 79, sec. 10, 11 and 34.

(1.) Such ship be on her inward voyage and no licensed pilot offers his services as a pilot, or,

(2.) She is exempted under the provisions of this Act, from payment of such dues.

And if such ship be on her outward voyage and the owner or master of such ship does not employ a pilot or give his ship into the charge of a pilot, such dues shall be paid, if in the pilotage district of Quebec to the Corporation of Pilots for and below the Harbor of Quebec, and if in any other pilotage district to the pilotage authority of such district.

Exemption from payment of such dues.

The following ships (called in this Act, exempted ships) shall be exempted from payment of pilotage dues:

(1.) Ships belonging to Her Majesty.

(2.) Ships wholly employed in Her Majesty's service, while so employed, the masters of which have been appointed by Her Majesty's Government, either in the United Kingdom or in Canada.

(3.) Ships propelled wholly or in part by steam, trading or employed on voyages beginning at any port in Nova Scotia or New Brunswick and ending at the Port of New York, or any port in the United States of America on the Atlantic north of New York, or *vice versâ*.

(4.) Ships of not more than eighty tons registered tonnage.

(5.) Ships registered in the Dominion of Canada of not more than two hundred and fifty tons registered tonnage.

(6.) Any ship, of which the master or any mate has a certificate granted under the provisions of this Act, and then in force authorizing him to pilot such ship within the

limits within which she is then navigating.

And every ship exempted by the third, fourth or fifth paragraph of this section, as well as every ship the master of which does not require the services of a pilot, on arriving at the limits of any district in which the payment of pilotage dues is for the time being compulsory, and until she has passed a point, line or place from time to time fixed in this behalf by the pilotage authority of the district, shall display a white flag not less than four feet by six feet, at the main top mast head, in default of which she shall be liable to pay to the pilotage authority of the district a penalty of *forty dollars*.

Master or mate of ship authorized by certificate to pilot her to hoist a white flag on arrival at a district in which the payment of pilotage dues is compulsory.

58. When a ship arrives at the limits of any district in which the payment of pilotage dues is for the time being compulsory and within any part of which she is an exempted ship under the sixth and last paragraph of the next preceding section of this Act, or is at a distance of five miles at least from the mouth of the harbor in any such district mentioned in the certificate of her master or mate, whichever soonest happens, such master or mate shall hoist a white flag not less than four feet by six feet at the main top mast head, with the number of his certificate in black figures six inches long in the centre as a signal, that the ship has a certificated master or mate on board; and every master or mate hoisting such flag without being authorized so to do at the time and place and on board the ship when and where he hoists the same, and every master or mate neglecting to hoist such flag when and where he is authorized so to do and not accepting the services of a licensed pilot, shall incur a penalty of *twenty dollars*; and every ship on board of which such penalty is incurred shall be liable to pay as pilotage dues the same sum as would have been payable to a licensed pilot if the services of a licensed pilot had been obtained or accepted; and all such penalties shall be payable to and recoverable by the pilotage authority of the district.

Exempted ship not belonging to Her Majesty, nor wholly employed in Her Majesty's service liable to pay pilotage dues in certain cases, by way of penalty.

59. In case the master of an exempted ship not belonging to Her Majesty, nor wholly employed in Her Majesty's service, having arrived within the limits of a pilotage district in which the payment of pilotage dues is for the time being compulsory,

(1.) Displays and continues to display the signal for a pilot in this Act provided, whilst within the limits prescribed for that purpose; and does not accept the services of any licensed pilot offering them in consequence of such signal—

Or,

(2.) Without displaying or continuing to display the signal for a pilot, in this Act provided whilst within the limits prescribed for that purpose, employs any person not belonging to his crew and not being a licensed pilot, to pilot or guide such ship, whether or not a licensed pilot has offered his services,

such ship shall be liable to pay to the pilotage authority of the district as pilotage dues the same sum as would have been payable to such licensed pilot if his services had been accepted:

Provisions respecting non-exempted ship arriving at a district in which the

60. When a ship (unless she is an exempted ship or does not require the services of a pilot,) arrives at the limits of any district in which the payment of pilotage dues is for the time being compulsory, the following provisions shall have effect:

payment of pilotage dues is compulsory. Imp. Stat. 17-18 Vict., cap. 104, sec. 3 78.

(1.) Until a licensed pilot has come on board, or until the ship has passed a point, line, or place, from time to time fixed in this behalf by the pilotage authority of the district, the ship shall display such signal for a pilot as in this Act provided; and the master thereof, upon sighting a pilot boat carrying the pilot flag or pilot lights shall, by lying to if the weather permits, or by shortening sail, or heaving to, or, if the ship be a steamer, stopping his engines, or by any other practicable means, facilitate the coming on board of the pilot or one of the pilots of such boat, and shall give him charge of his ship; and in default, such ship shall be liable to pay as pilotage dues to the pilotage authority of the district, a sum not exceeding double the largest amount of pilotage dues which would be payable for piloting such ship:

(2.) If the master of such ship—

(*a.*) Does not accept the services of the first licensed pilot who offers, by signal or otherwise, his services; or

(*b.*) (In case there be two or more pilots offering their services at the same time) accept the services of such one of them as may be entitled by the law or regulations for the time being in force in such district to have his services accepted; or

(*c.*) Having signalled for a pilot, does not accept the services of any licensed pilot offering them in consequence of such signal;

such ship shall be liable to pay to the pilotage authority of the district as pilotage dues the same sum as would have been payable to such licensed pilot if his services had been accepted.

All sums received by the pilotage authority in pursuance of this and the next two preceding section, shall be applied by them as follows:

(*a.*) In paying all expenses incurred in obtaining payment of the same;

(*b.*) Then, if in the pilotage district of Quebec, in paying to the Corporation of Pilots for and below the Harbor of Quebec, and if in any other pilotage district in paying to the pilot who offered his services to the ship, and (if two pilots offered) to that one who was entitled to have his services accepted, such amount (if any) as they may by any by-laws made under this Act from time to time make payable to such Corporation or pilot;

(*c.*) And the residue shall be carried to the pilot fund of the district.

Signals to be displayed by ships requiring pilots.

61. In case any ship requires the services of a pilot, or, not having a pilot, has entered or is in any district or part of a district where such ship is subject to a compulsory payment of pilotage dues, the master of such ship shall display the following signals (that is to say)

(*a.*) In the day time:—To be hoisted at the fore, the Jack or other national color usually worn by merchant ships, having round it a white border, one fifth of the breadth of the flag.

(*b.*) At night:—

(1.) A blue-light every fifteen minutes; or

(2.) A bright white-light, flashed or shown at short or frequent intervals, just above the bulwarks, for about a minute at a time.

Penalty on misuse of signals. English Bill of 1873, sec. 510.

62. Any master of a ship who

(1.) Displays such signals for any other purpose than that of summoning a pilot; or

(2.) Uses any other signal for a pilot,

shall incur a penalty not exceeding *one hundred dollars*.

No exemption from payment of dues when pilot taken voluntarily. R. S. N. S., c. 79, s. 15.

63. No ship shall be exempt on any ground whatever from the liability to pay pilotage dues earned by any licensed pilot voluntarily taken on board of such ship by the master for the purpose of piloting her, whether the payment of pilotage dues be or be not for the time being otherwise compulsory in the district in which such pilotage dues are earned.

Powers and duties of master of exempted ship, navigating her without a pilot. 32-33 Vict., c. 41, s. 1.

64. Every master of an exempted ship when navigating such ship without a pilot in any pilotage district, or part of a pilotage district, within the limits of which she is for the time being an exempted ship shall, as regards the conduct and management of such ship within such limits, have all the powers and duties which are by law or usage possessed by or imposed upon any licensed pilot for such district.

LICENSING OF MASTERS AND MATES.

Master or mate, if examined and passed, to receive a pilotage certificate enabling him to pilot particular ships. Imp. Stat. 71-18 Vic., c. 104, s. 340.

65. A master or mate of any ship may, upon giving due notice, and consenting to pay the usual expenses, apply to any pilotage authority (other than the pilotage authority of either of the pilotage districts of Quebec, Montreal, Halifax or Saint John) to be examined as to his capacity to pilot the ship of which he is master or mate within any part of the district over which such pilotage authority has jurisdiction; and such master or mate shall thereupon be examined, and if found competent a pilotage certificate shall be granted to him, containing his name, a specification of the ship or ships in respect of which he has been examined, and a description of the limits within which he is to pilot the same, such limits to be within such jurisdiction as aforesaid; and such certificate shall enable the person therein named to pilot the ship or any of the ships therein specified, of which he is acting as master or mate at the time, but no other, within the limits therein described, as if he were a licensed pilot; and such certificate may be in the form of the Second Schedule of this Act, or any like form.

Renewals of pilotage certificate. Imp. Stat, 17-18 Vic., c. 104, s. 341.

66. Such pilotage certificate shall not be in force for more than one year, unless the same is renewed, which may, from time to time, be done by an endorsement under the hand of the secretary or other officer of the authority by whom such certificate was granted.

Fees to be paid upon such certificate, and the renewals thereof. Imp. Stat., 17-18 Vic., c. 104, s. 343.

67. All masters or mates to or for whom any such pilotage certificates as aforesaid are granted or renewed by any pilotage authority, shall pay to such authority, or as they direct, such fees upon their respective certificates and upon the renewals thereof, as are from time to time fixed for that purpose by such authority with the consent of the Governor in Council.

Application of such fees.

Such fees shall, in the case of certificates granted or renewed by a pilotage authority, be applicable either to paying the expense of the examinations, or any other general expenses connected with

pilotage incurred by such authority, or to the Pilot Fund of the district (if any), or otherwise for the benefit of the pilots licensed by such authority, as such authority think fit.

Power to withdraw pilotage certificate. Imp. Stat., 17–18 Vic., c. 104, s. 344.

68. If at any time it appears to any pilotage authority that any master or mate to whom a pilotage certificate has been granted by such authority, has been guilty of drunkenness or misconduct, or has shown himself incompetent to pilot his ship, they may thereupon withdraw his certificate, and such certificate shall thenceforth cease to be of any effect whatever, and shall be forthwith produced and delivered up by such master or mate to such pilotage authority, in default of which such master or mate shall incur a penalty of *forty dollars*, and any court of summary jurisdiction may, besides inflicting such penalty, by summary order direct such license to be forthwith delivered up to such pilotage authority.

No owner to be free from liability by reason of employing a duly licensed pilot. English Bill, 1869, s. 505.

69. Nothing in this Act shall be deemed to oblige the owner or master of any ship to employ or to give his ship into the charge of a pilot, either on the ground of his being compelled to pay pilotage dues to any person or otherwise, or to exempt any owner or master of any ship from liability for any loss or damage being occasioned by his ship to any person or property, on the ground either of such ship being in the charge of a licensed pilot, or of such loss or damage being occasioned by the act or default of a licensed pilot, or on any other ground.

OFFENCES OF PILOTS.

Offences of pilots. Imp. Stat., 17–18 Vic., c. 104, s. 365.

70. If any licensed pilot commits, either within or without the district for which he is licensed, any of the following offences:

(1.) Commits any fraud or offence against the revenues of customs or inland revenue or the laws relating thereto;

(2.) Is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, cargoes, crews or passengers, or to persons in distress at sea, or by shipwreck or to their moneys, goods, or chattels;

(3.) Lends his license;

(4.) Acts as pilot whilst suspended;

(5.) Acts as pilot when in a state of intoxication;

(6.) Employs or causes to be employed, on behalf of any ship of which he has the charge, any steamboat, boat, anchor, cable, or other store, matter, or thing, beyond what is necessary for the service of such ship, with the intent to enhance the expenses of pilotage for his own gain, or for the gain of any other person.

(7.) Refuses, or delays, when not prevented by illness, or other reasonable cause, to take charge of any ship within the limits of his license, upon the signal for a pilot being made by such ship, or upon being required to do so by the master, owner, agent, or consignee thereof, or by any officer of the pilotage authority of the district for which such pilot is licensed, or by any principal officer of Customs;

(8.) Attempts, upon being so signalled or required, to make any special bargain for salvage.

(9.) Unnecessarily cuts or slips, or causes to be cut or slipped, any cable belonging to any ship;

(10.) Refuses, when requested by the master, to conduct the ship on board of which he is into any port or place into which he is licensed to conduct the same, except on reasonable ground of danger to the ship; or

(11.) Quits the ship which he has undertaken to pilot without the consent of the master, before the service for which he was hired has been performed,

such pilot shall, for each offence, in addition to any liability for damages, incur a penalty not exceeding *two hundred dollars*, and also be liable to suspension or dismissal by the pilotage authority of the district for which he is licensed; and every person who procures, abets, or connives at the commission of such offence, shall, for each offence, in addition to any liability for damages incur a penalty not exceeding *two hundred dollars*, and in case he is a licensed pilot, be also liable to suspension or dismissal by the pilotage authority of the district for which he is licensed.

Penalty on pilot endangering ship, or life or limb of any person on board. Imp. Stat., 17-18 Vict., c. 104, s. 366.

71. If any pilot, when on board any ship for the purpose of piloting her, by breach or neglect of duty, or by reason of drunkenness, either:

(*a*.) Does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person on board such ship, or

(*b*.) Refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from danger to life or limb,

he shall, for each such offence, be deemed guilty of a misdemeanor, and be liable to imprisonment for a period not exceeding *twelve months*, with or without hard labor; and if a licensed pilot, shall also be liable to suspension or dismissal by the pilotage authority of the district for which he is licensed.

Penalty on person endangering ship by misrepresentation of circumstances. Imp. Stat., 17-18 Vict., c. 104, s. 367.

72. If any person, by any misrepresentation of circumstances upon which the safety of a ship may depend, or by using a license to which he is not entitled, becomes employed or endeavors to be employed to pilot such ship, or enables or endeavors to enable any other person to be so employed, or obtains or endeavors to obtain for himself or any other person the charge of such ship, he shall, in addition to any liability for damages, incur a penalty not exceeding *two hundred dollars*, and if a licensed pilot, shall also be liable to suspension or dismissal by the authority by whom he is licensed.

Penalty on pilot demanding or receiving more than his legal dues. Imp. Stat., 17-18 Vict., c. 104, s. 358, and 35-36 Vict., c. 73, s. 9.

73. A licensed pilot demanding or receiving any sum in respect of pilotage services greater than the dues for the time being demandable by law shall, for each offence, incur a penalty not exceeding *forty dollars*.

PILOT BOATS.

Imp. Stat., 17-18 Vict., c. 104, sec. 345.

74. All pilot boats regularly employed (elsewhere that in the pilotage district of Quebec) shall be approved and licensed by the pilotage authority of the district, in which they are employed.

Characteristics of decked

75. Every pilot boat, wholly or partly decked, shall have the

owing characteristics:—

pilot-boat, Imp. Stat., 17-18 Vict, c 104, s. 346.

(1.) On her stern her name, the name of the owner, or if owned by more than one person, the name of her managing owner, or if owned by a corporation the name of that corporation, and the port to which she belongs, painted in white letters at least one inch broad and three inches long, and on each bow the number of her license;

(2.) In all other parts, a black color, painted or tarred outside, or such other color or colors as the pilotage authority of the district, with the consent of the Minister, directs;

(3.) When afloat during the day time, a flag (in this Act called a pilot flag) of large dimensions compared with the size of the pilot boat, and of two colors, the upper horizontal half white, and the lower horizontal half red; and at night two lights (in this Act called pilot lights) one above the other, the upper light white, the lower light red, such pilot flag or pilot lights respectively to be placed at the mast head, or on a sprit or staff, or in some other equally conspicuous situation.

And the master of every such wholly or partly decked pilot boat shall be responsible for the following particulars:

(*a.*) That the pilot boat possess all the above characteristics, and that the pilot flag and pilot lights be kept clean and distinct, so as to be easily discerned at a reasonable distance;

(*b.*) That the names and numbers aforesaid be not at any time concealed or altered;

And if default be made in any of these particulars, he shall, for every such offence, incur a penalty not exceeding *eighty dollars.*

76. Every pilot boat, neither wholly nor partly decked, shall have the following characteristics:— Characteristics of open pilot-boat, Imp. Stat., 17-18 Vict., c. 104, s. 346.

(1.) On her bow or stern her name, the name of her owner, the port or place at which her owner resides, and the number of her license, painted in white letters, at least two inches long, on a dark ground.

(2.) When afloat during the day-time a flag (in this Act called a pilot flag) of large dimensions compared with the size of the pilotboat, and of two colors, the upper horizontal half white, and the lower horizontal half red.

And the master or person in charge of every such neither wholly nor partly decked pilot boat shall be responsible for the following particulars:

(*a.*) That the pilot boat possess all the last above mentioned characteristics, and that the pilot flag be kept clean and distinct, so as to be easily discerned at a reasonable distance;

(*b.*) That the names and numbers aforesaid be not at any time concealed or altered;

And if default be made in any of these particulars, he shall, for every such offence, be liable to a penalty not exceeding *forty dollars.*

77. Every pilot, when on board and in charge of any ship, as such pilot, shall display a pilot flag under the ensign of such ship, or in some other equally conspicuous situation, and if he fail to do so, incur a penalty not exceeding *eighty dollars.* English Bill of 1873. Sec. 511.

The master of every such ship shall permit such flag to be dis-

played, and in default shall incur a penalty not exceeding *eighty dollars.*

Licensed pilot to exhibit pilot flag and lights, though not in pilot boat. Imp. Stat., 17-18 Vict., cap. 104, sec. 347.

78. Whenever a licensed pilot, in the exercise of his calling as pilot, goes off in a boat or ship not in the pilotage service, he shall exhibit during the day time a pilot flag, and at night pilot lights, in order to show that such boat or ship has a licensed pilot on board; and if he fails to do so, without reasonable cause (proof whereof shall lie on him), he shall for every such offence incur a penalty not exceeding *two hundred dollars.*

Penalty on boat or ship not having a pilot on board displaying pilot flag or pilot lights. Imp. Stat. 17-18 Vict., cap. 104, sec. 348.

79. If a boat or ship, not having a licensed pilot on board displays a pilot flag or pilot lights, the owner or master of such boat or ship shall for every such offence incur a penalty not exceeding *two hundred dollars.*

PILOT FUND.

Contributions to Montreal Decayed Pilots Fund. Act of Canada, 12 Vict., cap. 117, sec. 25.

80 Every pilot for and above the harbor of Quebec, sha continue to contribute to the Montreal Decayed Pilots Fund, fiv per cent out of every sum of money he shall be entitled to receive for pilotage, until the Montreal Harbor Commissioners by by-law otherwise determine, after which every such pilot shall contribute to the said Fund, so much not exceeding *seven per cent* of all moneys, to which he shall be entitled under this Act for pilotage, as the Montreal Harbor Commissioners may by by-law from time to time determine.

Contributions to the Pilot Fund at Quebec. Acts of Canada, 12 Vict., c. 114, s. 57, 58, 59, 60; and 23 Vict., c. 123, s. 21, 22, 23, 24, and 25.

81. The Treasurer of the Corporation of Pilots for and below the harbor of Quebec, shall pay over to the Treasurer of the Trinity House of Quebec, on the first day not being a Sunday or holiday, in each month *seven per cent* on all sums received by him during the then next preceding month for pilotage dues or dues for other services for which the pilots tariff allows pay earned by members of the said corporation, and may from time to time examine any such member on oath (which oath he is hereby authorized and empowered to administer) as to the amount of any such dues received by him; and all sums received by the said Treasurer under this section shall form part of the Pilot Fund.

Penalty on pilot giving a false account of his earnings. Imp. Stat., 17 18 Vict., c. 104, s. 385.

82. In case any pilot, by or upon whom any contribution to any pilot fund is to be made or levied in proportion to his earnings, under any by-law of any pilotage authority duly confirmed and published, gives a false account of his earnings, or makes default in payment of any sum due from him as such contribution, he shall forfeit double the amount so payable, and shall further be liable, at the discretion of the pilotage authority of his district, to suspension or dismissal.

Application of pilot funds. Imp. Stat., 17-18 Vict., c. 104, s. 386.

83. Every pilot fund shall be applied as follows, in the following order (that is to say):—

(1.) In payment of such necessary expenses as the pilotage authority may duly incur in the administration of such fund.

(2.) Then in the payment of superannuation allowances, or other relief, for the benefit of those pilots licensed by them, who are incapacitated by reason of age, infirmity

or accident, and of the widows and children of pilots so licensed, or of such incapacitated pilots only.

Investment of surplus of pilot funds. Act of Canada, 12 Vict., c. 114, s. 63.

84. And every sum of money belonging to any pilot fund which shall not have been employed in such payments as aforesaid, including sums of money forming part of Pilot Funds existing at the commencement of this Act of which re-investment may become necessary, shall be invested in Dominion stock or other Government securities approved by the Governor in Council in the name of the pilotage authority having control of the fund to which such sum of money belongs.

CORPORATION OF PILOTS FOR AND BELOW THE HARBOR OF QUEBEC.

Power to Directors to appoint and remove masters of schooners belonging to the Corporation.

85. The Board of Directors of the Corporation of Pilots for and below the Harbor of Quebec, shall have power from time to time to select any of the pilots, members of the said corporation, to be masters of any schooners under their control, and to remove them; and any such pilot so selected shall be bound to serve as such master until removed as aforesaid, under a penalty of *one hundred dollars*, to form part of the Pilot Fund, and to be sued for and recovered in the same manner and form as other penalties incurred by pilots.

Penalty on master of schooner neglecting or omitting to do his duty as such.

86. Any pilot in charge as such master of a schooner employed in the pilotage district of Quebec, may be, for neglect or omission in the discharge of his duties, on complaint bronght against him by any party aggrieved, condemned by the Trinity House of Quebec to pay a fine not exceeding *forty dollars* and costs, to be sued for, recovered and applied in the same manner and form as other penalties incurred by pilots.

Power to pay directors and masters.

87. The Board of Directors of the Corporation of Pilots for and below the Harbor of Quebec shall have the power to pay out of the funds of the said corporation, to each of its directors, and shall pay to each of the masters of the schooners of the said corporation a remuneration not exceeding in any one year *one hundred dollars*, over and above his share in the net income of the said corporation.

One director to be always on duty at the easternmost station.

88. At all times during the season of navigation in the River Saint Lawrence below Quebec, there shall be on duty and personally present on board the schooner of the said corporation on the eastern-most pilot station, one of the directors of the said corporation, whose duty it shall be—

(1.) To enforce the execution of the duties in regard to the embarcation and disembarcation of pilots, and the conduct of pilots and apprentices on board such schooner incumbent upon the master of such schooner under the the by-laws of the said corporation.

(2.) To keep a journal of occurrences, and note therein any absence of such schooner from its station, and the time and cause and duration of such absence, and every time when and place where such schooner anchors, and the length of time she remains at anchor.

And the journal, or copy of the journal, of such director shall be transmitted monthly by the said Board of Directors to the Trinity House of Quebec.

APPLICATION OF PENALTIES.

Penalties paid by pilots to go to pilot funds, those paid by others to be applied as the Governor in Council may direct. Act of Canada, 12 Vict., c. 114, s. 106.

89. Every pecuniary penalty paid by a licensed pilot for an offence against the provisions of this Act, or a breach of any by-law made under this Act, shall be paid into and form part of the Pilot Fund of the pilotage district in which the offence or breach has been committed, if any there be, and if there be no such fund in such district, shall be paid and applied in such manner as the Governor in Council shall from time to time direct; and every pecuniary penalty paid by any person other than a licensed pilot for any such offence or breach, shall be paid and applied in such manner as the Governor in Council may from time to time direct, except in the pilotage district of Quebec, in which every such last-mentioned pecuniary penalty shall be paid into and form part of the funds of the Trinity House of Quebec.

LIMITATION OF SUITS AND PROSECUTIONS.

No suit, &c., to be brought after twelve months from commission of offence. Act of Canada, 12 Vict., c. 114, s. 100.

90. In no case shall any suit be brought or proceeding instituted for the recovery of any penalty or the infliction of any punishment for any offence against the provisions of this Act, or for any breach of any by-law made under this Act, after six years from the date of the commission of such offence or breach.

Saving clause as to Trinity House of Quebec.

91. Nothing in this Act shall be construed to give power to the Trinity House of Quebec to make regulations respecting the management or maintenance of pilot boats, or respecting the administration or distribution of the earnings of pilots and pilot boats, save and except in so far as relates to the administration of the Pilot Fund.

Repealing clause.

92. The Acts and parts of Acts mentioned in the Third Schedule hereunto annexed are hereby repealed, as are also all other Acts and parts of Acts and provisions of law contrary to or inconsistent with the provisions of this Act.

FIRST SCHEDULE.

FORM OF LICENSE TO PILOT.

DOMINION OF CANADA.

Pilotage District of

We being the pilotage authority having by law power to examine and license pilots fo the pilotage district of , do hereby certify that of , having been duly examined by us, has been found in all respects duly qualified, and is deemed by us to be a fit person to undertake the pilotage of vessels of every description, within and throughout the said pilotage district of , and on this day of A.D., 18 , is by us licensed to act in that capacity.

This license cannot be lent or transferred.

Description of of

Age.	Height.	Complexion.	Color of Hair.	Color of Eyes.	Marks.	Remarks.

SECOND SCHEDULE.

FORM OF PILOTAGE CERTIFICATE.

DOMINION OF CANADA.

Pilotage District of

We, being the pilotage authority having by law power to license pilots for the pilotage district of do hereby certify that of Master (*or* Mate *as the case may be*) of the , having been duly examined by us, has been found in all respects duly qualified, and is deemed by us to be a fit person, to undertake the pilotage of the said and of any vessel of her class of which he may be acting as master (*or* mate *as the case may be*) at the time, but no other, within and throughout the following limits in the said pilotage district of , that is to say *(here describe the limits)*, and on day of A.D. 18 , is by us licensed in that capacity.

This certificate is good for one year only, and cannot be lent or transferred.

THIRD SCHEDULE.

ACTS OF THE LEGISLATURE OF THE LATE PROVINCE OF CANADA REPEALED.

Year and Chapter.	Title of Act.	Extent of repeal.
12 Vict., c. 114 ...	An Act to consolidate the laws relative to the powers and duties of the Trinity House, Quebec, and for other purposes.	Sections fifteen, seventeen, eighteen, nineteen, twenty-two, so much of section twenty-three as relates to Pilots causing the loss of vessels under their charge or being the means of their sustaining damage, twenty-four, twenty-five, twenty-six, twenty-eight, twenty-nine, thirty-two, thirty-five, thirty-six, thirty-eight, forty, forty-one, forty-two, forty-four, forty - five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-seven, fifty-eight, sixty-one, sixty-two and sixty-three.
12 Vict., c. 117 ...	An Act to repeal a certain Act and ordinance therein mentioned, relating to the Trinity House at Montreal, and to amend and consolidate the provisions thereof.	Sections twenty-one to twenty-three so far as they relates to exempted ships and the masters thereof, and so far as either of the said sections conflicts with this Act.
13 & 14 Vict., c. 95	An Act to amend the Act relating to the Trinity House at Montreal.	The whole.
13 & 14 Vict., c. 96	An Act to repeal certain provisions of an Act passed in the last session of the Provincial Parliament, and intituled: *An Act to consolidate the Laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes*, and to exempt masters of vessels belonging to Lower Canada from taking pilots in certain cases.	The whole.
14 & 15 Vict., c. 101	An Act to correct a clerical error in the English version of the Act of the last session, exempting masters of vessels belonging to Lower Canada from taking pilots in certain cases.	The whole.
27 & 28 Vict., c. 57	An Act to amend the Act twelfth Victoria, chapter one hundred and fourteen, relative to the powers and duties of the Trinity House of Quebec, and for other purposes.	The whole.
27 & 28 Vict., c. 58	An Act to amend the Act passed in the twelfth year of Her Majesty's reign, relating to the Trinity House at Montreal.	Sections nine and ten.

ACTS OF THE LEGISLATURE OF THE PROVINCE OF NOVA SCOTIA REPEALED.

Revised Statutes.—Third Series.

Chapter 79	Of Pilotage, Harbors, and Harbor Masters.	Sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, and thirty-three and schedule A.

ACTS OF THE LEGISLATURE OF THE PROVINCE OF NEW BRUNSWICK REPEALED.

Revised Statutes.

Year and Chapter.	Title of Act.	Extent of repeal.
Chapter 64	Of Rules and Regulations.	So much of section one as is in the words following, to wit: "*Fourteenth*—For the government of pilots, and for fixing the rate of pilotage."

Acts passed since the revision of the Statutes.

3 Vict., c. 70	An Act to extend the jurisdiction of the Corporation of the City of Saint John, for the regulation of the rates of pilotage, beyond the limits now prescribed by Charter.	The whole.
24 Vict., c. 16....	An Act relating to Pilots.	The whole.
25 Vict., c. 7.....	An Act to revive and make perpetual an Act intituled: An Act to extend the jurisdiction of the Corporation of Saint John, for the regulation of Pilots beyond the limits now prescribed by Charter."	The whole.

LAW OF THE COLONY OF BRITISH COLUMBIA REPEALED.

30 Vict., No. 87..	An Ordinance to assimilate the laws for the regulation of pilotage in all parts of the colony of British Columbia.	The whole.

ACTS OF THE PARLIAMENT OF CANADA REPEALED.

31 Vict., c. 58....	An Act respecting the navigation of Canadian waters.	Section fourteen.
32 & 33 Vict., c. 41	An Act to place all Canadian vessels on an equal footing as regards pilotage in the Port of Quebec, and for other purposes respecting pilotage.	The whole.
35 Vict., c. 43	An Act respecting the appointment and powers of Commissioners of Pilots for the coasts and harbors of the County of Charlotte.	The whole.

No. 78.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act respecting Pilotage.

Received and read, first time, Friday, 4th April, 1873,

Second reading, Tuesday, 8th April, 1873.

Hon. Mr. MITCHELL.

OTTAWA:

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

1873.

No. 79.] **BILL.** [1873.

An Act to amend and consolidate, and to extend to the whole Dominion of Canada, the Laws respecting the Inspection of certain staple articles of Canadian produce.

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

GENERAL PROVISIONS.

1. The Governor in Council may, from time to time, designate the several cities, towns, and other places in Canada, at and for which respectively, it is expedient to appoint Inspectors of the several articles hereinafter mentioned, or any of them, and the Governor may from time to time appoint at and for each of such cities, towns, and places, an Inspector of any of the following articles, that is to say:— Governor may appoint Inspectors of certain articles.

Flour and meal;
Wheat and other grain;
Beef and pork;
Pot ashes and pearl ashes;
Fish and fish oil;
Butter;
Cheese and lard;
Leather and raw hides;
Petroleum.

Such Inspectors shall hold office during pleasure, and shall act respectively within such local limits as the Governor in Council may assign to them, and they and their Deputies shall be appointed only from among duly qualified persons, certified as such by the Examiners hereinafter mentioned.

2. The Board of Trade at each of the cities of Quebec, Montreal, Toronto, and Kingston, and the Chamber of Commerce at each of the cities of St. John, N. B., and Halifax N. S., may from time to time appoint in the said cities respectively, and the Governor may from time to time appoint in any county in New Brunswick, or Nova Scotia, and at Fort Garry in Manitoba, and in British Columbia *three* fit and skilful persons for each class of articles to be inspected at such city, or in such county or in the Province in which it is situate, to examine and test the ability and fitness of applicants for the office of Inspector or Deputy Inspector of such articles, in such Province; and no person shall be appointed such Inspector or Deputy Inspector, who has not been examined by and received a certificate of qualification from the proper Board of Examiners: Provided always, that the Governor may in his discretion appoint as an Inspector under this Act without a new examination, any person who has been an Inspector of the same article under any Act hereby repealed. And the Board may at Board of Examiners of Inspectors, how appointed. Proviso.

any such examination permit the attendance of any person or persons, of experience and skill in the subject of such examination, and allow them to propose questions pertinent thereto to the examinee, in order to test his knowledge and skill.

Examiner to take oath.

3. Each such Examiner shall before acting as such, take before some Justice of the Peace, an oath in the following form or to the same effect:—

Oath.

"I, A. B., do swear that I will not, directly or indirectly, personally or by means of any person or persons in my behalf receive any fee, reward or gratuity whatever, by reason of any function of my office of Examiner of applicants for the office of Inspector or Deputy Inspector of and that I will therein well and truly, in all things, act without partiality, favor or affection, and to the best of my knowledge and understanding. So help me God."

Which oath shall remain in the custody of the Justice administering it.

Inspector not to trade in articles which he inspects.

4. No Inspector or Deputy Inspector shall deal or trade in, or have any interest directly or indirectly, in the production of any article subject to inspection by him, or sell or buy any such article (except for the consumption of himself and his family) under a penalty of *two hundred dollars* for any offence against this section, and the forfeiture of his office.

Inspector to take oath.

5. Each Inspector or Deputy Inspector shall, before acting as such, take and subscribe before some Justice of the Peace, an oath of office in the form or to the effect following:—

Oath.

"I, A. B., do solemnly swear, that I will faithfully, truly and impartially, to the best of my judgment, skill and understanding, execute and perform the office of an Inspector (*or* Deputy Inspector), and that I will not directly or indirectly, by myself or by any other person or persons whomsoever, manufacture, or prepare, deal, trade in, or sell, or buy, except only for the consumption of myself and family, any (*insert the description of the articles he is to inspect*) on my account, or upon the account of any other person or persons whomsoever, while I continue such Inspector (*or* Deputy Inspector). So help me God."

And such oath shall remain in the custody of the Justice administering it.

Security to be given by Inspector.

6. Each Inspector or Deputy Inspector shall, before acting as such, give security for the due performance of the duties of his office, in such sum as the Governor may direct, by bond to Her Majesty, with two sureties to the satisfaction of the Governor, to be bound jointly and severally with him, in the form and subject to the provisions prescribed by law relative to the security to be given by persons appointed to offices of trust in Canada, and such bond shall avail to the Crown, and to all persons aggrieved by any breach of the conditions thereof, and such bond shall remain in the custody of the Secretary of State of Canada, and any copy thereof certified by him shall be *primâ facie* evidence of such bond, and of the contents and tenor thereof, and such copy shall be furnished when required on payment of a fee of

Appointment of Assistant Inspectors.

7. Each Inspector may, and shall when thereunto required by the Governor General, appoint a Deputy or so many Deputies as may be necessary for the efficient and speedy performance of the duties of his office, such assistants being duly examined and sworn,

and giving security as above provided; and they shall be held to be the Deputies of the Inspector for all the duties of his office, and their official acts shall be held to be the official acts of the Inspector, and he shall be responsible for them as if done by himself; and each Deputy Inspector shall make such returns and reports of his official acts as shall be required of him by the Inspector whose Deputy he is.

Duties, etc. of Assistant Inspector.

8. The said Deputies shall respectively be paid by and shall hold their offices at the pleasure of the Inspector; and no such Inspector shall allow any person whomsoever to act for him about the duties of his office, excepting only his sworn Deputy or Deputies appointed as aforesaid.

Deputy to act in case of death of Inspector.

9. In the event of the death of any Inspector, his senior Deputy Inspector shall perform all the duties of the Inspector until his successor is appointed.

Returns or reports of official acts.

10. The Governor in Council may, from time to time, require any or every Inspector to make such returns or reports of his or their official acts to any public department or officer, Board of Trade or municipal authority, and in such form and containing such particulars and information as he may deem expedient, and may from time to time, by Order in Council, make such regulations for the governance of Inspectors under this Act or any them, and of parties employing them as such, as he may think proper, and may by such regulations impose penalties not exceeding on any person offending against them; and any copy of such regulations printed in the *Canada Gazette*, shall be *primâ facie* evidence of any such regulations, and that they are then in force; and such regulations, not being contrary to or inconsistent with this Act shall be obeyed by such Inspectors and parties employing them, as if embodied in this Act, and any offence against them shall be deemed an offence against this Act and punishable as such.

Disputes how settled.

11. If any dispute arises between any Inspector or Deputy Inspector and the owner or possessor of any article by him inspected, with regard to the quality and condition thereof, or relating in any respect to the same, then upon application, by either of the parties in difference, to any Justice of the Peace for the place in which such Inspector or Deputy Inspector acts, such Justice of the Peace shall issue a summons to three persons of skill and integrity, one to be named by the Inspector or Deputy Inspector, another by the owner or possessor of the article in question and the third by such Justice of the Peace (who failing the attendance of either of the parties in difference shall name for him) requiring such three persons forthwith to examine such article, and report their opinion of the quality and condition thereof under oath (which oath the Justice of the Peace shall administer) and their determination, or that of the majority of them, made in writing, shall be final and conclusive, whether approving or disapproving the judgment of the Inspector or Deputy Inspector, who shall immediately conform thereto, and brand or mark such article, or the package containing the same (as the case may be) of the qualities or condition directed by the determination aforesaid; And if the opinion of the Inspector or Deputy Inspector be thereby confirmed, the reasonable cost or charges of re-examination (to be ascertained by the said Justice of the Peace), shall be paid by the said owner or possessor of the article in question and if otherwise, by the Inspector or Deputy Inspector.

Fees for re-examination.

12. The Council of the Board of Trade, if there be one, for each of the said cities or places where Inspectors are appointed and if not, the Governor in Council shall, from time to time, make a tariff of the fees and charges to be allowed for such re-examination and all services and matters connected therewith, and may also establish rules and regulations for the government of the persons re-examining any article on appeal from the decision of the Inspector or Deputy Inspector: And all such fees shall be payable before the delivery of the bill of inspection, or the re-delivery by the Inspector of the articles inspected, on which he shall have a special lien for such fees

In case of neglect or refusal of Inspector to act.

13. If any Inspector or Deputy Inspector, refuses or neglects on application to him made, personally or by writing, left at his dwelling-house, store, office, or warehouse, on any lawful day between sun-rise and sun-set, by any owner or possessor of any article which such Inspector or Deputy Inspector is appointed to inspect (such Inspector or Deputy Inspector not being at the time of such application employed in inspecting elsewhere) forthwith, or within two hours thereafter to proceed to such inspection, he shall, for every such neglect or refusal, forfeit and pay to the person so applying, *twenty dollars*, over and above all the damages occasioned by such refusal or neglect to the party complaining, recoverable in a summary way before any one Justice of the Peace, on the oath of one credible witness other than such complainant.

As to fraudulent alteration, &c., of Inspector's marks.

14. Any person who, 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 article having undergone inspection, or on any package containing any such article, or counterfeits any such brand or mark, or brands, impresses or otherwise marks thereon any mark purporting to be the mark of any Inspector, or of the manufacturer or packer of such article, either with the proper marking instruments of such Inspector, manufacturer or packer, 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 (of the same or any other kind), not contained therein at the time of such inspection, or uses for the purpose of packing any article, any old package bearing inspection marks without effacing such marks before offering such article for sale,—or (not being an Inspector or Deputy Inspector of any article) 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 article, and any person who being in the employ of any Inspector or Deputy Inspector, or of any manufacturer or packer of any article subject to inspection, 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 or Deputy Inspector who inspects or brands or marks any article 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 *forty dollars*, and shall forfeit his office, and shall be disqualified from ever after holding the same.

15. Any person not thereunto duly authorised under this Act, who in any manner whatever assumes the title or office of Inspector or Deputy Inspector, or issues any bill, certificate, or declaration purporting to establish the quality of any Pot-ashes or Pearl-ashes, Flour or Meal, Beef or Pork, Grain, Fish or Fish Oil, Butter, Cheese or Lard, Leather or Rawhides, or Petroleum, shall for every such offence incur a penalty of *twenty dollars*.

Person assuming title &c., of Inspector without authority.

16. 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 or Deputy Inspector, or by any other person suing for the same, 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:

Penalty under $40, how recoverable.

2. And where such penalty or forfeiture exceeds *forty dollars*, it may be sued for and recovered by any such Inspector, Deputy Inspector, or other person, 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;

Penalty over $40, how recoverable.

3. And the moiety of all such penalties (except such as may be herein otherwise applied) when recovered, shall belong to the Crown for the public uses of the Dominion, and the other moiety shall belong to and be paid to the Inspector or Deputy Inspector, or other person suing for the same.

Application of penalties.

17. 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 non-suited 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 time for commencing suits.

18. In all cases where any article is sold subject to inspection, the person applying to the Inspector shall be entitled to reimbursement of the cost of Inspection from the vendor, if such applicant be not himself the vendor, unless an express stipulation to the contrary is made at the time of the sole or of the agreement to submit to Inspection;—And such agreement to submit to Inspection, shall imply a warranty that the article in question is of the quality for which it sold, and that all the requirements of this Act have been complied with as to such article and the packages in which it is contained, unless it be otherwise expressly stipulated.

By whom cost of inspection shall be paid when article is sold subject to inspection.

19. Nothing in this Act shall oblige any person to cause any article to be inspected, *unless such inspection is expressly declared to be compulsory*, but if inspected, it shall be subject to the provisions of this Act, and shall not be branded or marked as inspected unless the said provisions have been in all respects complied with, with respect to such article and the packages in which it is contained.

Inspection not compulsory.

Proviso.

When Act shall take effect.

20. This Act shall come into force and take effect upon, from and after the *first* day of *July* in the present year one thousand eight hundred and seventy-three, except that appointments, regulations and other preliminary arrangements may be made under it at any time after its passing, to take effect after the said day: and upon, from and after the said day the Acts and parts of Acts hereinafter mentioned shall be repealed; that is to say, the forty-seventh chapter of the Consolidated Statutes of the late Province of Canada, intituled *"An Act respecting the Inspection of Flour and Meal,"* and the Act of the Legislature of the said Province, passed in the twenty-third year of Her Majesty's Reign, and intituled *An Act concerning the Inspection of Flour and Meal:* the forty-eighth chapter of the said Consolidated Statutes of Canada, intituled *An Act respecting the Inspection of Beef and Pork;* the forty-ninth chapter of the said Consolidated Statutes of Canada, intituled *An Act respecting the Inspection of Pot and Pearl Ashes,* and the Act of the Legislature of the said late Province, passed in the twenty-seventh year of Her Majesty's Reign, and intituled *An Act to amend the "Act respecting the Inspection of Pot and Pearl Ashes;"* the fiftieth chapter of the said Consolidated Statutes of Canada, intituled *An Act respecting the Inspection of Fish and Oil*; the fifty-first chapter of the said Consolidated Statutes, intituled *An Act respecting the Inspection of Sole Leather;"* and the Act of the Legislature of the said late Province passed in the twenty-fourth year of Her Majesty's Reign, and intituled *An Act to amend the "Act respecting the Inspection of Sole Leather;"* the Act of the said Legislature passed in the Session held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, and intituled *An Act to regulate the Inspection of Raw Hides and Leather,* and the Act of the said Legislature, passed in the twenty-ninth and thirtieth years of Her Majesty's Reign, intituled *An Act to amend the law respecting the Inspection of Leather and Raw Hides,* and the Act of the Parliament of Canada, passed in the thirty-third year of Her Majesty's Reign, intituled *An Act to amend the law relating to the Inspection of Raw Hides and Leather*; the Act of the Legislature of the late Province of Canada, passed in the twenty-sixth year of Her Majesty's Reign, intituled *An Act respecting the Inspection of Wheat and other Grain*; so much of the eighty-fifth chapter of the Revised Statutes of Nova Scotia, third series, intituled *Of the Regulation and Inspection of Provisions, Lumber, Fuel, and other Merchandise,* as relates to the Regulation or Inspection of Fish and Oil, Flour or Meal, Beef and Pork, Grain, Corn, or Sole Leather, or any other articles hereby made subject to Inspection; the ninety-fourth chapter of the Revised Statutes of New Brunswick, intituled *Of the Inspection of Flour and Meal*; so much of the sixty-fourth chapter of the said Revised Statutes as relates to the Inspection of Dry and Pickled Fish, and the Act of the Legislature of the said Province, passed in the seventeenth year of Her Majesty's Reign, intituled *An Act to continue the Act relating to Dry and Pickled Fish,* and the Act thereby continued, passed in the fifth year of the Reign of King William the Fourth, intituled *An Act to regulate the Inspection of Dry and Pickled Fish for home consumption or for exportation,* and all other Acts or parts of Acts, or of any charter or law now in force in the Dominion of Canada, or in any Province thereof, providing for the Inspection or the appointment of Inspectors of any of the articles the Inspection of which is hereby provided for, or which may be in anywise contrary to or inconsistent with this Act; Provided that all offences against the Acts or provisions hereby repealed,

Acts repealed.

C. S. C., cap 47.

23 Vict. c.26.

C. S. C., cap. 48.

C. S. C. cap., 49.

27 Vic. c. 7.

C.S.C., cap., 50.

C.S.C., cap., 51.

24 Vic. c. 22.

27 & 28 Vic. cap. 21.

29 & 30 Vic., cap.24.

33 Vic. c. 37.

26 Vic. c. 3.

R. S. N. S., cap. 80.

R. S. N. B., cap. 94.

R. S. N. B., cap. 64.

17 Vic.,(N.B.) cap. 10.

5 Wm. IV.,c. 43.

Other inconsistent enactments.

Proviso.

may be prosecuted and punished, and all bonds and securities given may be enforced, and all damages sustained may be recovered as if the same were not hereby repealed; and that if in any contract made before the coming into force of this Act it has been stipulated that any article therein mentioned shall be subject to inspection then unless the contrary be clearly expressed, the intended standard of quality of such article shall be understood to be that established by the laws in force at the date of such contract, and if the inspection is made after this Act is in force, it shall be made according to such standard.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF FLOUR AND MEAL.

Inspection of flour and meal.

21. The Inspector or Deputy Inspector shall examine and inspect every barrel and half barrel of Flour and Meal, on application being made for that purpose by the proprietor or possessor thereof, and shall ascertain the qualities and condition thereof, by boring the head of each barrel or half barrel, and proving the contents to the whole depth of the cask, by an instrument (not exceeding five-eighths of an inch in diameter within its gauge or bore) for that purpose; and after inspecting such Flour or Meal, the Inspector or Deputy Inspector shall cause the hole bored in each barrel or half barrel for inspection to be plugged; and such inspection may be made either at the store or warehouse of such Inspector, or at some store within the limits of the place for which the Inspector is appointed, at the option of the owner or possessor of such Flour or Meal; and each Inspector *may* provide and keep in some convenient situation in the place for which he is appointed, a proper store or warehouse for the reception and inspection of Flour and Meal.

Inspector's brands.

22. Each Inspector shall provide and have a sufficient number of iron or other metal brands, and every Inspector or Deputy-Inspector shall, in the inspection of Flour and Meal, observe the following rules:—

Barrels to be branded.

1. He shall, immediately after inspection, brand or mark on each and every barrel or half barrel of Flour or Meal, the words "Quebec," "Montreal," "Toronto," "Halifax," "St. John," or the name of any other place where the inspection is made, and the initial of the christian name and the surname at full length of the Inspector, with the quality of the Flour or Meal, as hereinafter directed;

Sour.

2. On each and every barrel or half barrel of Flour or Meal which may on inspection be found sour, without any other damage or unmerchantable quality, he shall brand the word "Sour" in letters as large as those upon the rest of the brand or mark, in addition to the brand or mark designating the quality;

Rejected.

3. In all cases where Flour or Meal is found to be of unsound or unmerchantable quality from other causes, he shall brand the word "Rejected" at full length, and in plain legible characters, in addition to the brand or mark designating the quality;

Incorrect brands to be erased.

4. In all cases where the quality of the Flour or Meal inspected appears to be inferior to the brand or other mark of the manufacturer, and not to be thereby properly designated, the Inspector or Deputy Inspector shall erase and correct the same; He shall also brand or mark on each barrel or half barrel of Flour or Meal inspected by him, the month and year in which it is inspected, with the quality of the Flour or Meal therein;

Where to be branded.

5. All the said brands and other marks shall be branded or marked on one head of the barrel or half barrel;

Fees.

6. For such inspection and branding or marking, the person who required the inspection thereof shall pay to the inspector for each and every barrel and half barrel of Flour or Meal so inspected and branded or marked, the sum of *two cents* (exclusive of cooperage) before such Flour and Meal shall be removed;

Bill of inspection to be furnished.

7. As soon as any Flour or Meal is inspected, a Bill of Inspection shall be furnished by the Inspector or Deputy Inspector without fee or reward, specifying neatly and legibly the quantity and quality ascertained by inspection, and the charges therefor, and the name of the mill at which the Flour is manufactured;

Penalty for giving false bill of inspection.

8. If any Inspector or Deputy Inspector, knowingly and willfully gives, in any Bill of Inspection, an untrue and incorrect certificate of the quantity or quality of any Flour or Meal by him inspected, or gives such Bill without a personal examination and inspection of such Flour or Meal, he shall incur a penalty of *forty dollars* for each offence, and be dismissed from his office and be disqualified from ever after holding the same;

Brands in case of re-inspection.

9. Provided always, that all Flour or Meal which has been so inspected, branded or marked in one month or year, and re-inspected and examined in another, shall bear in addition the mark and brand of the year and month when last inspected.

Name of packer to be marked on barrel.

10. Provided also that the Inspector or Deputy Inspector shall examine each and every barrel of Flour or Meal offered for Inspection, and shall in no case brand or mark the same, unless the name of the manufacturer or packer, the place of packing, and the quality of the Flour or Meal, and the tare and net weight, are branded or marked legibly thereon.

Character of unsoundness to be noted.

11. The Inspector shall note in his certificate the character of any unsoundness in the Flour or Meal to which it relates, such as "Musty," "Hard Sour," "Soft Sour," or "Slightly Unsound," and when Flour has been wet, and the wet part removed by the Inspector or owner, as the case may be, the Inspector shall note in his Bill of Inspection "Wet and Cleaned," and when the Inspector in his judgment deems it necessary to strip or empty out the Flour to find out if there is the proper weight of Flour in any cask, he shall be entitled to *two* cents for each barrel so stripped or emptied (if it prove to be of short weight) in addition to the two cents per barrel for inspecting and branding.

Provisions as to branding.

23. The Inspector or Deputy Inspector shall govern himself as far as may be possible, by the standards of quality for each description of Flour or Meal, and shall brand or mark, within a space not exceeding fourteen inches long by eight inches broad on every barrel and half barrel of Flour or Meal inspected by him, all brands and marks required by this Act, under a penalty of *ten cents* for each barrel or half barrel inspected and branded, or inspected and marked, otherwise than is required by this Act.

Penalty for contravention.

Qualities of Flour.

24. In branding or marking the different qualities or descriptions of Flour, the same shall be designated as follows:—

That of a very superior quality, by the words "Superior Extra;"
That of the second quality, by the words "Extra Superfine;"
That of the third quality, by the words "Fancy Superfine;"
That of the fourth quality, by the word "Superfine;"
That of the fifth quality, by the words "Superfine No. 2;"
That of the sixth quality, by the word "Fine;"
That of the seventh quality, by the words "Fine Middlings;"
That of the eighth quality, by the words "Ship Stuffs," or "Pollards."

Qualities of Meal.

And in branding or marking the different qualities of Rye Flour, Indian Meal, or Oatmeal, the words "Rye Flour," "Indian Meal," or "Oatmeal," (as the case may be), shall be plainly branded or marked on every barrel and half barrel, to designate the Grain from which the same is made;—and the qualities shall designated as follows:—

The superior quality of Rye Flour by the word "Superfine;"

The second quality, by the word "Fine;"

The Superfine qualities of Indian Meal or Oatmeal, by the word "First;"

The second quality, by the word "Second;" and

The third quality, by the word "Third."

Uniform standards how ascertained.

25. And in order that there may be one uniform standard of quality for the various grades of Flour or Meal throughout the Dominion, for the government of Inspectors thereof, one or more members of each of the Boards of Examiners, for the cities of Quebec, Montreal, Toronto, Halifax, and St. John, N.B., shall meet together in the City of Montreal between the 15th day of August and the 15th day of October, in each year, for the purpose of choosing samples of Flour and Meal of the various grades, to be the standards by which the Inspectors of Flour and Meal throughout the Dominion shall be governed in the work of inspection; and such standards shall be chosen and approved by the said Examiners, or a majority of them present at such meeting, notice of which *shall* be given by the Board of Trade of Montreal;

Transmission of samples.

It shall be the duty of the Secretary of the Board of Trade of Montreal to keep samples of such standards so chosen by the said members of the Board of Examiners at such meeting as aforesaid, and to send samples of the standards to the Inspectors at Quebec, Toronto, St. John, Halifax, or wherever Inspectors may be appointed in any part of the Dominion.

How much barrels of flour and meal shall contain.

26. Every half barrel of Flour shall contain ninety-eight pounds net, and every barrel of Flour shall contain one hundred and ninety-six pounds net;

2. Every half barrel of Rye Flour shall contain ninety-eight pounds net, and every barrel of Rye Flour shall contain one hundred and ninety-six pounds net;

3. Every half barrel of Indian Meal shall contain ninety-eight pounds net, and every barrel of Indian Meal shall contain one hundred and ninety-six pounds net;

4. Every half barrel of Oatmeal shall contain one hundred and twelve pounds net, and every barrel of Oatmeal shall contain two hundred and twenty-four pounds net;

Packer to mark his name, etc., on the barrel.

5. And it shall be the duty of the Packer or Manufacturer to brand, paint or mark the initials of his Christian name, and his surname at full length, and the name of his mill or place of packing, the quality and weight of the Flour or Meal therein contained, and the tare of the cask, on one end of each and every barrel or half barrel of Flour or Meal packed for sale, in a plain and distinguishable manner, and he shall incur a penalty of *forty cents*, for each and every barrel or half barrel offered for sale or inspection, with regard to which the requirements of this section are not complied with; such penalty to be paid to the Inspector before delivery of the Flour or Meal.

How flour shall be packed.

27. All Flour packed in Canada for sale, shall be packed in good and strong barrels or half barrels of seasoned oak, elm or other hardwood timber, and made as nearly straight as may be,

and the staves of such barrels shall be twenty-seven inches in length from croe to croe, and those of half barrels twenty-two inches in length from croe to croe, with heads of the same;—the diameter of the heads of the barrels shall be from sixteen and a half inches to seventeen inches, and of half barrels from thirteen and a half to fourteen inches; and such barrels and half barrels shall be well seasoned and bound with at least ten wooden hoops, of which three shall be at each end, with a lining hoop within the chimes; the whole well secured by nails; under the penalty of *forty cents* for each cask of Flour offered for sale or exported which shall not be one of the foregoing description of barrels or half barrels; such penalty to be incurred by the person offering such cask for sale or exporting it.

Inspector to verify weight.

28. The Inspector or Deputy Inspector shall ascertain by examination the weight of the Flour or Meal in every cask which he suspects not to contain the full weight required by this Act, and if it does not contain such full weight, he shall cause it to be filled up by the person requiring such Flour or Meal to be inspected, so as to contain the weight required by this Act, and he shall, when required, certify the expense thereby incurred:

Proportion of lots to be verified.

2. And the Inspector or Deputy Inspector shall weigh such proportion of every lot of Flour or Meal offered for inspection (being not less than ten per cent. of each lot) as is necessary to verify whether the contents come up to the weight required by law; and if such lot, or any part thereof, is deficient in legal weight, then he shall make or cause the deficiency to be made good by or at the expense of the owner thereof, so that each and every barrel shall contain the weight required by law, and the Inspector or Deputy Inspector, shall, when required, certify the cost and expense thereby incurred;

Penalty for neglect.

3. And every Inspector or Deputy Inspector who neglects so to examine and ascertain and weigh such Flour or Meal, and to cause the casks to be weighed as required by this section, shall, for every such neglect, incur a penalty of *eighty dollars*, and shall be liable for all damages which the buyer or seller of such Flour or Meal suffers in consequence of such neglect.

If foreign matters are mixed with flour or meal.

29. If upon the inspection of any barrel or half barrel of Flour or Meal, the Inspector or Deputy Inspector discovers any foreign substance mixed or blended therewith, or packed therein, he shall forthwith seize and detain the package, and make report thereon to any Justice of the Peace, under oath, and such Justice may, if he see fit, authorize the detention of the same in some safe place until the suit to be instituted for the penalty thereby incurred is determined: and every person wilfully and fraudulently mixing or blending any Flour or Meal by him packed for sale or exportation with any foreign matter, shall, for each such offence incur a penalty not exceeding *forty dollars*; but no prosecution, suit or action for the recovery of any such penalty, shall be commenced after the end of *one month* from the seizure and report so made by the Inspector or Deputy Inspector: and if such penalty be recovered the Flour or Meal in respect of which it has been incurred, shall thereupon be forfeited to and belong to the Corporation of the place.

Penalty for undermarking tare.

30. Every manufacturer or packer of Flour or Meal who undermarks the tare of any barrel or half barrel, or puts therein a less quantity of Flour or Meal than is branded thereon, shall incur a penalty of *one dollar* for every barrel or half barrel so undermarked

or deficient, unless such deficiency of weight appears to be occasioned by some accident unknown to such manufacturer or packer, and happening after the packing of the barrel or half barrel.

Penalty in case of offering for sale flour deficient in weight.

31. If any person knowingly offers for sale any barrel or half barrel of Flour or Meal upon which the tare is undermarked, or in which there is a less quantity of Flour or Meal than is branded thereon, he shall incur a penalty of *one dollar* for every cask so undermarked or deficient, without prejudice to the civil remedy of any party aggrieved for any damage sustained by him

Inspector to furnish statement to Board of Trade.

32. Every Inspector shall, on Monday in every week, make out, sign, and transmit to the Secretary of the Board of Trade for the city or place for which he is appointed, or if there be no such Board, then to the Chairman of the Board of Examiners in such City or in the *County* in which such place is situated, a statement of the quantity and quality of all Flour and Meal inspected or re-inspected by him or his Deputies during the next preceding week, and of all Flour or Meal by him or them weighed during such week, and found deficient in weight, or in respect of which the tare was falsely marked, stating also the brand and manufacturers' names.

Meal defined.

33. In the foregoing enactments respecting the Inspection of Flour and Meal, the word "Meal" includes Oatmeal.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF WHEAT AND OTHER GRAIN.

34. The grades of grain shall be as follows:—

Winter Wheat.

Qualities of Grain. Winter Wheat

No. 1 *White Winter Wheat* shall be pure White Winter Wheat, sound, plump and well cleaned.

No. 2 *White Winter Wheat* shall be pure White Winter Wheat, sound, and reasonably clean.

No. 1 *Red Winter Wheat* shall be Red or Red and White mixed, sound, plump, and well cleaned.

No. 2 *Red Winter Wheat* shall be pure Winter Wheat, Red or Red and White mixed, sound and reasonably clean.

No. 3 *Winter Wheat* shall include Winter Wheat not clean and plump enough for No. 2, and weighing not less than fifty-five pounds to the measured bushel.

Rejected Winter Wheat shall include Winter Wheat damp, musty, or from any cause so badly damaged, as to render it unfit for No. 3.

Spring Wheat.

Spring Wheat.

No. 1 *Spring Wheat* shall be plump and well cleaned.

No. 2 *Spring Wheat* shall be sound, reasonably clean, and weighing not less than fifty-six pounds to the measured bushel.

No. 3 *Spring Wheat* shall be reasonably clean, not good enough for No. 2, weighing not less than fifty-four pounds to the measured bushel.

All Spring Wheat damp, musty, grown, badly bleached, or from any other cause unfit for No. 3 shall be graded as *Rejected.*

A mixture of Spring and Winter Wheat shall be called Spring Wheat, and graded according to the quality thereof.

Black Sea and *Flinty Fife Wheat* shall, in no case, be inspected as higher than No. 2.

Corn.

Corn.

No. 1 *White Corn* shall be White, and in all other respects No. 1 Corn.

No 1 *Yellow Corn* shall be Yellow, and in all other respects No. 1 Corn.

No. 1 *Corn* shall be sound, dry, plump and well cleaned, White and Yellow.

No. 2 *Corn* shall be dry, reasonably clean, but not plump enough for No. 1.

All damp, dirty, or otherwise badly damaged Corn, shall be graded as *Rejected.*

Oats.

Oats.

No. 1 *Oats* shall be sound, clean, and reasonably free from other grain.

No 2 *Oats* shall be sound, reasonably clean, and reasonably free from other grain.

Rejected Oats shall include such as are damp, unsound, dirty, or from any cause unfit for No. 2.

Rye.

Rye.

No. 1 *Rye* shall be sound, plump and well cleaned.

No. 2 *Rye* shall be sound, reasonably clean, and reasonably free from other grain.

All Rye which is damp, musty or dirty, or which is from any cause unfit for No. 2 Rye shall be graded as *Rejected.*

Barley.

Barley.

No. 1 *Barley* shall be plump, bright, sound, clean, and free from other grain.

No. 2 *Barley* shall be reasonably clean and sound, but not bright or plump enough for No 1, and reasonably free from other grain.

No 3 *Barley* shall include shrunken, or otherwise slightly damaged Barley, not weighing less than forty-two pounds to the measured bushel.

All Barley which is damp, musty, or from any cause badly damaged, or largely mixed with other grain, shall be graded as *Rejected.*

Provisions respecting Grain generally.

General provisions as to Inspector of Grain.

No Grain that is warm, or is in a heating condition shall be graded.

In the inspection of Grain, the weight shall not alone determine the grade.

All Inspectors shall make their reasons for grading Grain, when necessary, fully known by notation on their books.

All wheat shall be weighed, and the weight per bushel entered on the Inspection Book.

Rates of Inspection for Grain.

Rates for inspection.

	CTS.
For inspecting Grain from cars, per car	30
For inspecting Grain on board of vessels per M. bushels	50
For inspecting Grain from Canal vessels per M. bushels	50
For inspecting Grain in sacks per bushel	00¼

35. As soon as any Wheat or other Grain is inspected, a Bill of Inspection (with a certificate to the shipper when required) shall be furnished by the Inspector or Deputy Inspector, without fee or reward, specifying the quantity and quality ascertained by inspection, and the charges thereon, with the name of the store, vessel, or number of the car wherein the Wheat or other Grain was when inspected. Bill of inspection to be furnished.

36. The Inspector shall, on Monday in every week, make out, sign, and transmit to the Secretary of the Board of Trade of the city or place for which he is appointed, or if there be no such Board, then to the Chairman of the Board of Examiners in such city, or in the county in which such city or place is situate, a statement of the quantity and quality of all Wheat and other Grain inspected or re-inspected by him, or his Deputy, during the next preceding week. Inspector to make weekly statement.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF BEEF AND PORK.

37. The Inspector or Deputy Inspector shall cut up, salt, pack and cure, or if already packed, shall unpack and examine throughout, adding salt if necessary, and coopering up the same according to the requirements of this Act, every barrel, half barrel, tierce or half tierce of Beef or Pork submitted to him for inspection; and such inspection may be made either at the store, shop or warehouse of the Inspector, or at some store within the limits of the city or place for which he is appointed, at the option of the owner or possessor of such Beef or Pork submitting it for Inspection; and every Inspector shall provide in some convenient position, in the city or place for which he is appointed, a proper store or place for the reception and inspection of Beef and Pork. Inspection of beef and pork.

38. Each Inspector and Deputy Inspector shall provide and have a sufficient number of iron or other metal brands for his use, and in inspecting Beef or Pork, shall observe the following rules: Inspector's brands.

1. He shall brand, immediately after inspection, on each and every barrel or half barrel, tierce or half tierce of Beef or Pork, the words "Quebec," "Montreal," "Toronto," or "Halifax," "St. John, N.B.," or other name of the place for which he is appointed, as the case may be, and the initial of the Christian name and the surname at full length of the Inspector, with the quality as hereinafter directed; Brands.

2. Every barrel or half barrel, tierce or half tierce of Pork or Beef which may on inspection be found to be soft or still fed, although it may be in all other respects fat and of good quality, shall be branded with the word "Soft," in letters as large as those upon the rest of the brand, in addition to the brand designating the quality; Soft.

3. In all cases where Beef or Pork is found to be of unsound and unmerchantable quality, from other causes than those aforesaid, he shall brand the same with the word "Rejected" at full length, and in plain legible characters; Rejected.

4. In all cases where the Beef or Pork appears inferior to the mark of the packer, or of any former inspection, the Inspector, or Deputy Inspector, shall erase and correct the same; Incorrect marks to be erased.

5. He shall also brand upon each barrel or half barrel, tierce or half tierce of Beef or Pork inspected by him the month and year in which it is inspected, with the net weight and quality of the Beef or Pork therein; What shall be branded on barrels, etc.

Fees.

6. For such inspection and branding, the Inspector shall be entitled to receive of and from the person submitting the same for inspection, for each and every barrel and half barrel, tierce or half tierce of Beef or Pork so inspected, salted, packed, pickled and branded, *twenty cents* for each barrel, *twelve and a half cents* for each half barrel, *thirty cents* for each tierce, and *eighteen cents* for each half tierce, exclusive of cooperage and repairs, the charge for which said cooperage and repairs shall not exceed *ten cents* per barrel or half barrel, tierce or half tierce; In consideration of which charges, all barrels or half barrels, tierces and half tierces, shall be delivered in good shipping order;

By whom payable.

7. Such fee or allowance shall be paid by the owner or possessor of such Beef or Pork before it shall be removed;

Bill of inspection.

8. As soon as any Beef or Pork is inspected, a Bill of Inspection shall be furnished by the Inspector or Deputy Inspector without fee or reward, specifying neatly and legibly the quantity of Beef or Pork so delivered to him, and the owner's mark or marks thereon, and the quantities and qualities ascertained by inspection, and the charges thereof;

Penalty for false certificate.

9. If any Inspector or Deputy Inspector knowingly and wilfully gives an untrue or incorrect certificate of the quantity or quality of any Beef or Pork by him inspected, or gives such certificate without a personal examination and inspection of such Beef or Pork, he shall thereby incur a penalty of *forty dollars* for each offence, and be dismissed from his office and incapable of ever after holding the same;

Date of inspection not to be changed in case of reinspection.

10. No Beef or Pork inspected and branded in one month or year, and re-inspected and repacked in another, shall bear any other brand of the year and month than that originally affixed to it,—except that on the vessel containing any Beef or Pork re-inspected, the date of such re-inspection, with the other particulars required in case of inspection, may be branded; but no preceding inspection brand, or any part thereof, shall be effaced, except in the case hereinbefore provided for; and every re-inspection which shall be made without complying with the requirements of this section, shall be held to be an inspection made contrary to this Act, and the person making it shall thereby incur the penalty aforesaid;

"Old."

11. All Pork or Beef offered for reinspection, and which has been packed, or inspected, twelve months or more previously, shall be branded in addition to its grade of quality, by the word "Old" in large letters.

How casks shall be branded.

12. All the said brand marks shall be branded on one head of the barrel or half barrel, tierce or half tierce, and all such brand marks shall be large and legible, and all such marks shall be branded within a space not exceeding fourteen inches long by eight inches broad, on each of the casks inspected, under a penalty of *eighty dollars* for each barrel or half barrel, tierce or half tierce inspected and not branded, or otherwise branded than is required by this Act;

By whom fees shall be payable.

13. In all cases where any Beef or Pork is sold subject to inspection, the person applying to the Inspector to have the same inspected, shall be entitled to reimbursement of the price of inspection from the vendor, if such applicant be not himself the vendor, or unless an express stipulation to the contrary was made at the time of sale, or of the agreement to submit the Beef or Pork to inspection; and any such agreement shall imply a warranty that all the requirements of this Act have been complied with, as well with regard to the Beef or Pork to which it relates, as to the vessels in which they are contained, and the marks upon such vessels.

39. All beef which the Inspector finds on examination to have been killed at a proper age and to be fat and merchantable, shall be cut into pieces as nearly square as may be, not more than eight nor less than four pounds weight, and shall be sorted and divided for packing and re-packing in barrels, half-barrels, tierces and half-tierces into four different sorts, to be denominated respectively, *"Mess," "Prime Mess," "Prime,"* and *"Cargo"* Beef. Qualities of beef.

2. Mess Beef shall consist of the choicest pieces only, that is to say: Briskets, the thick of the Flank, Ribs, Rumps and Sirloins of Oxen, Cows or Steers, well fatted; and each barrel or half-barrel, tierce or half-tierce containing beef of this description, shall be branded on one of the heads with the words *"Mess Beef."* "Mess beef."

3. Prime Mess Beef shall consist of pieces of meat of the second class, from good fat cattle, without shanks or necks; and barrels and half-barrels tierces and half-tierces containing beef of this description, shall be branded on one of the heads thereof with the words *"Prime Mess Beef;"* "Prime mess beef."

4. Prime Beef shall consist of choice pieces of fat cattle, amongst which there shall not be more than the coarse pieces of one side of a carcase, the houghs and neck being cut off above the first joint; and barrels and half-barrels, tierces and half-tierces containing Beef of this description, shall be branded on one of the heads thereof with the words *"Prime Beef;"* "Prime beef."

5. Cargo Beef shall consist of the meat of fat cattle of all the descriptions of three years old and upwards, with not more than half a neck and three shanks (with the houghs cut off above the first joint,) and the meat otherwise merchantable; and barrels and half-barrels, tierces and half-tierces containing such Beef shall be branded on one of the heads *"Cargo Beef;"* "Cargo beef."

6. Each barrel in which Beef of any one of the foregoing descriptions shall be packed or re-packed, shall contain two hundred pounds of Beef, and each half-barrel one hundred pounds, each tierce three hundred pounds, and each half-tierce one hundred and fifty pounds. What barrels, etc., shall contain.

40. All Pork which the Inspector finds on examination to be fat and merchantable, shall be cut in pieces as nearly square as may be, and not more than six or less than four pounds weight, and shall be sorted and divided into four different sorts, to be denominated respectively: *"Mess," "Prime Mess," "Prime,"* and *"Cargo"* Pork: Qualities of pork.

2. Mess Pork shall consist of the rib pieces only, of good hogs; not weighing less than two hundred pounds each; and barrels and half-barrels, tierces and half-tierces containing such Pork, shall be branded on one of the heads, *"Mess Pork;"* "Mess pork."

3. Prime Mess Pork shall consist of the pieces of good fat hogs not weighing less than one hundred and ninety pounds each, the barrel to contain the coarse pieces of one hog only, that is to say, two half heads (not exceeding together sixteen pounds in weight) with two shoulders and two hams and the remaining pieces of a hog,—the tierce to contain the relative proportion of heads, shoulders and hams, and the remaining pieces of one hog and a half hog, but when the pork under inspection is from hogs exceeding two hundred pounds each in weight, the Inspector shall make "Mess Pork" of such rib and side or flank pieces thereof, cut in the manner and of the weight above prescribed, as shall in his judgment be equal in quality on the average to Mess Pork, as above defined, and barrels and half barrels, tierces and half tierces containing Pork of this description shall be branded on one of the heads *"Prime Mess Pork;"* "Prime mess pork."

"Prime pork." 4. Prime Pork shall consist of the pieces of good fat hogs, not weighing less than one hundred and fifty pounds each, the barrel to contain the coarse pieces of one hog and a half only,—that is to say,—three half heads, (not exceeding together twenty-four pounds in weight,) three hams and three shoulders, and the remaining pieces of a hog and a half a hog,—the tierce to contain the relative proportions of heads, shoulders and hams, and the remaining pieces of two hogs and a quarter of a hog; And each barrel or half barrel, tierce or half tierce containing Pork of this description shall be branded on one of the heads *"Prime Pork;"*

"Cargo pork." 5. Cargo Pork shall consist of the pieces of fat hogs, weighing not less than one hundred pounds each,—the barrel to contain the coarse pieces of not more than two hogs, that is to say: four half heads, (not exceeding together in weight thirty pounds,) four shoulders and four hams, and the remaining pieces of two hogs, and to be otherwise merchantable Pork;—the tierce to contain the relative proportions of heads, shoulders and hams and the remaining pieces of three hogs; and the barrels and half barrels, tierces and half tierces containing Pork of this description shall be branded on one of the heads, *"Cargo Pork;"*

What parts to be cut off. 6 But in all cases the following parts shall be cut off, and not packed, namely,—the ears close to the head,—the snout above the tusks,—the legs above the knee joint,—the tail shall also be cut off, and the brains, tongue and bloody grizzle taken out.

What barrels, etc., shall contain. 7. Each barrel in which Pork of any of the foregoing descriptions may be packed or re-packed, shall contain two hundred pounds, and each tierce three hundred pounds,—and each half barrel or half tierce one half those quantities respectively,—of the several kinds and qualities of Pork aforesaid, and shall be branded accordingly.

Rejected beef or pork. **41.** On the head of every barrel or half barrel, tierce or half tierce containing any thin, rusty, measley, tainted, sour or unmerchantable Pork, or unmerchantable or spoiled Beef, branded "Rejected" in consequence of its being so, the true character both as to quality and condition of such Pork or Beef shall also be marked with black paint; and each Inspector shall certify, whenever required, the quality of any Beef or Pork by him inspected, the state and condition thereof, and the packages containing the same, specifying the extent of damage appearing on inspection, and the apparent cause thereof, whether exposure, injury in transportation or originally defective packing or putting up, and also specifying the brands, or other marks, upon the casks or packages inspected, and the name of the owner or possessor thereof.

Quality and quantity of salt. **42.** The salt used in packing and re-packing Beef and Pork inspected and branded under this Act, shall be clean St. Ubes, Isle of May, Lisbon, Turk's Island, or other coarse grained salt of equal quality; and every barrel of fresh Beef or Pork shall be well salted with seventy-five pounds, and every tierce with one-hundred and twelve pounds, of good salt, as aforesaid, exclusive of a sufficient quantity of pickle as strong as salt will make it;—and to each barrel of Beef or Pork shall be added four ounces, and to each tierce six ounces of saltpetre; and each half barrel, or half tierce of fresh Beef or fresh Pork shall be salted with half the quantity of salt and saltpetre above mentioned, with a sufficiency of pickle; and in all cases of packing and re-packing Beef or Pork to be inspected and branded under the authority of this Act, the Inspector may use salt, saltpetre and pickle in his discretion.

43. Every barrel and half barrel, tierce or half tierce, containing Beef or Pork inspected in Canada, shall be made of good seasoned white oak staves, and the heads shall not be less than three quarters of an inch thick; and each stave on each edge at the bilge shall not be less than half an inch thick when finished for barrels, nor less than three quarters of an inch thick when finished for tierces, and the wood of half barrels or of half tierces shall be in the same proportion to their size, and shall in all cases be free from every defect: How barrels, etc., shall be made.

2. Every barrel and half barrel, tierce or half tierce, shall be hooped and covered two-thirds of its length with good oak, ash, or hickory hoops, leaving one-third in the centre uncovered; and each barrel or half barrel, tierce or half tierce, shall be bored in the centre of the bilge with a bit not less in diameter than one inch, for the reception of pickle; Hoops, etc.

3. Each barrel shall not be less than twenty-seven inches nor more than twenty-eight inches and a half long; and the contents of each barrel in which Beef shall be packed or re-packed shall not be less than twenty-eight gallons, nor more than twenty-nine gallons, wine measure, and the contents of each barrel in which Pork shall be packed or re-packed shall not be less than thirty gallons, nor exceed thirty-one gallons, wine measure; Length, etc., of barrels.

4. Each tierce shall not be less than thirty inches, nor more than thirty-one inches long; and the contents of each tierce in which Beef shall be packed or re-packed, shall not be less than forty-four gallons, nor exceed forty-five gallons, wine measure; and the contents of each tierce in which Pork shall be packed or re-packed shall not be less than forty-five gallons, nor exceed forty-six gallons, wine measure; Length, etc., of tierces.

5. Half barrels or half tierces in which Beef or Pork shall be packed and re-packed shall severally contain half the number of gallons above mentioned, and no more; Half barrels and half tierces.

6. And the Inspector shall examine carefully and ascertain the sufficiency of each barrel and half barrel, tierce or half tierce, before branding the same, and shall brand none with regard to which the requirements of this Act have not been complied with. Inspector to examine barrels, &c.

44. Nothing in this Act shall prevent any Inspector of Beef and Pork, from furnishing salt, saltpetre, or barrels or half barrels, tierces or half tierces, if necessary, but it shall be optional with the proprietor or possessor of such Beef or Pork, to furnish such salt, saltpetre, barrels or half barrels, tierces or half tierces himself, if he sees fit, whether the same be for new packing or to replace unsound old packages, or bad salt, and whether the same be at the stores of the Inspector or of such proprietor or possessor. Furnishing of salt and other requisites.

45. No Inspector shall suffer any Beef or Pork, if left in his charge after it has been inspected, to be exposed to the heat of the sun or inclemency of the weather longer than six days, under the penalty of *forty dollars* for every such offence; and every Inspector who neglects to provide a suitable store in a convenient situation, shall incur a penalty of *four dollars* per day, for every day he has neglected to provide himself with such store after his appointment as Inspector. Beef and pork to be protected from the weather.

46. No Inspector of Beef and Pork, shall, when he inspects any Beef or Pork, at the store hereinbefore required to be kept by him for the purpose, charge any storage thereon, unless the same shall have been left in his store more than ten days after he has delivered to the owner or possessor thereof a notice of its having been inspected, or an Inspection Bill thereof. As to storage.

Inspection to be made only by inspector or deputy

47. No person other than an Inspector or Deputy Inspector under this Act, and who has previously complied with all the requirements thereof, or the actual owner of the Beef or Pork inspected shall inspect any Beef or Pork, or brand or mark any barrel or half barrel, tierce or half tierce, or cask or vessel of any kind, containing such Beef or Pork, or give any certificate of inspection, under a penalty of *forty dollars* for each barrel, half barrel, tierce or half tierce, cask or vessel of Beef or Pork so inspected or branded, or with regard to which such certificate is given, to be recovered and applied in the manner provided by this Act with regard to penalties hereby imposed.

Penalty if packer neglect to mark date on vessels.

2. And if any owner of any Beef or Pork brands any such vessel as aforesaid containing Beef or Pork, without affixing to his surname and the initial of his christian name, the date at which the same was branded, and the word "owner" or "owners," he shall be held to have inspected and branded the same contrary to the provisions of this Act, and shall incur the penalty aforesaid.

Inspection not compulsory under certain conditions.

48. Nothing in this Act shall prevent any person from packing for exportation or from exporting any Beef or Pork without inspection, provided such Beef or Pork be packed in tierces or half tierces, barrels or half barrels of the dimensions hereinbefore prescribed for such vessels, respectively, and be marked with black paint or branded on one end thereof with the name and address of the packer, the date and place of packing, the weight and the quality of the Beef or Pork contained in each package :

Rounds and briskets of beef, etc., excepted.

2. Nor shall anything in this Act prevent any person from packing for exportation or from exporting without inspection any rounds of Beef, rounds and briskets of Beef, the meat of young pigs called Pig Pork, the tongues of neat cattle, the tongues of pigs, hams of pigs, or pig's cheeks, or any smoked or dried meat of any description contained in tubs, casks, or barrels or other packages of any kind, provided each package be marked in the manner above mentioned :

Penalty for contravention.

3 But every person who exports any meat of the kind last mentioned, not so marked as aforesaid, or Beef or Pork of any other kind not so marked or not packed in barrels or half barrels, tierces or half tierces of the dimensions hereinbefore prescribed shall thereby incur a penalty of *one dollar*, for each and every barrel or half barrel, tierce or half tierce, tub, cask or other package with regard to which the provisions of this section are contravened.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF POT AND PEARL ASHES.

Inspection of ashes.

49. Every Inspector or Deputy Inspector, on proceedings to inspect any Pot or Pearl Ashes, shall either by emptying the whole of the Pot or Pearl Ashes out of the barrel, or by opening both ends of the barrel, and if necessary by scraping the barrel and cakes of Ashes, carefully examine, try and inspect and sort the same into three different sorts or qualities to be denominated *first sort*, *second sort* and *third sort*, determining the several sorts as follows :

Qualities of ashes.

First sort Pot Ashes, shall contain seventy-five per cent. of pure Alkali, at the least ;

Second sort Pot Ashes, shall contain sixty-five per cent of pure Alkali, at the least ;

Third sort Pot Ashes, shall contain fifty-five per cent of pure Alkali, at the least ;

First sort Pearl Ashes, shall contain sixty-five per cent of pure Alkali, at the least;

Second sort Pearl Ashes, shall contain fifty-five per cent of pure Alkali, at the least;

Third sort Pearl Ashes, shall contain forty-five per cent of pure Alkali, at the least;

Each quality shall be in all other respects, entitled to rank of the quality designated thereon;

Ashes to be repacked.

2. The Inspector or Deputy Inspector shall re-pack the Ashes into good and sufficient barrels of the size and description hereinafter specified, to be properly coopered and branded and shall weigh each barrel, and mark on the branded head, with black, the weight thereof, including tare, and the weight of the tare under the same;

Branding.

3 He shall brand in plain letters and figures on each and every barrel by him inspected containing Ashes of the first quality, the words, *First sort*; of the second quality, the words, *Second sort*; and of the third quality, the words, *Third sort*, together with the words, *Pot Ash, Pearl Ash*, as the case may be, with his own name and that of the place where the Ashes are inspected, and the year when such inspection is made;

Crustings and scrapings, how disposed of.

4. He shall also collect the crustings or scrapings of the barrels and cakes of Pot and Pearl Ashes (if any) of each separate lot, and deduct the value of the same from the inspection charges to be paid by the proprietor of such lot, or deliver them to him;

Adulterated ashes.

5. He shall mark the word "*unbrandable*" *No.* 1, (2, 3, 4, *or* 5,) according to its strength, on every barrel which he shall discover to contain Ashes so adulterated with stone, sand, lime, salt, or any other improper substance, as not to admit of their being classified as *first, second*, or *third* sort;

Weigh note or bill.

6. He shall also make and deliver a separate Weigh Note or Bill of each quality of Ashes, whenever required so to do by the Owner thereof or his Agent.

Description of barrels.

50. No Pot or Pearl Ashes shall be inspected in barrels of any size or description other than the following: Pot Ashes, in barrels to be constructed of oak or white ash timber; and Pearl Ashes, in barrels to be constructed of oak, white ash, black ash, or elm timber,—and the said timber to be of the best description, and thoroughly seasoned, and the said barrels to be made perfectly tight, and to be well and completely hooped with, at least fourteen sound oak, ash, hickory, blue beech or elm hoops each; the said barrel shall not exceed thirty-two inches in length by twenty-two inches in diameter on either head, nor be less than thirty inches in length by twenty inches in diameter in either head, and the chime thereof shall not exceed one inch; and the Inspectors shall reject all barrels not constructed according to the foregoing directions, or which, in their opinion, are insufficient to resist the tear, wear, and usage to which they are liable: And from the gross weight of the barrel when filled up, the actual weight of such barrel, as tare, shall be deducted; and every manufacturer of Ashes shall be bound to mark, in legible characters, on the end of each barrel, before the same is filled, the exact weight thereof.

Inspectors to provide warehouse.

51. In any place where there is an Inspector of Ashes, *except in the City of Montreal*, each Inspector shall provide himself with suitable and convenient premises for the storage and inspection of Ashes, and he shall keep all barrels of Ashes delivered to him for inspection, while in his possession, in some dry place safe from the injuries of the weather or of floods, and under a tight roof,

and if in sheds, the same shall be good and sufficient and inclosed on every side; and any Inspector contravening this section shall forfeit *two dollars* for every barrel not stored as aforesaid, and forfeit and pay to the owner thereof, *two dollars*, besides the actual damages sustained by the owner.

Special provision as to the City of Montreal.

52. The Inspector (which word in this section includes the Joint Inspector) for the City of Montréal, shall provide suitable and convenient buildings for the storage and inspection of Ashes, to be furnished with metal gutters and spouts, and to be covered with metal or slate, and to be of that description of building commonly known as *first class*, or such as shall be approved of by the Council of the Board of Trade for that City:

Ashes to be insured.

2. Such Inspector at all times, and at his own cost and charges, shall keep the Ashes stored in the said premises, insured to an amount of not less than one hundred thousand dollars,—and shall deposit the policies therefor with the Secretary of the said Board of Trade for the time being, and renew such policies from time to time, as occasion requires, but such insurance shall not be effected until after the name of the company or companies with whom he is desirous of effecting the same has been submitted to the Council of the said Board of Trade of the said City for their approval, and such approval has been signified to the Inspector in writing;

Further provisions as to insurance.

3. And should the said Insurance, at any time, be less than the actual value of the Ashes stored in the said premises, the said Inspector shall, at his like cost and charges, and subject to the conditions above prescribed, effect additional insurance sufficient to cover the extra value of the said Ashes during the time they may remain so stored as aforesaid; and the said Inspector shall be bound to deliver to the owner thereof, in good order, all Ashes received into the Inspection stores.

Fees for inspection, &c.

53. For all the services to be performed, as aforesaid, each Inspector may charge on the Inspection Bill as aforesaid:

The sum of *seven cents* for every hundred weight of Pot or Pearl Ashes by him so inspected.

The actual cost for every barrel by him furnished;

The sum of *twenty cents*, for each new head so furnished, and the sum of *fifteen cents*, as and for cooperage and repairs on each barrel of Pot or Pearl shes by him so inspected, (the said cooperage to include nails and the end hoops of the barrel);

The sum of *twenty-five cents*, for putting in a barrel, partly filled with Pot or Pearl Ashes, the additional quantity thereof necessary to fill the same whenever duly required so to do;

The sum of *twenty-five cents* per barrel in all cases where lime, raw Ashes, damaged Ashes, or other trash have been packed or mixed with Pot or Pearl Ashes, for his services in extracting and separating the same;

In consideration of which charges all barrels shall be delivered in good shipping order, and the charges shall be paid or allowed to the purchaser by the person offering such Pot or Pearl Ashes for inspection, or his agent.

Time for inspection

Storage.

54. Each Inspector shall have all Ashes sent to him for inspection inspected, and the Inspection Bills prepared for delivery, and the whole well and duly coopered and prepared for shipment, within a period not exceeding thirty-six working hours from the date such Ashes are received into the Inspection Stores; and such Inspector shall further be entitled to receive *eight cents* per

barrel, for the storage of each barrel of Ashes which remains stored with him as aforesaid more than ten days after the date of the Invoice, Weigh Note, or Inspection Bill, and *five cents* per barrel for each subsequent month they shall remain stored (reckoning the second month to commence forty days from and after the date of the Invoice, Weigh Note, or Inspection Bill), and such storage and all other charges shall be paid by the person or persons receiving or shipping the said ashes or by his or their agent; but in no case shall any storage be paid or required when the Ashes shall not have remained stored as aforesaid during ten days from and after the date of the Invoice or Weigh Note.

Fees for insurance.

55. The Inspector of Ashes for the *City of Montreal* shall further be entitled to charge a sum not exceeding *two and a half cents* per barrel, as and for Insurance, on each barrel of Pot or Pearl Ashes sent to his premises for inspection and such Insurance shall be considered as chargeable from the day such barrel is received into the said premises, and the said Ashes shall be held to be insured from the period of such reception, but such rate shall cover all Insurance on the said Ashes during the whole period they may remain stored in the said premises; and the said Insurance shall be charged by the Inspector in the Inspection Bill.

Inspector to make returns.

56. The said Inspector for the City of Montreal shall, from time to time, make returns of the business of his office to the Council of Board of Trade of the said City of Montreal, whenever duly required so to do by the said Council.

Offences and penalties.

57. Every Inspector or Deputy Inspector, who, during his continuance in office, permits any cooper or other person by him employed, to retain or keep any Pot or Pearl Ashes, or who brands any barrel of Ashes of any description or size other than is prescribed by this Act, or who dates any Weigh Note or Bill of Inspection otherwise than of the day when the Ashes were actually inspected, or who delivers out of his possession any such Weigh Note of Bill of Inspection without any date, or who does not conform to the provisions of this Act, shall, for every such offence, incur a penalty not exceeding *four hundred dollars*, and be for ever thereafter disqualified from holding and exercising the office of Inspector of Pot and Pearl Ashes, or of Deputy Inspector; and any Inspector or Deputy Inspector or Clerk, or other person, who makes or causes to be made any false or fraudulent Bill of Ashes, shall be guilty of felony, and shall be punishable by imprisonment in the Penitentiary for any term not exceeding seven years and not less than two years, or in any other gaol or place of confinement for any term less than two years.

Inspection not compulsory under certain conditions.

58. Nothing in this Act shall prevent any person from exporting Pot and Pearl Ashes, without inspection, provided that on one end of the barrel, containing the same, there be neatly and legibly branded or marked, the name and address of the manufacturer, the weight and tare of the barrel, and the quality of Ashes contained in it; but any person who exports any Pot or Pearl Ashes not so marked as aforesaid, or wilfully marks any such barrel falsely, shall thereby incur a penalty of *twenty dollars*.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF FISH AND FISH OILS.

Inspector to provide branding irons.

59. Every Inspector shall provide himself with proper branding irons, for the purpose of branding such casks, barrels and boxes as

may by him be inspected pursuant to this Act; and it shall be the duty of each Inspector to know that all his Deputies are duly provided in this respect.

Inspecting, &c., to be done in presence of Inspector.

60. The inspecting, culling, classing, weighing, packing, and branding, of any fish or oil shall be done in the immediate presence and sight of an Inspector or Deputy Inspector.

Duty of Inspector.

61. It shall be the duty of the Inspector or Deputy Inspector to see that all kinds of split, whole, pickled or salted fish, intended for packing or barrelling, and submitted to him for inspection, have been well struck with pickle or salt, in the first instance, and preserved sweet, free from taint, rust, saltburn, oil or damage of any kind: and all fish or oil intended for market or exportation, and branded as inspected and merchantable, shall be well and properly packed, in good, tight and substantial packages or casks, which shall be made of the materials and in the manner following:—

Tierces, barrels, etc., how to be made.

Tierces, barrels and half-barrels shall be made of sound, well-seasoned split or sawed staves, free from sap, and in no case to be of hemlock, and the heading shall be of hardwood, pine or spruce, free from sap, and planed on the outside, and shall be at least three quarters of an inch in thickness. The staves shall be five-eighths of an inch in thickness. Staves for salmon and mackerel barrels shall be twenty-eight inches in length, and the heads between the chimes seventeen inches. Staves for barrels for herring shall be twenty-seven inches in length, and the heads between the chimes shall be sixteen inches. The bung-stave of all packages shall be of hardwood, and all casks shall be hooped one third of their whole length from each chime, with sound, good hoops of not less than one inch in width at the large end for all tierces and barrels, and in no case to be of alder. The makers of all tierces, barrels and half-barrels, shall brand the initials of their christian names and their whole surnames at or near the bung staves, under a penalty of *twenty* cents for every package not so branded.

Pickled fish, etc., to be inspected.

62. All pickled fish cured for market or exportation, and all fish oils, codfish tongues and codfish sounds, *shall be inspected*, weighed, or gauged and branded, *only* in accordance with this Act and all green codfish, in boxes, packages, or in bulk, shall be inspected and culled, and a certificate of inspection for the latter, stating the quality and quantity thereof so inspected, and shipped on board any vessel, shall be granted by any Inspector or Deputy Inspector.

Qualities of fish.

63. The various kinds of fish to be inspected under this Act shall be branded of the following denominations, respectively:

Salmon.

1. SALMON to be branded "No. 1" shall consist of the largest, or best and fattest kind, being well split, the blood being well washed out before being salted, well cured, in the best condition, and in every respect free from taint, rust, or damage of any kind.

Those to be branded "No. 2" shall comprehend the best salmon that remain after the selection of the first quality, and shall be good, sound, well split and cured fish, in the best condition, and in every respect free from taint, rust, or damage of any kind.

Those to be branded "No. 3" shall consist of those that remain after the selection of the first two qualities, but must be good sound fish, and in every respect free from taint, rust, or damage of any kind.

2. MACKEREL to be be branded "Extra No. 1," shall consist of the best and fattest mackerel, being well split, having the blood well washed out before being salted, well cured, in the best condition, and free from taint or rust, or damage of any kind, and shall measure not less than fourteen inches from the extremity of the head to the crotch or fork of the tail. Mackerel.

Those to be branded "No. 1" shall consist of the best and fattest mackerel, being well split, having the blood well washed out before being salted, well cured, in the best condition, and free from taint, rust, or damage of any kind, and shall measure not less than thirteen inches from the extremity of the head to the crotch or fork of the tail.

Those to be branded "No. 2" shall comprehend the best mackerel that remain after the selection of the "Extra No. 1" and of "No. 1" qualities, and shall be properly split and washed, well cured, and in every respect free from taint, rust, or damage of any kind, and shall measure not less than eleven inches from the extremity of the head to the crotch of the tail.

Those to be branded "Large No. 3" shall consist of good sound mackerel, properly washed, well cured and free from taint, rust or damage of any kind, and shall measure not less than thirteen inches from the extremity of the head to the crotch or fork of the tail.

Those to be branded "No. 3" shall consist of good sound mackerel, properly washed, well cured, and free from taint, rust, or damage of any kind, and shall measure eleven inches and upwards from the extremity of the head to the crotch of the tail.

All mackerel under eleven inches in length, of good, sound quality, and free from taint and rust, or damage of any kind, shall be branded with the word "Small" in the place of a number.

All short, sunburnt or ragged mackerel, of whatever class, and not otherwise defective, shall be branded "No. 4."

3. HERRINGS, GASPEREAUX and ALEWIVES to be branded "No. 1" shall consist of the largest and best fish. Herring, etc.

And those to be branded "No. 2" shall comprehend the best herrings that remain after the selection of the first quality.

All undersized herrings to be branded "No. 3," with the word "Small" in addition to the other brands.

All ripped herrings shall be branded with the word "split," in addition to other brands.

All gibbed herring shall be branded with the word "gibbed," in addition to other brands.

All herrings that are not gibbed or ripped shall be branded with the word "round," in addition to other brands.

All spring-caught herrings shall be branded with the word "spring," in addition to other brands.

The above shall be well cleansed and cured, and in every respect free from rust, taint or damage.

4. Smoked herrings to be branded "No. 1" shall comprehend the best and fattest fish; and those to be branded "No. 2" shall consist of the poorer, smaller and inferior fish. Both of these qualities shall be well smoked, free from taint, and not burnt or scorched; and no red or smoked herrings shall be so branded unless they be well and sufficiently saved and cured, and carefully packed in good and substantial barrels, or half-barrels; and if in kegs or boxes the same shall be of well-seasoned boards, the sides, top and bottom, of not less than half an inch in thickness, and the ends at least three quarters of an inch thick; and the inside measurement of each box shall be eighteen inches long, and nine inches broad Smoked herrings.

and eight inches deep, well nailed, and the tops or covers smoothed.

Tainted herrings.

Tainted, burnt, scorched and badly smoked herrings, shall be considered "refuse," and may be branded as such without any other character.

Sea trout.

5. SEA TROUT to be branded "No. 1" shall consist of the largest, best and fattest kind, being well split, and in every respect free from taint rust, or damage of any kind.

Those to be branded "No. 2" shall comprehend the best trout that remain after the selection of the first quality, and shall be good sound fish, free from taint, rust, or damage of any kind.

Lake and salmon trout.

6. LAKE and SALMON TROUT to be branded "No. 1 Lake" shall consist of the largest and fattest fish, and be free from taint, rust, or damage.

Those to be branded "No. 2 Lake" to be the next best fish, free from taint, rust or damage.

White fish.

7. WHITE-FISH to be branded "No. 1" shall consist of the largest and fattest kind, cured in good condition; and be in every respect free from taint, rust or damage.

"No. 2" shall consist of those that remain after the selection of the first quality, and be free from taint, rust or damage.

Codfish, etc.

8. CODFISH, LING, HAKE, HADDOCK and POLLOCK, in packages and bulk, to be classed "Merchantable large," shall consist of the largest, best and fattest, well split and cleansed, well cured, in the best condition, and in every respect free from taint, saltburn, or damage of any kind, and shall measure at least twenty-four inches in length. "Merchantable" shall comprehend the best *codfish* that remain after the above selection, and shall be properly split and washed, well cured, and in every respect free from taint, saltburn, or damage of any kind. All that remains after may be classed as "West India."

Green codfish.

GREEN CODFISH in bulk, to be classed "Large No. 1," shall consist of the best and fattest, well cured, in the best condition, and in every respect free from taint, salt-burn, or damage of any kind, and shall measure at least twenty-four inches to the crotch of the tail.

Those remaining after selection of the first quality, to be classed as "Medium," shall be sound, well cured fish, and free from taint, salt-burn, rust or damage of any kind, and shall measure at least twenty-inches to the crotch of the tail.

Green codfish in barrels.

GREEN CODFISH in barrels, with or without pickle, to be classed "No. 1," shall consist of the best and fattest, being well split and cleansed, well cured, in first-rate condition, and in every respect free from taint, salt-burn, rust or damage of any kind, and shall measure at least fifteen inches to the crotch of the tail.

Those remaining, after selection of first quality to class "No. 2," shall be sound, well-cured fish, and free from taint, salt-burn, rust or damage of any kind.

Other fish.

9. ALL OTHER KINDS OF FISH not enumerated herein, and belonging to denominations specified by this Act, such as *ling, hake haddock, pollock*, catfish, halibut, shad, bass, eels, codfish tongues, and codfish sounds, in casks or barrels, shall be branded as such, and must be sound and well cured, free from taint, salt-burn, rust or damage of any kind.

Small fish.

10. SMALL FISH, which are usually packed whole, with dry salt or pickle, shall be put into good casks, of the size and materials required by this Act for the packing of split pickled fish, and shall be packed close, edgewise in the cask, and properly salted with good, coarse wholesome dry salt, and the casks shall be filled full with the fish and salt, and no more salt shall be put with the fish

than is necessary for their preservation; and the casks containing such whole fish shall be branded with the denomination of the fish, and a like designation as is prescribed by this Act in respect of the qualities, &c., of other pickled fish.

Rusty and sour fish.

11. All Rusty or Sour Fish, of whatever kind or class, shall be branded with the word "rusty" or "sour," in addition to the other brands.

Fish which shall not pass inspection.

12. No foul or tainted fish, or fish mutilated for the purpose of concealing marks and appearance of illegal capture, or unsizeable, shall pass inspection; and it shall be the duty of every Inspector or Deputy Inspector to seize, and any magistrate may confiscate to Her Majesty all fish found or exposed for sale having been killed or captured during prohibited seasons or by unlawful means, and all fish at any time offered for sale or barter, or attempted to be exported, whilst in unwholesome condition.

Fish in bulk.

13. Fish known as picked fish, that may be cured in bulk, if not inspected and certified as aforesaid, and afterwards packed in barrels, shall be branded with the word "bulk," in addition to other brands.

Packing of fish.

14. Each cask or package of fish shall contain fish of the same kind, or parts of the same kind and quality, properly packed in separate layers, and on every layer of fish so packed in the cask, a sufficient quantity of good, clean, suitable salt, free from lime, shall be regularly placed, and in like proportion for other packages, at the discretion of an Inspector, or Deputy Inspector; and after the cask shall have been properly packed and headed it shall be filled with clean pickle, strong enough to float a fish of the kind so packed.

Sound and unsound fish to be separated

15. Should it appear to any Inspector, or Deputy Inspector, that a portion of the fish inspected by him is sound, and another portion unsound, he shall separate the sound from the unsound, re-pack the sound fish, and brand the same according to its quality; and such portion as the Inspector judges incapable of preservation he shall condemn as bad, and mark "refuse," in addition to other marks.

Re-packing to be in presence of Inspector.

16. If any casualty renders it necessary to re-pack inspected fish it shall in all cases be done by and in the presence of an Inspector or Deputy Inspector; and any other person attempting to re-pack or brand the same shall be liable to a penalty of not more than twenty dollars for every such offence.

Inspector may correct packing &c., of Deputy Inspector.

17. When any fish branded by a Deputy Inspector, proves unequal in quantity or quality to that which may be indicated by the brand, or deficient in any way of the requisites prescribed by this Act, the Inspector may cause the same to be re-inspected; and if it appear that the defect arose from the condition of the fish, or the bad quality of the cask, or the bad packing or pickling of the fish at the time of the inspection, he may recover the cost and charges of such re-inspection from the Deputy who branded the same.

Inspected fish not to be re-inspected.

18. Pickled fish, duly inspected, packed and branded, and oils, inspected and branded under this Act, at any place in the Provinces of Nova Scotia, New Brunswick, Quebec, or Ontario, shall not be subject to re-inspection within the Dominion, except only in cases already provided for in this Act.

Contents of tierce, ect.

19. Each tierce shall be three hundred pounds, and each half tierce one hundred and fifty pounds; each barrel shall be two hundred pounds, and each half barrel one hundred pounds; each quintal shall be one hundred pounds; each draft shall mean two hundred pounds; and each box of herrings shall contain twenty-

five pounds. In each of the above instances the weight shall be clear avoirdupois, exclusive of salt and pickle.

Brands.

20. There shall be branded on the head or butt of each cask of pickled or dry-salted fish, and fish in boxes, in plain, legible letters, after the same has been inspected, culled, classed, weighed and packed, in accordance with this Act, the description of the fish the, weight and quality contained in the package, the initials of the christian name or names and the whole surname of the Inspector or Deputy Inspector by whom the fish was inspected, and the name of the place where he acts as Inspector, and the month and the year of inspection.

Standards of fish oils, how kept.

63. The boards of Examiners of Inspectors of fish and fish oils, shall fix and have in charge the standard for fish oils in Nova Scotia, New Brunswick, Quebec and Ontario, respectively; and the same shall be classified and branded according to such standards, as follows:—

Whale oil.

1. WHALE OIL shall be free from adulteration of every kind, and shall be branded as such, with the class according to quality appointed by standard: if No. 1, "Pale;" if No. 2, "Straw;" if No. 3, "Brown;"

Seal oil.

2. SEAL OIL shall be free from adulteration of every kind, and shall be branded as such, with the quality per standard: if No. 1, "Strictly Pale;" if No. 2, "Pale;" if No. 3, "Straw;" if No. 4, "Brown;" if No. 5, "Dark Brown."

Porpoise oil.

3. PORPOISE OIL shall be free from adulteration of every kind, and shall be branded as such, with the quality per standard: if No. 1, "Pale;" if No. 2, "Straw;" if No. 3, "Brown."

Cod oil.

4. COD OIL shall be free from adulteration, and be branded as such.

Other oils.

5. HERRING OIL and all other fish oils shall be branded as such.

Duties of Inspectors.

6. An Inspector or Deputy Inspector shall determine the gauge of each cask, and the outs thereof and shall mark the same on the cask; and the barrels shall be in good order and condition, sound and staunch, and if any cask or casks be found to contain water or other adulteration, such shall be drawn off by the Inspector or Deputy Inspector.

Brands.

7. Casks containing fish oils shall be branded with such quality the month and the year when inspected, the initials of the christian name or names, and the entire surname of the Inspector, and also the place of inspection, and the words "Nova Scotia," "New Brunswick," "Quebec," "Ontario" or "British Columbia" (*as the case may be*);

Definition of fish oils.

8. The designation, "Fish Oils," in this Act, shall include whale, seal, porpoise, cod, herring, sturgeon, siskawitz, and all other kinds of oils derived from fishes and marine animals.

Fees.

64. Every Inspector or Deputy Inspector who shall inspect and brand any cask or package of pickled fish in bulk, or any fish oil, in accordance with the provisions of this Act, shall be entitled to fees at the following rates, which shall be paid by the original owner or the person who employed him in the first instance:

1. For each tierce of salmon, salmon-trout or sea-trout cents.
2. For each half-tierce of salmon, salmon-trout or sea-trout, cents.
3. For each barrel of salmon, salmon-trout or sea-trout cents.
4. For each half-barrel of salmon, salmon-trout or sea-trout cents.
5. For each tierce of mackerel, cents.
6. For each half-tierce of mackerel, cents.

7. For each barrel of mackerel, cents.
8. For each half-barrel of mackerel, cents.
9. For each tierce of herring, cents.
10. For each half-tierce of herring, cents.
11. For each barrel of herring, cents.
12. For each half-barrel of herring, cents.
13. For each tierce of shad, cents.
14. For each half-tierce of shad, cents.
15. For each barrel of shad, cents.
16. For each half-barrel of shad, cents.
17. For each tierce of whitefish, cents.
18. For each half-tierce of whitefish, cents.
19. For each barrel of whitefish, cents.
20. For each half-barrel of whitefish, cents.
21. For each barrel of pickled cod-fish, hake, haddock or catfish, cents.
22. For each half-barrel of ditto, cents.
23. For each barrel of dry-salted codfish, hake, haddock, catfish, ling or pollock, cents.
24. For each half-barrel of ditto, cents.
25. For each barrel of bass, cents.
26. For each half-barrel of bass, cents.
27. For each barrel of codtongues, cod sounds, halibut or eels, cents.
28. For each half-barrel of ditto, cents.
29. For inspecting, culling, classing, weighing, packing and branding each box of smoked herring, cents; and for culling, classing, weighing and branding only, cents.
30. For inspecting, gauging and branding each puncheon of oil, cents.
31. For inspecting, gauging and branding each hogshead of oil, cents.
32. For inspecting, gauging and branding each tierce of oil, cents.
33. For inspecting, gauging and branding each barrel of oil, cents.
34. For each cask or package intended to contain fish, cents.
35. For liming or whitewashing the heads or butts of any vessel, cents; and for painting the same, cents each.
36. For each draft of green fish, cents.
37. For each package of ditto, cents.

Rates to be exclusive of salt, etc.

38. The foregoing rates shall be reckoned exclusive of salt, pickle, cooperage, storage, and labour employed in washing, rinsing, cleaning, nailing, screwing or re-packing and pickling any fish:

Proviso.

Provided always, that any person causing his fish or oil to be inspected, may employ, at his cost and charges, a cooper to attend upon and assist the Inspector or Deputy Inspector in the performance of his duty, in which case the Inspector or Deputy Inspector shall not be allowed any charge for cooperage, and the cooper so employed shall be governed and guided solely by the directions which he receives from the Inspector or Deputy Inspector with respect to any fish or oil by him inspected, and not by any other person whomsoever.

Where inspection shall be effected.

65. Fish and fish oil may be inspected either at the place where they are packed or manufactured, or at the place of sale within the Dominion.

When not inspected at place of

66. When fish are not inspected at the place of packing, the packer's name and the quality of the fish must be marked in paint,

packing, nor marked.

on each barrel, half-barrel or package; and when they are inspected at the place of sale, the Inspector shall empty out ten packages in each hundred, of any lot submitted to him for inspection, and such inspection of ten barrels out of every hundred shall regulate the grade of the fish so submitted for inspection.

Bill of inspection.

67. So soon as any fish is inspected, a Bill of Inspection shall be furnished by the Inspector or Deputy Inspector, specifying the quality as ascertained by inspection, and whether each package contains the weight prescribed by this Act, with the name of the packer, and of the Inspector at the place of packing.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF BUTTER.

(*As respects Cheese and Lard there are at present no provisions.*)

Inspection of butter.

68. No Inspector or Deputy Inspector of Butter shall brand mark or certify any butter as inspected, unless it is packed in the manner hereinafter required; but any butter not so packed, submitted for inspection, shall, by the Inspector or Deputy Inspector to whom it is submitted be repacked in the manner hereby required, and the Inspector or Deputy Inspector shall receive the actual cost of such new packages as may be required for such repacking, and the further sum of *five cents* for each firkin or keg of butter so repacked as compensation for his time and labor.

How butter shall be packed.

2. All butter branded, marked or certified as inspected shall be packed in firkins or kegs, made of the best seasoned white ash timber, and each bound with at least twelve wooden hoops, and being of the following sizes and dimensions, that is to say, the firkin to contain as nearly as possible fifty-six pounds of butter, the length of the staves from croe to croe, to be fourteen inches and a half, the diameter of the head to be eleven inches and a half, the thickness of the staves to be, as nearly as may be, three-quarters of an inch, and the thickness of the head as near as may be, half an inch, the package to weigh, as nearly as possible, but in no case to exceed ten pounds when dry; the keg to contain, as nearly as possible, eighty-four pounds of butter, the length of the stave, from croe to croe, to be seventeen inches, the diameter of the head to be thirteen inches, the thickness of the staves to be as nearly as may be, three-quarters of an inch, and of the head, as nearly as may, half an inch, and the package to weigh, as nearly as possible, but in no case to exceed thirteen pounds when dry;—and the weight of each package shall be branded on the outside of the firkin or keg, at the centre of the stave or bilge, with the name of the maker thereof, under a penalty of *one dollar* per package, upon any cooper contravening the requirements of this Act, as aforesaid.

Exemption.

3. But nothing herein contained shall apply to any packages other than those containing butter submitted for inspection.

Mode of inspection.

69. In inspecting butter, the Inspector or Deputy Inspector shall take out the head of each firkin or keg, and shall pass the taster through the butter, from end to end, and shall empty out and throw aside all salt or pickle which, in his judgment, is not necessary to the preservation of the butter, and after he has ascertained the quality of the butter, he shall replace so much thereof as he has taken out, and if there is in his judgment a deficiency of loose salt, so that he thinks the preservation and condition of the butter would be promoted by an additional quantity of salt, he shall add such quantity;

2. He shall then have the package securely headed and coopered, and shall inscribe or brand on the head of the package the gross weight thereof in pounds *avoirdupois*, excluding fractional parts of a pound, and the tare, which shall include one pound weight for each firkin, and two pounds weight for each keg, for soakage over and above the cooper's tare; and he shall then brand on the head his own name, the month, year and place of inspection, and the quality of the butter as "first," "second," "third," or "fourth," or as "grease," according to the quality of the butter, and adopting the standard of quality and system of classification in use in that portion of the United Kingdom called Ireland; first, removing all such marks (the distinguishing mark of the owner of the butter excepted) on the package as would interfere with the brands or marks of the Inspector. Brands.

70 Each Inspector shall provide himself and his Deputy with suitable and convenient premises for the storage and inspection of butter, and shall keep all packages of butter delivered to him for inspection, while they remain in his possession, in some place safe from the injuries of the weather or of floods, and under tight roof, and any Inspector or Deputy Inspector contravening this provision, shall forfeit and pay to the owner the sum of *one dollar*, for every package not stored as aforesaid, besides the actual damages sustained by such owner. Premises to be provided.

71. For all the services to be performed as aforesaid, including unheading, weighing, salting, heading, tightening hoops, marking and branding, and ten days' storage, each Inspector shall be entitled to receive *ten cents* for every package of butter by him inspected as aforesaid,—and if re-inspected, *seven cents*, together with the actual cost or charge of any package by him furnished, or for *extra* cooperage or repairs done to packages containing butter by him inspected, and no more; the charge for which *extra* cooperage and repairs shall not in any case exceed *five cents* per package; in consideration of which all packages shall be delivered in good shipping order, and such charges shall be paid by the person offering such butter for inspection, or his agent: Fees.

2. Each Inspector shall further be entitled to receive *two and a half cents*, per month, per firkin, and *two cents and a third cent* per keg, per month, for the storage of each package of butter, which remains stored with him as aforesaid more than ten days after the date of the invoice, weigh note and inspection bill, and such storage shall be paid by the person receiving or shipping the said butter, or his agent; but in no case shall any storage be paid or required when the butter has not remained stored as aforesaid during ten days from the date of the inspection bill; Storage.

3. All the charges of inspection and storage shall be payable before the butter is re-delivered by the Inspector; and the Inspector shall furnish a bill of inspection signed by him, and specifying neatly and legibly the quantity and quality of the butter, the charges thereon, and the owner's name. When payable

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF RAW HIDES AND LEATHER

72. Every Inspector or Deputy Inspector, may examine and inspect any raw hides or leather on application being made to him for that purpose by the proprietor or possessor thereof, and ascertain the respective weights, qualities and conditions thereof. Inspection of leather.

Where inspection shall be made.

73. Such inspection shall be made either at the store or warehouse of such Inspector, which he is hereby required to keep in a convenient situation for that purpose in the city, town or place for which he is appointed Inspector, or if he thinks fit at the store or warehouse of the owner thereof: No charge for storage shall be made until twenty-four hours after such inspection; but all trouble and expense attendant upon the loading, unloading or moving such raw hides or leather shall be borne and paid by the party at whose request the same was inspected.

Mode of inspection.

74. Every Inspector or Deputy Inspector shall mark or stamp on each hide the net weight of such hide; and such hides shall be inspected without the horns, muzzles, snouts, or hoofs, and the Inspector, if he is required to do so, shall give a certificate of the net weight of such hide, without any charge for such certificate.

Powers of Inspector in respect of weight.

75. Every Inspector or Deputy Inspector shall subtract from the weight of each raw hide all dirt and parts injured by knife cuts, and any other thing which ought not to be computed in the weight of the hides, and may add to such weight all that such hides may have lost by drying, the whole at his discretion; he shall also classify them as number one, two, or damaged, as the case may be.

Fees.

76. Every Inspector shall be entitled for the inspection of such hides to a fee of *five cents* for each hide in lots under one hundred in number, and *four cents* for each hide in lots over one hundred in number.

Harness leather

77. The Inspector or Deputy Inspector may inspect harness leather and certify the weight thereof, but he shall not be liable in damages on account of any deficiency or excess in the weight of any such harness leather, unless such deficiency or excess amounts to more than five per cent. of the whole weight of the leather.

Red ormocaosin leather.

78. The Inspector or Deputy Inspector may also inspect leather known as red leather or moccasin leather, and certify to its weight, quality and condition.

Leather sold by the foot.

79. The Inspector or Deputy Inspector may inspect and measure all kinds of leather which are sold by the foot, and shall be entitled to charge *two cents* for each side or piece of such leather inspected and measured by him.

None but Inspector to stamp leather &c.

80. Any person, except the Inspector or Deputy Inspector, who shall stamp or number any of the raw hides or leather above mentioned, and shall expose them for sale, shall be liable to a fine not exceeding *twenty dollars*, but he shall be at liberty to mark on the said raw hides or leather in ordinary and legible figures the weights of the said raw hides or leather, and in such cases the words "Not Inspected" shall be marked above the said figures, in letters of the same dimensions and as legible as the said figures, and any person who shall expose for sale any raw hides or leather, the weights of which shall be so marked without the words "Not Inspected" as above prescribed, shall be liable to a fine not exceeding *twenty dollars*.

Exception.

Inspector to provide brands

81. Each Inspector or Deputy Inspector shall provide and have a sufficient number of brands, stamps, or marking instruments,

wherewith he shall brand, stamp or mark, or cause to be branded stamped or marked, immediately after inspection, on both sides of each hide or piece of leather, the initials of the name of the Inspector.

How leather shall be branded.

82. All brand or stamp marks shall be neat and legible, and shall be made at one end of the hide or piece of leather, within a space not less than two inches long by one and one half inch broad.

Qualities of sole leather.

83. Sole leather so inspected shall be divided as to quality, into three classes; to be known as number one, number two, and number three; number one representing the first or best quality, number two representing the second quality, number three representing the damaged and rejected articles.

And such leather as is ordinarily distinguished among dealers, by its comparative weight, shall also be divided into three classes, to be known as *heavy, middling,* and *light* weight; every piece or side of leather under fourteen pounds weight shall be considered light; every piece or side of leather of fourteen pounds weight and under twenty pounds weight shall be considered *middling,* and every piece or side of leather of twenty pounds weight and over shall be considered *heavy* or *over weight.*

Liability for deficiency.

The Inspector or Deputy Inspector shall not be liable in damages on account of any deficiency or excess in the weight of any such leather, unless such deficiency or excess amounts to more than five per cent of the whole weight of the leather.

Moccasin and harness leather.

84. Red leather or moccasin leather and harness leather shall, after inspection, be marked or branded, respectively, with the figures 1, 2, according to the quality thereof.

Brands defined.

85. The brand or mark may be fixed or attached to the raw hide or leather, by stamping, or by any other process that may render such brand or mark indelible; each brand or stamp shall have the initials of the city or town where inspection is made, and the initials of the Inspector's name, and the weight of the raw hide or leather, as also the figure denoting the quality; and may be in the form following:—

1. 112 lbs.
T., J. B., I.

2. 90 lbs.
T., J. B., I.

The figure 1, representing the first quality, 112 lbs., the weight, T., Toronto, J. B., I., initials of Inspector's name and office.

The figure 2, designating second quality.

3. 60 lbs.
T., J. B., I.

The figure 3 designating a damaged or rejected article.

Inspector to keep books.

86. Every Inspector of Raw Hides and Leather shall keep a proper book or books which shall be open to public inspection, in which he shall, from time to time, enter a statement or account of all green, raw, and salted Hides and Leather inspected by him or any of his Deputy Inspectors, shewing the respective weight, quality, and condition thereof, how the same have been classified by him, for whom they have been inspected, and the amount paid for such inspection.

nspector to make returns.

87. Every such Inspector shall twice in each year, and not later than the tenth day of January and the tenth day of July, make a return to the *Board of Trade* of the city or town in respect to which he has been appointed, of the particulars mentioned in the next preceding section.

Penalty for neglect to keep books, etc.

88. Every Inspector who neglects or refuses to keep such a book as mentioned in the eighty-sixth section of this Act, or to make the entries required to be made therein, or who neglects or refuses to make returns required by section eighty-seven of this Act, shall incur a penalty not exceeding *eighty dollars* for each offence, and be liable to be dismissed from his office, and be disqualified from ever after holding the same.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF REFINED PETROLEUM.

Trade Inspectors of petroleum.

89. Inspectors of Refined Petroleum under this Act, shall be known as "*Trade Inspectors.*" They shall provide themselves with all necessary gauging instruments, stencil plates, brands, stamps, pyrometers, and other instruments, chemicals, and appliances, requisite for the performance of their duties in a proper manner.

Books to be kept by Inspector.

90. Every such Trade Inspector shall keep a book or books, which shall be open to the public during all reasonable office hours, wherein he shall record, in a distinct manner, the full particulars of every inspection made by him, shewing:—

(1.) The date upon which each inspection is made;

(2.) The place where made;

(3.) The name and residence of the person who required him to make the inspection.

(4.) The number of packages inspected, and the quantity and quality of Petroleum contained in such packages.

Mode of inspection.

91. When required to inspect any Petroleum by the owner or holder thereof, the Trade Inspector shall proceed as follows:—

(1.) He shall determine, by careful calliper gauging, the capacity of each cask; or, when the Petroleum is not in casks, then, by some other accurate mode of measurement, the capacity of each package.

(2.) He shall determine, by means of Tagliabue's or some other similar pyrometer, the degree of heat at which the Petroleum gives off a vapour that will ignite or flash on the application of fire.

(3.) He shall determine, by careful examination, as to which of the grades herein established, the Petroleum under inspection should be classed in.

Having ascertained these particulars, the Inspector shall brand the packages in which the Petroleum is contained in a neat and legible manner, so as to show:—

(1.) The capacity of the package in wine gallons.

(2.) The fire test, or degree of heat at which the vapour given off ignites.

(3.) The gravity, by Baumé's Hydrometer.

(4.) The grade or quality in which the Petroleum is classed.

(5.) The place where the inspection is made.

(6.) The Trade Inspector's name, and the date of inspection.

Where brands shall be placed.

92. The Trade Inspector's brands shall be on the end of the cask or package, opposite the marks and brands placed upon it by the officers of Inland Revenue.

Grades of refiend petroleum.

93. Refined Petroleum shall be classified in the following grades or qualities :

No. 1. *Prime White*, having a gravity of 44° by Baumé's Hydrometer.

No, 2. *Standard White*, having a gravity of from 43° upwards by Baumé's Hydrometer.

No. 3. *Prime Light Straw White to White*, having a gravity of from 42° upwards by Baumé's Hydrometer.

No. 4. *Straw*, having a gravity of from 40° upwards by Baumé's Hydrometer.

Further requirements on inspection.

94. The gravity by Baumé's Hydrometer, and the *specific* gravity shall, in each case, be taken at or reduced to a uniform temperature of 60° of Fahrenheit's Thermometer, and each grade or quality shall stand a fire test of not less than 105° of heat by Fahrenheit's Thermometer, and shall be free from offensive odor. Each grade shall also stand the lead or litharge test, that is to say, the Petroleum shall not change color when tested by the admixture of a saturated solution of litharge and caustic soda.

Rejected petroleum.

95. All packages containing Petroleum submitted for inspection which will not stand the tests above prescribed, shall be branded with the word "REJECTED," the Trade Inspector's name and the date and place of inspection.

Fees.

96. For each package inspected and branded, and of which an account is entered in the books of the Trade Inspector, and a return made as herein required, the Trade Inspector shall be entitled to receive, from the person who required the inspection to be made, a fee of cents.

Bill of inspection to be furnished.

97. As soon as any lot of Refined Petroleum has been inspected, the Trade Inspector shall deliver to the owner or holder thereof a *Bill of Inspection*, in which there shall be set forth, neatly and legibly, the full particulars of such inspection as herein required to be entered in the Trade Inspector's books, together with a "facsimile," or description of the trade mark or other designation which the owner or holder may have caused to be placed on the packages in which it is contained.

Return to be made by the Inspector.

98. Every Trade Inspector of Petroleum shall, within ten days after the last days of March, June, September, and December, in each year, make and deliver to the Secretary of the Board of Trade of the place for which he is appointed, or to such other person as may be designated by the Governor in Council, a true return or statement of the total quantity of Petroleum inspected by him during the three months next preceding the days specified, and every such return shall set forth the nature and descrip-

tion of packages, and the number of gallons of each grade inspected, and also the number of packages and gallons rejected.

Inspection to be irrespective of excise law.

99. The inspection herein provided for shall be irrespective of any inspection made, ordered, or provided for by the laws respecting Excise or the Inland Revenue, which shall in no wise be affected by this Act.

No. 79.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend and consolidate, and to extend to the whole Dominion of Canada, the laws respecting the Inspection of certain staple articles of Canadian produce.

Received and read the first time, Friday, 4th April, 1873.

Second reading, Tuesday, 8th April, 1873.

Hon. Mr. Tilley.

OTTAWA:

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

1873.

No. 80.] **BILL.** [1873.

An Act to incorporate "The Warrior Mower Company of Canada."

WHEREAS James Irwin, of the Town of Prescott, in the County of Grenville and Province of Ontario, Esquire; William Henry Brouse, of the same place, physician; John Philip Wiser, of the same place, manufacturer; Robert Pritchard LaBatt, of the same place, manufacturer; Nesfield Ward, of the same place, manufacturer; Alexander Wells, of the same place, exchange broker; Samuel Ross, of the Township of Edwardsburgh, in the said County of Grenville, carrage maker; Frank Bramer, of Little Falls, in the State of New York, one of the United States of America, machinist; and Lewis Henry Crandell, of Easton, in the said State of New York, general agent,—have, by their petition, represented that they, and others, associated and doing business with them, under the name and style of "The Warrior Mower Company of Canada," are desirous of engaging in the manufacturing, buying and selling, generally, of all description of machinery, mowers and agricultural implements, in every Province of the Dominion of Canada, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for the passing of an Act to that end; and whereas it is expedient to grant such prayer; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The said James Irwin, William Henry Brouse, John Philip Wiser, Robert Pritchard LaBatt, Nesfield Ward, Alexander Wells, Samuel Ross, Frank Bramer and Lewis Henry Crandell, and such other persons now associated and doing business with them, under the name and style aforesaid, and such other persons as may become shareholders in the Company, to be by this Act created, shall be, and they are hereby created, constituted and declared to be a corporation, body politic and corporate, by the name of "The Warrior Mower Company of Canada," and the head office of the said Company shall be at the town of Prescott, in the County of Grenville and Province of Ontario. Incorporation. Corporate name and chief office.

2. The Company, by its name aforesaid, may sue and be sued, and shall have a perpetual succession and a common seal, with power to break and alter such seal, and with all the rights conferred on corporations by the "*Interpretation Act.*" Powers of the Company.

3. The Company shall have power to carry on, in each and every Province of the Dominion of Canada, the business of manufacturing, buying and selling, all descriptions and kinds of machinery, mowers and agricultural implements, and to do all things necessary or convenient thereto, and shall have power to purchase lease, hold, acquire, transfer and convey, in each such Business of the Company.

Real Estate.

Proviso.

Province, all real and personal estate necessary for carrying on the operations of the said Company: Provided always that the Company shall not so acquire or hold in any one Province, any lands or tenements or interests therein, exceeding in the whole, at any one time, the annual value of five thousand dollars, nor otherwise than for the actual use, occupation and purposes of the Company, except as in the next succeeding section provided.

Other real property of the Company.

4. The Company may acquire, and hold, any other real estate, in any such Province, which shall fairly come to said Company in the course of its said business, or in payment of any debt due, or accruing due, to the said Company in the course of such business, and may purchase, and temporarily hold, until the same can be conveniently disposed of, any such lands or real property, which having been mortgaged or pledged to the said Company for securing debts actually incurred in the course of its said business, may, by reason of such pledge or mortgage, become the property of said Company, or shall have been, by the said Company, purchased at any sale thereof, in execution of any order or judgement of a competent Court; and the said Company may let, sell, exchange and dispose of any property, real or personal, lawfully purchased or otherwise acquired as aforesaid, in such manner as to the said Company may seem expedient.

Capital Stock.

Increase.

5. The capital stock of the Company shall be thirty-five thousand dollars, of lawful money of Canada, and shall be divided into shares of one hundred dollars each, of which forty per centum shall have to be paid up before commencing business; and the said capital stock may be increased from time to time, by resolution of the Board of Directors, by and with the consent of a majority in value of the shareholders, but such capital stock shall, at no time, be made to exceed eighty thousand dollars.

Directors.

Provisional directors.

6. The affairs of the Company, shall be under the control, and shall be managed and conducted by a Board to consist of nine Directors, five of whom shall form a quroum;—and the said James Irwin, William Henry Brouse, John Philip Wiser, Robert Pritchard LaBatt, Nesfield Ward, Alexander Wells, Samuel Ross, Frank Bramer and Lewis Henry Crandell, shall be the first Provisional Directors of the said Company, and shall severally hold their offices, until the first election of directors, under this Act, in the manner hereinafter provided.

Powers of provisional directors.

7. The said provisional directors shall, during the time of their being such directors, have all the powers conferred upon the directors to be elected under this Act, and shall also have power and authority to open stock books and to procure subscriptions for the undertaking, and to make calls upon the subscribers and to issue stock thereon, or scrip therefor.

Qualification and election of directors.

8. The regular directors to be be elected under this Act shall each be a stockholder of the Company, to an amount not less than one thousand dollars, and shall be elected at the annual general meeting of the shareholders of the said Company, which said annual meeting shall be held at the head office of said Company in the said town of Prescott, at twelve of the clock, noon, on the third Wednesday of the month of January in each year after the passing of this Act, and notice thereof shall be mailed to each shareholder in said Company, at least one month before the holding of such meeting; and all such elections shall be by ballot—by plur-

ality of votes of stockholders present, or represented by proxy, such proxiesbeing shareholders, but subject always to the provisions of the next succeeding section of this Act.

Special provision as to the election of directors.

9. So long as ten thousand dollars of the stock of the Company are held or owned by British subjects, at least seven of the directors to be elected annually, shall be British subjects, and *bona fide* resident and domiciled within the United Counties of Leeds and Grenville, in the Province of Ontario, if there be so many shareholders so resident and domiceled properly qualified otherwise, and if not, then there shall be elected so many British subjects, resident and domiciled as aforesaid, as may be otherwise qualified, and the remainder of the directors shall be such other shareholders, properly qualified, as may receive the plurality of the votes of the stockholders present in person or by proxy; but when, and so soon as stock to the amount of ten thousand dollars shall cease to be held or owned as firstly in this section mentioned, then, and thereafter, the election of directors shall be held and proceeded with as if this section had never formed any part of this Act.

Shareholders to be members of the Company.

10. Every subscriber to or holder of any of the stock of the Company, shall thereby become a member of the Company and shall have the same rights and privileges as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company, and at all meetings of the Company, every shareholder present in person, or by proxy, not being in arrears in respect of any instalment or payment called for, shall be entitled to so many votes as he holds shares, in the stock of the Company; Provided such shares shall have been held, in his name, at least one month prior to the time of voting.

Votes.

Proviso.

All persons may be share holders.

11. Subject to the provisions of this Act, aliens shall have equal rights, with British subjects, to take stock and to vote and to be eligible to office in said Company, and no shareholder shall be liable or 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 said Company beyond the amount, if any, remaining unpaid, on his shares in the stock thereof; Provided, however, that the shareholders of the Company, shall be severally, individually liable, *pro rata*, to the amount of stock held by them respectively, for all debts that may be due, and owing to all, or any of the servants of said Company, for services performed as such servants.

Liabilty limited.

Proviso.

Election and appointment of officers.

12. The directors herein named, as well as those hereafter to be elected, shall appoint one of their number to act as President, and another to act as Vice-President of the said Company, and may appoint such other officers and agents as they may deem necessary, and may remove all officers appointed by them, and appoint others in their stead, and may fill all vacancies in the offices; the elected directors shall continue in office one year, or until others shall be chosen to fill their places; and if any vacancy shall at any time occur in the office of President, Vice-President or Director, by death or resignation, the remaining directors shall fill up such vacancy for the remainder of the year; all questions shall be decided by a majority of the votes of the directors present or represented by proxy, and the President, shall have a vote, as director, at all meetings of the directors, and in case of a tie, shall have the casting vote likewise.

Vacancies.

Votes at meetings.

Proviso.

13. Any director, or provisional director, of the Company, may hold the proxy of any other director or provisional director, to vote and act for him as such director or provisional director, at all meetings.

Failure to elect directors not to dissolve Corporation.

14. If the election of directors be not made on the day appointed by this Act, the Company shall not, for that reason, be dissolved, but the stockholders may hold the election on any day in the manner provided for by any by-law previously passed, either by the directors or stockholders for that purpose; and the directors in office shall continue in office, and exercise all the powers of directors until their successors shall be elected.

Stock books may be opened.

15. The directors of the 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 Company, in such places as they shall think fit, and may make such shares payable in such manner as they shall deem advisable; and may make the dividends thereon payable at such place, or places, as to them shall from time to time seem fit, and may from time to time appoint agents of the Company, in or out of Canada, and may delegate to such agents such powers as to them shall from time to time seem fit; and may make such rules and regulations as they shall, from time to time, deem advisable as to the issuing of shares, and as to the mode, time, place or places of the transfer of such shares, and as to the mode, time and place of paying the dividends from time to time to accrue thereon, and otherwise as shall be deemed requisite or beneficial for giving full effect to the powers hereby vested in them in respect of issuing such shares.

Dividends.

Agents.

Rules and regulations.

Payment of calls.

Forfeiture of shares.

16. The capital stock shall be paid for by the subscribers therefor, when, where, and as the directors of the Company shall require, or as the by-laws may provide, and if not paid at the day required, interest, at the rate of six per centum per annum, shall be payable after the said day, upon the amount due and unpaid, and in case any instalment or instalments shall not be paid as required by the directors with the interest thereon within sixty days from the day required, the directors may, by note, reciting the facts, 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 the directors may deem fit and expedient; but no call shall exceed twenty per centum, and no instalment shall become due and be payable, until after thirty days notice shall be given by publication in some newspaper printed and published in the said town of Prescott or by notice mailed to the address of each shareholder, and if any stockholder shall after such notice, refuse or neglect to pay any instalment due upon the share or shares held by him, such share or shares shall or may, in the option of the directors, become forfeited and disposed of as aforesaid, or the party holding such share or shares may be sued for the amount due thereon, with interest as aforesaid from the time the same became due until payment; Provided, always that the amount of subscription already paid by each of the persons hereby incorporated in and towards their shares, respectively, of the partnership capital of the business now being carried on under the name and style aforesaid, shall be taken and considered as a payment on, and on account of such of the shares of the stock of the Company hereby incorporated, as they may respectively subscribe for.

Calls limited.

Collection of calls.

Proviso, existing subscriptions to be reckoned.

17. A register shall be kept at the head office of the Company, indicating clearly the name of every stockholder and the amount of stock for which he is responsible, and the amount paid in by such stockholder, as well as all transfers that may have been allowed and made in such stock, and also such other matters as are required by section twenty-three of the "*Canada Joint Stock Companies Clauses Act*, 1869." Register of stockholders.

18. Upon any stock being subscribed for, and twenty per centum being paid thereon, a certificate shall be issued to the subscribers, exhibiting the amount subscribed for and the amount paid on it. of the stockholder may, at any time, with the consent in writing and any majority of the directors, be allowed to pay up, in full, his share or shares in the Company. Certificate to shareholders.

19. All and every the shares in the capital stock of the Company, and all profits and advantages thereof and therefrom, shall be deemed to be personal estate, and transferable and transmissable as such, but no share shall be transferable until all previous calls thereon have been fully paid and satisfied, or the said share shall have been declared forfeited for non-payment of the calls thereon; Provided always that no assignment or transfer of any share shall be valid or effectual until such transfer be entered and registered in the register; and provided also, that whenever any shareholder shall transfer, in manner aforesaid, all his stock or shares in said Company, such shareholder shall, thereupon, cease to be a member of the Company. Transfer of stock. Proviso. Proviso.

20. The directors may, from time to time, make, alter, annul or repeal, such regulations and by-laws as may be necessary for the management of the Company, and the affairs and business generally of the undertaking. Regulations and by-laws.

21. The President and Directors of the Company shall have power and authority to make, accept, draw and endorse, in the corporate name of the Company, bills of exchange and promissory notes for the ordinary purposes of the business of the Company, and may sell and dispose of any articles used or acquired in carrying on the business of said Company, and no longer required in that behalf; and they may become parties to promissory notes and bills of exchange received from or granted by parties doing business with the Company, without its being necessary that the corporate seal of said Company should be thereunto affixed,—and no officer of the Company signing the same or affixing said corporate seal, in accordance with the by-laws of said Company, shall thereby incur any personal liability, and the Company shall have power to do all things requisite to the lawful carrying on of the business thereof; Provided always that nothing in this section shall be construed to authorize the Company to issue notes or bills of exchange payable to bearer, and intended to be circulated as money, or as the notes or bills of a bank, or to engage in the business of banking or insurance. Company may become parties to promissory notes. Proviso.

22. Any copy of any by-law, or by-laws, of the Company, purporting to be signed and certified as a true copy thereof, by the President or one of the directors of the Company, and under the seal of the Company shall be *prima facie* evidence of such by-law, or by-laws, and in any action to recover any call on the stock of the Company, it shall be sufficient to allege and prove that the call was made in the manner provided by this Act and the by-laws Evidence in suits for recovery of cases.

of the Company in that behalf, that the defendant is the owner of one or more shares, on which the call was made, and that the amount sued for is due to the Company accordingly,—and it shall not be necessary to allege or prove any other matter or thing whatsoever.

Action.

23. Any description of action may be prosecuted and maintained between the Company, and any person or corporation whatever, and whether a shareholder or otherwise.

Interpretation

24. The words "shareholder" or "shareholders," shall include the heirs, executors, administrators, curators, legatees or assigns, of each shareholder or stockholder, or any other party holding the legal possession of any share, whether in his own name or that of any other, unless the context shall be inconsistent with such construction; and whenever power is by this Act given, to do anything, power shall be intended also to do all things which may be necessary to the doing of such thing, and generally all words and clauses herein shall receive such fair and liberal construction as will best ensure the carrying into effect of this Act, according to its true intent and spirit; and the Company shall not be bound to see to the execution of any trust, whether express or implied, or constructive, in respect to any share or shares; and the receipt of the person, in whose name the same shall stand on the books of the Company shall be a discharge to the Company for any dividend or money payable in respect of such share or shares, whether or not notice of such trust shall have been given to the Company, and the Company shall not be bound to see to the application of the money paid upon such receipts.

Company not bound to see to trusts.

General Act to apply.

25. The Act known as "*The Canada Joint Stock Companies Clauses Act*, 1869," and the provisions thereof, shall be applicable to, and be incorporated in this Act, so far as the same may not be inconsistent with this Act.

Payment of preliminary expenses.

26. All reasonable and preliminary expenditure incurred in obtaining this Act, and in the formation or establishing of the said corporation, shall be paid from the funds of the Company.

Short title.

27. This Act shall be known and cited as "*The Warrior Mower Company of Canada Act.*"

No. 80.

1st Session, 2nd Parliament, 36 Victori

BILL.

An Act to incorporate the Warrior Company of Canada.

PRIVATE BILL.

MR. BI

OTTAWA:

Printed by I. B. Taylor, 29, 31, & 33, Rideau

No. 81]. **BILL.** [1873.

An Act to incorporate the Canadian Metal Importation Company.

WHEREAS Charles H. Letourneux, J. T. Letourneux, Vital Grenier, Hilaire Béliveau, Guillaume Boivin, Charles Nelson, Onézime Deblois, Jacques Grenier, Alph. Grenier, Charles Thibault, H. T. Lecours, Ans. Desjardins, Jean P. Marion, Pierre Contant, A. Dubord and J. B. Vinet, all of the city of Montreal in the Province of Quebec, have prayed that they may be constituted a corporation by the name of "The Canadian Metal Importation Company,"—"*La Compagnie Canadienne d'importation des métaux*," 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 persons hereinbefore mentioned, and all others who now are or may hereafter become shareholders of the said Company, shall be and they are hereby constituted a corporation and body politic and corporate, by the name of "The Canadian Metal Importation Company"—"*La Compagnie Canadienne d'importation des metaux*," and either of such names shall be deemed to be the corporate name of the Company hereby incorporated, and shall be a sufficient designation thereof for all purposes whatsoever. Incorporation. Corporate name.

2. The Company may open and establish trading houses in the city of Montreal in the Province of Quebec, and in any other towns in the Dominion of Canada, for the importation and sale generally of metals and of all other articles generally connected with that branch of trade. Objects of the Company.

3. The capital stock of the Company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each; Provided always, that the said capital stock may be increased to two hundred thousand dollars in one or several issues of new stock, but each such issue of new stock shall not be of a less amount than twenty-five thousand dollars; and in any case such increase shall be authorized by a vote of the proprietors of two-thirds of the shares of the said Company, at a meeting specially called for the purpose; Provided also, that the said capital stock may be diminished and reduced by by-law to that effect passed by the Directors of the Company to any amount whatsoever that they may consider expedient and sufficient for attaining the objects of the Company, it being necessary, however, as in the case of an increase of the capital stock, that such by-law shall be confirmed by a vote of the proprietors of two-thirds of the shares of the said Company. Capital stock. Increase. Diminution.

4. The Company shall not commence its operations until one-fourth of its capital stock, that is to say, twenty-five thousand When Company may

Commence operations.

dollars, shall have been subscribed, and ten per cent. of the said capital, that is to say, ten thousand dollars, shall have been paid up.

Board of Directors.

5. The affairs of the Company shall be managed and administered by a board of seven directors, five of whom shall form a quorum; the Directors shall be elected annually from among the shareholders, and shall elect from among themselves a President and a Vice-President.

First Board of Directors.

6. The said Charles H. Letourneux, Hilaire Béliveau, J. T. Letourneux, Charles Nelson, Vital Grenier, and Onézime Deblois, shall be the first Directors of the Company, and shall remain in office until duly replaced by others appointed at the first general meeting of the shareholders of the Company, which it shall be their duty to call within two months next after the establishment of the Company in accordance with section four of this Act; and as such Directors they shall have full power to demand, collect and receive instalments on shares of the Company, to lease and establish any store or place of business required for the business of the Company; to give the first orders for goods, and generally to do all other matters and things connected with the business and operations of the said Company; and until the election of their successors the said Charles H. Letourneux shall be the President, and the said Hilaire Béliveau the Vice-President of the Company. The first Directors, hereinbefore named, as well as all others subsequently elected, shall be eligible for re-election, provided they are possessed of the necessary qualification hereinafter set forth.

Power of Directors.

First President and Vice-President.

Qualification of Directors.

7. No person shall be subsequently elected a Director unless he is a shareholder of the Company, possessed of at least five shares in his own absolute right, and has paid up all arrears of calls due and payable in respect of his shares; a majority of the Directors shall, at all times, be residents of the city of Montreal.

Interest on calls.

8. The Company may exact interest, at the rate of seven per cent., upon all arrears due in respect of calls on shares, and the same shall be reckoned from the date fixed for the payment of such calls.

Transfer of shares.

9. No share shall be transferred, sold or alienated in any manner whatsoever unless all instalments called for in respect thereof shall have been paid up in full, or unless such share shall have been forfeited for non-payment of dues, and also so long as the holder thereof is indebted to the Company in any way whatsoever.

Management of affairs.

10. The management of the affairs of the Company may be divided among several departments, which shall be designated according to the special nature of the business assigned to each of them, or otherwise, as may be deemed advisable, and the Company may employ superintendents, clerks, managers, agents and servants at pleasure, and may agree as to their remuneration by percentage or otherwise according as the Directors may decide; and such persons so employed shall not therefore be personally responsible for any debts due by the Company, or be in any way held to be partners in the Company.

Officers and servants.

32, 33 V., c. 12 to apply.

11. The provisions of "*The Canada Joint Stock Companies Clauses Act*, 1869," shall apply to the Company hereby incorporated in so far as they are not inconsistent with the provisions of this Act, and excepting specially sections thirty-two thirty-nine and forty of the said "*Canada Joint Stock Companies Clauses Act*, 1869," which shall not apply to the said Company hereby incorporated.

No. 81.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to Incorporate the Canadian Metal Importation Company.

PRIVATE BILL.

MR. JETTÉ.

OTTAWA:

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

1873.

No. 82.] **BILL.** [1873.

An Act respecting the Desjardins Canal.

Preamble.

WHEREAS the Corporation of the Town of Dundas, the Desjardins Canal Company, the Great Western Railway Company, and the Hamilton and Milton Road Company are desirous of entering into an amicable arrangement respecting the present difficulties existing between them with respect to the erecting, keeping and maintaining across the Desjardins Canal at Burlington Heights stationary or other bridge or bridges, and thereby put an end to any further litigation respecting the same, and for that purpose a petition has been presented to the Parliament of Canada for an Act to authorize them to enter into such arrangements, and to legalize and make the same permanent and effectual, and it is desirable to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Senate and Houst of Commons of Canada, enacts as follows:—

The several companies interested may enter into agreements respecting bridges.

1. It shall be lawful for the corporation of the town of Dundas, the Desjardins Canal Company, the Great Western Railway Company, and the Hamilton and Milton Road Company, and they are hereby authorized to make and enter into such agreements and arrangements as they shall think advisable for or respecting the erecting, keeping and maintaining across the said canal at and near the Burlington Heights, in all time to come, of any fixed or stationary or other bridge or bridges, already created or to be created, and of converting and changing any and all moveable or draw or swing bridges across the said canal into fixed and permanent bridges, and whether the said canal shall thereby be closed against masted vessels or not; and all such agreements and arrangements executed under the respective corporate seals of the said parties shall be held to be legal, binding and effectual to all intents and purposes whatsoever, and shall have the same force and effect as if expressly done and provided by Act of Parliament, and it shall thereupon be lawful to erect, keep and maintain all and any such bridges, as fixed, stationary and permanent bridges across the said canal, and to convert and change any and all movable or draw or swing bridges across the same into fixed and permanent bridges, as by the said agreements and arrangements shall be provided.

Effect of such agreement.

Rights saved in case no agreement is entered into.

2. It is hereby further provided that this Act shall not in any way affect the present legal or equitable position or standing of the corporation of the town of Dundas, the Desjardins Canal Company, the Great Western Railway Company, the Hamilton and Milton Road Company, or either of them, in case no agr ee ments or arrangements can be made between the said parties.

No. 82.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act respecting the Desjardins Canal

PRIVATE BILL.

MR. CHISHOLM.

OTTAWA:

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

1873.

No. 83.] **BILL.** [1873.

An Act for granting certain powers to the Montreal, Chambly and Sorel Railway Company.

Preamble.

WHEREAS the Montreal, Chambly and Sorel Railway Company, a body corporate, incorporated under an Act of the Legislature of the Province of Quebec, have, by their petition, prayed for power to issue promissory notes, and to enter into and conclude agreements and arrangements with foreign railway companies: and whereas it is expedient to grant their prayer; Therefore Her Majesty, by and with the advice of the Senate and House of Commons of Canada, enacts as follows:—

Company may become parties to promissory notes.

1. The said Montreal, Chambly and Sorel Railway 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 of the Company, and countersigned by the Secretary and Treasurer of the Company, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company; and any such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shown; 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, nor shall the President or Vice-President, or the Secretary and Treasurer, be individually responsible for the same in any manner whatsoever, unless the said promissory note or bill of exchange have been issued without the sanction and authority of the Board of Directors of the said Company.

Company may make agreements with other railway companies.

2. The said Montreal, Chambly and Sorel Railway Company may enter into any agreement with any foreign or Canadian railway company, for leasing the said railway in whole or in part, or the use thereof at any time or times, or for leasing to or from any Canadian or foreign railway company any railway or any part thereof, or the use thereof, or for leasing from such company or companies any bridges, locomotives or other moveable property, or the use thereof, and generally to make any agreement or agreements with any such company, touching the use by one or the other or by both companies, of the railway or of the moveable property of either or both or any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor; any and all such agreements shall be valid and binding, and shall be enforced by any Court of Justice according to the terms and tenor thereof; and such other railway company may agree to loan its credit to the said "The Montreal, Chambly and Sorel Railway Company," or may subscribe to or become the owner of the whole or a part of the capital stock of the said company in like manner and with the like rights as individuals; Provided the said leases, agreements and arrangements have been first respectively sanctioned by the majority of votes at a special general or annual meeting of the shareholders of the said company, duly called for that purpose according to law.

Proviso.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act for granting certain powers to the Montreal, Chambly and Sorel Railway Company.

PRIVATE BILL.

MR. GEOFFRION.

OTTAWA:

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

1873.

No. 84.] **BILL.** [1873.

An Act to suspend for a limited time the operation of certain Acts relating to the Inspection of Steamboats, in 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 operation of the Act passed in the thirty-first year of Her Majesty's Reign and intituled, "*An Act respecting the Inspection of Steamboats, and for the greater safety of Passengers by them,*" and 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 to amend the Act respecting the Inspection of Steamboats, and for the greater safety of Passengers by them,* and of such enactments of the Act passed in this thirty-fifth year of Her Majesty's Reign, intituled "*An Act to extend certain laws relating to matters connected with Navigation to the Province of British Columbia,*" as extends or applies the Acts firstly and secondly above mentioned, or any part thereof, to the Province of British Columbia, is hereby suspended until the first day of June which will be in the year one thousand eight hundred and seventy four, until which time the said Acts and enactments shall not apply to the said Province. Operation of Acts 31 V. c. 65, 32-33 V., c. 39, and part of 35 V., c. 38, suspended until 1st June, 1874, in British Columbia.

No. 84.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to supend for a limited time the operation of certain Acts relating to the Inspection of Steamboats, in British Columbia.

Received and read first time, Tuesday, 8th April, 1873.

Second reading, Wednesday, 9th April, 1873.

Hon. Mr. MITCHELL.

OTTAWA:

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

1873.

No. 85.] **BILL.** [1873.

An Act to incorporate "La Banque de St. Hyacinthe."

WHEREAS Pierre Bachand, Esq., M. P. P., Francois Xavier Cadieux, Esq., the Hon. M. Laframboise, the Hon. William Henry Chaffers, George Casimir Dessaulles, Esq, Louis Marchand, Esq., Joseph Barsalou, Esq., Romuald St. Jacques, Esq., Francois Cadoret, Esq., and Guillaume Cheval, Esq., by their petition have prayed that they may be incorporated for the purpose of establishing a bank in the city of St. Hyacinthe, Province of Quebec, and it is expedient to grant the prayer of the said petition; therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The said Pierre Bachand, Francois Xavier Cadieux, the Hon. M. Laframboise, the Hon. William Henry Chaffers, George Casimir Dessaulles, Louis Marchand, Joseph Barsalou, Francois Cadoret, Guillaume Cheval and Louis Delorme, Esq., M. P., Rémy Raymond, Esq., Eucher B. Dufort, Esq., Victor Coté, Esq., Pierre Euclide Roy, Esq., Charles St. Jacques, Esq., and Jacques Franchère, Esq., and such others as shall become shareholders in the corporation hereby created and their respective executors, administrators and assigns, shall be and they are hereby constituted and declared to be a corporation, body corporate and politic, in fact, by and under the corporate name of "La Banque de St. Hyacinthe," and as such shall have perpetual succession and a common seal, with power to break, change and alter the same at pleasure, and also with all other powers incident to and necessary for the purposes hereinafter declared.

2. The capital stock of the said bank shall be five hundred thousand dollars, divided into five hundred shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns; and its chief office shall be in the city of St. Hyacinthe.

3. The said persons above named in the first section of this Act shall be provisional directors for the purpose of organizing the said bank, and they, or a majority of them, may elect a chairman and a vice-chairman, and cause stock books to be opened, at such times and places as they or a majority of them shall think expedient, after first giving two weeks' notice thereof in one or more newspapers published in the city of St. Hyacinthe, upon which stock books shall be recorded the subscriptions of such persons as shall desire to become shareholders in the said bank, and such books shall be kept open at the discretion of the said provisional directors, or a majority of them, so long as they shall deem necessary, at St. Hyacinthe or elsewhere.

4. Whenever the capital stock of the said bank shall have been subscribed, and one hundred thousand dollars thereof shall have been *bonâ fide* paid into some one of the present chartered banks of Canada, it shall be lawful for the said provisional directors, or a majority of them, after giving three weeks' notice in one or more newspapers published in the said city of St. Hyacinthe in the English and French languages, to call a public meeting of the shareholders to be held at such place in the said city of St. Hyacinthe, as shall be mentioned in such notice, for the purpose of electing Directors, and for other purposes connected with the said bank. And it shall be lawful at such meeting to elect the requisite number of Directors of the said bank, and thereupon the duties of the provisional directors shall cease, and the bank may thereupon issue its notes and carry on business; Provided that if no more than one hundred thousand dollars shall have been paid in upon such stock in manner aforesaid, such further sum as shall be required to make up the sum of two hundred thousand dollars shall be called in and paid up within two years thereof.

5. The number of Directors of the said bank shall be nine, subject to be diminished from time to time by by-law, to be passed as provided in the twenty-eighth section of the Act of the Parliament of Canada, passed in the thirty-fourth year of Her Majesty's reign, intituled "An Act relating to Banks and Banking."

6. The said Act and all the provisions thereof shall apply to the bank hereby incorporated in the same manner as if the same were expressly incorporated in this Act, except in so far as such provisions relate specially to banks in existence before the passing thereof, or to banks *en commandite* or are inconsistent with this Act.

7. The said bank shall obtain from the Treasury Board within twelve months from and after the passing of this Act, the certificate required by section seven of the said Act, relating to banks and banking, passed in the thirty-fourth year of Her Majesty's reign, chapter five, in default of which this Act shall become and be null and void, and of no effect, and the charter hereby granted, and all and every the rights and privileges hereby conferred shall be forfeited.

8. This Act shall remain in force until the first day of July, in the year of our Lord one thousand eight hundred and eighty-one.

1st Session, 2nd Parliament, 36 Victoria.

No. 85.

BILL.

An Act to incorporate "La Banq St. Hyacinthe."

PRIVATE BILL.

Mr. DEL

OTTAWA:

Printed by I. B. Taylor, Nos. 29, 31 and 33 Ride

1873.

No. 86.] **BILL.** [1873

An Act to incorporate "The Goldsmith's Company of Canada, (Limited)."

WHEREAS John Zimmerman, William Lord Wilkinson and William Jammison Mongomery have by their petition represented that they are desirous of organizing a Company for the purpose of carrying on the watch and jewellery business generally and for the manufacture and sale of such goods as are usually sold in such business, throughout the Dominion of Canada, and have prayed that they may be incorporated for that purpose: 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. William Lord Wilkinson, William Jammison Montgomery and John Zimmerman, 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 Goldsmiths' Company of Canada, (Limited)" and the words "The Company," when used in this an Act shall mean "The Goldsmiths' Compnay of Canada, (Limited)" hereby incorporated. Incorporation. Corporate name.

2. The Company is hereby constituted for the purpose of carrying on the watch and jewellery business generally, and of manufacturing, dealing in and vending all such goods as are usually connected with such business. The head office of the Company shall be in Toronto, with branch offices or establishments in Montreal, Halifax and St. John, N.B. and in any other cities, towns or places of the Dominion (as now constituted or in any addition hereafter to be made thereto) in which the Company may see fit to carry on business. Objects of the corporation. Head office and branches.

3. The Company may acquire, hold, alienate and convey any real estate necessary or requisite for carrying on the undertaking of the Company; Provided always that the real estate held by the said Company at any one time shall not exceed in annual value the sum of twenty thousand dollars. May hold real estate. Proviso.

4. The capital stock of the Company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, of which one-fourth shall be paid up. Capital Stock.

5. The Company shall have the right to increase their capital stock to five hundred thousand dollars, in such proportions of that amount, and at such times as the shareholders may from time to time determine, at an annual meeting or at a special meeting, due notice of such proposed increase having been previously given Increase of capital stock.

by the board of directors; and such increase shall be determined by a majority of such shareholders present at such meeting either in person or by proxy.

Shares and allotment of new stock.

6. Such new stock shall be in shares of one hundred dollars each, and shall be either allotted among the shareholders of the Company *pro rata* at par or at a premium, or disposed of to the public at par or at a premium or otherwise as shall be determined by the Directors.

Purchase of stock.

7. In case any such new stock shall be allotted to any shareholders the same shall be accepted by each of such shareholders within thirty days from the time when notice of such allotment has been mailed to his address by post from the Toronto post office, but in default of any such allotment being accepted by any of such shareholders within such time, the same may be disposed of by the directors to the public or otherwise in such manner and on such terms as the said directors may determine.

Acceptance of allotment of new stock.

8. The Company shall have the right to accept any stock in trade and the good-will of any business, and to issue paid up stock to the vendor for the same.

Provincial Directors.

9. The said William Lord Wilkinson, William Jammison Montgomery and John Zimmerman shall be the provisonal directors of the Company, who shall have power to manage the affairs of the Company until directors under the provisons of this Act shall be elected in their place, and the said provisional directors shall have power to open stock-books, receive subscriptions of stocks or shares, and generally to do all matters and things necessary for the full organization and working of the Company.

First general meeting of shareholders.

10. As soon as the capital stock of the Company shall have been subscribed and one-fourth paid thereon, the provisional directors shall call a general meeting of the shareholders in the city of Toronto, of which meeting not less than two weeks' notice shall be given by public advertisement in some paper published in the said city of Toronto, for the purpose of passing by-laws for the management of the Company, the election of directors, who shall not be less than five nor more than nine, as shall then be decided by the shareholders, the appointment of officers, and generally for the exercise of the powers conferred on the shareholders by this Act and by "*The Canada Joint Stock Companies Clauses Act*, 1869."

General Act to apply.

11. 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 hereof.

No. 86.

1st Session, 2nd Parliament, 36 Vi

BILL.

An Act to incorporate "The Company of Canada, (Limite

PRIVATE BILL.

MR. YOU

OTTAWA:

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

No. 87.] **BILL.** [1873.

An Act to make further provision as to duties of Customs in Manitoba and the North West Territories.

Preamble.

WHEREAS by section twenty-seven of the Act passed in the thirty-third year of Her Majesty's Reign 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,*" it was provided that the custom duties then by law chargeable in Rupert's Land, should be continued without increase for the period of three years from the passing of that Act, which period will expire on the twelfth day of May in the present year one thousand eight hundred and seventy-three, and by the fifth section of the Act passed in the thirty-fourth year of Her Majesty's Reign intituled "*An Act to amend the Acts relating to duties of Customs,*" the same duties of customs which, under the said twenty-seventh section of the Act first cited, are chargeable in the Province of Manitoba, are chargeable on goods imported into any part of the North West Territories: and it is expedient to prolong the term during which the said duties shall be continued without increase, subject to certain exceptions and provisions: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

33 V., c. 3.

33 V., c. 10.

Present duties continued till 12 May, 1873.

1 The duties of customs chargeable by law in Rupert's Land at the time of the passing of the Act first above cited and shall be continued without increase in the Province of Manitoba and the North West Territories, until the twelfth day of May one thousand eight hundred and seventy-four, subject to the following exceptions and provisions;

Exception as to Manitoba.

1. Upon, from and after the twelfth day of May in the present year one thousand eight hundred and seventy-three the same duties of customs shall be chargeable on all spirits and strong waters, ale, beer, porter, and all vinous, spirituous and fermented liquors imported into the Province of Manitoba or taken out of bond for consumption therein, as are chargeable on the like articles imported into any other Province of Canada:—

Importation of spirits into N. W. territories prohibited.

2. Spirits or strong waters, or spirituous liquors of any kind, are hereby prohibited to be imported into any part of the North West Territories, under the like penalty and forfeiture as are provided by the Customs laws of Canada, with respect to articles the importation whereof is prohibited.

No. 87.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Act, thirty-third Victoria, chapter three, 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.*

Received and read 1st time, Tuesday, 8th April, 1873.

Second reading, Thursday, 10th April, 1873.

Hon. Mr. Tupper.

OTTAWA:

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

1873.

No. 8] **BILL.** 1873.]

An Act to incorporate The Canada Investment and Guarantee Agency.

WHEREAS, the persons hereinafter named have, by their petition, prayed that they may be incorporated as a Company, under the title of the Canada Investment and Guarantee Agency, having for its object the Guaranteeing of Mercantile transactions of all kinds, Bills of Exchange, Promissory Notes, Credits, Accounts and Loans, Public and Private Securities; also, the purchase and dealing in the same; the borrowing and lending of Money; the purchase and dealing in Public Stocks and Securities, also in Bonds, Stocks and Debentures of Corporate bodies; the receiving and holding Property in trust and exercising the office of Trustees, and acting as Agents for the investment of money and otherwise. Preamble. Agents, factors and consignees.

And whereas it is expedient 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:—

1. Hon. Henry Starnes, Hon. John Joseph Caldwell Abbott, Adolphe Roy, Jackson Rae, Peter McEwan, R. A. Campbell, A. A. Trottier, John Rollo Middlemiss, E. Chaplin, Nelson Davis, of Montreal; James K. Kerr, of Toronto; and all other and every person and persons, body and bodies politic, as shall from time to time be possessed of any share or shares in the undertaking hereby authorized to be carried on, shall be united into a company, according to the powers and authorities, rules, orders and regulations hereinafter set forth or referred to, and shall be one body, politic and corporate, by the name of the "Canada Investment and Guarantee Agency," 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, whether of law or equity, whatsoever. Directors and persons to be incorporated. Corporate name and powers.

2. The said above-named persons shall be Provisional Directors of the Company, and shall hold office as such until Directors of the Company are elected as hereinafter provided, and during the time said Provisional Directors shall so hold office they shall be vested with the full powers, in every respect, of ordinary Directors. Provisional Directors to hold office until election of Directors.

3. The Company are hereby empowered to act as Sureties, Guarantors, Agents, Brokers, Trustees, and dealers in money, land and valuable securities, and in that capacity may guarantee the due payment of Bills of Exchange, Promissory Notes, Credits, Accounts and Loans, and the due performance of mercantile contracts of all kinds; and may assume, deal in, purchase, sell, and transfer the same; may guarantee, deal in, buy and sell, pledge and charge, public and private securities of all kinds, including warehouse receipts and bonds, stocks and debentures of corporate bodies; and in the prosecution of such business and transactions may borrow and loan, pay, advance and receive money, receive and hold property of all kinds in pledge and in trust, and exercise the office of trustees; may act Powers and business of the Company. Guarantee. Buy and sell. Borrow and loan.

Act as trustees and agents.

as agents for the investing of money or otherwise; and may, subject, to provisions specified hereafter, acquire, hold, mortgage and hypothecate,

Real estate.

sell and convey real estate, with power to fix terms of forfeiture, do all acts and pass all such deeds as may be necessary for the perfect carrying out of the premises and all agreements in virtue of this Act legally entered into by the said Company, and for enforcing all obligations which any person may contract with this Company, with power, finally, to do, authorize and exercise all acts, powers and things whatsoever, which, in the opinion of the Directors of this Company may be requisite or expedient to be done or exercised in relation thereto; and for such transactions charge and receive a fair interest and remuneration, or such interest, sums, amount or property as may be agreed on between the said Company and persons dealing therewith.

Powers and business of the Company.

4. The Company are hereby empowered to lay out and invest their capital in the first place in defraying and discharging all costs, charges and expenses incurred in applying for and obtaining this Act; and all other expenses preparatory or relating thereto; and the remainder of such capital, or so much thereof as may from time to time be necessary, in the manner and for the purposes mentioned in this Act.

5. The funds of the Company shall, so far as possible when not in use, remain on deposit in the name of the Company in some chartered Bank of this Dominion, and shall only be withdrawn therefrom on the joint check of the Manager and the President, or in his absence, the Vice-President of the Company, and on the performance of such other formalities as the Company may hereafter determine by by-law; or till the appointment of such Manager and President and Vice-President, on the check of the managing Provisional Director.

Directors may borrow money.

6. The Directors may from time to time resolve at any meeting specially called for such purpose to borrow money on behalf of the Company upon such rates of interest and upon such terms as they may by such resolution determine, and to effect such loan the Directors may authorize any two of

May execute mortgages, bonds, &c.

their number, or one and the manager of the Company to make and execute mortgages, bonds or other instruments under the common seal of the Company, as may be necessary, and to that end charge such property of the Company as they may by such resolution be authorized to so charge, by way of pledge, mortgage or hypothec, and may assign, transfer or deposit 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

May not borrow beyond the amount of unpaid subscribed capital.

provisions as the Directors at such meeting may deem expedient, provided that the aggregate of the sum or sums so borrowed shall not at any time (except when security is given) exceed the amount of the subscribed capital of the Company for the time being not paid up, and no lender shall be bound to enquire into the occasion for any such loan, or into the validity of any resolution authorizing the same or the purpose for which such loan is wanted.

The Company may hold real estate necessary to transaction of business to extent of $5000 annual value.

7. 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 twenty thousand dollars in all, and such other real property as being mortgaged or hypothecated to them, may be acquired by them for the protection of their interests, and the discretion of the Directors shall determine when it is necessary for the purposes of such protection to acquire such

May acquire and dispose of the same in course of business.

real estate, and may from time to time sell, mortgage, hypothec, lease or otherwise dispose of the same, provided always it shall be incumbent on the Company to sell any real estate so acquired in the prosecution of its business within five years of the date of its acquisition. Excepting al-

ways what may be necessary for the transaction of their business within the value first mentioned in this section. Exception.

8. The head office of the Company shall be in Montreal, but the Company may have offices and agencies, and transact business in any part of the Dominion of Canada. Head office to be in Montreal

9. The capital stock of the Company shall be two million dollars, divided into twenty thousand shares, of one hundred dollars each, of which five per centum shall be paid in before the actual transaction of business is proceeded with, and the remainder shall be called in at such times, and in such portions as the Directors deem advisable, provided always that calls on the shareholders shall not be made at periods less than three months apart, and shall at each call not exceed ten per cent of the stock subscribed. And when any shareholder shall have paid up twenty-five per cent of the stock subscribed for by him, no further call shall be made unless in the opinion of the Directors it is necessary for the payment of the debts and obligations of the Company, or unless the Directors are authorized at a special meeting of the shareholders called for that purpose, or at the regular annual meeting to make such further calls for the further promotion or requirements of the business of the Company. Capital. Shares. Ten per cent. to be paid before transacting business. Calls. Limitation.

10. All shares in the capital of the Company shall be personal estate, and transmissible as such. Shares to be personal property.

11. No member or shareholder of the Company shall be liable for, or charged with the payment of any debt or demand due from the Company, beyond the extent of his shares in the capital of the Company not then paid up. Limitation of liability of Shareholders.

12. Each shareholder shall be liable to pay the amount of any call made upon him in compliance with conditions in section to such person, and at such time and place as the Directors shall appoint. Liability for calls.

13. The Directors shall give at least thirty days' notice before the day appointed for each call, by advertisement in one or more Montreal newspapers and by notice sent by mail to each shareholder. Thirty days notice before such call.

14. 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 shall fail to pay any call due by him, before or on the day appointed for payment thereof, he shall be liable to pay interest for the same at the rate of seven per cent. per annum from the day appointed for payment, to the time of actual payment thereof. When a call shall be considered as made. Interest may be charged if not paid promptly.

15. If any Member fail to pay any call on the day appointed for the payment thereof, the Directors may, at any time thereafter during such time as the call may remain unpaid, serve a notice on him requiring him to pay such call, together with any interest that may have accrued due thereon by reason of such non-payment, and such notice shall name a day (not being less than twenty-one days from the date of such notice) and a place on and at which such call and interest, and any expenses that may have been incurred by reason of every such non-payment, are to be paid; and such notice shall also state, that in the event of non-payment at or before the time, and at the place so appointed as aforesaid, the shares in respect of which such call was made will be liable to be forfeited. If Shareholder fails to pay calls when due, Directors may notify him payment is required. And name a day for payment not less than 21 days from date of notice. And state that the shares respecting which notice is given will be forfeited if not complied with.

If not complied with Directors may declare shares forfeited.

16. If the requisitions of any such notice are not complied with, any share in respect of which such notice has been given, may at any time thereafter, before payment of all calls, interest, and expenses due in respect thereof, be forfeited, by a resolution of the Directors to that effect.

Forfeited shares to be the property of the Company.

17. Every share which shall be so forfeited shall be deemed the property of the Company, and may be disposed of, sold, or re-allotted, upon such terms as the Directors shall think fit.

18. A declaration in writing by the Secretary or other thereto duly thorized officer of the Company, that a call was made and notice thereof duly served, and that default in payment of the call was made in respect of any shares, and that the forfeiture of such share was made by a resolution of the Directors to that effect, shall be sufficient evidence of the facts therein stated, as against all persons entitled to such share, and such declaration, and the receipt of the Company for such price of such share shall constitute a good title to such share, and the purchaser shall thereupon be deemed the holder of such share discharged from all calls due prior to such purchase, and shall be entered into the registers of members in respect thereof, and he shall not be bound to enquire or see to the application of the purchase money, nor shall his title to such share be impeached or affected by any irregularity in the proceedings of such sale.

19. The Directors shall have the right should they deem it advisable after one million dollars have been subscribed to issue the remaining one million dollars stock within one year after the Company goes into operation.

When capital stock is subscribed and five per cent. paid in, a general meeting of Shareholders to be called. Four weeks notice to be given. Board of Directors to be elected.

20. When and so soon as the Capital Stock shall have been subscribed, and five per cent. of the amount so subscribed paid in, the said Provisional Directors may call a General Meeting of Shareholders at some place in the City of Montreal, giving at least four weeks' notice of the time and place for holding such meeting, by publishing the same in the "Canada Gazette" and also some daily newspaper published in the said City of Montreal, at which General Meeting the Shareholders present or represented by proxy, shall elect nine Directors, who shall constitute a Board of Directors, and shall hold office until the first Wednesday in July, in the year following their election.

Who may be Directors. When and where to be elected. Notice of meeting. Who may vote. Voting to be by ballot. Proceedings in case of two or more persons receiving an equal number of votes. Directors then to proceed to election by ballot of President and Vice-President.

21. The said Directors shall be Shareholders, residing in Canada, and they shall be elected—except as above provided—at the Annual General Meeting of Shareholders, to be holden in Montreal on the first Wednesday in July in each year, or such other day as may be appointed by by-law, not less than four weeks' notice of such meeting being given, as provided in the next preceding section; and all elections of Directors shall be held and made by each of the Shareholders present, or represented by proxy, as shall have paid the fie per cent. above prescribed, and all calls made by the Directors, and then due, and all such elections shall be by ballot, and the persons who shall have the greatest number of votes at any such election shall be Directors, except as hereinafter directed; and if there be any doubt or difficulty in such election, by reason of two or more persons receiving an equal number of votes, then there shall be a re-ballot, as between such persons, which re-ballot may be repeated as often as deemed advisable by the Meeting; or instead of a re-ballot, the Directors, as to whose election there is no doubt or difficulty, may, if deemed advisable by the Meeting determine by ballot which of the persons having an equal number of votes shall be Director or Directors; and the said Directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be President, and one to be Vice-President. But Shareholders not residing within the Dominion of Canada shall be in-

eligible, and if any Director shall move his domicile out of Canada, or shall be absent from Canada more than six months at a time, without the consent of his co-Directors, his seat shall thereby become vacant; and if any vacancy shall at any time happen amongst the said Directors, by death, resignation, disqualification or removal, or otherwise, during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors, or a majority of them, electing in such place or places a Shareholder or Shareholders eligible for such office, provided that no person shall be eligible to be or continue as Director, unless he shall hold in his own name, and for his own use, stock in the said Company to the amount of fifty shares, whereof at least five per cent. shall have been paid in, and shall have paid all calls made upon his stock and all liability incurred by him to the said Company. Provided further, that, nothwithstanding anything in this Act contained, it shall be competent to the Shareholders at any special or general Meeting to reduce to not fewer than seven, or to increase to not more than thirteen, the number of Directors: and in case it should at any time happen that an election of Directors of the said Company should not have been made on the day when pursuant to this act it should have been made, the said Company shall not for that cause be deemed dissolved; but it shall be lawful on any other day to hold and have election in such manner as may be regulated, directed and appointed by the Directors, for the time being; and the Directors in office shall so continue until a new election is made.

Who are not eligible for directors.

In case of vacancies occurring on the Board, Directors to elect persons to fill.

Qualification for Directors.

Number of Directors may be reduced to seven.

Or increased to thirteen.

Provision in case election of Directors not made on the day appointed.

22. At all meetings of Directors, a majority of the whole Board 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, Vice-President or presiding Director shall give the casting vote.

Quorum of Directors.

Majority to decide.

23. The Directors shall have full power and authority to make and from time to time alter such by-laws, rules and regulations and ordinances as shall appear to them proper and needful touching the well ordering of the Company. They shall also have full power and authority over the management and disposition of its stock, property, estate and effects; the regulation of the rates, terms, and conditions on which all the business of the Company shall be undertaken and conducted; the calling of special general meetings; the regulation of the meetingsof the Board of Directors; the appointment and removal of Sub-boards to facilitate the details of business, and the definition of the duties and powers of the Sub-boards; the making of calls upon the subscribed capital, subject to the limitation hereinbefore set forth; the appointment and removal of all officers and agents of the Company; the regulation of their powers and duties, and the salaries 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 generally the Directors may, in addition to the powers expressly conferred upon them, exercise all such powers, give all such consents, make all such engagements and agreements, and do all such acts and things as are and shall be necessary and proper for the due management of the affairs of the Company, and for carrying out the provisions of this Act according to its true meaning and spirit. Provided always, that all such by-laws, rules, regulations and ordinances may be varied, altered or cancelled at the next Annual General Meeting, and shall be presumed to have been approved of by such Meeting, except in so far as they shall be varied, altered or cancelled, and shall thereafter have force and effect as if approved. Provided further, that no such variation, alteration or cancellation shall invalidate anything done in pursuance or by virtue of such by-laws, rules, regulations and ordiances, or injuriously affect the position or rights of

Power of Directors.

any person; and provided further, that such by-laws do not controvene the provisions of this Act.

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

Acts of Directors to be valid notwithstanding defects in their appointment subsequently discovered.

25. The acts of the Directors, or of any Committee appointed by the Directors shall, notwithstanding it be afterwards discovered that there was some defect in the appointment of any such Director or any member of such Committee, or that they or any of them were or was disqualified, be as valid as if such person had been duly appointed and was qualified to be a Director.

Indemnity to Directors.

26. Every Director of the Company, and his heirs, executors and administrators, and estate and effects respectively shall, 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.

Exception in cases of willful neglect or default.

Directors answerable for their own acts only.

27. Every Director of the Company, and his heirs, executors and administrators, and estate and effects respectively, shall be charged and chargeable only with so much money as he shall actually receive, and shall not be answerable or accountable for his co-Directors, or any or either of them, but each of them for his own acts, deeds and defaults only; nor shall the Directors, or any of them respectively, be answerable or accountable for any person or persons who may be appointed under or by virtue of any such Act, By-laws or Articles of Association as aforesaid, or otherwise, under and by virtue of the rules and regulations of the Company for the time being in force, to collect or receive any moneys payable to the Company, or in whose hands any of the money or properties of the Company shall or may be deposited or lodged for safe custody, nor for the insufficiency or deficiency of any title to any property which may from time to time be purchased, taken or leased, or otherwise acquired by order of the Directors, or otherwise, for or on behalf of the Company; nor for the insufficiency or deficiency of any security, in or upon which any of the moneys of the Company shall be invested; nor shall any Director be answerable for any loss, damage or misfortune whatsoever, which shall happen in the execution of the duties of the office of such Director, or in relation therein, unless the same shall happen through his own wilful neglect or default.

Not liable for persons acting under them.

Insufficiency of security, &c.

Exception of willful default.

Dividends.

28. It shall be the duty of the irectors of the Company to declare and make quarterly or half-yearly dividends of so much of the profits of the Company as to the majority of them may seem advisable, and to give public notice of the payment of such dividends at least ten days previously.

How profits are to be disposed of

Reserve fund.

29. The profits of the Company, so far as the same shall extend, shall be divided and disposed of in manner following, videlicet: There shall in the first place be set apart for the purpose of forming a Reserve Fund to meet contingencies, or for equalising dividends, such sum not less in any year than two and a half per centum upon the actual profits of the business

of such year as the Directors shall from time to time think fit, and the residue of such profits shall be divided amongst the Members, and in such manner as the Directors shall determine.

No dividend to be made out of capital stock.

30. The Company shall not make any dividend whereby their Capital Stock will be in any degree reduced.

Dividends of Shareholders may be retained against debts due by them to the Company.

31. 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.

Directors may appoint Trustees.

32. The Directors may from time to time appoint one or more members of their Board to accept and hold any lands or property in trust for the Company, and shall cause all such deeds and things to be made and done as shall be requisite to vest such lands or property in the person or persons so appointed ; and they may from time to time remove any such person or persons, and appoint another or others instead.

Form of conveyance to be used.

33. All conveyances to be made by this Company under or by virtue or in pursuance of the several powers and authorities, given to it by this Act, may be made according to the form in the schedule A, to this Act annexed, or as near thereto as circumstances will admit—and may be either by indenture under seal, or before a Notary, as may be most in accordance with the laws of the portion of this Dominion within which the real estate intending to be conveyed shall be situate.

34. Every mortgage and bond for securing money borrowed from the Company shall be by deed, wherein the consideration shall be duly stated, and every such mortgage or bond may be according to the form in Schedule (B), to this Act annexed, or as near as circumstances will admit, and may be executed under seal or before Notaries Public as shall be most in accordance with the laws of the portion of this Dominion within which the real estate intended to be mortgaged shall be situate ; and in Province of Quebec, obligations with *hypothêques* in favor of the Company, may be executed according to such form and in such manner as is now recognized by laws in that section of this Dominion, as being valid and effectual.

Shareholders votes.

Proxies.

Majority.

Proviso.

35. At all General Meetings of the Company, each Shareholder shall be entitled to give one vote for every share held by him, upon which all calls then due have been paid for not less than fourteen days prior to the time of voting. Such votes may be given either in person or by proxy, the holder of any such proxy being himself a Shareholder and qualified to vote. 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, provided that no salaried officer, except Directors, and no paid clerk or other employée of said Company shall vote either in person or by proxy at the Election of Directors.

Statement of affairs at annual meetings.

36. At every Annual Meeting of the Shareholders, the outgoing Directors shall submit a clear and full statement of the affairs of the Company, shewing in detail on the one hand the debts, liabilities and engagements of the Company, and on the other the assets and resources thereof. They shall also exhibit a full statement of the extent and value of the securities held by the Company, and such other information as will enable the Shareholders to judge of the true position of the Company and its transactions.

Register of Shareholders to be kept.

37. The Company shall keep in a book or books, a register of the members of the Company, and therein shall be fairly and distinctly entered, from time to time the following particulars:—the names and addresses, and the occupations, if any, of the members of the Company, and the number of shares held by each member, distinguishing each share by its number, and the amount paid or agreed to be considered as paid on the shares of each member.

Who is to be deemed a member of the Company.

38. Every person who agrees to become a member of the Company, and whose name is entered on the Register of the Members, shall be deemed to be a member of the Company.

Register to be evidence.

39. The Register of members shall be *prima facie* evidence of any matters by this Act directed or authorized to be inserted therein.

Notices of trusts not to be registered or acknowledged.

40. Notice of any trust, expressed, implied orconstructive, shall not be entered on the Register, nor shall such notice in any way affect the Company.

Persons to whom shares are allotted in pursuance of application therefor to be deemed members.

41. Where any person makes application in writing, signed by him, for an allotment of shares, and any shares or share are or is allotted to him in pursuance of such application, he shall be deemed conclusively to have agreed to become a member of the Company in respect of the shares so allotted, and he shall be entered on the Register of members in respect thereof accordingly.

Shares in the name of two or more persons.

42. If any share stands in the name of two or more persons, the first named in the Register of such persons shall, as regards voting at meetings receipt of dividends, service of notices, and all other matters connected with the Company (except transfer) be deemed the sole holder thereof no share in the Company shall be subdivided.

How summons or notice may be served on the Company.

43. Any summons, notice, order or other document, required to be served upon the Company, may be served by leaving the same at the office of the said Company in Montreal.

Authentication of notices by the Company.

44. Any summons, notice, order or proceeding, requiring authentication by the Company, may be signed by any Director, Manager, Secretary, 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.

Service of notice by the Company.

45. Notices requiring to be served by the Company upon the Members may be served either personally or by leaving the same for, or sending them through the post in prepaid letters, addressed to the Members at their registered places of abode.

Notices to members sent by post.

46. 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.

Notice to joint Shareholders.

47. All notices directed to be given to the Members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is first named in the Register of Members, and notice so given shall be deemed sufficient notice to all the proprietors of such share.

Notices binding on transferees.

48. Every person, who by operation of law, transfer, or other means whatsoever, shall become entitled to any share, shall be bound by any and every notice, which, previously to his name and address being entered upon the Register of Members in respect of share, shall have been given to the person from whom he shall derive his title.

Register book for transfers.

49. There shall be a book called the Register of Transfers provided, and in such book shall be entered the particulars of every transfer of shares in the capital of the Company.

Directors may decline registration of transfer of shares belonging to debtors to the Company.

50. The Directors may decline to register any transfer of shares belonging to any Member who is indebted to the Company.

Transfers, how to be executed.

51. Every instrument of transfer of any share in the Company, shall be executed by the transferrer and transferree, and the transferrer shall be deemed to remain the holder of such share, and a Member of the Company in respect thereof, until the name of the transferree shall be entered in the Register of Members in respect thereof.

Form for transfer.

52. Shares in this Company shall be transferred in the form in the Schedule (C.) to this Act annexed.

Bankruptcy, marriage of female members, &c.

53. Any person becoming entitled to a share in consequence of the death, bankruptcy, or insolvency of any Member, or in consequence of the marriage of any female Member, may be registered as a Member, upon such evidence being produced as shall from time to time be required by the Directors, and on production of a declaration and request, in writing, in that behalf, signed by him, which declaration shall distinctly state the manner in which, and the party to whom such shares shall have been transmitted, and the signature thereto shall be attested by at least one witness, whom the said Company may require to be a Judge of a Court of Record, or the Mayor, Provost or Chief Magistrate of a city, town, borough or municipality, or a Public Notary, or if from a foreign country by the British Consul or Vice-Consul or other accredited representative of the British Government in the country where the declaration shall be made, which shall be conclusive evidence of his having agreed to become a Member.

Nominee of representative of deceased, &c.

54. Any person who has become entitled to a share in consequence of the death, bankruptcy, or insolvency of any Member, or in consequence of the marriage of any female Member, may, instead of being registered himself, elect by declaration of transmission, to be made and executed as herein before and hereinafter provided, to have some person, to be named by him, registered as a Member in respect of such share.

Transfer to nominee.

55. The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share.

Evidence of transfer.

56. Every such instrument of transfer shall be presented to the Directors, accompanied by such evidence as the Directors may require to prove the title of the transferrer, and shall be retained by the Company.

Transfer by personal representative

57 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.

Fee for transfer.

58. There shall be paid in respect of every transfer or transmission of shares such a fee not exceeding FIFTY cents, as the Directors shall from time to time prescribe.

Declaration in actions against members.

59. In any action to be brought by the Company against any Member, to recover any money due by him in his character as Member for any call, or on any account, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to declare that the defendant is a Member of the Company, and is indebted to the Company in respect of one call or more, or other money due, whereby an action hath accrued to the Company by virtue of this Act.

What matters only need be proved in action for calls

60. On the trial of any such action for the recovery of money due for a call it shall be sufficient to prove that the defendant, at the time of the of such call, was a Member of the Company, and that such call was making it shall in fact made, and such notice thereof given as is directed by this Act; and not be necessary to prove the appointment of the Directors who made such call nor any other matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such call, with interest thereon at the rate aforesaid.

Releases to witnesses.

61. In all legal proceedings under this Act, general or other releases, for the purpose of qualifying any person in the service of the Company to give evidence as a witness, may be granted by any two or more of the Directors; and every such release or discharge, under the hands and seals of two of the Directors, shall be as effectual for the purpose aforesaid as if made under the common seal of the Company.

Who may prove claims by the Company in cases of bankruptcy.

62. In all cases of insolvency or bankruptcy of any person or persons who shall be indebted to the Company, or against whom the Company shall have any claim or demand, it shall be lawful for any person who shall from time to time in that behalf be appointed, by writing under the hands of any one or more of the Directorss and the Managing Director of the Company, for the time being, to appear, and he is hereby authorized to appear, and act on behalf of the Company in respect of any such claim, debt or demand, before any Judges, Courts of Law, Assignees or Commissioners, or other Authorities appointed to act in such cases, either personally or by his affidavit, sworn and exhibited in the usual manner, in order to prove and establish any such debt, claim or demand; and such person to be so

Powers of persons so proving any claim of the Company.

appointed shall in all such cases be admitted and allowed to make, prove, or tender a claim on behalf of the Company in respect of such debt, claim or demand, and shall have such and the same powers and privileges as to voting in the choice of Assignees, and signing certificates and otherwise in respect of any such debt admitted to be proved on behalf of the Company, as any other person, being a creditor of such bankrupt in his own right, would have in respect of the debt proved by him, except as regards signing or becoming party to a consent to such bankrupt's discharge or a deed of composition and discharge in his behalf, to do which such person must have the express authority of the Directors by a resolution to that effect.

Acts of Company's agents valid.

63. Notwithstanding anything in this Act contained, 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 binding on the Company, and have the same effect as if it was under the common seal of the Company.

Interpretation

64. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; words importing the masculine gender shall include the females; the word

"month" shall mean calendar month; the word "Secretary" shall include the word "Clerk"; the word "lands" shall extend to messuages, lands, tenements, hereditaments and real estate generally of any tenure; the expression the "Company" shall mean the Canada Investment and Guarantee Agency in this Act mentioned and described; the expression "The Directors" and "The Secretary" shall mean the Directors and the Secretary respectively, for the time being, of the said Company.

SCHEDULE A.

Form of Conveyance.

By virtue of an Act of the Parliament of Canada, passed in the year of the Reign of Queen Victoria, intituled (here set forth the title of this Act) we the Canada Investment and Guarantee Agency in consideration of the sum of to us paid by A. B., of do hereby grant to the said A. B., his heirs and assigns, all (describing the premises to be conveyed) together with all the ways, rights and appurtenances, thereunto belonging, and all such estate, right, title and interest in and to the same, as we, the said Company, are or shall become possessed of, or are by the said Act empowered to convey; to hold the said premises to the said A. B., his heirs and assigns for ever.

Given under the common seal of the said Company, this day of in the year of Our Lord

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SCHEDULE B.

Form of a Mortgage Deed.

By virtue of an Act of the Parliament of Canada passed in the year of the Reign of Queen Victoria, intituled (here insert the title of this Act) I, A. B., of in consideration of the sum of paid to me by the Canada Investment and Guarantee Agency do hereby, pursuant to the said Act, convey to the said Company, their successors and assigns, all (describing the real or personal property to be conveyed) and all such estate, right, title and interest in and to the same, as I am or shall become or be possessed of; to hold the same to the said Company, their successors and assigns forever, subject to redemption or payment to the said Company, their successors or assigns, of the said sum of on the day of , with interest for the same at the rate of for every $100 by the year, payable half yearly on the day of and the day of in every year; (add any special powers which may be agreed on.)

In witness whereof I have hereunto set my hand and seal the day of in the year of Our Lord

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SCHEDULE C.

Instrument of Transfer of Share Canada Investment and Guarantee Agency.

I, A. B., of do hereby for value transfer to C. D. of share (or shares) now standing in my name in the

books of the above named Company, to hold to him, his executors, administrators and assigns, subject to the conditions on which I now hold the same; and I, the said C. D., by this writing, accept the said share (or shares) subject to the conditions aforesaid, and agree to become a member of the said Company, as witness our respective hands this day of

A. B.
C. D.

Signed by the above named A. B. and C. D., respectively, in the presence of E. F.

No. 88.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate The Canada Investment and Guarantee Agency.

Received and read First time, March, 1873.

Second reading, March, 1873.

M. P. Ryan.

No. 89.] **BILL.** [1873

An Act to Incorporate the "Victoria Bank of Canada."

WHEREAS the persons hereinafter named and others by their petition have prayed that they may be incorporated for the purpose of establishing a bank in the City of Montreal, 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. Horatio A. Nelson, Alexander Buntin, John C. Watson, William Clendinneng, John Elliott, James Donnelly, William H. Hingston, M.D., John Cassie Hatton, and Thomas A. Evans, and such others as shall become shareholders in the corporation hereby created and their respective executors, administrators, and assigns shall be and are hereby constituted and declared to be a corporation, body corporate and politic, in fact, by and under the name of the "Victoria Bank of Canada," and as such shall have perpetual succession and a common seal, with power to break, change and alter the same at pleasure, and also with all other powers incident to and necessary for the purposes hereinafter declared. Certain persons incorporated. Corporate name and powers.

2. The capital stock of the said bank shall be one million dollars, with power to increase such capital stock to two million dollars, such stock to be divided into shares of one hundred dollars each; which shares shall be and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns; and the chief office of the bank shall be in the City of Montreal. Capital and shares, &c.

3. The said persons above named shall be Provisional Directors for the purpose of organizing the said Bank, and they or a majority of them may cause stock books to be opened at such times and places as they or a majority of them shall think expedient, and after giving two weeks notice thereof in one or more newspapers published in the city of Montreal, upon which stock books shall be recorded the subscriptions of such persons as shall desire to become shareholders in the said bank; and such books shall be kept open at the discretion of the said Provisional Directors, or a majority of them, so long as they shall deem necessary. Provisional Directors and their powers.

4. Whenever five hundred thousand dollars of the capital stock of the said bank shall have been subscribed, and one hundred thousand dollars thereof shall have been *bon fide* paid into some of the present chartered banks of Canada, it shall be lawful for the said Provisional Directors or a majority of them, after giving three weeks' notice in one or more newspapers published in the said city of Montreal, to call a public meeting of the shareholders, to be held at such place in the said city of Montreal, as shall be mentioned in such notice, for the purpose of electing directors and First general meeting of shareholders.

for other purposes connected with the said bank ; and it shall be lawful at such meeting to elect the requisite number of Directors of the said bank, and thereupon the duties of the Provisional Directors shall cease : and the bank may thereupon issue its notes and carry on business ; Provided that if no more than one hundred thousand dollars shall then have been paid in upon such stock in manner aforesaid, such further sum as shall be required to make up the sum of two hundred thousand dollars shall be called in and paid up within two years thereafter.

5. The number of Directors of the said bank, shall be seven, subject to be increased or diminished from to time by by-law to be passed as provided in the twenty-eighth section of the Act of the Parliament of Canada, passed in the thirty-fourth year of Her Majesty reign, intituled : "*An Act relating to Banks and Banking.*"

6. The said Act and all the provisions thereof shall apply to the bank hereby incorporated in the same manner as if the same were expressly incorporated in this Act, except in so far as such provisions relate specially to banks in existence before the passing thereof, or to banks *en commandite*, or are inconsistent with this Act.

7. The said Bank shall obtain from the Treasury Board, within twelve months from and after the passing of this Act, the certificate required by section seven of the said Act relating to Banks and Banking, passed in the thirty-fourth year of Her Majesty's reign, chapter five ; in default of which this Act shall become and be null and void, and of no effect ; and the charter hereby granted, and all and every the rights, and privileges hereby conferred shall be forfeited.

8. This Act shall remain in force until the first day of July, in the year of Our Lord one thousand eight hundred and eighty-one.

No. 89.

1st Session, 2nd Parliament, 36 Victoria

BILL.

An Act to incorporate "The Victoria
of Canada."

PRIVATE BILL.

Hon. Mr. HUNTIN

OTTAWA :
Printed by I. B. Taylor, 29, 31 & 33, Rideau
1873.

No. 90.] **BILL.** [1873.

An Act to provide for Oaths being administered to witnesses examined at the bar, or before Committees, of the Senate or of the House of Commons.

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

Witnesses may be examined at the bar of either of the Houses of Parliament under oath.

1: In every case in which witnesses are examined at the bar of the Senate or of the House of Commons, such witnesses, on the application of a Senator or Member, may be examined upon oath, or affirmation in the case of persons allowed by law to affirm instead of swearing; and for that purpose the Clerk of the Senate or the Clerk of the House of Commons, as the case may be, may administer an oath or affirmation to any such witness.

Witnesses before committees.

2. If required by one of its members, any committee of the Senate or of the House of Commons, sitting in the exercise of its functions, may examine witnesses upon oath upon matters referred to it; and for that purpose the chairman, or any member of such committee, may administer an oath or affirmation, in the form A., hereto annexed, to any such witness.

False evidence to be perjury.

3. Any person examined as aforesaid, who shall wilfully give false evidence, or shall make a false affirmation, shall be liable to the penalties of perjury.

FORM A.

The evidence you shall give (at the bar of the Senate, *or* of the House of Commons, *as the case may be*), touching (*here insert matter of enquiry*), shall be the truth, the whole truth, and nothing but the truth. So help you God.

In the case of an affirmation, the following words shall be added at the beginning of the Form A.:—"You affirm that;" then follow the Form, as given.

No. 90.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to provide for the administration of Oaths to witnesses examined at the bar, or before committees, of the Senate or of the House of Commons.

Received and read, first time, Wednesday, 9th April, 1873.

Second reading, Wednesday, 16th April, 1873.

Mr. FOURNIER.

OTTAWA:

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

1873.

No. 91.] **BILL.** [1873.

An Act to incorporate the "Farmers' Land Discount and Investment Company."

Preamble

WHEREAS it is desirable that facilities should be afforded to the agricultural classes for obtaining temporary financial accommodation, and whereas Hugh Roberts, Walter Perkins Newman, Edward Herbert Newman, Edward Burns, George Strangway, David Foote and George Allan, have petitioned the Parliament of Canada that a Company may be incorporated under the name of "The Farmers' Land Discount and Investment Company," for the purpose of lending money to farmers and others on security of real estate and otherwise, 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:

Incorporation.

1. The persons hereinafter mentioned, after having complied with the requirements of this Act, as to subscriptions of stock, and such persons as now are or hereafter shall become shareholders of such Company shall be and they are hereby created, constituted and declared to be a body corporate and politic by the name of "The Farmers' Land Discount and Investment Company," and by that name shall have perpetual succession and a common seal, with power to alter and change the same at pleasure, and may sue and be sued, contract and be contracted with in the corporate name aforesaid.

Capital.

2. The stock of the said Company shall be the sum of one hundred thousand dollars, divided into one thousand shares of one hundred dollars each; which said shares shall be and are hereby vested in the persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act: Provided that the amount of the said capital stock may be increased at any time, or from time to time, to any amount not exceeding five hundred thousand dollars, upon a vote of the majority of the shareholders of the said Company, who shall be present at any meeting specially called for the purpose of taking into consideration such increase of capital. But no subscription of stock shall be valid to entitle the subscriber to any benefit or advantage as a shareholder of the Company unless and until ten per centum of such subscribed stock shall have been paid, nor shall the Company be authorized to commence or transact business (except so far as shall be necessary for the subscription and payment of capital stock) until the said stock shall have been actually subscribed to the extent of one-fourth thereof, and twenty per centum of the stock so subscribed shall have been paid and deposited to the credit of the Company, in one or more of the chartered banks of Canada, and not to be withdrawn therefrom except for the legitimate purposes of the said Company.

Stock subscriptions not valid until ten per cent. paid.

When business may be commenced.

Liability.

3. No shareholder shall be liable for any further sum than the amount unpaid upon the stock subscribed or owned by him.

Provisional Directors.

4. Until the first annual election hereinafter provided for, the provisional board of directors shall consist of the following persons, namely, Charles Clarke, of Elora, in the county of Wellington, Ontario, Esquire; Hugh Roberts, of Pilkington, in the said county, yeoman; William Reid, of Maryborough, in said county, yeoman; John Brockie, of Nichol, in the said county, yeoman; James Reynolds, of Nichol, aforesaid, yeoman; Robert Dalby, of Elora, aforesaid, tanner; and Walter B. Newman, of Elora, aforesaid, financial agent; a majority of whom shall be a quorum, and such provisional directors shall hold office until their successors shall be chosen.

Meeting for election of Directors.

Members and quorum.

Meeting for election.

5. When a one-fourth partof the capital stock has been subscribed, and ten per centum thereon paid, it shall be the duty of the provisional Directors to call a meeting of the shareholders for the purpose of electing a board of not less than five nor more than nine Directors, of whom a majority shall be a quorum. Such meeting shall be called by letter addressed to each shareholder at his usual post office address, and posted at least six days before such meeting, and such Board of Directors shall manage all the affairs of the said Company, and shall hold office for one year and until their successors shall be elected, and all retiring Directors shall be eligible for re-election if otherwise qualified.

Calls.

Notice.

Enforcement of calls.

Forfeiture for non-payment.

Officers and agents.

Powers of Directors.

6. The board shall have power to make calls for such sums and at such times upon the shares of the respective shareholders as they may deem requisite; Provided that (except as hereinafter mentioned) calls shall not be made oftener than twice in one year at intervals of not less than three months, nor shall any call exceed ten per cent.; Provided further, that the Directors shall make such further and other calls as shall at any time be required to meet liabilities of the Company, and at least one month's notice of each call shall be given by mailing the same to each shareholder, and by publishing an advertisement of such call in some newspaper published in the place where the Company's head office shall be located, but no more than ten per cent. shall be called in during the first year in addition to the ten per cent. required to make the subscription of stock valid. The Board may sue for and enforce payment of all calls with interest and may declare to be forfeited all shares on which such calls have not been duly paid, and may allot or sell the same shares, or any part thereof; they shall also have power to fill vacancies in the Board from time to time as they occur, to appoint and remove officers and agents; to fix their remuneration and term of office; to approve of and regulate their duties, obligations and securities, and generally to transact all necessary matters and things connected with the business of the Company.

By-laws and rules.

7. The Board of Directors shall have power to compile and settle by-laws and rules for the transaction of the Company's business, and such by-laws and rules not being inconsistent with this Act, shall be binding on all parties whom they may concern, and such by-laws and rules may from time to time be altered or amended as to the Board may seem necessary or expedient.

8. At all meetings of the Board questions shall be decided by a majority of votes, and in case of an equality of votes, the presiding Director shall have an additional or casting vote. Board meetings.

9. No person shall be eligible to hold office as a Director who shall not hold at least ten shares of stock, whereon all calls have been duly paid, and the manager or secretary of the Company, if a holder of at least ten shares, may be elected and serve as a Director. Qualification of Directors.

10. The shares of the Company shall be transferable by the parties holding the same according to the by-laws and rules of the Company, but not until all calls shall have been duly paid, and the transmission of interest otherwise than by the ordinary transfer shall be proved and regulated in such form as the Board may from time to time, by any rule or by-law direct, and in any action for the recovery of calls or arrears of calls it shall be sufficient for the Company to allege and prove that the defendant appears by the Company's books to be the owner of a share or shares in respect whereof a call or calls duly made has or have not been paid. Transfer of shares. Recovery of calls.

11. The head office of the Company shall be at the village of Elora, in the county of Wellington, in the Province of Ontario, and the Company may establish branches or agencies at such places as the Board of Directors shall from time to time determine. Head Office branches and agencies.

12. Until otherwise determined by the Board of Directors, the books of the Company shall be balanced annually, on the thirty-first day of December; and once in each year, and within three months from the date of such annual balancing, a general meeting of the shareholders, to be called the annual meeting, shall be called by the Board of Directors, and at such annual meeting a full statement of the Company's affairs shall be submitted; one week's notice of such annual meeting shall be given by advertisement in at least one newspaper published in the said County of Wellington, and also by letter addressed to each shareholder and mailed at least six days before the day of meeting. Annual balance. Annual meeting.

13. At such annual meeting shareholders shall have one vote for each share on which all calls shall have been paid. Votes may be cast either in person or by proxy but every person voting as a proxy must be a qualified shareholder. At such annual meeting the Directors shall be elected by ballot, but all other proceedings shall be determined by open vote, and the Company shall not cease or be dissolved by failure to elect Directors as above. Voting.

14. Special meetings may be called by the Board or on requisition of stockholders holding not less than one-third of subscribed stock, and one week's notice of such special meetings, stating the objects for which they are called, shall be sent to each stockholder by mail, and a list of shareholders shall at all times be accessible to any of them, at the head office of the Company. Special meetings.

15. The said Company shall have power to receive money on deposit, repayable with or without notice, and on such terms as to interest and otherwise as they shall deem expedient; to act as agents for shareholders and others in the purchasing, receiving and collecting of securities or the interest thereof; to make advances of money on security of real and personal estate, or upon Powers. To receive deposits. To act as financial agent To lend moneys

To buy or sell securities.

deposit of title deeds, or other property, and to discount or purchase, sell, hypothecate or dispose of notes, bills, mortgages, and other securities for money.

Mortgage liens may be made to cover future advances.

16. It shall be lawful for the Company, either at the time of making any advances, or at any time thereafter, to receive from borrowers as a security, or collateral security, a mortgage or mortgages of any real estate in the Province of Ontario; and to take and receive assignment of any existing mortgages or mortgage by way of security, or collateral security, and any such mortgages or assignments may be made so as to cover and be security for future or intended advances, and may be made under and in pursuance of the Act intituled: "*An Act respecting short forms of mortgages in Upper Canada*," or any amendment thereof. Every such mortgage shall be discharged or reassigned at the request and cost of the party entitled, upon payment of all indebtedness to the Company, but the Company shall not be compelled to receive payment of any debt before maturity thereof.

Mortgage liens may be left standing without discharge.

17. It shall be lawful for the Company, with the consent of the mortgagor or assignor, to have any mortgage made or assigned to the Company, standing without discharge or reassignment, and every such mortgage shall from time to time be and remain as a security for any existing or future advances to or indebtedness by such mortgagor or assignor, and the continued possession by the Company of such mortgage shall be *primâ facie* evidence of such consent.

Shares may be paid in advance.

18. The Company may receive from shareholders payment wholly or partially in advance of their capital stock, and allow interest on such advance payments, and to the extent of such payments beyond the proportion called in, the Company may at any time, or from time to time, on such terms as they shall see fit, permit the whole or any part of such advance payments to be withdrawn, or may refund the same at any time on giving to the person entitled thereto fifteen days' notice by mail of their intention to repay the same, and interest thereon shall cease at the expiration of such fifteen days' notice.

Company may be wound up.

19. The Company may be wound up whenever, at any annual meeting, or at any special meeting called to consider the propriety of winding up and determining the Company, two-thirds in number and value of the stockholders shall resolve to do so.

Proof of by-laws and rules.

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

Shareholders and officers competent witnesses.

21. No shareholder or officer, by reason of his being such shareholder or officer, shall be incompetent as a witness to any instrument or in any suit to which the Company may be a party.

Stock subscriptions and payments before act valid.

22. All subscriptions of shares of stock, and all payments on account thereof, made in anticipation and before the passing of this Act, shall be as valid and binding upon the Company and upon the subscribers as if made subsequent to the passing of the said Act.

23. The Company shall make and furnish to the Government *of Ontario*, during the first fifteen days of the session of Parliament in each year, a full and unreserved statement verified by the oath of the Secretary or Manager of the Company, of the assets and liabilities of the said Company. Returns to Government.

No. 91.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate the Farmers' Land Discount and Improvement Company.

PRIVATE BILL.

Mr. Ross (Wellington, C. R.)

OTTAWA :

No. 92.] **BILL.** [1873.

An Act to enable the Buffalo and Lake Huron Railway Company to make arrangements respecting their Bond Debt.

WHEREAS by an indenture, dated the twenty-fifth day of August, one thousand eight hundred and fifty-two, and made between the Brantford and Buffalo Joint Stock Railroad Company, of the first part, and Arunah Huntington, David Christie, and Dean Richmond, of the second part, the said company mortgaged its railroad, then in course of construction from Fort Erie Ferry to Paris, in the present Province of Ontario, to the parties thereto of the second part, for the purpose of securing an issue of bonds to the amount of one hundred and twenty-five thousand pounds sterling, the principal thereof to be payable in London, England, on the first day of August, one thousand eight hundred and seventy-two, with interest in the meantime at the rate of six pounds per cent. per annum: And whereas the said company was afterwards empowered to extend its said railroad to Goderich, also in the present Province of Ontario, and its name was changed to the Buffalo, Brantford, and Goderich Railroad Company: And whereas by an indenture dated the first day of July, one thousand eight hundred and fifty-three, and made between the Buffalo, Brantford, and Goderich Railroad Company, of the first part, and Arunah Huntington David Christie, and Aaron D. Patchin, of the second part, the said company mortgaged the section of its railroad, then in course of construction from Paris to Goderich, to the parties thereto of the second part, for the purpose of securing an issue of bonds to the amount of one hundred and eighty thousand pounds sterling, the principal thereof to be payable in London, England, on the first day of July, one thousand eight hundred and seventy-three, with interest in the meantime at the rate of six pounds per cent. per annum: And whereas the bonds issued on the security of the said respective indentures are hereinafter referred to as the first and second section first mortgage bonds respectively: And whereas by an indenture dated the first day of June, one thousand eight hundred and fifty-four, and made between the said company, of the one part, and James Kerby, David Christie, and Myron P. Bush, of the other part, the said company mortgaged its entire railroad from Fort Erie to Goderich to the parties thereto of the latter part, for the purpose of securing an issue of bonds to the amount of three hundred thousand pounds sterling, the principal thereof to be payable in London, England, on the first day of June, one thousand eight hundred and seventy-four, with interest in the meantime at the rate of six pounds per cent. per annum: And whereas in the year one thousand eight hundred and fifty-six, the said company, with the authority of the Legislature of the then Province of Canada, sold its railroad to the Buffalo and Lake Huron Railway Company, in consideration of certain annual payments or rental, partly imme- Preamble

diate and partly deferred, the immediate rental being fixed at an amount not more than sufficient to meet the interest of the several classes of bonds hereinbefore mentioned: And whereas by an indenture dated the eighth day of August, one thousand eight hundred and fifty-six, and made between the Buffalo, Brantford, and Goderich Railway Company of the one part, and George Brown, William Smith, and Hugh Finleyson, of the other part, the said company mortgaged the said deferred rental to the parties thereto of the latter part, for the purpose of securing an issue of bonds to the amount of one hundred and sixty-six thousand six hundred and sixty-six pounds thirteen shillings and four pence sterling, the principal thereof to be payable in London, England, on the first day of July, one thousand eight hundred and eighty-six, with interest in the meantime at the rate of six pounds per cent. per annum, which interest the amount of the deferred rental would not be more than sufficient to meet: And whereas by or in pursuance of other arrangements made between the said two companies, in the year one thousand eight hundred and fifty-six, the Buffalo and Lake Huron Railway Company adopted the bonds of all the classes hereinbefore mentioned, and repurchased the said deferred rental, subject to the security of the bonds secured thereon as aforesaid: And whereas in the year one thousand eight hundred and sixty-five, the Buffalo and Lake Huron Railway Company issued certain capitalised coupon bonds to the amount of sixty-one thousand and seventy pounds sixteen shillings and eight pence sterling: And whereas a working agreement which had been made in the year one thousand eight hundred and sixty-four, between the said company and the Grand Trunk Railway Company of Canada, was confirmed in the year one thousand eight hundred and sixty-six by an Act of the Legislature of the then Province of Canada: And whereas by an Act of the Parliament of the Dominion of Canada, passed in the year one thousand eight hundred and seventy, another agreement between the two last mentioned companies, dated the second day of February, one thousand eight hundred and seventy, was made valid and binding in favor of and upon both the said companies, and all mortgagees, debenture holders, and creditors of each of them; and by the said agreement so confirmed, the said agreement of one thousand eight hundred and sixty-four was cancelled, and the railway of the Buffalo and Lake Huron Railway Company was vested in the Grand Trunk Railway Company of Canada, in consideration of certain payments to be made periodically by the latter company to the former, and subject, first, to all obligations imposed on the former company by its several Acts with respect to the maintenance, management, and working of the vested property; secondly, to all then existing mortgages and incumbrances on the same property; thirdly, to all mortgages and incumbrances to be created under a power thereby given to the former company to issue, for the purposes and within the limits therein mentioned, mortgage bonds, debentures, or debenture stock, extending over the undertaking of the former company vested in the latter; and fourthly, to an annual rent-charge, on the vested property and on the tolls or rates arising therefrom, of the sum of forty-two thousand five hundred pounds, payable by the latter company to the former, but not to extend to any further portion of the said periodical payments; and it was provided that the mortgages and incumbrances on the whole or any part of the undertaking of the former company then existing or thereafter to be created under the aforesaid power should, according to the respective rights and priorities of the holders, be the first charges on the sums from time to time payable to the same company under the now reciting agree-

ment, and that so long as those sums were duly paid to that company according to the terms of that agreement, but no longer, none of the holders of such mortgages or incumbrances should exercise any of their powers or rights against the undertaking or property of that company, but only against the said sums: And whereas by the last recited agreement, confirmed as aforesaid, it was further provided that a certain trust deed, dated the tenth day of January, one thousand eight hundred and sixty-five, and entered into for securing the said capitalised coupon bonds, should, as to any future operation thereof, be wholly void and of no effect, and that from the first day of January, one thousand eight hundred and seventy, the interest then payable by the Buffalo and Lake Huron Railway Company upon all its mortgages and bonds then outstanding (among which the bonds adopted by the said company, as hereinbefore recited, were intended and understood to be included) should be reduced from the rates of interest then payable thereon to the uniform rate of five pounds ten shillings per cent. per annum, provided that the same were duly paid half-yearly or within three calendar months from the day on which such interest should fall due, and that all arrears of interest due to mortgage bondholders and debenture holders of the same company to the thirty-first day of December, one thousand eight hundred and sixty-nine, including the arrears capitalised by the said trust deed of the tenth day of January, one thousand eight hundred and sixty-five, should, by the said company, be partly paid as therein mentioned, and the residue funded in five and half per cent. bonds: And whereas for carrying such funding into effect and for other purposes, the Buffalo and Lake Huron Railway Company, since the date of the last recited agreement, has issued bonds to a considerable amount, carrying interest at the rate of five pounds ten shillings per cent. per annum, but none of such bonds are secured on the undertaking of that company vested as aforesaid in the Grand Trunk Railway Company of Canada, or on any part thereof, notwithstanding the power in that behalf reserved to the former company by the said agreement: And whereas on the first day of August, one thousand eight hundred and seventy-two, the Buffalo and Lake Huron Railway Company made default in the payment of the principal of the first section first mortgage bonds, and thereupon a meeting of the holders of the several classes of bonds of or adopted by the said company was held in London, England, and at such meeting a committee was appointed, upon receiving the report of which a second meeting of the said bondholders, held in London aforesaid on the twentieth day of September, one thousand eight hundred and seventy-two, passed a resolution requesting the directors of the said company to apply for an Act for the conversion of the said bonds into permanent charges as hereinafter enacted: And whereas by a further resolution, passed at the last mentioned meeting, with the view of facilitating the contemplated arrangement, the holders of the first and second section first mortgage bonds were recommended to extend the period for the payment of their principal for two years and one year respectively, and were requested forthwith to lodge their bonds at the said company's office to be endorsed accordingly at five and a half per cent., which many of them have since done, and their bonds have been so endorsed: And whereas the total bonded indebtedness of the said company for principal does not now exceed the sum of seven hundred and sixty-three thousand seven hundred and fifty-eight pounds sterling: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Certain mortgages, bonds and debentures to be void.

1. Except for the purpose of securing such interest as may accrue and become due on or before the first day of March or the first day of September which shall first happen after the passing of this Act, all the said mortgages and other bonds and debentures issued or adopted by the Buffalo and Lake Huron Railway Company, and all coupons belonging thereto, and all mortgage or trust deeds for securing any of the same, shall, from and after the passing of this Act, be absolutely void and of no effect.

What shall be substituted therefor.

2. In lieu thereof there are hereby created first and second mortgage bond debts of the Buffalo and Lake Huron Railway Company; the former not to exceed a total of three hundred and five thousand pounds sterling, being the aggregate principal amount of the outstanding first and second section first mortgage bonds, and bearing interest at the rate of six pounds per cent. per annum from the first day of March or the first day of September which shall first happen after the passing of this Act, payable half-yearly on the first days of March and September, or within twenty-one days from such dates respectively, in London, England; and the latter equal to the aggregate principal amount of all the other outstanding mortgage or other bonds or debentures issued or adopted by the said company, and bearing interest at the rate of five pounds ten shillings per cent. per annum from the same date, and payable half-yearly, on the same days and at the same place; and the holders of the first and second section first mortgage bonds shall be entitled to, and shall be deemed to hold, portions of the said first mortgage bond debt, and the holders of the said other mortgage or other bonds or debentures shall be entitled to, and shall be deemed to hold, portions of the said second mortgage bond debt, equal to the principal amounts of their respective bonds or debentures: Provided that the aggregate amount of the said first and second mortgage bonds debt shall not exceed seven hundred and sixty-three thousand seven hundred and fifty-eight pounds sterling.

Mortgage bond debt changed on the company.

3. The said first mortgage bond debt and the interest thereof are hereby charged on all the railway, undertaking and property of the Buffalo and Lake Huron Railway Company, vested in the Grand Trunk Railway Company of Canada, subject only to the obligations imposed on the former company by its several Acts, with respect to the maintenance, management, and working of the vested property, and on the said rent charge of forty-two thousand five hundred pounds, and all other sums payable by the latter company to the former; and the said second mortgage bond debt and the interest thereof are hereby charged on the said railway undertaking, property, rent charge, and other sums next after the charge of the said first mortgage bond debt.

Holders of such debt to have remedy at law and in equity.

4. Every holder of any amount of either of the said mortgage bond debts shall have all such remedies at law and in equity as though the Buffalo and Lake Huron Railway Company had conveyed or assigned to him the said railway, undertaking, property, rent charge, and other sums by way of mortgage, to secure his portion of such debt and the interest thereof, subject and in the order of priority mentioned in the preceding section, and with all the other incidents herein expressed in relation thereto, and as though such mortgage deed were duly registered in every county in which any portion of the said railway or property is situate; but any judgment, decree, appointment of receiver, or other relief which shall be given at the suit of any person upon either of the charges hereby created, or as though upon such a mortgage as

mentioned in this section, shall be expressed to be, and shall in fact enure, for the equal benefit of all other holders of any portion of the same mortgage bond debt who shall be in the same position with the plaintiff, they contributing proportionately to the cost of suit.

Delivery of bonds to persons entitled.

5. The said company shall, at its office in London, deliver, free of expense, to the persons hereby declared to be entitled to the respective portions of the said respective mortgage bond debts, bonds in or as near as may be to the effect of the forms set forth in the schedule hereto, with interest coupons for twenty years attached, each such bond representing one hundred pounds sterling of the respective mortgage bond debt, the portions of which debts so represented shall pass by the delivery of the bonds, and the interest thereon shall be paid against surrender of the coupons in the usual manner; and when the coupons attached to the bonds shall be exhausted the bearers of the bonds shall be entitled to demand and shall accept from the said company, free of expense, new interest coupons for twenty other years, and so perpetually or until redemption as hereinafter mentioned.

Issue of additional coupons

Redemption of debt.

6. It shall be lawful for the said company, on any first day of March or first day of September, to redeem at par all or any part of the said first mortgage bond debt, on giving not less than six calendar months' previous notice by advertisement, inserted twice in each of two daily newspapers published in London, England, and if all the said debt then outstanding is not to be redeemed, stating the distinguishing numbers of the bonds to be redeemed; and the interest on any bond which shall not be tendered for redemption pursuant to such notice, shall cease from the expiration of the notice, and all further coupons from that date attached to such bond shall be void and of no effect.

Re-issue of first mortgage bonds.

7. It shall be lawful for the said company, for the purpose of such redemption as aforesaid, to re-issue at par all or any part of the amount of first mortgage debt so redeemed, but so that the re-issued bonds, while similar in every other respect and incident to the original bonds, and ranking *pari passu* with those outstanding, if any, shall carry interest at a less rate than six pounds per cent. per annum; and also for the same purpose to create and issue at par any further amount of second mortgage bond debt, similar in every respect and incident to and ranking *pari passu* with the second mortgage bond debt hereby created; but save as in this section expressed, the said Company shall have no power to issue any first or second mortgage bond debt in excess of the respective amounts authorized by section two of this Act, nor any mortgage bonds, debentures, or debenture stock, except subject to the said first and second mortgage bond debts.

And of second mortgage bonds.

Recourse of bondholders under certain circumstances.

8. So long as the sums payable to the Buffalo and Lake Huron Railway Company by the Grand Trunk Railway Company of Canada, under the said agreement of the second day of February, one thousand eight hundred and seventy, confirmed as aforesaid, are duly paid to the former company by the latter, but no longer, the holders of any portion of the said first and second mortgage bonds debts respectively shall not exercise any of their powers or rights against the railway, undertaking, or property of the former Company vested in the latter, but shall exercise them only against the said sums.

Short title.

9. This Act may be cited as "The Buffalo and Lake Huron Railway Act, 1873."

SCHEDULE.

FORM OF FIRST MORTGAGE BOND.

BUFFALO AND LAKE HURON RAILWAY COMPANY.

No. First Mortgage Bonds, 1873, £100.

The Buffalo and Lake Huron Railway Company hereby acknowledges that the bearer of this Bond is entitled to one hundred pounds sterling, part of the First Mortgage Bond Debt, created by the Buffalo and Lake Huron Railway Act, one thousand eight hundred and seventy-three, and secured upon the undertaking of the Company as therein mentioned (all the Bonds composing such debt ranking *pari passu*); and the said Company hereby covenants with the bearer to pay interest on the said sum, at the rate of six pounds per cent. per annum, half-yearly, on the first days of March and September, or within twenty-one days from such date, respectively, on presentation at the office of the Company, or if there be no office in London, then at the London and County Bank, London, of the coupons hereto annexed; and on the exaustion of the said coupons to issue to the bearer, free of expense, new interest coupons for twenty years further, and so on from time to time.

This bond is subject to redemption on six months' notice, to be given by advertisement inserted twice in each of two daily newspapers published in London, and the interest will cease on the expiration of such notice if the bond be not tendered for redemption according to it.

Given at the Company's office in London, England, this day of 1873.

_____ } Directors. [L.S.]
_____ }

_____ Secretary.

FORM OF COUPON.

BUFFALO AND LAKE HURON RAILWAY COMPANY.

First Mortgage Bond No. Interest Coupon, £

Payable at the Office of the Company, or if there be no Office in London, then at the London and County Bank, London. } 1st *March* / 1st *September* / or within twenty-one days from such dates, respectively. } 18 C

9008]

FORM OF SECOND MORTGAGE BOND.

BUFFALO AND LAKE HURON RAILWAY COMPANY.

No. Second Mortgage Bonds, 1873, £100.

The Buffalo and Lake Huron Railway Company hereby acknowledges that the bearer of this bond is entitled to one hundred pounds sterling, part of the Second Mortgage Bond Debt, created by the Buffalo and Lake Huron Railway Act, one thousand eight hundred and seventy-three, and secured upon the undertaking of the Company as therein mentioned (all the bonds composing such debt ranking *pari passu*); and the said Company hereby covenants with the bearer to pay interest on the said sum, at the rate of five pounds ten shillings, per cent. per annum, half-yearly, on the first

days of March and September, or within twenty-one days from such dates, respectively, on presentation at the office of the Company, or if there be no office in London, then at the London and County Bank, London, of the coupons hereto annexed; and on the exhaustion of the said coupons to issue to the bearer, free of expense, new interest coupons for twenty years further, and so on from time to time.

Given at the Company's office in London, England, this day of 1873.

_____ } Directors. [L.S.]
_____ }

_____ Secretary.

FORM OF COUPON.

BUFFALO AND LAKE HURON RAILWAY COMPANY.

Second Mortgage Bond, No. . Interest Coupon, £ .

Payable at the office of the Company, or if *there be no office* in London, then at the London and County Bank, London. — 1st *March* / 1st *September* / or within / twenty-one days / from such dates, / respectively. } 18

No. 92.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to enable the Buffalo and Lake Huron Railway Company to make arrangements respecting their Bond Debts.

PRIVATE BILL.

Mr. EDGAR.

OTTAWA:
Printed by I. B. Taylor, 29, 31, & 33 Rideau Street.
1783.

No. 93.] **BILL.** [1873

An Act further to amend the Acts to provide for the management and improvement of the Harbor of Quebec.

The clauses involving the expenditure of money are intended to originate in Committee—and are printed only for the information of the members.

WHEREAS it is expedient to make further and better provision for the management and improvement of the Harbor of Quebec, and to alter the constitution of the Corporation of the Commissioners of the said Harbor; 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 Corporation of the Quebec Harbor Commissioners shall, until the first day of October, which will be in the present year of our Lord one thousand eight hundred and seventy-three, remain constituted as it now is, but upon, from and after the said day the said corporation shall be constituted and consist of nine members, three of whom shall be appointed by the Governor, two by the Council of the Quebec Board of Trade, one by the Council of the Lévis Board of Trade, and three by the owners, consignees and agents who shall have paid harbor and wharfage dues on vessels, goods, wares and merchandize, or otherwise, to the amount hereinafter set forth. Constitution of Corporation altered on 1st October 1873.

2. Each and every such owner, consignee or agent as aforesaid, shall be entitled to the following proportionate number of votes, that is to say:—If he shall have paid for such harbor or wharfage dues as aforesaid, within one year preceding the day of the election, the sum of one hundred dollars or upwards, he shall be entitled to one vote; if he shall have paid within the same period the sum of five hundred dollars or upwards, he shall be entitled to two votes, and to an additional vote for every five hundred dollars paid over and above the last mentioned sum: Provided always that no such owner, consignee or agent shall be entitled to more than ten votes in any case; and such owners, consignees or agents shall, for the purposes of this Act, be designated and known as the "Shipping Interest"; Members shipping interest, and their votes. Proviso.

The word "owner," "consignee," or "agent," in this section, shall be held to include any firm, company, or association of persons carrying on business in co-partnership, and any one of the partners, and no more, may vote for and in the name of such firm, company, or copartnership. Definition.

3. The Council of the Quebec Board of Trade, and the Council of the Lévis Board of Trade, shall severally, at a meeting to be held at their chambers or usual places of meeting at noon on the *first Monday in August* in the present year, and in each year thereafter (or if that day should be a legal holiday, then on the next following day not being such holiday), elect, the said Council Election by Boards of Trade.

of the Quebec Board of Trade two persons, and the said Lévis Board of Trade one person, to fill the office of Harbor Commissioners, and the person or persons having the majority of votes of the members of the council personally present at the said meetings respectively shall be held to be duly elected, and the Secretary of the Board shall give him or them a certificate of his or their election, and shall also certify the same to the Minister of Marine and Fisheries.

Certificate.

Election by shipping interest.

4. The shipping interest, composed as above, shall, at a meeting to be held at the office of the Quebec Harbor Commissioners, in the city of Quebec, at the hour and on the day above mentioned, elect three persons to fill the said office of harbor commissioners; each and every person presenting himself to vote shall have previously deposited with the secretary of the meeting the necessary voucher or vouchers showing his qualification to vote, and the number of votes to which he is hereby entitled. The Secretary of the said Harbor Commissioners shall be *ex officio* secretary of the meeting, and shall keep a record of the minutes and proceedings of the meeting; and shall be the custodian of and shall preserve all vouchers deposited with him; and shall give the persons elected certificates that they have been duly elected, and shall also certify the same to the Minister of Marine and Fisheries.

Term of office.

5. The persons so elected at any election after the first shall hold office for six years, but may be re-elected.

One elected member to retire in each year.

6. At the expiration of one year from the day of the first election, to be held as aforesaid, one of the six elected members shall retire, by lot; another shall retire by lot at the end of the second year thereafter; and a third shall retire by lot at the end of the third year; a fourth shall retire by lot at the end of the fourth year; a fifth shall retire by lot at the end of the fifth year, and the sixth shall retire by limitation at the end of the sixth year; but the members so retiring shall be eligible for re-election.

Vacancies how filled by election.

7. Every vacancy happening from time to time among the members of the said corporation appointed by the Governor, not being members so appointed by reason of the refusal or neglect of the Council of the Quebec Board of Trade, or of the Council of the Lévis Board of Trade, or of the Shipping Interest, or of refusal, when elected, to accept office, shall be filled up by the Governor; and every other vacancy may be filled by election of a member by the body by whom the member occasioning the vacancy was or might have been elected, such election being made within *fourteen* days after the occurrence of the vacancy, and as nearly as possible in the manner prescribed for the first election; and the name of the person elected to fill such vacancy shall forthwith after his election be certified to the Minister of Marine and Fisheries, as aforesaid.

Certificate.

Or by the Governor in default of election.

8. In case the proper body as aforesaid refuses, or for *fourteen* days after the occurrence of any such vacancy neglects to fill up the same, and to certify to the said Minister the name of the person elected to fill the same, the Governor may appoint a person to fill such vacancy; and if any person elected at the first or any subsequent election to fill any office, refuses to accept the office, the Governor may appoint some other person to fill the same; and every person so appointed shall hold office for the same time as the elective member in whose place he is appointed would have held it, subject to the like provision as to retiring by lot.

Appointment by Governor how made.

9. Every appointment by the Governor under this Act shall be made by an instrument under the Great Seal of Canada, and the person so appointed shall hold office during pleasure, and any such appointment may be made at any time after the passing of this Act, to take effect on and after the first day of October next.

Quorum.

President.

10. Any *five* members of the Corporation of the Harbor Commissioners of Quebec shall be a quorum, and the majority of any quorum may exercise the powers of the corporation; and the existence of a vacancy or vacancies among the members shall no prevent or affect the exercise of the said powers, provided there be a quorum as aforesaid. The members of the corporation may from time to time elect their own President.

Time of entry into office.

11. The persons appointed or elected under this Act before the said first day of October next, shall enter into office and discharge the duties thereof on and after the same day; those to be thereafter appointed or elected shall enter into office and discharge the duties thereof from the date of such appointment or election.

Corporation continued under new members.

12. Nothing in this Act shall be construed as making the Quebec Harbor Commissioners a new corporation, or as requiring that any officer thereof, being such immediately before the said first day of October next, should receive a new appointment but the members of the Corporation elected before the said day shall go out of office on the said day; and the members of the said corporation under this Act, whether elected or appointed, and their successors elected or appointed from time to time as required by this Act, shall be held to be the successors of the members of the corporation under the Acts constituting, or continuing, or relating to it.

Inconsistent enactments repealed: 22 V. 32. c.

13. So much of the Act of the Legislature of the late Province of Canada, passed in the twenty-second year of Her Majesty's reign, and intituled "*An Act to provide for the improvement and management of the Harbor of Quebec,*" or of any other Act or law amending the said Act, or relating to the said Corporation of the Quebec Harbor Commissioners, as may be inconsistent with this Act, is hereby repealed.

Corporation may acquire property for the improvement of the Harbor by expropriation and on what conditions. Plans to be fyled after approval by Gov. in Council.

14. Whenever the Quebec Harbor Commissioners desire to acquire any immovable property for the improvement or extension of the said harbor or the accommodations thereof, they shall cause to be prepared a plan of such immovable property in triplicate, one triplicate whereof shall be deposited in the office of the Clerk of the Peace of the city of Quebec, another thereof in the office of the Minister of Marine and Fisheries, and the third in the office of the Minister of Public Works:—And such plan shall be submitted to the Governor in Council for approval, and upon being duly approved, if an amicable arrangement with the proprietor of such immovable property is not made, the said corporation shall have the right to acquire the same without the consent of the proprietor or proprietors thereof, and the third, fourth, fifth, sixth, seventh, eighth, ninth and tenth sub-sections of the ninth section of the Railway Act, 1868, shall apply to the acquisition of immovable property for the purposes aforesaid, to the same extent and in the same manner as if the said sub-sections had been passed with express reference to the said Harbor of Quebec instead of with reference to railways, and the said Quebec Harbor Commissioners were therein referred to instead of the Railway Company:—

Proceedings for expropriation.

If, after one month from the deposit of triplicates of such map or plan as herein provided, and of the approval thereof by the Governor in Council, the said Corporation of the Quebec Harbor Commissioners shall not have agreed with the owner of such immovable property, then the said corporation shall have the right to acquire such land in manner following, that is to say :—

Notice.

A notice shall be served upon the party in occupation of such land as proprietor, which notice shall contain :—

1st.—A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them ;—

2nd.—A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages ; and

3rd.—The name of a person to be appointed as the arbitrator of the Quebec Harbor Commissioners, if their offer be not accepted ;

If the proprietor be absent.

If the proprietor of such land be absent from the Province of Quebec, or be unknown, then upon application to a Judge of the Superior Court for Lower Canada, residing in the District of Quebec, accompanied by an affidavit of some officer of the corporation, that such proprietor is so absent, or that after diligent enquiry the party on whom the notice ought to be served cannot be ascertained, the Judge shall order such notice to be inserted three times in the course of one month in two newspapers, one in the French and the other in the English language, published in the city of Quebec ; and upon such publication being completed, the proprietor of such land shall be conclusively held to have received notice of the intention of the corporation to acquire the land according to the provisions hereof :

Proceedings under Railway Act, 1868.

After the service of such notice or within one month after the publication thereof, the corporation may acquire such land in manner and form as provided for the acquisition of land by railway companies without the consent of the proprietor, to wit : in the manner and form and by means of the proceedings prescribed by the fifteenth and following sub-sections of the ninth section of the Railway Act, 1868 ; in the same manner and with the same effect as if the said sub-sections had been made specially applicable to the said corporation, and were incorporated in this Act.

Property vested in corporation, n trust.

15. All property acquired and held by the Quebec Harbor Commissioners under this Act shall be held to have been and is hereby declared to be transferred to and vested in and to be the property of the said corporation, in trust, for all purposes for which the said corporation was created, as fully to all intents and purposes as if so vested in them by their original Act of incorporation.

Power to bring or defend suits.

16. The said corporation shall have full power and authority to institute and defend all suits, actions, and proceedings in any Court of Justice in respect of the said property and the land comprised within the said Harbor of Quebec, as fully as can be done by proprietors holding lands by valid title, or as might be done by or on behalf of Her Majesty in respect of the bed or beach of the River St. Lawrence.

Recital.

17. And whereas the means at the disposal of the said Corporation are altogether insufficient to enable them to meet their engagements, and at the same time to make such improvements in the said harbor as the trade of Quebec and of the Dominion imperatively require, therefore,—

For the relief of the said Corporation of the Quebec Harbour Commissioners, and for the improvement of the said harbour, it shall be lawful for the Governor in Council to raise, by the issue of debentures bearing interest, payable half-yearly, at the rate of five per cent. per annum, and redeemable in *forty years*, the sum of one million two hundred thousand dollars:

Apropriation for purchase of debentures of the corporation. Conditions.

Out of the sum so raised the Governor in Council may authorize the application of such sums as may be necessary for the purpose, to the redemption of such of the outstanding debentures of the Corporation as shall be presented for that purpose to such officer or person and in such manner as the Governor in Council may appoint; Provided always, that interest on all such debentures which shall not be so presented for redemption before the first day of October in the present year, 1873, shall cease to accrue on and after the said day.

The remainder of the sum so raised shall be advanced from time to time to the said corporation to meet payments to be made on account of improvements in the said harbour, and which they are hereby authorized to make, such improvements having been previously sanctioned by the Governor in Council, on the joint report of the Minister of Marine and Fisheries and the Minister of Public Works, and shall be applied to no other purpose whatever;

And for improvement of the Harbor.

Upon the payment or advance of any sum, by the Government, under the foregoing provisions, the said corporation shall deposit with the Receiver General their own bonds for the same amount, in such form as he may approve, bearing interest at the rate of five per cent per annum, and one per cent. per annum for a sinking fund; and the sinking fund so created shall be kept by the Receiver General as a special account, and interest at the rate of five per cent. per annum shall be allowed by him on all amounts received from it, or investments of such amounts may be made by him from time to time in securities approved by the Minister of Finance, and the interest thereon credited to the corporation in the said account;

Provision for repayment by the corporation.

The interest and the contributions to the sinking fund on the bonds given by the said corporation for sums paid or advanced for the purposes aforesaid shall be payable by the said corporation from the time of such payment or advance:

Interest and Singing Fund when payable.

The said interest and sinking fund shall be payable by the said corporation out of the income of the said corporation from the tolls, rates, dues, penalties and other sources of income, under the Act first hereinbefore cited, or any Act amending it, or this Act, and shall be the first charge thereon, and paid out of the same in preference to all other charges whatsoever, after defraying the expenses of collecting the same, and of keeping the wharves and other works and property of the corporation in a thorough state of repair, and the indispensable expenses of management:—And if at any time such income should be insufficient, or should be reported by the corporation as likely to be insufficient to meet such interest and sinking fund, then it shall be lawful for the Governor in Council from time to time to increase the said tolls, rates and dues so as to enable the said corporation to pay such interest and sinking fund, and the arrears thereof, if any.

Out of what funds.

Corporation may levy additional rates.

18. It shall be lawful for the said corporation, in addition to the tolls, rates, duties and dues, which they are empowered to impose and levy by the Act herein first above cited and by 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 an Act to provide for the improvement and manage-*

ment of the Harbour of Quebec," to impose, fix and establish from time to time and to levy tolls, rates, duties and dues, upon the vessels and articles hereinafter mentioned, not exceeding the following : that is to say ;

On vessels.

On steamers plying between Quebec, or any place on the River St. Lawrence above Quebec, and any port or ports in the Gulf of St. Lawrence, or in Gaspé, the Bay of Chaleus, New Brunswick, or Nova Scotia, each *two cents* per ton, per trip ;

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 ;

On ferry steamers and small market steamers, plying in or to the Harbour of Quebec, for the season, ten dollars each ;

On the steamers of the Richelieu Company, and all steamers plying between Quebec and Montreal, or places above Montreal, for the season, each, *one hundred and fifty dollars.*

On other steamers plying between Quebec and places on the River St. Lawrence, below the Harbour of Quebec, or above the same but below Montreal, or places on the River Richelieu, for the season, *forty dollars* each ;

On Bateaux coming into, or plying in, to or from the Harbour of Quebec, for the season, each *two dollars* ;

On schooners and barges, of from twenty five to one hundred tons, for each time the vessel uses the Harbour of Quebec, one dollar, or on each vessel for the season, *four dollars* ;

On all steamers and sailing vessels entering and using the said Harbour, not included in the foregoing provisions, and which do not pay tonnage dues to the corporation under the Acts herein before cited,—for every day of twenty four hours, per ton per day ;

The tonnage in the case of registered vessels to be their tonnage per register ;

On goods imported or exported.

On all goods, wares and merchandize of any kind whatsoever, including timber, lumber and wood goods of every kind, imported into or exported from the Port of Quebec, by sea, to from or any place out of the Province of Quebec, a rate of *one tenth of one per cent* on the invoice value thereof ; Provided alway,s that sea-going vessels coming from or going to Montreal and merely passing through the Harbour of Quebec, and not remaining over twenty four hours therein, or merely coming to anchor, and not landing any goods or taking any on board, shall not be liable to any tonnage dues under this section.

Masters of certain vessels to report cargo.

19. 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, 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 in default of his so doing, he shall be liable to a penalty of *fifty dollars*, or imprisoument not exceeding one month.

By-laws as to ballast.

20. The said corporation shall have power to make a by-law to prescribe where all vessels entering and loading in the harbour of Quebec shall discharge their cargo or ballast, and to prevent any such vessels from discharging ballast in the said harbour.

Powers of corporation

21. The said corporation shall have the same power and authority with respect to the south side of the River St. Law-

rence in the harbour of Quebec, as that conferred upon the said corporation of Quebec Harbour Commissioners by the first above recited Act, and by any Act or Acts amending the same with regard to the north side of the said river. on south side of the river.

22. The tolls, rates, duties and dues, to be imposed under this Act, shall be collected, recovered and payment thereof enforced in like manner with those imposed by or under the Acts herein before cited and under the like penalties in case of default, and the provisions of the said Acts shall apply to them, and to things to be done under this Act, which shall be interpreted as forming one Act with them and the other Acts amending the Act first above cited ; and all words and expressions in this Act, shall be construed as having the same meaning as in the said Acts ; Provided always, that the valuation of goods on which *ad valorem* rates or dues are imposed by or under the said Acts or any of them or this Act, shall be made under the Customs laws now in force or which may be in force when such valuation is made, and such customs Acts shall be understood as referred to in the twenty fifth section of the Act first above cited, instead of the Customs laws therein mentioned. Collection of tolls, &c., Proviso as to valuation of goods for wharfage dues &c.,

23. It shall be lawful for the said Corporation to borrow, at a rate of interest not exceeding per cent per annum, such sum of money, as with any sums voted by the Parliament of Canada, or granted for the purpose by Her Majesty's Imperial Government, will be sufficient to defray the cost of constructing a graving dock in the Harbour of Quebec of such dimensions and on such plan as shall have approved by the Governor in Council, upon the joint report and recommendation by the Minister of Marine and Fisheries and of Public Works ; The money so borrowed to be secured by debentures of which the principal and interest shall be payable solely out of the net income of the corporation to be received from dues for the use of the said Graving Dock, to be imposed by the said Corporation with the approval of the Governor in Council. Power to corporation to borrow money to construct a graving dock. How to be secured and paid.

No. 93.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to further to amend the Acts to provide for the improvement and management of the Harbor of Quebec.

Received and read first time, Thursday 10th April, 1873.

Second reading, Tuesday, 15th April, 1873.

HON. Mr. MITCHELL.

OTTAWA:

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

1873.

No. 94.] BILL. [1873.

An Act to incorporate "The Merchants' Warehousing Company."

WHEREAS in view of the increasing trade of the Dominion of Canada, it is desirable that additional facilities should be afforded at the City of Montreal, in the Province of Quebec, at the City of Toronto, in the Province of Ontario, and elsewhere in the Provinces of Ontario and Quebec, for the storage, safe keeping and transport of produce and other merchandize, and for the deposit or otherwise of coin, bullion and other valuables, stocks, bonds, promissory notes, certificates and other evidences of debt; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. Andrew Allen, George A. Drummond, Daniel Butters, Alexander Dennistoun, Robert A. Smith, Robert Peddie, and every such person or persons, body and bodies politic and corporate, as shall under the authority of this Act be associated with them, and their several and respective successors, executors, administrators and assigns, as stock-holders in the corporation hereby created, shall be a body politic and corporate by the name of "The Merchants' Warehousing Company," and by that name shall and may have perpetual succession and a common seal, with power to break and alter the same, and by that name may sue and be sued, implead and be impleaded, in all Courts of Law or Equity in this Dominion; and the said Corporation shall have their principal place of business at Montreal aforesaid, but may open such office or offices, at such places, either in this Dominion or elsewhere, as may be found necessary or convenient for the purposes of their business. Incorporation. Corporate name and powers.

2. The said Company is hereby authorized and empowered, at its own costs and charges, to erect and build, buy and acquire, hire and lease, sheds, stores, warehouses, wharves, slips, piers, cranes, tramways, and all other buildings, machinery and appurtenances which may be necessary or convenient to conduct the business of the said Company in any place in the Provinces of Ontario and Quebec, for the reception and storage of produce, goods, wares and merchandize, free of duty or in bond or otherwise, together with such barges or other craft, tramways, elevators and other constructions and erections whatsoever as may be requisite or useful for the reception, safe keeping, transportation and shipment of produce, goods, wares and merchandize, and to receive upon storage, deposit or otherwise, bullion, specie, plate, stocks, bonds, promissory notes and evidences of debt upon such terms as may be agreed upon between the parties. Company may acquire property for the purposes of its business.

Real Property.

3. The said Company may, from time to time, purchase, hire, lease and hold such immoveable property as may be necessary for carrying on the business of the said Company, and may sell, lease or otherwise dispose of such property, from time to time, as they may see fit.

Issue of certificate of goods and warehouse receipts.

Transferable.

4. The Company may issue certificates of goods received, or warehouse receipts therefor, on the production of which by the holder thereof, and on compliance by him with the terms thereof, the said Company shall be compellable to deliver such goods, and such warehouse receipts shall be transferable by endorsement, either special or in blank, and such endorsement shall transfer all right of property and possession of such goods to the endorsee or holder of such warehouse receipts, as fully and completely as if a sale and delivery of the goods mentioned therein had been made in the ordinary way, and on delivery of such goods by the said Company, in good faith, to a person in possession of such warehouse receipts, the said Company shall be free from all further liability in respect thereof; Provided always, that the said Company shall be subject, in respect of such goods, and in respect of such warehouse receipts, to all the obligations and duties imposed upon warehousemen, either by the statute law or by the common law of such part of Canada where the produce, goods, wares and merchandize mentioned in such certificates respectively, may be held, stored or warehoused.

Proviso.

Company may make advances on goods, &c.

5. The Company may, from time to time, make advances on goods or securities transferred to or in the custody or possession of the said Company, and such advances may be made either in cash or by negotiable paper, made, endorsed or accepted by the Company, and the Company may charge a commission on such advances, not exceeding two and a half per centum on the amount thereof; for which advances and commissions the said Company shall have a lien upon such goods and securities, but no lien shall attach in favor of the Company on any goods, wares and merchandize for which it may issue a receipt, the extent and nature of which lien shall not be clearly expressed upon the face of, and be evidenced by such receipt itself; Provided, that in the event of the non-payment of such advances when due, the Company may sell at public auction or private sale the goods whereon such advances have been made, and retain the proceeds, or so much thereof as shall be equal to the amount due to the Company upon such advances, with any interest, charges and costs, returning the surplus, if any, to the owner thereof; but no sale of any goods shall take place under this Act until or unless, ten days' notice of the time and place of such sale has been given by registered letter, transmitted through the post office, to the owner of such goods, prior to the sale thereof, unless otherwise provided in the contract between the parties; and in case any property deposited with the Company upon which they have made advances shall, before the maturity of the contract, from any cause decrease in value from the price originally fixed, said Company may give notice to the pledger or his agent, by means of a registered letter, or otherwise, to perform the conditions of the contract, or make good the deficiency

Proviso; sale of goods for non-payment of advances.

Notice of sale.

Provision in case goods are perishable.

caused by such decrease in value; and in default thereof the Company may sell and dispose of such property in the manner hereinbefore provided.

Company may insure goods, &c.

6. The Company may make contracts of insurance against all loss, damage or injury of the goods and effects entrusted to its safe keeping, or upon which it may have made advances to the full amount of the value of such goods and effects, and may obtain policies in the name of the Company, evidencing such insurances, and shall have a right to recover from the insurers the full amount of damages or loss caused by any accident or casualty against which it shall have been insured, notwithstanding that it may not be interested in such goods and effects to the extent of such loss or damage, and notwithstanding that at the time of such insurance, and at the time of such action or casualty, it was only bailee of such goods and effects; and it may sue for and recover the amount of such loss and damage as owner of such goods and effects, and shall be deemed for the purpose of such recovery to be owner of such goods and effects, any law, usage or custom to the contrary notwithstanding.

And may transfer its claim.

Form of transfer.

7. The Company may also transfer to the owners, pledgors or pledgees of such goods and effects, its claim against the insurers under any such policies of insurance, to the extent of any amount agreed upon between the Company and such owners, pledgors or pledgees, and such transfer may be made by means of a certificate signed by the Company, purporting that the effects in the custody or charge of the Company, and mentioned in such certificate are insured under the policies (describing them) to the amount agreed upon and set forth in the certificate, the loss upon which effects (if any) may be made payable to the holder or endorsee of such certificate, provided such holder or endorsee, be also at the same time the owner or consignee of the goods mentioned in the said certificate, or the holder of the warehouse receipt representing such effects, if such receipt has been issued; and thereafter the right of action of the Company under the policy shall be reduced by the amount of loss or damage paid or payable by the Insurance Company to the holder of such certificate, and the holder of the certificate shall be entitled to recover from the insurers, who issued the policy, such amount of loss or damage as the goods purporting to be insured may have suffered, and as may be recoverable under the policy.

Not to be deemed insurers of goods

8. It shall be the duty of the Company to use all reasonable care and diligence in the keeping of all property deposited with or entrusted to them, but they shall not be deemed the insurers thereof, nor responsible for any loss or damage not specially provided for by contract, nor shall the Company be held to guarantee the solvency of the insurers, nor the payment of any loss under any insurance certificate issued by the Company as hereinbefore provided. Nor shall the Company, with respect to produce, goods, wares and merchandize lost or damaged whilst afloat in their custody or possession, be liable for such loss or damage when caused by the dangers of navigation in canals, harbours, rivers, lakes or seas, or by any insurable peril such as is ordinarily excepted in bills of lading.

Not responsible for dangers of navigation.

Fees chargeable by the Company.

9. The Company may charge on all property placed with them, or in their custody a fair remuneration or such sums as may be agreed upon for the storage, warehousing, transport, wharfage, either at top or side, dockage, slippage, cranage, craulage, gauging, testing, cooperage, elevating, weighing or other care or labor in and about such property on the part of the said Company, or which such property may have received while in its care or custody.

Capital stock and shares.

10. The capital stock of the Company shall be *two hundred and fifty thousand dollars* current money of this Dominion, in shares of *one hundred dollars* each, and such shares shall be transferable upon the books of the said Company in such manner and subject to such restrictions as shall be fixed by the by-laws of the said Company; provided always that no person to whom shall be allotted any stock in the said Company, shall be exempted from liability to the creditors thereof, or from payment of any calls thereon, by reason of any transfer which he may make of such stock, until the whole amount of the stock so allotted to him be paid in full by the holder thereof, or unless the transfer thereof be consented to by the said Company; and such stock shall be called in and paid, in such instalments, and upon such notice as shall be fixed by the Directors; provided always that the said Company shall not commence operations until one half of the said capital shall be subscribed in good faith and ten per centum thereon paid in. The Company may also issue Bonds bearing any legal rate of interest, payable in Montreal or elsewhere, and secure the same, if deemed expedient, by mortgage of its property or franchises, and dispose of the same in such manner and to such extent, and at such price as the Directors may think best, and may also, for the purposes of the business of the said Company, grant, sign and indorse promissory notes in such forms, and under such restrictions as may be fixed by the by-laws of the said Company.

When Company may commence operations.

Company may issue bonds, &c.

Certificates of shares.

11. The Company may, so soon as the shares in the capital stock thereof allotted to any person have been paid up, issue to, and in favor of, the said shareholder, who shall have so paid up, a certificate, in such form as the by-laws to be made may provide, of the number of paid up shares so held by the said shareholder, and such shares so mentioned in the said certificate may be transferred by special or blank indorsation by the said shareholder on the said certificate, and the person in whose favor such certificate is specially endorsed, or the bearer of such certificate when endorsed in blank by such shareholder, shall be considered and be the proprietor and owner of the shares mentioned in the said certificate; but such transferee shall have no right to vote at any of the meetings of the said Company until he shall have produced the said certificate at the office of the said Company, and required an entry in the books of the said Company of such transfer in his favor, which entry the said Company shall then and there make.

Transfer of certificate.

Stock may be issued in payment of property purchased.

12. The Directors shall have power to issue paid up stock in the said Company in payment of the price of any property, real *or personal*, which it may require for the purposes of this Act, and

such paid up stock shall be free from all calls whatsoever, and from all claims and demands on the part of the said Company, or of the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the said Company and paid by the holder thereof in full.

Forfeiture of shares for non-payment.

13. If any stockholder neglects or refuses to pay any such call or calls as shall be lawfully made as aforesaid upon any shares, such stockholder so refusing or neglecting shall forfeit such shares with any amount which shall have previously been paid thereon, and the said shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other moneys of the said Company. Provided always that the purchaser shall pay the said Company the amount of the calls due thereon, in addition to the price of the shares so purchased by him, immediately after the sale, and before he shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid, and shall hold the shares so purchased subject to all future calls thereon. Provided also that notice of the sale of such forfeited shares shall be given in the same manner as shall be provided for the notice of calls, and that the instalments due, and the costs incurred in advertising the same may be received in redemption of any such forfeited shares at any time before the day appointed for the sale thereof. And provided also that nothing herein contained shall prevent the said Company from proceeding against any defaulter, before any court of justice of competent jurisdiction to compel the payment of any call or calls in arrear, if they should see fit so to do.

Proviso, calls to be paid by purchasers.

Proviso, notice of sale.

Calls may be recovered.

Votes at meetings.

14. At all meetings of the stockholders held in pursuance of this Act, whether the same be annual or special, every stockholder shall be entitled to as many votes as he shall have shares in the said stock, and such vote or votes may be given in person or by proxy, and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of the votes of the stockholders present in person or by proxy, except in any case or cases otherwise provided for by this Act; and provided also that no person shall be entitled to vote as proxy at any meeting unless he shall be a stockholder in the said Corporation, and produce written authority as such proxy.

Increase of capital stock.

15. If at any future period the said sum of *two hundred and fifty thousand dollars* shall be found insufficient for the purposes of this Act it shall be lawful for the said Company to increase their capital stock by a further sum not exceeding one million dollars currency, subscribed either among themselves or by the admission of new stockholders; such new stock being divided into shares of one hundred dollars each; provided always that such increase be decided upon and ordered by a majority of the stockholders in value of the said Company, present in person or by proxy, at a meeting held for the purpose.

Provisional directors.

16. Until the election of Directors as hereinafter mentioned the said Andrew Allan, George A. Drummond, Daniel Butters,

shall be the provisional Directors of the said Company with power to open books for the subscription of stock therein, and generally to exercise the usual functions of provisional Directors until such first election, and such first election of Directors shall be made at a general meeting of the Stockholders of the said Company to be held for that purpose at the City of Montreal so soon as one half of the capital stock of the said Company shall have been subscribed for, and after such notice thereof shall have been given, as is hereinafter required, for special general meetings of stockholders of the said Company, and at such meeting not less than six Directors shall be elected to hold office until the first Tuesday in the month of April then next and after such first election; the stock, real estate, property, affairs, and concerns of the said Company shall be managed and conducted by not less than six Directors, to be annually elected by the stockholders, at a meeting of the stockholders, to be held for that purpose on the first Tuesday in the month of April in each year, notice of which annual meeting shall be given in the manner hereinafter mentioned, and no person shall be a Director of the said Company unless he be the proprietor of at least ten shares of stock therein.

First meeting of shareholders.

Election of directors.

17. Such meeting shall be held and such election made by such of the stockholders of the said Company as shall attend for that purpose in their own proper person or by proxy; and at all elections for such directors, the six (or such greater number as the by-laws may enact), persons who shall have the greatest number of votes at any such election shall be directors, and if it shall happen at any such election that two or more persons shall have an equal number of votes in such manner that a greater number of persons than six shall by a majority of votes appear to chosen directors, then the said stockholders hereinbefore authorized to hold such election, shall proceed to ascertain by ballot, which of the said persons so having an equal number of votes shall be a Director or Directors to complete the whole number of such Directors, and if any vacancy shall at any time happen among the Directors by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year in which it may happen, and until the next annual meeting for the election of Directors, by a person to be elected by the Directors at a special meeting duly called for that purpose.

Proceedings at election of directors.

18. In case it shall at any time happen that an election of Directors shall not be made on any day when, pursuant to this Act, it ought to have been made, the said Company shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any subsequent day, to make and hold an election of Directors in such manner as shall have been regulated by the by-laws of the said Company, and the previous Directors shall in every case hold office until the election of their successors.

Failure of election not to dissolve corporation.

19. Special general meetings of the stockholders may be convened on the requisition of any three Directors or of a Stockholder or Stockholders possessing fifty shares of the stock of the said Company, and notice of such meeting, and of the annual

Special general meetings.

Notice.

meetings of the said Company, shall be held to be validly given, if inserted three times as a advertisement in any two newspapers published in the city of Montreal, the first of which insertions shall be at least ten days previous to the day fixed for such meeting.

Powers of the directors to control affairs of the company and to make by-laws

20. The Directors for the time being, or the majority of them, shall have full power in all things to administer the affairs of the Company, and may from time to time, make, alter and repeal such by-laws, rules and regulations as to them shall appear needful and proper for the purposes of this Act, and, among others, for the following, to wit:—

1. For the direction, conduct, and government of the said Company, and of its property, real and personal, and its improvement and regulation throughout the year.

2. For the appointment, regulation, and removal of the officers, clerks and servants of the said Company, and the election and remuneration of the Directors thereof.

3. For regulating the mode in which all contracts to be entered into by the said Company, of whatever nature, may be entered into and executed on behalf of the said Company.

4. To regulate the allotment of stock, the making of calls thereon, the payment thereof, the transfer of stock on the books of the Company, the declaration and payment of dividends, the number of Directors, 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 and their remuneration.

5 And finally, for the doing of every thing necessary to carry out the provisions of this Act according to their intent and spirit; provided always that such by-laws shall have force and effect only until the next annual meeting of the Company after the passing of the same, when they shall be submitted to such meeting, and in default of confirmation thereat, shall at and from the time of such meeting, cease to have force, until sanctioned by a majority of stockholders, present in person or by proxy, at any annual or other general meeting.

Proviso.

Officers.

21. The Directors may elect from among their numbers a President, a Vice-President, and a Managing Director of the said Company.

Directors may vote by proxy.

22. Any Director of the said Company may vote by proxy upon all questions arising at any meeting of Directors at which he is unable to attend by reason of absence or sickness, upon a written power given to any other Director to represent such absentee, and such power need not be for any particular vote, but may be general for the whole time of absence of such absent Director.

Collection and payment of back charges.

23. The said Company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods

or commodities while in their possession, and shall be subrogated by such payments in all the rights and remedies of such persons for such charges.

Dividends and yearly statements of affairs.

24. It shall be the duty of the directors to make annual 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 by 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 annual meeting of the said Company.

Liability limited.

25. No Stockholder in the said Company shall be, in any manner whatsoever, liable for, or charged with the payment of any debt or demand due by the said Company, beyond the amount remaining unpaid of his, her or their subscribed share or shares in the capital stock of the said Company.

Certain sections of 32, 33 V., c. 21 to apply.

26. The eighty-eighth, eighty-ninth, ninetieth and ninety-first sections of the statute, thirty-second and thirty-third Victoria, chapter twenty-one, being an *Act respecting larceny, and other similar offences*, shall be applicable, and shall be applied to all false warehouse and other receipts referred to in this Act, and any person or persons knowingly giving, accepting, transmitting and using the same, shall be subject to all the pains and penalties imposed by the said eighty-eighth, eighty-ninth, ninetieth and ninety-first sections of that Act, or by any of them in respect of the receipts therein specified.

Lien of Company not to affect previous claims.

27. The right of the Company to any lien shall in no way affect, nor be construed to affect, impair or lessen, any pre-existing pledge, mortgage, lien or sale of any goods in respect of which a privilege may be claimed by the said Company; this section shall not be so construed as to give to any person holding a mortgage or lien upon goods and effects, or to any purchaser or pledgee of goods and effects upon which the Company claims any privilege, any greater, further or better right as pledgee, mortgagee or purchaser than such person, purchaser or pledgee would have against any individual holding the privilege claimed by the Company; the true intent and meaning of this section being that the respective rights of the Company, and of any such mortgagee, pledgee or purchaser, shall stand in the same position towards each other as they would be in the case of individuals holding similar conflicting claims according to the laws of such province of this Dominion in which the transactions upon which such rights may be based, shall have taken place.

But such title not to be increased.

Act to be subject to any general act.

28. The powers hereby given, and any rights hereby granted, shall be subject to any future legislation passed regulating the business of warehousemen.

No. 94.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL

An Act to incorporate the Merchants' Warehousing Company.

PRIVATE BILL.

MR. BEAUBIEN.

No. 95.] BILL. [1873.

An Act to incorporate the Dominion Dock and Warehousing Company.

WHEREAS it is desirable that additional facilities be afforded at the city of Ottawa, in the province of Ontario, for the warehousing of produce and other effects and merchandize; and whereas the persons hereinafter mentioned and others have, by petition, prayed to be incorporated for the purpose of creating such additional accommodation, and for other purposes 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.

1. Joseph Merrill Currier, Benjamin Batson, Henry Newell Bate, and Charles Thornton Bate, all of Ottawa, aforesaid, Esquires, and every such person or persons, body and bodies politic and corporate, as shall under the authority of this Act be associated with them, and their several and respective successors, executors, administrators and assigns, as stockholders in the corporation hereby created, shall be a body politic and corporate by the name of the "Dominion Dock and Warehousing Company," and by that name shall and may have perpetual succession, and a common seal, with power to break and alter the same, and by that name shall and may sue and be sued, implead and be impleaded, in all courts of law or equity in this Dominion; and the said corporation shall have their principal place of business at Ottawa, aforesaid, but may open such office or offices, at such places, either in this Dominion or elsewhere, as may be found necessary or convenient for the purpose of their business. Corporate name and powers. Agencies.

2. The said company is hereby authorized and empowered, at its own cost and charges, to erect and build, hire and lease, sheds, stores, warehouses, wharves, slips, piers, cranes, tramways and all other buildings, machinery and appurtenances which may be necessary or convenient to conduct the business of the said company, in any place in the Dominion of Canada, for the reception and storage of goods, wares and merchandize, free of duty or in bond, or otherwise, together with such tramways, elevators and other constructions and erections whatsoever as may be requisite or useful for the reception, safe-keeping and shipment of merchandize, produce and other effects. Business of the company.

3. The said company may, from time to time, purchase, hire, lease and hold such immovable property as may be necessary for carrying on the business of the said company, not exceeding twenty-five thousand dollars in annual value in any one county or district, and may sell, lease or otherwise dispose of such property from time to time as they may see fit. Real property.

Warehouse receipts may be issued.

4. The company may issue certificates of goods received, or warehouse receipts therefor, on the production of which by the holder thereof, and on compliance by him with the terms thereof, the said company shall be compellable to deliver such goods, and such warehouse receipts shall be transferable by endorsement, either special or in blank; and such endorsement shall transfer all right of property and possession of such goods to the endorsee or holder of such warehouse receipts, as fully and completely as if a sale and delivery of the goods mentioned therein had been made in the ordinary way; and on delivery of such goods by the said company in good faith, to a person in possession of such warehouse receipts, the said company shall be free from all further liability in respect thereof: provided always, that the said company shall be subject in respect of such goods, and in respect of such warehouse receipts, to all the obligations and duties imposed upon warehousemen, either by the statute law or by the common law of such part of Canada where they may be carrying on business.

Proviso.

Advances may be made on goods stored.

5. The company may, from time to time, make advances on goods stored in or on the wharves, stores, or warehouses of the said company; and may charge a commission on such advances, not exceeding two and a half per centum on the amount thereof; for which advances and commissions the said company shall have a lien upon such goods; but no lien shall attach in favor of the company on any goods, wares and merchandise for which it may issue a receipt, the extent and nature of which lien shall not be clearly expressed upon the face of, and be evidenced by such receipt itself; Provided that in the event of the non-payment of such advances when due, the company may sell the goods whereon such advances have been made, and retain the proceeds, or so much thereof, as shall be equal to the amount due to the Company upon such advances, with any interest and costs, returning the surplus, if any, to the owner thereof; but no sale of any goods shall take place under this Act until, or unless ten days' notice of the time and place of such sale has been given, by registered letter transmitted through the post-office, to the owner of such goods prior to the sale thereof.

Proviso, in case of non-payment hereof.

Such advances may be made by promissory notes.

6. All the rights, powers and privileges belonging to the said company for moneys advanced, upon goods and effects in its possession, to the owners of such goods and effects, shall also avail to their benefit for advances made by means of promissory notes of the company, payable to the order of such owners, or obtained by means of the endorsation by the company of any negotiable paper, and the negotiation of such paper by or for the owners or holders of such goods and effects.

Charges for storage, &c.

7. The company may charge on all property placed with them, or in their custody, a fair remuneration, or such sums as may be agreed upon, for the storage, warehousing, wharfage either at top or side, dockage, slippage, cranage, craulage, gauging, testing, cooperage, or other care or labor in and about such property on the part of the said company, or which such property may have received while in its care or custody.

Capital stock.

8. The capital stock of the company shall be one hundred thousand dollars current money of this Dominion, in shares of one hundred dollars each, and such shares shall be transferable upon the books of the said company in such manner, and subject to such

restrictions as shall be fixed by the by-laws of the said company Provided always, that no person to whom shall be allotted any stock in the said company shall be exempted from liability to the creditors thereof, or from payment of any calls thereon, by reason of any transfer which he may make of such stock, until the whole amount of the stock so allotted to him be paid in full by the holder thereof, or unless the transfer thereof be consented to by the said company ; and such stock shall be called in and paid, in such instalments and upon such notice as shall be fixed by the Directors ; provided always, that the said company shall not commence operations until one-half of the said capital shall be subscribed in good faith, and ten per centum thereon paid in. Proviso. Commencement of business.

9. 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, provided that twenty-one days at the least before the day appointed for each call, notice thereof shall be served on each member liable to pay the same, by posting such notice to his address on the stock books of the company ; but no call shall exceed the amount of ten per cent. per share, and a period of three months at least shall intervene between two successive calls. Calls on stock

10 Each member shall be liable to pay the amount of any call so made upon him, to such person and at such time and place as the directors shall appoint. Mode of payment.

11. A call shall be deemed to have been made at the time when the resolution of the directors authorising such call was passed, and if a shareholder shall fail to pay any call due from him before or on the day appointed for payment thereof, he shall be liable to pay interest for the same at the rate of ten per cent. per annum or at such other less rate as the directors shall determine, from the day appointed for payment to the time of actual payment thereof Calls in arrear to bear interest.

12. If any member fail to pay any call on the day appointed for the payment thereof, the directors may at any time thereafter during such time as the call may remain unpaid, serve a notice on him, requiring him to pay such call, together with any interest that may have accrued due thereon by reason of such non-payment; and such notice shall name a day (not being less than twenty-one days from the date of such notice) and a place on and at which such call and interest, and any expenses that may have incurred by reason of every such non-payment, are to be paid; and such notice shall also state, that in the event of non-payment at or before the time and at the place so appointed as aforesaid, the shares in respect of which such call was made will be liable to be forfeited. Notice of proceedings for enforcing payment.

13. If the requisitions of any such notice are not complied with, any share in respect of which such notice has been given, may, at any time thereafter, before payment of all calls, interest and expenses, due in respect thereof, be forfeited by a resolution of the directors to that effect. Forfeitures for non-payment.

14. Every share which shall be so forfeited shall be deemed to be the property of the company, and may be sold, re-allotted, Disposal of forfeited shares.

or otherwise disposed of, upon such terms, in such manner, and to such person or persons, as the company shall think fit.

Liability of owners.

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

Evidence of forfeiture.

16. A declaration in writing by the secretary or other thereto duly authorized officer of the company, that a call was made and notice thereof duly served, and that default in payment of the call was made in respect of any share, and that the forfeiture of such share was made by a resolution of the directors to that effect, shall be sufficient evidence of the facts therein stated as against all persons entitled to such share, and such declaration and the receipt of the company for such price of such share shall constitute a good title to such share, and the purchaser shall thereupon be deemed the holder of such share discharged from all calls due prior to such purchase, and shall be entered into the registers of members in respect thereof; and he shall not be bound to enquire or see to the application of the purchase money, nor shall his title to such share be impeached or affected by any irregularity in the proceedings of such sale.

Real estate may be paid for in stock.

17. The directors shall have power to issue paid up stock in the said company, in payment of the price of real estate which it may require for the purposes of this Act; and such paid-up stock shall be free from all calls whatsoever, and from all claims and demands on the part of the said company, or of the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the said company, and paid by the holder thereof in full.

Promissory notes of Company.

18. The said company may from time to time, for the purposes of its business as it may require so to do, make and become parties to, sign, endorse and accept cheques, promissory notes, and bills of exchange, for any sum not less than one hundred dollars; Provided

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always that no such cheque, promissory note, or bill of exchange, shall be made payable to the bearer thereof, or be circulated or intended to be circulated as money; provided always that to bind

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the said company as a party to any such cheque, promissory note or bill of exchange, the signatures of the president, or in his absence of the vice-president, and of another director shall be necessary; provided always that the directors of the said company

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shall have the power by by-law specially to authorize any one officer of the company to make, sign and endorse bills, cheques and notes in his own name alone as such officer.

Acts of agents or officers to be binding.

19. 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 on the company; and in no case shall it be necessary to have the seal of the company affixed to any such 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 order or vote;

nor shall the party so acting as agent, officer or servant, of the company, be thereby subjected individually whatsoever to any third party therefor; provided always that nothing in this section 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.

Votes on stock.

20. At all meetings of the stockholders held in pursuance of this Act, whether the same be annual or special, every stockholder shall be entitled to as many votes as he has shares in the said stock, and such vote or votes may be given in person or by proxy; and all questions proposed or submitted for the consideration of the said meetings, shall be finally determined by the majority of the votes of the stockholders present, in person or by proxy, except in any case or cases otherwise provided for by this Act; and provided also, that no person shall be entitled to vote as proxy at any meeting unless he shall be a stockholder in the said company, and produce written authority as such proxy.

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Increase of capital.

21. If, at any future period, the said sum of one hundred thousand dollars shall be found insufficient for the purposes of this Act, it shall be lawful for the said company to increase their capital stock by a further sum not exceeding two hundred thousand dollars currency, subscribed either among themselves or by the admission of new stockholders, such new stock being divided into shares of one hundred dollars each; provided always, that such increase be decided upon and ordered by a majority of all the stockholders in value of the said company, present in person or by proxy, at a meeting held for the purpose.

Provisional directors.

22. Until the election of directors as hereinafter mentioned, the said Joseph Merrill Currier, Benjamin Batson, Henry Newell Bate, and Charles Thornton Bate, Esquires, shall be the provisional directors of the said company, with power to open books for the subscription of stock therein, and generally to exercise the usual functions of provisional directors until such first election; and such first election of directors shall be made at a general meeting of the stockholders of the said company, to be held for that purpose at the city of Ottawa, so soon as one-half of the capital stock of the said company shall have been subscribed for, and after such notice thereof shall have been given, as is hereinafter required for special general meetings of stockholders in the said company; and at such meeting, five directors shall be elected to hold office until the first Wednesday in the month of January then next; and after such first election the stock, real estate, property, affairs and concerns of the said company shall be managed and conducted by five directors, to be annually elected by the stockholders at a meeting of stockholders to be held for that purpose on the first Wednesday in the month of January in each year; notice of which annual meeting shall be given in the manner hereinafter mentioned; and no person shall be a director of the said company, unless he be the proprietor of at least ten shares of stock therein.

First election.

Annual meeting.

Election of directors.

23. Such meeting shall be held and such election made by such of the stockholders of the said company as shall attend for that purpose, in their own proper persons or by proxy; and all elections for such directors shall be by ballot, and the five persons who shall have the greatest number of votes, at any

such election, shall be directors; and if it shall happen at any such election that two or more persons shall have an equal number of votes, in such manner that a greater number of persons than five shall, by a majority of votes, appear to be chosen directors, then the said stockholders hereinbefore authorized to hold such election, shall proceed to ascertain by ballot which of the said persons, so having an equal number of votes, shall be a director or directors, to complete the whole number of five; and if any vacancy shall at any time happen among the directors, by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year in which it may happen, and until the next annual meeting for the election of directors, by a person to be elected by the stockholders in manner aforesaid, at a special general meeting thereof duly called for that purpose.

Vacancies, how filled.

Failure of election not to dissolve company.

24. In case it shall at any time happen that an election of directors shall not be made on any day when, pursuant to this Act, it ought to have been made, the said company shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any subsequent day to make and hold an election of directors at the place for holding the annual meetings of the company, after notice of such meeting shall have been given for at least two weeks in two of the newspapers of Ottawa aforesaid, and in such manner as shall have been regulated by the by-laws of the said company; and the previous directors shall, in every case, hold office until the election of their successors.

Special general meetings.

25. Special general meetings of the stockholders may be convened on the requisition of any three directors, or of a stockholder or stockholders possessing fifty shares of the stock of the said company, and notice of such meeting and of the annual meetings of the said company shall be held to be validly given, if inserted four times as an advertisement in any two newspapers published in the city of Ottawa, the first of which insertions shall be at least ten days previous to the day fixed for such meeting.

Powers of directors.

26. The directors for the time being shall have full power in all things to administer the affairs of the company, and may make or cause to be made for the company any description of contract which the company may by law enter into, and may, from time to time, make, alter, and repeal, such by-laws, rules and regulations as to them shall appear needful and proper for the purposes of this Act, and among others for the following, to wit:

By-laws.

1. For the direction, conduct and government of the said company and of its property, real and personal, and its improvement and regulation throughout the year;

2. For the appointment, regulation and removal of the officers, clerks and servants of the said company, and the election and remuneration of the directors thereof;

3. For regulating the mode in which all contracts to be entered into by the said company, of whatever nature, may be entered into and executed on behalf of the said corporation;

4. To regulate the allotment of stock, the making of calls thereon, the payment thereof, the transfer of stock, the declaration and payment of dividends, the appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company, their remuneration, and that (if any) of the directors;

5. And finally, for the doing of everything necessary to carry out the provisions of this Act according to their intent and spirit; provided always that such by-laws shall have force and effect only until the next annual meeting of the company after the passing of the same, when they shall be submitted to such meeting, and in default of confirmation thereat, shall at and from the time of such meeting cease to have force, until sanctioned by a majority of stockholders present in person or by proxy at any annual or other general meeting.

Proviso; by-laws to be confirmed.

President, &c.

27. The directors may elect from among their members a president and vice-president of the said company.

Proxies of directors.

28. Any director of the said company may vote by proxy upon all questions arising at any meeting of directors at which he is unable to attend by reason of absence or sickness, upon a written power given to any other director to represent such absentee, and such power need not be for any particular vote, but may be general for the whole time of absence of such absent director.

Back charges on goods.

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

Insurance on goods.

30. The said company is hereby authorized to make contract of insurance against all loss, damage or injury of the goods and effects entrusted to its safe keeping, or upon which it may have made advances to the full amount of the value of such goods and effects, and may obtain policies in the name of the company, evidencing such insurances, and shall have a right to recover from the insurers the full amount of damages or loss caused by any accident or casualty against which it shall have been insured, notwithstanding that it may not be interested in such goods and effects to the extent of such loss or damage, and notwithstanding that at the time of such insurance, and at the time of such accident or casualty, it was only bailee of such goods and effects, and it may sue for and recover the amount of such loss and damage, as owner of such goods and effects, and shall be deemed for the purpose of such recovery, to be owner of such goods and effects, any law, usage or custom to the contrary notwithstanding.

Transfer of Policy.

31. The said company may also transfer, to the owners or pledgors of such goods and effects, its claim against the insurers under any such policy of insurance, to the extent of any amount agreed upon between the company and such owners or pledgors; and such transfer may be made by means of a certificate, signed by the company, purporting that the effects held by the company mentioned in such certificate are insured under the policy (describing it) to the amount agreed upon and set forth in the certificate, the loss upon which effects (if any) may be made payable to the holder or endorsee of such certificate; Provided that such holder or endorsee be also at the same time the holder of the warehouse receipt representing such effects; and thereafter

the right of action of the company, under the policy, shall be re-
duced by the amount mentioned in the certificate, and the holder
of the certificate shall be entitled to recover from the insurers
who isued the policy, such amount of loss or damage as the goods
purporting to be insured may have suffered, and as may be recover-
able under the policy.

32. It shall be the duty of the directors to make annual divi-
dends 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
Dividends and annual statements. be open for the persual of any stock holder upon request, at least
one month before the annual meeting of the said company.

33. No stockholder in the said company shall be in any manner
whatsoever liable for, or charged with the payment of any debt or
demand due by the said company, beyond the amount remaining
unpaid of his, her or their subscribed share or shares in the capital
stock of the said company.

Liability of stockholders.

34. The eighty-eighth, eighty-ninth, ninetieth and ninety-first
sections of the statute thirty-second and thirty-third Victoria,
chapter twenty-one, being *An Act respecting Larceny and other
similar offences*, shall be applicable and shall be applied to all false
warehouse, and other receipts referred to in this Act; and any per-
Punishment of false warehouse receipts. son or persons knowngly giving, accepting, transmitting and using
the same, shall be subject to all the pains and penalties imposed by
the said eighty-eighth, and eighty-ninth, ninetieth and ninety-first
section of that Act, or by any of them, in respect of the receipts
therein specified.

Liens on goods.

35. The right of the company to any lien shall in no way affect
nor be construed to affect, impair or lessen, any pre-existing pledge,
lien or sale of any goods in respect of which a privilege may be
claimed by the said company; this section shall not be so construed
as to give to any person holding a mortgage or lien upon goods and
effects, or to any purchaser or pledgee of goods and effects upon
which the company claims any privilege, any greater, further, or
better right as pledgee, mortgagee or purchaser, than such person
purchaser or pledgee would have against any individual holding
the privilege claimed by the company; the true intent and mean-
ing of this section being, that the respective rights of the Company
and of any such mortgagee, pledgee or purchaser, shall stand in
the same position towards each other as they would be in the case
of individuals holding similar conflicting claims according to the
laws of such province of this Dominion in which the transactions
upon which such rights may be based shall have taken place.

Subject to future legislation.

36. The powers hereby given, and any rights hereby granted
shall be subject to any future legislation passed regulating the
business of warehousemen.

1st Session, 2nd Parliament, 36 Victoria, 18

BILL.

An Act to incorporate the Dominion D
and Warehousing Company.

PRIVATE BILL.

MR. CURRIER.

OTTAWA:
Printed by I. B. Taylor, 29, 31 and 33 Rideau Stre
1873.

No. 96.] **BILL.** [1873.

An Act to amend the Civil Service Superannuation Act.

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

1. The third section of the Act passed in the thirty-third year of Her Majesty's Reign, and intituled "*An Act for better ensuring the efficiency of the Civil Service of Canada, by providing for the Superannuation of persons employed therein, in certain cases,*" is hereby amended by substituting the words "two per cent." for the words "four per cent.," and the words "one and a quarter per cent.," for the words "two and a half per cent.," where they occur in the said section. Section 3 of 33 V., c. 4 amended.

2. The fourth section of the said Act is hereby amended by substituting for the words "a diminution of one twentieth," the words "a diminution of one per cent,"—and by inserting at the end of the said section the words, "and except also, that the superannuation allowance of any person hereafter retiring shall not "be subject to any such diminution by reason of his not having "paid the abatement hereinbefore mentioned, during any year or "years after his first thirty-five years of service." Section 4 amended.

No. 96.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Civil Service Superannuation Act.

Received and read First time, Tuesday, April 15th, 1873.

Second reading, Thursday, 17th April, 1873.

Hon. Mr. TILLEY.

OTTAWA:

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

1873.

No. 97.] BILL. [1873.

An Act to provide for the Inspection of Gas and Gas Meters.

Preamble.

WHEREAS it is expedient that the measurement of gas, sold and supplied for lighting, heating, and other purposes, should be hereafter regulated by one uniform standard, that the illuminating power of such gas, and the purity thereof, should be regulated by certain rules and tested; and that all gas meters should be inspected and stamped: Therefore, Her Majesty, by and with &c.

Definition of terms in this Act.

1. In construing this Act, the word "meter" shall mean gas meter, and shall include every kind of machine, apparatus or instrument used for measuring gas; the word "undertaker" shall mean any company or party undertaking to furnish gas to any "purchaser," which word shall include any corporation, person or party to whom such gas is to be furnished; the expression, "prescribed quality," shall mean that quality of gas which the undertaker has undertaken to supply to the purchaser: and the word "Inspector" shall mean an Inspector of Gas Meters appointed under this Act.

Standard of measure for Gas.

2. After the date fixed by the proclamation to be issued under this Act, the only standard or unit of measure for the sale of gas by meter, shall be the cubic foot, containing 62.321 pounds Avoirdupois weight of distilled water, weighed in air at the temperature of sixty-two degrees of Fahrenheit's Thermometer, the Barometer being at thirty inches, except as relates to contracts made before the passing of this Act, and in which a different unit of measure is adopted, which contracts, if renewed, shall adopt the unit of measure above prescribed.

Models of gas-holders.

3. Within as short a period as may be, after the passing of this Act, models of gasholders measuring the said cubic foot, and such multiples and decimal parts of the said cubic foot, as the Minister of Inland Revenue shall deem expedient, and from time to time, models of such further multiples and decimal parts of the said cubic foot as the Minister of Inland Revenue shall from time to time think necessary, shall be carefully made with proper balances, indices, and apparatus for testing the measurment and registration of meters; and such models shall be verified under the direction of the Minister of Inland Revenue, and when so made and verified, shall be deposited in the Department of Inland Revenue, and copies of the models so deposited, verified as aforesaid, shall be used under such regulations as may be approved by the Governor in Council, for testing and verifying all meters used within the Dominion.

Models of apparatus for testing gas.

4. Models of the apparatus described in Schedule A of this Act, for testing the illuminating power and purity of gas, shall also be procured, and after having been approved by the Minister of Inland Revenue, shall be deposited in the Department of Inland Revenue, and copies of the said models shall be used in the manner described in part two of the said Schedule A, and in such further instructions, not inconsistent therewith, as may be from time to time directed by departmental regulations, for testing the illuminating power and purity of gas.

Commencement of this Act.

5. So soon as the models and apparatus herein mentioned, have been obtained and approved, the Governor in Council may issue a proclamation, fixing a day, not less than six months from the date of such proclamation, upon which the provisions of this Act respecting inspection shall go into operation.

INSPECTORS AND APPARATUS.

Appointment of Inspectors.

6. In every City, Town, Village or place in Canada where gas is made for sale, one or more Inspectors of gas and gas meters may be appointed by the Governor, whose duty shall be to have the custody of all measuring and testing apparatus and standards, and of all stamps and stamping apparatus supplied for use in the place for which he is appointed, hereinafter referred to as his "District;" and the Inspectors so appointed shall verify all gas meters, and test the purity of gas used in their respective districts, and shall stamp the meters when found correct, and grant certificates as to the quality of the gas, in such manner and in such form as may be prescribed by regulations made under authority of this Act.

How paid.

7. The Inspectors appointed under this Act shall be paid such allowances or salary for their services as may be from time to time ordered by the Governor in Council, not exceeding what may be voted by Parliament.

Who may be appointed.

8. Inspectors of weights and measures, and other officers of Inland Revenue, may be appointed, and act as Gas Inspectors under this Act: but no officer appointed under this Act shall be a maker or seller of gas or gas meters, or employed by any maker or seller of gas or gas meters, nor shall any such officer repair or adjust any gas meter inspected or verified by him.

Standards, &c. to be furnished to Inspectors.

9. Every Inspector appointed under this Act shall be supplied by the Department of Inland Revenue, under such regulations as may be prescribed by the Minister of Inland Revenue, with the necessary apparatus for testing and verifying gas and gas meters, which apparatus shall first be tested and verified by the primary models and apparatus established by authority of this Act.

Inspectors to be sworn and give security.

10. Each Inspector on appointment shall take an oath for the faithful and impartial discharge of the duties assigned to him, before some Justice of the Peace, who shall give him a certificate of his having done so, which shall be transmitted by him to the Minister of Inland Revenue, in whose office it shall be kept,

and shall be furnished with the necessary Inspection Standards, being copies duly authenticated, of the Official Standards and other apparatus; he shall give bonds to an amount to be fixed by Order in Council for the safe custody and careful preservation of such standards and apparatus and for their delivery over to his successor in the event of his resignation or removal from office, and for the due accounting for all moneys received by him in the execution of this Act.

Verification Standards.

11. Once in every two years at the least, and whenever required to do by the Commissioner of Inland Revenue, each Inspector shall present his Inspection Standards and other apparatus in his possession for the purpose of ascertaining and establishing their accuracy by comparison with the Official Standards, and shall obtain from the Commissioner a certificate of their accuracy.

Re-verification at certain periods.

12. No copy of the gas measuring models shall be legal that has not been verified or reverified by the Department of Inland Revenue, within a period of ten years after the next preceding verification; and no such copy, having been altered or re-adjusted after verification by the Department of Inland Revenue, shall be legal until re-verified by the said Department.

VERIFYING AND TESTING METERS AND GAS.

Unverified meters illegal.

13. After a period of six months from the day fixed by proclamation as aforesaid, it shall not be lawful to fix for use, any gas meter which has not been verified and stamped as hereinafter provided.

Capacity of meters to be marked on them.

14. No Meter for the purpose of ascertaining the quantity of gas sold, or used, shall be fixed for use after the expiration of six months after the time fixed by the proclamation giving effect to this Act, unless the same shall have its measuring capacity at one revolution or complete action of the Meter, and also the quantity per hour it is intended to measure in cubic feet or multiples or decimal parts of a cubic foot, conspicuously marked on the outside of such Meter in legible letters and figures.

And number of lights.

15. Every Gas Meter so tested and verified shall be marked with the number of lights it is constructed to supply, each light being computed to consume five cubic feet of gas per hour, under a pressure equal to a column of water five-tenths of an inch high.

Re-verification.

16. No Gas Meter shall be used that has not been reverified and restamped within a period of *five* years.

Must have certain qualities.

17. No meter shall be stamped which shall be found by the Inspector to register, or to be capable of being made by any contrivance whatsoever to register, quantities varying from the true standard measure of gas, more than two per cent in favour of the seller or three per cent. in favour of the consumer.

Verification how attested.

18. The verification of each Meter shall be attested by affixing or impressing on some essential part thereof, a stamp or mark of such description and in such manner as may be directed by

regulations made by the Minister of Inland Revenue and further by the granting of such certificate as aforesaid.

Re-verification every 5 years.

19. No meter duly stamped under authority of this Act shall be liable to be restamped, within the period of *five* years from the then last verification or re-verification thereof, although the same be used in any other place than that at which it was originally stamped, but shall be considered as a legal meter throughout the Dominion, unless found to be incorrect under the meaning of this Act, or requiring re-verification by lapse of time as aforesaid.

What meters may be used.

20. Every consumer of gas may purchase and use for the measurement of the gas supplied to him, any meter duly verified and stamped under the authority of this Act, provided that the gas to be consumed in an hour, shall not exceed the quantity per hour the meter is intended to measure, and marked on the outside thereof, as herein provided.

Owners to keep them in repair.

21. In every case the owner of the meter, whether such owner is the buyer or seller of the gas for the measurement whereof the meter is used, shall keep every such meter in good repair, and shall be responsible for the due inspection thereof, and except as herein otherwise provided, shall pay the fee lawfully chargeable for such inspection, and shall be liable for all penalties incurred in respect of such meter.

Rules for verification.

22. The verification and testing of meters and gas shall be performed in accordance with the provisions of this Act, and with such further regulations not inconsistent therewith as may be, from time to time, made by the Governor in Council.

The same.

23. The following rules shall be observed by the Inspector in testing meters:

For soundness.

(1.) The meter shall be tested for soundness or leakage only, and not for per centage of error, when fixed in a horizontal base, and with gas under a pressure equal to a column of water three inches high, and supplying a light or lights consuming not more than one twentieth part of its measuring capacity per hour, marked thereon, nor less than one half of a cubic foot per hour for all meters of a measuring capacity not exceeding one hundred cubic feet per hour, and not more than one fortieth part of its said capacity per hour for all meters of any greater measuring capacity per hour than one hundred cubic feet; and all meters found to work under such test, and none other, shall be deemed sound meters.

For per centage of error.

(2.) The meter to be tested for per centage of error shall be fixed in a horizontal base, and shall be tested at a pressure equal to a column of water five-tenths of an inch high, and passing the quantity of gas or atmospheric air per hour, which shall be marked thereon as its measuring capacity per hour; and the water used in such testing, and the air of the room in which such testing is made, shall be as nearly as practicable of the same temperature as the gas or air passed through the meter.

Owner, &c., may be present at inspection.

24. During the inspection of any meters, or the testing of any gas under the provisions of this Act, the owner of such meters, or the manufacturer of such gas, and also the person to whom the gas is supplied, may be present, by himself or his agent.

Inspector's power to enter for inspection.

25. It shall be lawful for any Inspector appointed under this Act, at the request (and expense) of any buyer or seller of gas, who shall give twenty-four hours notice, in writing, to the other party to the contract, at all seasonable 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; and the fees on such removal, examination and testing of a meter, whether stamped and replaced or not, shall be double the fees otherwise payable for testing and stamping.

Disputes how settled.

26. In case of any dispute between the buyer and seller of gas, or between any owner of a meter and the Inspector, respecting the correctness of such meters, the Inspector shall, if required by persons so dissatisfied, give such party his reasons, in writing, for his decision, and the dissatisfied party may require such meter to be examined and re-tested by two Inspectors of adjoining or neighbouring Districts, to be named one by each party, and the decision of such last mentioned Inspectors shall be final; and the expense of the proceeding to be taken under the powers hereby granted, shall be borne by the party against whom the decision is given.

Where inspection shall be made.

27. All meters required to be verified and stamped, except as herein mentioned, shall be delivered to the Inspector at the place where his testing gas holder and apparatus may be kept; and every purchaser and seller of gas may, at his own expense, at any time after the date fixed as aforesaid, require any unstamped meter by which his gas is measured to be examined and tested, and if found correct, stamped, or he may, at his own expense, substitute a stamped meter in the place of any such unstamped meter; provided that such purchaser or seller of gas shall, before removal of any such unstamped meter for the purpose aforesaid, give twenty-four hours notice, in writing, of such intended removal, to the other party to the contract.

Proviso.

TESTING THE QUALITY AND PURITY OF GAS.

Standard of Testing place.

28. After the coming into force of the provisions of this Act, every undertaker in any City, Town or place for which there is an Inspector of gas, shall be held to have undertaken that the quality of the gas to be supplied to the purchaser shall be such that the light produced by a standard burner consuming five cubic feet of gas per hour, shall be equal, in intensity, to that produced by fourteen sperm candles or their equivalent as mentioned in Schedule A and shall exhibit no trace of sulphuretted hydrogen when tested, in accordance with the rules provided in

that behalf in the Schedule A to this Act, which shall be called the "standard quality," unless such undertaker shall have expressly undertaken to furnish gas of some other quality as to its illuminating properties, which shall be called the "prescribed quality;" but in any case gas furnished for lighting purposes shall be free from any trace of sulphuretted hydrogen as aforesaid; and the testing place shall be provided by the undertaker and shall be some place on his premises, where the gas is produced, to be approved by the Inspector.

Testing place.

Right of entry for testing.

29. The Inspector may, at any reasonable time, and at the request of either the undertaker or the purchaser, examine and test the gas furnished by the undertaker at the testing place approved or prescribed as aforesaid.

Apparatus for testing to be furnished.

30. The undertaker shall cause to be provided at the testing place proper conveniences and apparatus therein for the purposes following, if there be no special agreement, or for such of them as may be prescribed by the special agreement, if any, that is to say:—

1. For testing the illuminating power of the gas supplied;
2. For testing the presence of sulphuretted hydrogen in the gas supplied.

To be according to Schedule.

(2.) The said apparatus shall be in accordance with the regulations prescribed in Schedule A to this Act annexed, or according to such rules as may, from time to time, be substituted in lieu thereof by regulations under this Act, and shall be so situated and arranged as to be conveniently used for the purpose of testing the illuminating power and purity of the gas supplied by the undertaker, and the undertaker shall, at all times thereafter, keep and maintain such testing place and apparatus in good repair and working order.

Time for testing.

31. The Inspector may test the illuminating power and purity of the gas supplied by the undertaker on any or every day between the hours of five o'clock and ten o'clock in the afternoon, from the first day of October to the thirty-first day of March, both inclusive, and on any or every day between the hours of eight o'clock and eleven o'clock in the afternoon, from the first day of April to the thirteenth day of September, both inclusive.

Parties may be present.

32. The undertaker and purchaser, or either of them, may have an agent present at the testing, but such agent shall not interfere with the operation of testing, which shall be conducted in accordance with the rules prescribed in the Schedule A to this Act annexed, or in any regulations made under this Act.

Fees how paid.

33. The fees of the Inspector shall be paid by the party requiring the inspection; but if the Inspector finds and certifies that the gas inspected is inferior in quality to the standard of quality which the undertaker was bound to furnish to the purchaser, then the purchaser, if he has required the inspection, may recover the fees so paid by him from the undertaker, with

nt prejudice to any claim the purchaser may have for damages stained by reason of such inferiority of quality.

Certificate of Inspection.

34. The Inspector shall give to either the undertaker or purchaser, or both, on payment of the proper fee, a certificate stating the result of his inspection, and the time at which it was made, and at whose instance, and any other particulars he may think it right to insert for the information and guidance of the parties concerned, and such certificate shall be *primâ facie* evidence of the quality of the gas inspected, and shall bear an adhesive stamp or stamps representing the fee lawfully chargeable for such certificate.

FEES, STAMPS AND ACCOUNTS.

Fees how fixed and appropriated.

35. The fees for testing and stamping Gas Meters or for testing the quality and purity of gas, shall be determined from time to time by the Governor in Council, and notified in the *Canada Gazette*, and such fees shall be regulated so that they will, as nearly as may be, meet the cost of carrying this Act into effect, and all fees received under this Act shall be accounted for and paid to the Receiver General, at such times and in such manner as the Minister of Inland Revenue may direct, and shall form part of the Consolidated Revenue Fund.

Payment of fees by stamps.

36. Such fees shall be paid at the time of the inspection, stamping or verification, to the Inspector, who shall affix to the certificate given by him an adhesive stamp or stamps to the amount of such duty, and shall, at the time of affixing the same write or stamp thereon the date at which it is affixed, and no certificate shall be valid or avail for any purpose whatsoever, unless the requisite stamps have been duly affixed thereto and cancelled.

Preparation of stamps.

37. The Governor in Council may from time to time direct stamps to be prepared for the purposes of this Act, and bearing such device as he thinks proper, and may defray the cost thereof out of any unappropriated moneys forming part of the Consolidated Revenue Fund. The device on such certificate stamp shall express the value thereof, that is to say: the sum at which it shall be reckoned in payment of the fee hereby imposed.

Accounts.

38. Separate accounts shall be kept of all expenditure incurred and of all fees and duties collected and received under the authority of this Act, and a correct statement of the same up to the 30th day of June, then last past, shall be yearly laid before Parliament within the first fifteen days of the then next session thereof.

PENALTIES.

Forging stamps for meters.

39. If any person makes, except under the authority of this Act, or forges, or counterfeits, or cause or procure to be made, except as aforesaid, or forged or counterfeited, or knowingly acts or assists in the making except as aforesaid, or forging or counterfeiting any stamp or mark which may be hereafter used for the stamping or marking of any meter under this Act, he

shall, upon conviction, incur a penalty not exceeding *two hundr*
dollars nor less than *fifty dollars*; and if any person sells, utte
or disposes of, lets, lends or exposes to sale, any meter with su
forged stamp or mark thereon, he shall, for every such offen
on conviction, incur a penalty not exceeding *two hundred dolla*
nor less than *twenty dollars*; and all meters having on them su
forged or counterfeited stamps or marks, shall be forfeited a
destroyed.

Falsely altering meters, &c., or obstructing their action.

40. Any person who knowingly repairs or alters, or causes
be repaired or altered, or knowingly tampers with or does an
other act in relation to any stamped meter, so as to cause su
meter to register unjustly, or who prevents or refuses lawf
access to any meter in his possession or control, or interfer
with or obstructs the supply of water necessary for the prope
action of the meter, or obstructs or hinders any examination
testing authorised by this Act, shall, on conviction, incur a penalt
not exceeding *one hundred dollars*, and pay the fees for removin
and testing, and the expense of purchasing and fixing a ne
meter; provided that the payment of any such penalty as afore
said shall not exempt the person paying it from liability to indic
ment or other proceeding at law to which he would otherwis
be liable, or deprive any person of the right to recover damage
against such person for any loss or injury sustained by such
or default.

Proviso.

Fixing unstamped meter.

41. Every person who, after the period fixed by proclamation
under authority of this Act, fixes for use, or causes to be fixe
for use, any meter, before it has been verified and stamped a
herein required, shall, on conviction, incur a penalty of *fif*
dollars for every such unverified or unstamped meter.

Stamping incorrect meter.

42. Any Inspector who stamps any meter without duly testi
and finding the same to be correct, or who refuses, or neglect
for three days after being required under the provisions of thi
Act, without lawful excuse, to test any meter, or gas, or to stam
any meter found to be correct on being so tested, or who neglect
to perform any duty imposed upon him by this Act, or by an
regulations made by authority thereof, shall incur a penalty n
exceeding *fifty dollars*, and shall be liable to dismissal from offic

Forging certificates or stamps.

43. Every person who forges or counterfeits, or causes or pr
cures to be forged or counterfeited, any certificate purporting to
granted under this Act, or any stamp which under this Act is
be affixed to any such certificate, or wilfully uses any such
counterfeited certificate or stamp knowing it to be forged or coun
terfeit, shall be deemed guilty of forgery and punishable accord
ingly; and the stealing of any such stamps shall be larceny.

Recovery of penalties.

44. All penalties imposed bythis Act, or by any regulation mad
under its authority, shall be recoverable, with costs, before any
Justice of the Peace for the District, County, or place in which
the offence was committed, if the penalty does not exceed
twenty dollars, and before any two such Justices or any Magis
trate or functionary having the powers of two such Justices, if the
penalty exceeds *twenty* dollars, upon proof by confession, or by

oath of one credible witness, and may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of the Justice, by whom also any imprisonment to which the offender is liable may be awarded.

Appropriation.

(2.) One half of any penalty so recovered shall belong to the party sueing for the same, not being the Inspector or any officer acting in pursuance of this Act, and the other half shall belong to her Majesty, for the use of the Dominion, or:—

Same

(3.) If the penalty is recovered by the Inspector or Deputy Inspector, the whole shall belong to her Majesty, for the use of the Dominion.

False meters how dealt with.

45. All false meters seized as forfeited under this Act, shall be delivered to the Inspector in whose custody they shall remain subject to the order of the Department of Inland Revenue.

Limitation of suits.

46. No action or prosecution shall be brought against any person for any fine or penalty by this Act imposed, unless the same is commenced within three months after the offence is committed.

Short title.

47. This Act may be known and cited as "The Gas Inspection Act, 1873."

SCHEDULE A.

Apparatus for Testing Gas.

The apparatus for *testing the illuminating power* of *gas,* shall consist of the improved form of Bunsen's photometer, known as Letheby's, open 60 inches photometer, or Evan's enclosed 100 inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance.

The burners to be used for testing the gas shall be used as shall be prescribed by regulation.

The candles used for testing the gas shall be sperm candles of six to the pound or parafine candles of equivalent illuminating power, and two candles shall be used together.

The apparatus for testing the presence in the gas of sulphuretted hydrogen, shall consist of;

A glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead, containing sixty grains of crystallized acetate of lead dissolved in one fluid ounce of water.

Mode of testing for illuminating power.

The gas in the photometer is to be lighted at least fifteen minutes before the testing begin, and it is to be kept continuously burning from the beginning to the end of the tests.

Each testing shall include ten observations of the photometer made at intervals of a minute.

The consumption of the gas is to be carefully adjusted to to five cubic feet per hour.

The candles are to be lighted at least ten minutes before beginning each testing, so as to arrive at their normal rate of burning, which is shown when the wick is slightly bent and the tip glowing. The standard rate of consumption for the candles shall be 120 grains of sperm, or an equivalent weight of parafine (to be determined by regulation) each per hour. Before and after making each set of ten observations of the photometer, the gas examiner shall weigh the candles, and if the combustion shall have been more or less per candle than the proper weight as aforesaid, per hour, he shall make and record the calculation requisite to neutralize the effects of the difference.

The average of each set of ten observations is to be taken as respecting the illuminating power of that testing.

Mode of Testing for Purity.

For sulphuretted hydrogen.—The gas shall be passed through the glass vessel containing the strip of bibulous paper moistened with the solution of acetate of lead for a period of three minutes or such longer period as may be prescribed by regulation, and if any discoloration of the test paper is found to have taken place, this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas.

[No. 97.]

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to provide for the Inspection of Gas and Gas Meters.

Received and read first time, Tuesday, 15th April, 1873.

Second reading, Thursday, 17th April, 1873.

Hon. Mr. Tupper.

No. 98.] **BILL.** [1873.

An Act to change the name of "The Superior Bank of Canada," to that of "The

WHEREAS the Superior Bank of Canada was duly incorporated by an Act passed in the thirty-fifth year of Her Majesty's reign, chaptered fifty-nine, intituled: "*An Act to incorporate the Suprrior Banà of Cannda,*" and John Shedden and others, provisional directors thereof, have by their petition prayed that the name of the said Bank mao be changed and the time limited by the seventh section thereof may be extended; 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 corporate name of the said Bank shall be changed from The Superior Bank of Canada, to that of The Name of bank changed.

2. The time limited by the seventh section of the Act passed in the thirty-fifth year of Her Majesty'sreign, intituled: "*An Act to incorporate the Superior Bank of Canada,*" is hereby extended for the further period of twelve months. Time limited by s. 7 extended.

No. 98.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to change the name of the Superior Bank of Canada.

(PRIVATE BILL.)

MR. KIRKPATRICK,

OTTAWA:

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

1873.

No. 99.] BILL. [1873.

An Act to incorporate the Canada Marine Insurance Company.

WHEREAS James Domville, Esquire, Hon. William Muirhead, Senator, Hon. A. J. Smith, M. P., Robert Marshall and George McKean, Esquires, all of the city of St. John, New Brunswick; Hon. John Crawford, of Toronto, Ontario; and Adolphe P. Caron, Esq., M. P., of the city of Quebec, have by their petition prayed that they may be incorporated for the purpose of the carrying on the business of Marine, Inland Navigation and Transportation Insurance; 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. There shall be established in the city of St. John, in the Province of New Brunswink, an Insurance Company for Marine, Inland Navigation and Transportation risks, to be called the "*Canada Marine Insurance Company*," with power to establish agencies at any place in the Dominion of Canada, and elsewhere. Incorporation. Insurance powers.

2. The said Corporation shall have power, Marine risks.

(1.) To make Marine Insurance upon vessels, freights, goods, wares and merchandise, specie, bullion, commission profits, bank-notes, bills of exchange and other evidences of debt, bottomry and respondentia interests, and to make all and every insurance appertaining to or connected with Marine or Inland Transportation risks.

(2.) To cause itself to be re-insured against any risk upon which it has made or shall make insurance. Re-insurance.

3. The Corporate powers of the said Company shall be exercised by a Board of Trustees, and such Officers and Agents as the said Board may appoint. The Board of Trustees shall consist of not less than sixteen persons nor more than twenty-four, all of whom must be residents of the Dominion. They shall elect from among themselves a President and Vice-President, with an executive committee of so many as they may judge expedient, annually, who shall hold their offices until others are elected in their stead; and the said Board of Trustees shall have power to declare by By-law what number of Trustees less than a majority of the whole Board, shall be a quorum for the transaction of business, and shall also have the power, from time to time, to regulate, subject to the approval of the voters at the ensuing annual meeting, the number of Trustees within the limits above stated, who shall hold office subsequent to such regulations. Board of Trustees and Officers. Quorum.

4. The Trustees of the said Corporation shall at their first meeting divide themselves by lot into four classes of equal number, as nearly as may be. The term of the first class shall expire at the end of one year; the term of the second class shall expire at the end of two years; the term of the third class shall expire at the end of three Term of office of Trustees.

years; and the term of the fourth class shall expire at the end of four years. After the first election, as many Trustees shall be elected annually, for the term of four years, as may be necessary to replace the outgoing Trustees, and all vacancies in the Board of Trustees occasioned by death, resignation or removal from the Dominion of Canada, shall be filled by a choice to be made by the said Board of Trustees, by a plurality of votes. Trustees whose term has expired shall continue in office until others are elected in their stead, and Trustees going out shall be eligible as new Trustees. The provisions of the "Canada Joint Stock Companies Clauses Act, 1869," in reference to Directors of Companies to which it is applicable shall, so far as is compatible with the terms of this Act, apply to the Trustees of the Company hereby incorporated, who shall be subject to such provisions, especially as regards qualification, mode of election, and powers. Any such Trustee shall have the right to vote at any meeting of Trustees by proxy through the ministry of any other Trustee having the right to vote at such meeting. In the event of agencies being established, the Board of Trustees may appoint from their number, or other members of the Company, Local Boards of not less than three members for any such agency, and with such powers and privileges as regards such local agency not exceeding those of the general Trustees, as such general Trustees may determine, provided that the total profits to be allotted to all Trustees of the Company, general as well as local, shall not exceed the proportion of twenty per centum per annum, as hereinafter provided for.

Vacancies.

Commissioners for organizing Company.

5. The said James Domville, Hon. William Muirhead, Hon. A. J. Smith, Robert Marshall, George McKean, John Crawford and Adolphe P. Caron are appointed Commissioners for the organization of the Company, who shall have the power from time to time, till the complete organization of the Company, to associate with themselves as additional Commissioners such persons as they may decide upon. It shall be their duty within two years from the passing of this Act, to open books to receive applications for insurance to be effected by the said Company, and as soon as applications amounting to $500,000 shall be received to give notice to the persons who have made such application, of a meeting for the election of sixteen Trustees, and of three Scrutineers for the next election. Every person having so made a *bona fide* application for insurance shall be entitled to vote at the said election, and shall be eligible as a Trustee or Scrutineer, and there shall be one vote allowed to every such person for every $5,000 of insurance so applied for.

First election of Trustees.

Votes.

Insurers shall be members.

Votes.

6. Every person and every firm having taken a policy during the preceding year, and every person and firm holding a certificate of the Company not discharged by payment of losses, shall be a member of said Corporation, and entitled to one vote at all elections for every $5,000 of insurance for which he has taken such policy, and for every $100 for which he holds such certificate, and shall be eligible as Trustees and Scrutineers. Individual members shall vote either in person, or by proxy; and firms shall be represented and vote by one of the members thereof, or by the proxy of the firm. Every person or firm who shall become a member of the said Corporation by effecting insurance therein shall, the first time he or it effects insurance and before receiving the policy, pay the rates that shall be fixed upon and determined by the Trustees, and no premium so paid shall ever be withdrawn from the said Company, during the continuance of its charter, except upon special resolution of the Trustees.

Insurers to pay rates on insuring which shall not be withdrawn.

7. After the first election, annual elections shall be held for the election of so many Trustees as may be necessary to replace the outgoing Trustees, and of three Scrutineers to hold the next election. Notice of the time and place of holding every such election shall be given, for two weeks preceding such election, in the *Canada Gazette* and two public newspapers printed in the said city of St. John.

Annual elections to be held.

8. The officers of the said Company shall, within one month after the expiration of one year from the day on which they shall have issued their first policy, and within the first month of every subsequent year, cause an estimate to be made, as near as may be, of the profits of the said Company during the preceding year, in which estimate the losses and expenses of the said Company for the year shall be deducted from the earnings of the said Company during the same year, arising as well from premiums as from the income derived from the investments; and the balance (if any) shall be deemed the amount of the net profits for such preceding year, which estimate shall be binding upon all persons entitled to receive certificates as hereinafter mentioned. The said officers shall thereupon credit on the books of the said Company the Trustees then in office with a sum equal to twenty per centum on the nett balance fixed as hereinbefore provided, which sum shall be apportioned in equal shares among the whole of such Trustees (exclusive of fractional parts of $10, which fractional parts shall be disposed of as hereinafter provided), and shall thereupon issue to each of such Trustees a certificate declaring him to be entitled to a portion of the invested funds of the said Company, equal to the amount so credited to him, and also to the receipt annually, out of the interest or income derived by the Company from the investments of such profits, of interest on the amount of such certificate at a rate not exceeding six per centum per annum, and the interest to be so paid shall be considered a part of the expenses of said Company, but said certificate shall contain a proviso that the amount named therein is liable for any future losses of the Company, and after such credit and allotment shall have been made, the said officers shall thereupon further credit on the books of said Company each person or firm who shall have paid any premium to the said Company during the preceding year, with such proportion of the remainder of the said net balance (exclusive of fractional parts of ten dollars, as hereinafter mentioned), as the amount of earned premiums paid by such person or firm during such year and not returned, shall bear to the whole amount of earned premiums received, by the said Company during the said year (less returned premiums) and they shall issue to such person or firm a certificate declaring him or it to be entitled to a portion of the invested funds of the said Company equal to the amount so credited to him or it, and also to the receipt annually, out of the interest or income derived by the said Company from the investments of the said profits, of interest on the amount of such certificate at a rate not exceeding six per centum per annum, and such interest shall be a part of the expenses of the Company, but the said certificate shall contain a proviso that the amount named therein is liable for any future losses by the Company. No person or firm shall be credited with or receive a certificate for a share of profits less than ten dollars, and if such share shall exceed ten dollars, so much shall be deducted therefrom as will make it equal to the largest multiple of ten dollars contained therein; and all shares less than ten dollars, and the excess of the other shares over multiples of ten dollars, shall be passed to the contingent fund of the Company, and applied to the expenses and other charges of the subsequent year.

Yearly nett profits to be ascertained.

And each member credited with his portion thereof.

Certificate of such proportion, and its contents.

As to portions less than ten dollars.

9. In case any person or firm entitled to a certificate shall be

indebted to the Company for sums past due and unpaid, the Company may withhold the certificate, and either deduct such indebtedness from the amount thereof, and reduce the certificate, or cancel the same, as the case may require.

Investment of funds.

10. It shall be lawful for the said Company to invest its funds or any part thereof in Dominion or Provincial stock or debentures, or in Municipal debentures; and in the stock of chartered banks, or the stock or debentures of incorporated companies; and to loan the same upon the security of such stocks and debentures, worth at least ten per centum more than the sum loaned thereon, or on hypothec or mortgage on real estate in the Dominion of Canada worth fifty per centum more than the sum charged thereon.

Real estate for use of Company.

Power to hold other real estate in certain cases.

11. The said Company shall have the right to acquire and hold real estate in the said city of St. John to the value of one hundred thousand dollars, in which it shall provide itself with the offices necessary for the prosecution of its business; and the said Company, in addition to the above-mentioned real estate, may purchase and hold all real estate which it may require for offices or the purposes of its specific business wherever it may establish agencies, and also such other real estate on which it holds mortgages or hypothecs, which which may be brought to forced sale, or it may take any real estate, with the approval of the majority of the Board of Trustees, in payment of any debt due to it in the course of its legitimate business; but the said Company shall sell real estate so purchased at forced sale, or taken in payment and not required for offices or the purposes of its specific business, within ten years after the same shall have been acquired, and the said Company shall not at any one time hold such real estate not required for offices or the purposes of specific business, to an extent exceeding in value, in the aggregate, the sum of $100,000.

Limitation.

Redemption of certificates of shares of profits.

12. Whenever the accumulation of the nett profits of the Company shall exceed $500,000, the excess, or suchpart thereof as may seem fit to the majority of the Board of Trustees, may be applied and employed in redemption of outstanding certificates of profits, in whole or in part; but the certificates of a subsequent year shall not be redeemed until those of the preceding years are provided for; or in the event of such accumulation, a distinction may be established in the subsequent balance profits of the Company for any year between such as are derived from earned premiums (not returned) in any such year, and such as are derived from the existing investments of the Company, and the certificates of profits to be issued for such year, as hereinbefore provided, shall only be issued to the extent of the former class of such profits, and the amount of the latter class may be applied to the payment of interest on existing certificates to the extent to which the same will go, even though the amount of such interest shall exceed 6 per cent.

Redemption on certificates in case of loss.

13. In case that the expenses and the losses of any year should exceed the receipts thereof, the officers of the Company shall declare a *pro rata* deduction of the amount of the outstanding certificates of profits, and shall debit the holders thereof on the books of the Company with their respective portions of such deduction, and the outstanding certificates shall thereupon be called in and new ones issued in their stead, less the proper reduction.

Certificates to be personalty.

14. All certificates of profits and interest in the Company shall be deemed personal property; and may be transferred in such manner as the Trustees may regulate by by-law.

15. Suits at law or in equity may be prosecuted and maintained by any member of the Corporation against the same; and no member of the Corporation not being in his individual capacity a party to such suit shall be incompetent as a witness in it or in any suit by or against the Corporation. Suits between members and the Company.

16. On same day in the first month, after the expiration of the first year from the time when the said Company shall issue its first policy, and within the first month of every subsequent year, the officers of the said Company shall cause to be made and printed a general balance statement of the affairs of the said Company which shall contain :— Yearly statement of affairs, and what it shall show.

(*a.*) The amount of premiums received during the previous year, and specifying what amount was received on marine risks, and what on inland transportation and navigation risks ;

(*b.*) The amount of the expenses of the said Company during the year ;

(*c.*) The amount of losses incurred during the year, specifying what amount of losses have been incurred by Marine risks, and what on inland transportation and navigation risks;

(*d.*) The balance remaining with the said Company ;

(*e.*) The amount of the accumulation of nett profits, and the nature of the security in which the same is invested, specifying what amount is invested in real estate in the said city of St. John, what in real estate out of the said city of St. John, specifying specially where, what on mortgage and hypothec, what in stocks and debentures, and what amount of cash on hand.

17. The above mentioned general balance statement shall be published for one week in the *Canada Gazette* and in two public newspapers printed in the said city of St. John, and a printed copy shall be delivered to each member on request. Publication of statement.

18. With a view to afford due security to the policy holders, until the accumulation of profits have formed a reserve fund of $100,000 the Board of Trustees shall raise a "Guarantee Fund" of $100,000, which shall be invested in the manner provided for the investment of the funds of the Company, and shall be liable for the payment of losses. The said Guarantee Fund shall be raised by subscription in shares of $1000, numbered consecutively, and shall be paid in such instalments as the Board of Trustees may resolve ; and each year the nett profits, after the same have been apportioned as hereinbefore provided, shall be applied in repayment of the said Guarantee Fund, repaying each year such number of shares as the amount will allow, to be chosen by lot, and passing any balance less than a share of the contingent fund. The subscribers to the said Guarantee Fund shall be entitled to interest at the rate of seven per centum per annum ; and certificates shall be issued to them for their respective shares. The shares shall be transferable, and every holder thereof shall be a member of the Company, and shall have one vote for each share held ; and should such holder be a member as the holder of a policy or a certificate of profits, he shall be entitled to such vote or votes for shares in the Guarantee Fund, in addition to his vote as an ordinary member. Until the Guarantee Fund be wholly refunded, at least four of the Trustees shall be taken from the holders of the shares thereof; and the President and two of the members of the Executive Committee shall be elected from the Trustees who are the holders of such shares. Guarantee Fund, how raised and invested.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate The Canada Marine Insurance Company.

PRIVATE BILL.

Mr. Domville, M. P.

OTTAWA:
Printed by A. S. Woodburn, Elgin Street.
1873.

No. 100.] **BILL.** [1873.

An Act to continue and make perpetual "The Insolvent Act of 1869," and all acts heretofore 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 Act made and passed by the Parliament of Canada, in the session thereof held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled "*An Act respecting Insolvency*;" and also all Acts heretofore passed in amendment thereof, shall be and the same are hereby coutinued and made perpetual, notwithstanding any limitations contained in any of the said several Acts. Acts 32, 33 Vic., Cap. 16, and Acts amending it made permanent.

No. 100.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to continue and make perpetual "*The Insolvent Act of* 1869," and all Acts heretofore passed in amendment thereof.

Received and read first time, Wednesday, 16th April, 1873.

Second Reading, Friday 18th April, 1873.

MR. PALMER.

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

No. 101.] **BILL.** [1873

An Act to enable the Great Western Railway Company to further extend and improve its connections.

Preamble.

WHEREAS the Great Western Railway Company, hereinafter styled the company, have petitioned that they should be enabled to aid in the construction of certain works which will tend to improve their connections, and for further extension of their powers; And whereas it is expedient to grant them the powers which they have asked by their 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 loan its credit, subject to certain restrictions.

1. Subject to the priority of the loan capital, as settled and secured by the sixth section of "*The Great Western Railway Company's Financial Act*, 1871," and the amount of terminable bonds or perpetual debenture stock now issued, or which may be issued on the basis of capital to be raised by the said Act, the company may agree for the loan of its credit by direct guarantee or traffic contract or otherwise, to and with the Canada and Detroit River Bridge Company, and to and with the Queenston Suspension Bridge Company and the Lewiston Suspension Bridge Company, or the corporations which may be created by the amalgamation of either of such companies with any other bridge companies, and to and with any other company or companies having a bridge or bridges or having power to construct a bridge or bridges over the Niagara river or the Detroit river, or may agree as and for the purposes aforesaid, to and with any other railroad or railway company with which, by the acts of incorporation of the company, or of the acts relating to the company, it has power and authority to unite, or, upon behalf of which power and authority has been conferred to use its funds by way of loan or otherwise, and may enter into traffic arrangements and agreements with any such railway, railroad or bridge company for the working, leasing or using the railway, railroad or bridge thereof, or part thereof, for and during such term of years as may be agreed upon between them.

May take stock in other companies.

2. The company may take, hold and become the owners of stock or shares, or avail itself of any of the rights or powers given or reserved to the company or to any railway or railroad company, in the Canada and Detroit River Bridge Company, the Queenston Supension Bridge Company, the Great Western and Lake Ontario Shore Junction Railway Company, or in any company with which the company has power to unite by any acts relating to the company, or by any acts of the late Province of Canada, or of the present session of the Parliament of Canada

Agreements with other railway companies.

3. The company shall have power to guarantee for the loan of its credit to, or become guarantors for, or may subscribe to or become the owners of stock in any railway company with the

line of which their line may be in connection, or any railway company over the line of which they may now have or hereafter may make arrangements or agreements for running or working powers or the conveyance of traffic.

Arrangements for use of line and rolling stock of other railways.

4. The company may enter into traffic arrangements or agreements with any other railway company or companies for the hiring, leasing, working or using the lines of railway of such other railway company or companies, or any parts thereof, at any time or times, or for any period, or for the leasing or hiring any locomotives, tenders, or moveable property, and generally to make any agreement or agreements with any such other company touching the use by one or the other, or by both companies, of the railway or moveable property of either or both, or any part thereof, or touching any services to be rendered by the one company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof.

Consent of shareholders to be obtained.

5. No liability or expenditure shall be incurred or powers exercised under the four preceding sections unless the consent of two-thirds of the shareholders shall have been obtained at any half-yearly general meeting in terms of the seventh section of the Great Western Railway Act, 1870, or at a special general meeting, if deemed expedient to be called for the purpose.

Recital.

6. Whereas the company have entered into agreements for running powers and otherwise for the working of railways subsidiary to the railway of the company and in connection therewith, or with the branches thereof, or with other lines of railway worked by the company, and it is necessary that the company should acquire and possess lands at convenient places along the line of such railways for the more convenient working thereof, and for the convenience of its traffic and the maintaining of the railway, therefore it shall be lawful for the company to purchase, take and hold, at convenient places along the line of their road and its branches, and along the line of any railway worked by the company, such lot and lots of land, or parcels thereof, as the directors shall think advisable or necessary for the use and convenience of the same and the traffic thereof, and for providing facilities therefor, and for supplying ballast and keeping the said railway of the company and its branches, and such other railways worked by the company in sufficient repair, and also the right of way to the same, and again to sell and dispose of such lands or any part thereof.

Company may purchase land for certain purposes.

Recital.

7. Whereas the share and stock capital of the Great Western Railway Company is twenty-eight million eight hundred thousand dollars, and the said company have power to borrow upon their terminable bonds a sum equal to one-half the said capital, or fourteen million four hundred thousand dollars, and have already exercised such power to the extent of nine millions three hundred and ten thousand nine hundred and six dollars and sixty-six cents, leaving a sum of five millions eighty-nine thousand and ninety-three dollars and thirty-four cents which may be raised under such powers. And whereas, under section six of "The Great Western Railway Company's Financial Act, 1871, the company is declared to have further power of borrowing upon perpetual debenture stock the sum of three million four hundred and eighty-two thousand and one hundred and seventy-four dollars and seventy-one cents,

of which they have already issued two hundred and twenty-seven thousand two hundred and seventy-three dollars and thirty-four cents, leaving three million two hundred and fifty-four thousand nine hundred and one dollars and thirty-seven cents which may yet be raised thereon; And whereas the said terminable bonds and perpetual debenture stock have a coordinate lien upon the railway tolls, lands and property of the company; And whereas the sums remaining unborrowed upon the said two classes of security amount to eight million three hundred and forty-three thousand and nine hundred and ninety-four dollars and seventy-one cents, and it may be expedient to raise the whole of such money, or so much thereof as may from time to time be required, by the issue of one of such two classes of security only, or partly by and upon one and partly by and upon the other, irrespective of the limitation aforesaid; as to each class, therefore, it shall be lawful if the directors of the company think it advisable, and they are hereby empowered to raise and borrow the whole of the said sum of eight million, three hundred and forty-three thousand, nine hundred and ninety-four dollars and seventy-one cents, or so much thereof as from time to time may be deemed necessary, by the issue of perpetual debenture stock, to be treated and considered as part of the regular debenture debts of the company, or by the issue of terminable bonds, or partly by the issue of one class and partly by the issue of the other, irrespective of and notwithstanding any limitation in regard to the amount of such securities respectively contained in the Act passed in the twenty-second year of Her Majesty's reign, chapter one hundred and sixteen, or in *the Great Western Railway Company's Financial Act*, 1871," or in any other Act; so, however, that the loan capital raised or borrowed under one class or the other, as hereby provided, shall not in the whole exceed the said sum of eight million, three hundred and forty-three thousand, nine hundred and and ninety-four dollars and seventy-one cents, and the perpetual debenture stock and terminable bonds so issued shall respectively stand upon the same footing and be in every respect in the same position as the perpetual debenture bonds and terminable bonds respectively in the sixth and seventh sections of "*the Great Western Railway Company's Financial Act*, 1871," mentioned, and although the amount of either class shall be in excess of the limit therein mentioned in regard thereto.

Company may borrow a certain sum of money.

8. This Act may be cited as "The Great Western Railway Act, 1873."

Short title.

No. 101.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to enable the Great Western Railway Company to further extend and improve its connections.

PRIVATE BILL.

HON. MR. CARLING.

OTTAWA:

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

1873.

No. 102.] **BILL.** [1873.

An Act to incorporate The Great Western and Lake Ontario Shore Junction Railway Company.

Preamble.

WHEREAS it is highly desirable that a railway should be made from some point on the Great Western Railway at or near the town of St. Catherines to the village of Queenston, on the Niagara river, and that the company constructing the same should have power to extend their railway beyond the Province of Ontario, and to provide facilities at stations, and otherwise, at or near the town of Lewiston, in the United States of America, for the purpose of forming connections with railways in the said United States, and the persons hereinafter mentioned having petitioned to be incorporated for that purpose, it is expedient to grant a charter for the construction of such railway; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The Honorable William McMaster, Senator; Donald McInnes, of the city of Hamilton, Esquire; The Honorable John Carling, of the city of London; Joseph Price, of the city of Hamilton, Esquire; William McGiverin, of the same place, Esquire; William Ker Muir, of the same place, Esquire; Adam Brown, of the same place, Esquire; and Samuel Barker, of the same place, Esquire; together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of The Great Western and Lake Ontario Shore Junction Railway Company.

Corporate name.

Power to build a certain line of railway.

2. The said company hereby incorporated shall have full power under this Act to construct a railway from such point on the line of the Great Western Railway as may be found most eligible, and as near the town of St. Catherines as may be deemed desirable, to some point at or near the village of Queenston, on the Niagara river, with full power to pass over any portion of the country between the points aforesaid.

Provisions of 4 W. 4, c. 24, to apply.

3. All the provisions of the Act of the Parliament of the former Province of Upper Canada, passed in the fourth year of His late Majesty King William the Fourth, and intituled "An Act to incorporate the London and Gore Railroad Company," and the Acts of the Parliament of the former Province of Canada, and of the Parliament of the Dominion of Canada, reviving, extending and amending thesame, or relating to the company thereby incorporated, and now called "The Great Western Railway Company," which shall be in force at the time of the passing of this Act, and shall not be inconsistent with this Act, or provide for matters not provided for by this Act, shall be and are hereby incorporated with this Act,

and they only with this Act shall extend and apply to the company hereby constituted and the railway which they are empowered to make, and shall so apply as fully and effectually as if the said provisions were herein repeated and re-enacted with respect to the said company and the said railway; and all the provisions of the said Acts which are so incorporated with this Act shall be intended and included by the expression "this Act," whenever it is used herein, but in so far only as the provisions of said Acts, or any parts thereof, respectively may be construed to have reference to any act, deed, matter or thing, to be done, executed, fulfilled or performed within the limits of the Province of Ontario.

Capital stock.

4. The capital stock of the said company shall be three hundred thousand dollars, divided into three thousand shares of one hundred dollars each.

Provisional board of directors.

5. The Honorable William McMaster, Donald McInnes, the Honorable John Carling, Joseph Price, William McGiverin, Wm. Ker Muir, Adam Brown, and Samuel Barker, shall be and are hereby constituted the Board of Provisional Directors of the said company, and shall hold office until the first election of Directors under this Act, and shall have power and authority immediately after the passing of this Act to open stock books and procure subscriptions of stock for the undertaking, giving at least four weeks' previous notice, by advertisement in the *Canada Gazette*, of the time and place of their meeting to receive subscriptions of stock; and the said Provisional Directors may cause surveys and plans to be made and executed, and acquire any plans and surveys existing, and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of Directors.

Subscription of stock.

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

Allotment of stock.

First meeting of shareholders.

7. So soon as fifty thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent. *bonâ fide* paid thereon, and deposited in one or more of the chartered banks of Canada, for the purposes of the company, the hereinbefore mentioned Directors, or a majority of them, shall call a meeting of the shareholders of the said company, at such time and place as they may think proper, giving at least two weeks' notice in the *Canada Gazette*, at which meeting the shareholders shall elect

nine 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.

Annual general meeting

8. The annual general meeting of the shareholders for the election of Directors, and other general purposes, shall be held at the city of Hamilton, or elsewhere within the Province of Ontario, as may be appointed by by-law, on the first Wednesday in the month of June in each year, and two weeks previous notice thereof shall be given by publication, as provided in the last preceding section.

Qualification of directors.

9. No person shall be elected a Director of the said company unless he shall be the holder and owner of at least five shares in the stock of the said company, and shall have paid up all calls made thereon.

Calls.

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

Form of conveyance of land.

Registration.

11. All deeds and conveyances to the company of lands required by them may be in the form given in Schedule A annexed, or to the like effect, and shall be sufficient conveyance thereof to the company, their successors and assigns, and sufficient bar of dower of all persons executing the same, and all Registrars are required to and shall register the same in the same manner and upon such proof of execution as is required under the registry laws of the Province of Ontario; and no Registrar shall be entitled to demand or receive more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Directors may issue bonds.

Effect of bonds.

Proviso.

Proviso.

12. The Directors of the said company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the President or Vice-President of the said company, and countersigned by the Secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, real and personal, then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company aforesaid: Provided also, that the whole amount of such issue of bonds shall not exceed in all the sum of three hundred thousand dollars: Provided, however, that the bonds to be issued prior to the completion of the railway shall not at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the company within the Province of Ontario or Quebec.

Bonds and debentures how payable.

13. All such bonds, debentures, and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holders of any such so made payable to bearer may sue at law thereon in his own name.

Purchase of lands

14. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel or ballast pits, or other purposes for constructing, maintaining or using the said railway, and in case, by taking the whole of any lot or parcel of land over which the railway is to run, or any part of which may be required for any of the purposes aforesaid, the company can obtain the same at a more reasonable price, or to greater advantage than by taking or purchasing the part thereof only, the company may take, purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or parts thereof from time to time as they may deem expedient.

Agreements may be made with Bridge companies.

15. The company may agree for the loan of its credit, by dir ct guarantee or traffic contract or otherwise, to and with the Queenston Suspension Bridge Company, or to and with that company and any other company combining to build a bridge over the Niagara river, or to and with any corporation that may be formed by the amalgamation of such companies, and to and with any other such bridge company or companies, and may enter into any agreement with the said bridge company and any other such company or amalgamated company as aforesaid, and with any other bridge companies for leasing or hiring from them, or any of them, any bridge across the Niagara river, or part thereof, or the use thereof, and generally to make any agreement with any such company or companies touching the use by one or the other or others of the railway or bridge or moveable property of either or both, or any part thereof, or touching the service to be rendered by the one company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof.

Company may extend its operations beyond Canada.

16. The company shall have power to use its funds, by way of loan or otherwise, in laying its rails out of the Dominion of Canada, in providing facilities at stations, or otherwise, in the United States of America, for its traffic, and for making connections and promoting its traffic with the railways therein.

Arrangements with other companies.

17. It shall be lawful for the said company to enter into any agreement with any other railway company in the Dominion of Canada for leasing the said railway, or any part thereof, or the use thereof at any time or times, or for any period, to such other company, or for leasing or hiring from such other company any railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders, or moveable property, and generally to make any agreement or agreements with any such other company touching the use by one or the other, or by both companies, of the railway or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; or such other railway company may agree for the loan of its credit to, or may subscribe to and become the owner of the stock of the railway company hereby created, in like manner and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in the charter conferred.

18. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient; and such by-law shall be effectual for the purpose, and during the period therein mentioned, and shall not be repealed during such period. Aid from Municipalities by exemption from taxation.

19. 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 and endorsed, and such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the President or Vice-President of the said company, and countersigned by the Secretary and Treasurer, as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the President, Vice-President, or Secretary and Treasurer of the company so making, drawing, accepting or endorsing any such promissory note or bill of exchange be thereby subjected individually to any liability whatever; Provided always that nothing in this section shall be construed to authorize the said company to issue any note payable to bearer, or any promissory note intended to be circulated as money, or as the notes of a bank. Company may become parties to promissory notes.

20. The railway shall be commenced within three years, and completed within five years after the passing of this Act. Termination.

21. The said railway hereby authorized to be constructed is hereby declared to be a work for the general advantage of Canada. Declaration.

SCHEDULE A.

Know all men by these presents, that I, of hereby, in consideration of dollars paid to me by the Great Western and Lake Ontario Shore Junction Railway Company, the receipt whereof I hereby acknowledge, do grant and confirm to the said company, its successors and assigns for ever, all that certain parcel of land situate

for the purpose of their railway, and I, the wife of the said do hereby release my dower on the said lands.

As witness hand and seal this day of one thousand eight hundred and seventy-

Signed, sealed and delivered
in the presence of

 [L. S.]

No. 102.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate the Great Western and Lake Ontario Shore Junction Railway Company.

PRIVATE BILL.

Hon. Mr. CARLING.

OTTAWA:

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

1873.

No. 103.] **BILL.** [1873.

An Act to incorporate the "Canada Paper Company."

Preamble.

WHEREAS the persons hereinafter named have petitioned for an Act of incorporation for the purpose of enabling them to manufacture and deal in paper, stationery, and printers' supplies, 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. William Angus, Andrew Allan, Dugald John Bannatyne, Donald A. Smith, Thomas Logan, Robert Muir, John Macfarlane, the Hon. John Hamilton, Thomas W. Ritchie, and such other persons as now are or hereafter may become shareholders in the undertaking, are hereby constituted a body corporate and politic, in law and in fact, by the name of the "Canada Paper Company."

Capital stock

2. The capital stock of the Company shall be five hundred thousand dollars, in five thousand shares of one hundred dollars each, and may be increased from time to time to any amount not exceeding in the whole one million dollars, as a majority of the shareholders, at a meeting to be specially called for that purpose, shall agree upon.

Business of the Company.

3. The Company shall have power to make, buy and sell paper, stationery and printers' supplies, and for these purposes may erect, build, purchase, lease, establish and carry on manufactories and other establishments at any place or places in Canada, and shall have power generally to do and perform all other necessary matters and things connected with and necessary to promote those objects.

Provisional Directors.

4. The said William Angus, Andrew Allan, Dugald John Bannatyne, Donald A. Smith, Thomas Logan, Robert Muir, and John Macfarlane shall be provisional directors of the Company until replaced by others duly elected in their stead; 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 Directors as herein provided, and generally to do all such other acts as shall be necessary for the organization of the Company.

Their powers.

First meeting.

5. So soon as 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 the shareholders present in person or by proxy (the holder of any such proxy being a shareholder) shall elect by ballot five of their number to be Directors; and from and after the completion of such election, the powers and functions of the provisional directors shall cease and determine.

Election of Directors.

Annual meeting.

6. An annual meeting of the shareholders of the Company shall be held in the city of Montreal for the transaction of general business and

the election of Directors, the time and place of meeting and the number of Directors to be regulated by by-law.

Chief place of business.

Agencies.

7. The principal office of the Company shall be in the city of Montreal in the Province of Quebec, but the Company may establish agencies or branch offices in any part of Canada.

Transmissions of shares otherwise than by transfer.

8. The transmission of the interest in any share of the capital stock in consequence of the marriage, death, bankruptcy or insolvency of a shareholder, or by any other lawful means than an ordinary transfer, shall be authenticated and made in such form, by such proof, with such formalities, and generally in such other manner as the Directors shall from time to time require, or by any by-law may direct; and in case the transmission of any share of the capital stock of the Company shall be by virtue of the marriage of a female shareholder, it shall be competent to include therein a declaration to the effect that the share or shares transmitted is the sole property and under the sole control of the wife; that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and 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.

As to claims upon stock.

9. 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 said Court or to a Judge thereof, 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 fyling 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 Court or Judge otherwise order, 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.

Joint Stock Companies Act to apply.

Except certain sections.

10. The "*Canada Joint Stock Companies Clauses Act*, 1869," shall extend and apply to the Company hereby incorporated, and shall be incorporated with and form part of this Act; Provided that sections 18, 24, 25, 28, 29, 32 and 40 of the said cited Act shall not be incorporated with this Act.

No. 103.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate the "Canada Paper Company."

PRIVATE BILL.

MR. RYAN.

OTTAWA:
Printed by I. B. Taylor, 29, 31 and 33 Rideau Stree
1873.

No. 104.] **BILL.** [1873

An Act to amend section 66, of the Act 32 and 33 Victoria, chapter 31, respecting summary convictions before Justice's of the Peace.

Preamble. WHEREAS it is expedient to amend section sixty-six of the Act passed in the sessions held in the thirty-second and thirty-third years of Her Majesty's, chapter thirty-one ; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Cause repealed. 1. The following clause of the sixty-sixth section of the said Act, that is to say : "but no witness shall in either case be examined who was not examined before the Justice or Justices at the hearing of the cause," is hereby repealed.

No. 104.

1st Session, 2nd Parliment, 36 Victoria, 1873.

BILL.

An Act to amend section 66, of chapter 31 of 32 and 33 Victoria.

Received and read first time, Thursday, 17th April, 1873.

Second reading, Monday, 21st April, 1873.

Mr. Savary.

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

1873.

No. 105.] **BILL.** [1873.

An Act to amend the Act respecting Joint Stock companies to construct works to facilitate the transmission of Timber down Rivers and Streams

Preamble. Con. Stat. Can. c. 68.

WHEREAS it is expedient to amend the sixty-eighth chapter of the consolidated Statutes of Canada, intituled: "*An Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams*": Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Penalty on company not complying with s.s. 27, 28 and 60.

1. Every company heretofore formed, or which may be hereafter formed, under the above ricited Act or any Act or Acts amending the same, who shall neglect or omit to comply with the provisions of the twenty-seventh, the twenty-eighth and the sixtieth sections of the said above recited Act,—shall incur a penalty of not less than *fifty dollars* and not more than *two hundred dollars*, current money of Canada; and such penalty shall be recoverable with costs, in a summary manner, before any justice of the peace, upon the oath of one credible witness, and such justice of the peace, shall levy such penalty and costs, if not forthwith paid, by warrant of distress and sale of the goods and chattels of such company; And such penalty shall belong to Her Majesty for the public uses of the Dominion.

Construing this Act.

2. This Act shall be construed as forming part of the above recited Act.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Act respecting Joint Stock Companies to construct works to facilitate the transmission of timber down Rivers and Streams.

Received and read first time, Thursday, 17th April, 1873.

Second reading, Friday, 18th April, 1873.

Hon. Mr. LANGEVIN.

OTTAWA:

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

1873.

No. 106]. **BILL.** [1873.

An Act to amend "The Patent Act of 1872."

WHEREAS it is expedient to amend the several sections of "*The Patent Act of* 1872" hereinafter specified; 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. 26.

1. The words "in the *Canada Gazette*" in the fourth line of section five of "*The Patent Act of* 1872," are hereby repealed. Section 5 amended.

2. The word "assigns" in the last line of section eight of the said Act is hereby repealed, and the words "other legal representatives" substituted in lieu thereof. Section 8 amended.

3. The following words are hereby inserted after the word "of" in the last line but one of section eleven of the said Act:—"a court of record or a public notary, or the mayor, or other chief magistrate of any city, borough, or town corporate in." Section 11 amended.

4. The following words are hereby added and inserted at the end of section fourteen of the said Act:—"But the said Commissioner may in his discretion dispense with the said duplicate specification and drawing, and in lieu thereof cause copies of the specification and drawing, in print or otherwise, to be attached to the Patent, of which they shall form an essential part." Section 14 amended.

5. This Act shall be read and interpreted as forming one and the same Act with the Act hereby amended. To form one Act with amended Act.

No. 106.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend "The Patent Act of 1872."

Received and read first time, Thursday, 17th April, 1873.

Second reading, Friday, 18th April, 1873.

HON. MR. POPE.

OTTAWA:

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

1873.

An Act to amend the Act respecting Procedure in Criminal Cases.

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

1. So much of the one hundredth and seventh section 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 proceedure in criminal cases, and other matters relating* to *criminal law*, as is in the words following:—"it shall not be "necessary for the Judge before whom such prisoner has "been convicted, to make any report of the case previously to the "sentence being carried into execution; but" are hereby repealed and the following words are substituted for them —"the Judge, "before whom such prisoner has been convicted shall forthwith "make a report of the case to the Secretary of State of Canada "for the information of the Governor; and the day to be appointed "for carrying the sentence into execution shall be such as, in the "opinion of the Judge, will allow sufficient time for the significa-"ton of the Governor's pleasure before such day, and"—which words, so substituted, shall form part of the said section in the place and stead of those hereby repealed.

2. The fifth section of chapter one hundred and thirteen of the Consolidated Statutes for Upper Canada, intituled *An Act respecting new trials and appeals and Writs of Error in Criminal cases in Upper Canada*, is hereby repealed.

An Act to amend the Act intituled: *An Act to make further provision for the Government of the North West Territories.*

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WHEREAS under the third section of chapter sixteen of the Acts passed in the thirty-fourth year of Her Majesty's Reign, the Governor by and with the advice of the Privy Council, hath by warrant under his sign manual constituted and appointed a council of eleven persons to aid the Lieutenant Governor in the administration of the affairs of the North West Territories, with certain powers which have been defined by an order in Council in that behalf; and whereas it will become necessary from time to time to make similar appointments, and power for that purpose is not given in the said Act;

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

1. The Governor may with the advice of the Privy Council from time to time constitute and appoint by warrant under his sign manual such and so many persons not exceeding at any one time twenty-one nor less than seven, to be members of the Council to aid the Lieutenant Governor in the administration of the affairs of the North West Territories with such powers as may be from time to time conferred upon them by order in Council.

as he may have to advance in support of such claim, and such evidence may be given *vivâ voce* before the said Commissioners or by written affidavits or affirmations sworn or affirmed before any one entitled to administer an oath or affirmation where the same is sworn or affirmed.

5. All certificates of the Hudson's Bay Company or of any Chief Factor of the Hudson's Bay Company or of the Clerk of the Executive Council of Manitoba, or copies certified by them respectively, of documents in their custody, shall be received in evidence before the said Commissioners.

6. The said Commissioners may summon before them, by summons under the hand of any one of them, either the claimant or any person interested in the case, or any other person whom they deem it expedient to examine as a witness, or whom they have reason to believe to be in possession of any document by the production of which the ends of justice may be better attained, and may require such claimant or party, or such witness to submit to such oral examination upon oath, or to answer on oath and to sign his answers to interrogatories or cross interrogatories in writing, or to produce such books, papers or documents in his possession, as to the said Commissioners appear requisite.

7. The said Commissioners may cause such interrogatories or cross-interrogatories as they deem requisite to be served upon and answered by any such claimant, party, or witness, or any witness whose deposition may be produced in evidence before them and may cause Commissions to be issued for the examination of any witness not resident in Manitoba, and for requiring such witness to produce such books, papers, or other documents as he may have in his possession, and may at their discretion delay the proceedings in the case until such evidence and answers have been adduced and given.

8. The said Commissioners shall not receive or proceed upon any claim until the party by whom, or on whose behalf the same is made, or if such party consist of more than one person, then until some one of such persons has made and produces before the said Commissioners, an affidavit or affirmation in writing signed by him, that such claim is just and well-founded to the best of his knowledge and belief, and that he is not aware of any adverse claim, or if he is aware of any adverse claim, that he has at least one month before the making of such affidavit or affirmation, caused to be served on the party having, or supposed to have, such adverse claim, notice in writing of his claim and of his intention to bring the same before the said Commissioners, and of the time when it is intended to be so brought, and a copy of such notice shall be annexed to the affidavit or affirmation.

9. A list of all the lands coming within or believed to come within the purview of this Act, shall be prepared by the Surveyor General of Dominion Lands, and such list shall specify the name or names of the person or persons in

possession, together with the number of the section, or part of section, range, and number of Township of which the land consists or forms part, or some other adequate description thereof, and of the Township or place in which the same lies, and copies of such list shall be put up in some conspicuous place in the office of the Clerk of the Court of Queen's Bench of Manitoba at Winnipeg, and in the office of the Clerk of each of the County Courts of the Province of Manitoba, and in the office of the Register of each of the said Counties during at least three months before the claim comes to be heard before the Commissioners, and such list shall be read in open Court every day of the sittings thereof next after the putting up of such list, and no claim shall be heard by the said Commissioners, unless a certificate of compliance with the provisions of this clause from the Clerk of the Court and Register of the County shall be produced to the said Commissioners.

10. The Clerk of the Court of Queen's Bench of Manitoba shall, once in every three months, make a list of the claims so put up, in his office, specifying therein the particulars of such claims in the manner in which they are hereinbefore required to be specified in the notice to be put up, and shall affix such list in some conspicuous part of the Court House or place in which the Courts are held in Winnipeg, and shall cause the said list to be publicly read and proclaimed in open Court immediately after the delivery of the charge to the Grand Jury; and for each certificate the Clerk of the Court of Queen's Bench may demand and receive the sum of fifty cents, and no more.

11. The said Commissioners may defer, delay or adjourn the proceedings on any claim brought before them, and may give such further or enlarged time for the production of evidence, or for any other purpose relative to such claim, and for the decision thereon, as theymay deem expedient for the attainment of the ends of Justice.

12. After the said Commissioners have fully examined any such claim, they may either reject or allow the same as in their judgment the justice and equity of the case requires, without regard to legal forms or to the strict letter of the law, or legal rules of evidence, and shall report their decision to the Governor in Council, and such report shall be final and conclusive (except in the case hereinafter mentioned); and the Governor in Council shall direct Her Majesty's Letters Patent under the Great Seal to issue, for granting the lands in question to the party who has been determined by the decision of the Commissioners to be entitled to the same.

13. In the event of the Chief Justice or Puisne Judge forming one of the Commissions hearing a claim dissenting from the decision of the majority of the said Commissioners, the party against whom the decision has been made may call for the interposition of the remaining Judges of the Court of Queen's Bench, and the

decision shall not have force unless such Court or a majority of the members thereof shall concur therein.

14. No Letters Patent shall issue on any decision and report of the said Commissioners until after the expiration of three months from the time such report has been transmitted to and marked as received by the Clerk of the Privy Council.

15. If, before the expiration of such three months, a quorum of the said Commissioners, from any representation made to them, find reason to believe that such decision and report were obtained by surprise or erroneously made in any respect, and that justice requires that the issuing of the Letters Patent should be stayed, then such quorum of the said Commissioners, although not then the regular period of their sitting, may report accordingly to the Governor in Council, and issuing of the Letters Patent shall be thereupon stayed until the Commissioners again report upon the case, and the said Commissioners may re-hear the case or let in any new claim, and receive or insist upon any new evidence as to them may appear expedient to enable them to do justice in the case, and may thereafter decide and report thereon as if no prior decision and report had been made, and with like effect.

16. The Commissioners for the time being may from time to time make and establish such rules and forms, with regard to any proceedings to be had before them, and to such notices, papers and other documents as may be required in the conduct of such proceedings, as to them appear expedient, for the better attainment of the purposes of justice.

17. Any person whose right to obtain a Patent for lands has been established by any Commissioners under this Act, may, by an instrument in writing, assign, transfer, and convey his right and interest to or, in such land, and such assignment, as well as all subsequent assignments, may be registered in the Dominion Lands Office; and the last assignee shall be entitled to a Patent upon proving compliance with all the conditions to which the original location was subject.

18. In any application for a Patent by the Heir, Assignee, or Devisee of the person originally entitled to any land, the Minister charged with the administration of Dominion Lands may receive proof in such manner as he may direct and require in support of the claim for a Patent when the original Nominee is dead, and upon being satisfied that the claim has been equitably and justly established, he may report the same to the Governor-in-Council, and if approved, the Patent may issue to the party named in the Order in Council founded on such report, or to his assignee without the intervention of the said Commissioners; but nothing in this clause contained shall limit the right of the party claiming a Patent, to make application at any time to the said Commissioners.

No. 110. **BILL.** 1873.

An Act to provide for the examination of witnesses on oath by Committees of the Senate and House of Commons, in certain cases.

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

1. Whenever any witness or witnesses is or are to be examined by any Committee of the Senate or House of Commons, and the Senate or House of Commons shall have resolved that it is desirable that such witness or witnesses shall be examined upon oath, such witness or witnesses shall be examined upon oath or affirmation, where affirmation is allowed by law. Examination on oath.

2. Such oath or affirmation shall be administered by the chairman or any member of any such Committee as aforesaid. How administered.

3. Any witness giving false evidence upon any such examination, shall be subject and liable to all the pains and penalties of perjury, as fixed by the criminal law. Perjury.

4. The oath or affirmation aforesaid shall be in the following form: "The evidence you shall give on this examination shall be the truth, the whole truth, and nothing but the truth. So help you God." Form of oath.

No. 110.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to provide for the examination of witnesses on oath by Committee of the Senate and House of Commons, and the Committees thereof, in certain cases.

Received and read the first time, Friday, 18th April, 1873.

Second reading, Monday, 21st April, 1873.

Hon. Mr. Cameron,
(of Cardwell.)

OTTAWA:
Printed by I. B. Taylor, 29, 31 and 33 Rideau street,
1873.

1873.

No. 111.] **BILL.** [1873.

An Act to amend the Law relating to Bills of Exchange and Promissory Notes.

WHEREAS it is desirable that the law relating to Bills of Exchange and Promissory Notes shall be amended in the particulars in this Act 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. Notice of the protest or dishonor of any bill of exchange or promissory note shall be sufficiently given, if addressed, in due time, to any party to such bill or note, entitled to such notice, at the place at which such bill or note is dated, unless any such party has, under his signature, on such bill or note, designated another place, when such notice shall be sufficiently given, if addressed to him, in due time, at such other place, and such notices, so addressed shall be sufficient, although the place of residence of such party, shall be other than either of such before mentioned places. Notice of protest, &c., where to be given.

2. Ash Wednesday and Easter Monday shall be holidays, and any Bill of Exchange or Promissory note falling due on either of such days, shall be deemed and taken to be due for all intents and purposes on the next following day. Holidays.

3. No Bill of Exchange or Promissory Note shall be invalid, either because it is not stamped, or is insufficiently stamped, or that any formality as to the date or erasure of the stamps affixed thereto, has been omitted, or that a wrong date has been placed on such stamps, but no recovery shall be had, nor any verdict or judgment be rendered in any court upon such bill or note, unless before such recovery, verdict or judgment, stamps to the value of *one quarter of one dollar* upon every *one hundred dollars* payable in and by the said bill or note are affixed and cancelled upon such bill or note. As to want of insufficiency of stamps.

No. 111.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Law relating to Bills of Exchange and Promissory Notes.

Received and read first time, Friday, 18th April, 1873.

Second reading Monday, 21st April, 1873.

Hon. Mr. CAMERON,
(Cardwell.)

OTTAWA:

No. 112.] **BILL.** [1873

An Act to Incorporate "The Central Bank of Canada."

WHEREAS the persons hereinafter mentioned and others have, by their petition, prayed that they might be incorporated for the purpose of establishing a bank in the City of Montreal in the Province of Quebec, and whereas it is desirable 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. Alexander M. Foster, Honorable Charles Wilson, Thomas M. Taylor, Benjamin Lyman, Samuel W. May, James Baylis, Edward T. Taylor, and all such other persons as may become shareholders in the corporation to be by this Act created, and their assigns shall be, and they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of "The Central Bank of Canada." Incorporation

Corporate name.

2. The capital stock of the said bank shall be one million of dollars, divided into ten thousand shares of one hundred dollars each, which said shares shall be, and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns. Capital stock.

3. For the organization of the said bank, and for the raising of the amount of the said capital stock, the persons hereinbefore mentioned shall be provisional directors thereof, and they, or the majority of them, may cause stock books to be opened after public notice thereof has been given, upon which stock books shall and may be received and inscribed the signatures and subscriptions of such parties or persons as desire to become shareholders in the said bank, and such stock books aforesaid shall be opened at Montreal aforesaid and elsewhere, at the discretion of the provisional directors, and shall be kept and remain open so 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 aforesaid, and one hundred thousand dollars thereof actually paid into some one of the chartered banks doing the business of banking in Canada, a public meeting shall be called of the subscribers thereof, by notice published in two newspapers of the said City of Montreal during at least two weeks, such meeting to be held in Montreal aforesaid, at such time as such notice shall indicate and specify, and at such meeting the subscribers shall proceed to elect seven directors, having the requisite stock qualification, who shall from thenceforward direct the affairs of the said corporation, shall assume the charge of the stock books hereinbefore referred to, and shall remain in office until the second Tuesday in June, which shall be in the year next after the year in which they are so elected, and until such time as their successors in office shall be duly and regularly elected, and immediately upon such election being held the functions of the said provisional directors shall cease. Provisional Directors and their powers.

Stock books.

First meeting of shareholders.

4. The chief place or seat of business of the said corporation shall be in the City of Montreal, in the Province of Quebec. Chief place of business.

5. The Act of the Parliament of Canada passed in the thirty-fourth year of the reign of Her present Majesty, intituled: "An Act relating to Banks and Banking," and all the provisions thereof, shall apply to the General Act to apply.

bank hereby incorporated in the same manner as if it were expressly incorporated with this Act, excepting in so far as such provisions may relate only to banking institutions already in existence, or to banks *en commandite*.

Bank to obtain certificate from Treasury Board.

6. The said bank shall obtain from the Treasury Board within twelve months from and after the passing of this Act, the certificate required by section seven of the said Act relating to banks and banking, passed in the thirty-fourth year of Her Majesty's reign, chapter five, in default of which this Act shall become and be null and void and of no effect, and the charter hereby granted and all and every the rights and privileges hereby conferred shall be forfeited.

Duration of Act.

7. This Act shall remain in force until the first day of July in the year of Our Lord one thousand eight hundred and eighty-one.

No. 112.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to Incorporate "The Central Bank of Canada."

PRIVATE BILL.

HON. MR. YOUNG,
(Montreal West.)

OTTAWA:
Printed by I. B. Taylor, 29, 31 and 33 Rideau Street.
1873.

No. 113.] **BILL.** [1873.

An Act made further provision for the improvement of the River St. Lawrence between Montreal and Quebec.

Preamble.

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

Loan of $1,500,000 authorized, and for what purpose.

1. It shall be lawful for the Governor in Council to raise by way of loan such sum not exceeding one million five hundred thousand dollars, as may, with any other sums voted by Parliament for the same purpose, be requisite to defray the expense of completing the Ship Channel in Lake St. Peter and the River St. Lawrence to the the depth of not less than twenty-two feet at low water, and a width of not less than three hundred feet, from Montreal to the tide water above Quebec, such loan to be raised by the issue of debentures bearing interest payable haif yearly at the rate of five per cent. per annum and redeemable in forty years.

How the work shall be performed.

2. The work mentioned in the next preceding section, shall be performed under the superintendence of the Department of Public Works, either by the Harbor Commissioners of Montreal, under such arrangements as the Commissioners of Public works may make with them with the approval of the Govefnor in Council, or in such other manner as the Governor in Council may see fit; And the interest on the sums raised as aforesaid and expended on the said work, at the rate of five per cent. per annum, and a sinking fund at the rate one per cent. per annum, shall be paid to the Receiver General by the said Harbor Commissionners, out of the tolls, rates and dues levied by them in the Harbor of Montreal; the said interest shall be payable from the date of such expenditure, but the said payment to the sinking fund, shall commence and be reckoned only from the first day of July, one thousand eight hundred and seventy-three, and the said interest and contribution to the sinking fund, shall be payable at such periods in each year as the Governor in Council may from time to time direct.

Interest and sinking fund to be paid out of harbor dues at Montreal.

The same on other sums voted for the like purpose.

3. A like rate of interest and sinking fund, to commence and be payable respectively at the like times and periods, as are mentioned in the next preceding section, shall be paid to the Receiver General by the said Harbor Commissioners out of the tolls, rates, and dues aforesaid, on any sums voted by Parliament during the present or the now last Session, for the improvement of the St. Lawrence between Montreal and Quehec, and expended for that purpose:— and if at any time such tolls, rates, and dues should be insufficient, or should be reported by the said Commissioners as likely to be insufficient, to meet such interest and sinking fund, as well on the sums so voted, as on those raised and expended under the preceding sections, after paying all other charges thereon,— then the Act passed in the now last Session of Parliament, Chapter forty, "*for imposing tonnage dues and wharfage*

Act 35 V., c. 40, to apply in certain cases.

"*rates to meet the cost of improving the navigation of the St. "Lawrence, between Montreal and Quebec,*" and the powers therein given to the Governor in Council, shall apply, for the purpose of making good such insufficiency, as well to the tariff of rates to be fixed by any Act to be passed during the present Session, respecting the Harbor of Montreal, and to the said sum of one million five hundred thousand dollars, mentioned in the first section, and to any sum to be voted in the present Session, for the improvement of the St. Lawrence between Montreal and Quebec, as to the present tariff of rates for the said Harbor and the sum appropriated by the supply Bill of last Session for the improvement of the said river.

Act 35 V., c. 6, to apply.

4. The Act passed in the now last Sesion, entitled "*An Act respecting the Public Debt and the raising of loans authorized by Parliament,*" shall apply to any loan to be raised as aforesaid, subject to the special provisions of this Act.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to authorize a loan of one and a half a million of Dollars to be expended in the improving of the navigation of Lake St. Peter and the River St. Lawrence and to authorize the imposition of tolls, should it be necessary to meet the interest thereon.

Received and read first time, Friday 18th April, 1873.

Second reading, Tuesday, 22nd April, 1873

Hon. Mr. TILLEY.

OTTAWA:

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

1873.

No. 114.] **BILL.** [1873.

An Act further to amend the Acts respecting Insurance Companies.

IN amendment of the Act passed in the thirty-first year of Her Majesty's reign, intituled, "*An Act respecting Insurance Companies*," and of the Act passed in the thirty-fourth year of Her Majesty's reign, intituled, "*An Act to amend the Act respecting Insurance Companies*;" Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 31 V., c. 48. 34 V., c. 9.

Insurance Inspector to be appointed.

1. The Governor may appoint an officer to be called the Insurance Inspector, whose duty it shall be to examine and report to the Minister of Finance in such manner and at such times as the said Minister may direct, upon the business carried on by all Insurance Companies licensed to transact business in Canada. He shall visit the chief agency of every such company at least once in every year, and oftener if he shall deem it expedient, or if he shall be instructed by the Minister of Finance to make such inspection: He shall have free access to all books and papers relating to the business of such Company in Canada, and he shall throughly inspect and examine all its affairs and make such inquiries as are necessary to ascertain its condition and its ability to meet its engagements, and whether it has complied with all the provisions of the law applicable to its transactions: He shall once in every year, as soon as may be after the close of the financial year of each Company engaged in Life Insurance, value all outstanding policies of Life Insurance of such Company. His duties and remuneration.

Companies to pay certain sums towards defraying expenses.

Towards paying the expenses of the Inspection above provided for, every Company licensed to transact business in Canada shall pay to the Receiver General *twenty dollars* annually, and if licensed for both Fire and Life business *thirty dollars*; and every such Life Company shall pay annually *ten dollars* additional if the total amount at risk in Canada, shall exceed one million dollars, and *twenty dollars* if it shall exceed two million dollars, and *ten dollars* for every additional million dollars; and every such Fire Company shall pay annually *five dollars* additional if the amount at risk in Canada shall exceed one million dollars, and *five dollars* for every additional million.

Certain statements to be sent to Inspector.

2. The statements required by sections fourteen fifteen and twenty of the Act first hereinbefore cited to be transmitted annually to the office of the Minister of Finance, shall hereafter at the like times, and under the like penalties for default, and subject to the like provisions be transmitted to the Insurance Inspector, who shall transmit the same to the Minister of Finance who shall cause them to be published in the *Canada Gazette* and laid before Parliament as provided in the said Act.

Provision, if any company be reported unsafe.

3. If at any time the Insurance Inspector reports that the condition of the affairs and business of any company is such

as to render it in his opinion unsafe for the public to effect insurance with such company, then the Minister of Finance may, if he sees fit, refer such report to the Treasury Board, and if the Treasury Board after full consideration of the report, and after such further inquiry and investigation (if any) as the board may see proper to make reports to the Governor [in Council that the board agrees with the said Inspector in the opinion so expressed in his report, then if the Governor in Council also concurs in the said opinion, an Order in Council may issue, suspending or cancelling the license of such company, which shall then, during such suspension, or altogether if the licence be cancelled, be held to be unlicensed, and after the notification of the suspension or cancelling of such licence in the *Canada Gazette*, any person delivering any policy of insurance, or collecting any premium, or transacting any business of insurance on behalf of such company, shall be liable to the penalties provided in such cases by the Acts hereby amended, or either of them.

Cancelling or suspending license.

No. 114.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act further to amend the Acts respecting Insurance Companies.

Received and read first time, Friday, 18th April, 1873.

Second reading, Tuesday, 22nd April, 1873.

Hon. Mr. TILLEY.

OTTAWA:

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

1873.

No. 115.] **BILL.** [1873.

An Act respecting Ocean Mail Service.

Preamble.

Recital of contract.

WHEREAS under the authority of an Order in Council dated the twenty-eighth day of January, one thousand eight hundred and seventy-three, a provisional contract has been entered into by and between Sir Hugh Allan, of the first part, and the Postmaster General of this Dominion, of the second part, for a weekly line of Ocean Mail Steamers, on certain terms and subject to certain conditions therein set forth; and whereas the said agreement is subject to a proviso that the same is to go into effect, if sanctioned and authorized by the Parliament of Canada, at the then next session thereof and not otherwise; and whereas it is expedient to sanction and confirm the said agreement: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Contract confirmed.

1. The said contract and all the matters and things therein contained are hereby sanctioned and confirmed, and declared to be effectual to all intents and purposes.

No. 115.

1st Session, 2nd Parliament, 26 Victoria, 1873.

BILL.

An Act respecting the Ocean Mail Service.

Received and read fist time, Friday, 18th April, 1873.

Second reading Tuesday, 22nd April, 1873.

Hon. Mr. TUPPER.

OTTAWA:

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

1873.

No. 116.] **BILL.** [1873.

An Act to incorporate "The Board of Trade of the Village of Oshawa."

Preamble.

WHEREAS Thomas Nicholson Gibbs, M. P., William Henry Gibbs, M. P., Francis Wayland Glen, Esquire, Algernon Sidney Whiting, Esquire, William McGill, M. P., William Frederick Cowan, Esquire, John Cowan, Esquire, Francis Rae, M. D., George F. Blamey, John S. Larke, Robert Smith, Alexander Henderson, James Carmichael, and James Smith, all of the village of Oshawa, in the County and Province of Ontario, have by their petition prayed that they may be incorporated for the purpose of establishing a Board of Trade at the Village of Oshawa, in the County and Province of Ontario, 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:

Incorporation.

1. The said Thomas Nicholson Gibbs, William Henry Gibbs, Francis Wayland Glen, Algernon Sidney Whiting, William McGill, William Frederick Cowan, John Cowan, Francis Rae, George F. Blamey, John S. Larke, Robert Smith, Alexander Henderson, James Carmichael and James Smith, and such other persons resident or interested in the village of Oshawa, as are or shall be associated with the persons above-named for the purposes of this Act in the manner hereinafter provided, and their successors shall be and are hereby constituted a body politic by the name of "The Oshawa Board of Trade," for the purposes hereinafter mentioned, 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 or equity and all other places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and by that name they and their successors shall have perpetual succession, and may have a common seal, and the same may make, alter and change at their will and pleasure, and they and their successors by their corporate name shall have power to purchase, take, receive, hold and enjoy any estate whatsoever, real or personal, and alienate, sell, convey, lease or otherwise dispose of the same, or any part thereof, from time to time, and as they and their successors may see fit, and other estate, real or personal to acquire instead thereof; Provided always, that the clear annual value of the real estate held by the said corporation at any one time shall not exceed five thousand dollars.

Corporate name and powers.

Proviso as to property.

Application of funds.

2. The funds and property of the said corporation shall be used and applied to and for such purposes only as may be calculated to promote and extend the lawful trade and commerce of Canada generally, and of the village of Oshawa in particular, or as may be necessary to carry out the objects for which the said corporation is constituted, according to the true intent and meaning of this Act.

Domicile service of process

3. The usual place of meeting of the said corporation shall be held to be the legal domicile thereof; and service at such place of any notice or process of any kind addressed to the said corporation shall be held to be sufficient service thereof on the corporation.

Council.

4. There shall be a Council to be called "The Council of the Board of Trade," which shall, from and after the first election hereinafter mentioned, consist of a President, Vice-President, Secretary-Treasurer, and four other members of the Council, all of whom shall be members of the said corporation, and shall have the powers and perform the duties hereinafter assigned to the said Council.

Provisional officers and members of Council.

5. The said Thomas Nicholson Gibbs, M. P., shall be President, the said William McGill, Vice-President, the said John S. Larke Secretary-Treasurer, and the said William Henry Gibbs, Francis Wayland Glen, Aldernon Sidney Whiting and William Frederick Cowan the other members of the Council until the first election to be had under the provisions of this Act: and the Council hereby appointed shall, until the said election, have all the powers assigned to the Council by this Act.

General meetings and elections.

6. The members of the said corporation shall hold a general meeting every three months, that is to say on the last Monday in June, September, December and March in each year, at some place within the village of Oshawa of which notice naming the time and place shall be given by the Secretary-Treasurer of the Council for the time being, at least three days previous to such meeting through one newspaper or otherwise, as may be thought necessary by the said Council; and the meeting held in June, shall be called the general annual meeting; and at the general meeting in the month of June, the members of the said corporation present or a majority of them shall then and there elect in such way as shall be fixed by the by-laws of the corporation, from among the members of the corporation one President, one Vice-President, and the Secretary-Treasurer, and four other members of the Council, who with the President, Vice-President, and Secretary-Treasurer shall form the Council of the Corporation and shall hold their offices until others shall be elected in their stead at the next general meeting in the month of June as aforesaid, or until they shall be removed from office or vacate the same under the provisions of any by-law of the Corporation: Provided always that if the said election shall not take place on the last Monday of the month of June, as aforesaid, the said Corporation shall not thereby be dissolved but such election may be had at any general meeting of the Corporation to be called in manner hereinafter provided and the members of the Council in office shall continue in office until such election shall be had.

Term of office of Councillors

Vacating seats in certain cases.

7. If any member of the Council shall die, resign his seat, or be absent for three months continuously from the meetings of the Council, it shall be lawful for the Council, at any meeting thereof, to elect a member of the Council in the place of the member so dying or resigning or being absent, and such new member shall be elected by a majority of the members of the Council present at any meeting of the same at which there is a quorum present, and the member so elected shall hold office until the next general annual meeting of the corporation, and no longer, unless re-elected.

New members and their term of office,

Quorum at annual or general meetings.

8. At any general or general annual meeting of the corporation whether for the purpose of electing members of the Council or for any other purpose a majority of the members present at such meeting shall be competent to do and perform all acts which either by this Act or by any by-law of the corporation are or shall be directed to be done at any such meeting.

Members resigning.

9. Any member of the corporation intending to retire therefrom or resign his membership may at any time do so upon giving to the Secretary-Treasurer in writing ten days' notice of such his intention and discharging all lawful liabilities which may be standing upon the books of the corporation against him at the time of such notice.

Power to make rules and by-laws.

10. It shall be lawful for the corporation or the majority of them present at any general meeting to make and enact such by-laws, rules and regulations for the government of the corporation, providing for the admission, subscription and expulsion or the retirement of members and for the management of its Council, officers and affairs and for the guidance of the board of arbitrators hereinafter mentioned, and fixing the date and place of the regular meetings of the Council and all other by-laws in accordance with the requirements of this Act or the laws of Canada, as such majority shall deem advisable ; and such by-laws shall be binding on all the members of the said corporation, its officers and servants, and all other persons whomsoever lawfully under its control ; Provided that no by-law shall be made or enacted by the corporation without notice in writing thereof having been given by one member and seconded by another member, at a previous meeting of the corporation, and duly entered in the books of the said corporation as a minute of the corporation.

Proviso as to notice.

Qualification of members.

11. Each and every person then resident at the village of Oshawa, or in the county of Ontario, and being or having been a manufacturer, merchant, trader, mechanic, manager of a bank, insurance agent, or builder, shall be eligible to become a member of the corporation, and at any general meeting of the corporation it shall be lawful for any member of the Council, or of the corporation to propose any such person as a candidate for becoming a member of the corporation, and if such proposition shall be carried by a majority of two-thirds of the members of the corporation there present, he shall henceforth be a member of the corporation and shall have all the rights, and be subject to all the obligations which the other members thereof possess or are subject to ; Provided always that any person not being or having been a manufacturer, merchant, trader, mechanic, manager of a bank, insurance agent or builder, shall be eligible to become a member of the said corporation in manner aforesaid, in case such person shall be recommended by the Council of the Board of Trade at any such meeting.

Proviso as to parties not qualified.

Special general meetings.

12. It shall be lawful for the Council, or a majority of them, by a notice inserted in one or more newspapers published in the said village of Oshawa, at least one day previous to the said meeting, or by a circular letter signed by the Secretary-Treasurer of the corporation, and mailed one day previous to the said meeting to each member of the corporation, or by such notice sent by the Secretary-Treasurer to the residence or place of business of each member of the corporation, to call a general meeting of the corporation for any purpose of this Act.

Meetings of Council, how called, &c.

13. It shall be competent for the said Council to hold meetings from time to time and adjourn the same when necessary, and at the said meeting to transact such business as may by this Act or the by-laws of the corporation be assigned to them; and such meetings of the Council shall be convened by the Secretary-Treasurer at the instance of the President, or upon the request of any four members of the said Council; and the said Council shall in addition to the powers hereby expressly conferred on them have such powers as shall be assigned to them by any by-law of the corporation except only the power of enacting or altering any by-law or admitting any member, which shall be done in the manner provided for by this Act and in no other; and any four or more members of the Council lawfully met (of whom the President or Vice-President shall be one, or in case of their absence any four or more members lawfully met) shall be a quorum; any majority of such quorum may do all things within the power of the Council, and at all meetings of the Council, and at all general meetings of the corporation, the President, or in his absence the Vice-President, or if both be absent any member of the Council then present, who may be chosen for the occasion, shall preside, and shall in all cases of an equality of votes upon any division have a casting vote.

Quorum.

Casting vote.

Council to frame by-laws and submit them.

14. It shall be the duty of the Council, as soon as may be after the passing of this Act, to frame such by-laws, rules and regulations as shall seem to the Council best adapted to promote the welfare of the corporation and the purposes of this Act, and to submit the same for adoption at a general meeting of the corporation, called for that purpose, in manner hereinbefore provided.

Recovery of subscriptions, penalties, &c.

15. 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 Secretary-Treasurer thereof; and in default of payment, may be recovered in any action brought in the name of the corporation; and it shall only be necessary in such action to allege that such person is indebted to the corporation in the sum of money, the amount of arrears, on account of such subscriptions, penalty or otherwise, whereby an action hath accrued to the corporation by virtue of this Act.

Suit.

Proof in such cases.

16. On the trial or hearing of any such action, it shall be sufficient for the corporation to prove that the defendant at the time of making such demand was or had been a member of the corporation, and that the amount claimed by the corporation as subscription, penalty or otherwise was standing unpaid upon the books of the corporation.

Meetings of the Council to be open.

17. The meetings of the Council shall be open to all members of the corporation who may attend at the same, but they shall take no part in any proceedings thereat; and minutes of the proceedings at all meetings, whether of the Council or of the corporation shall be entered in books to be kept for that purpose by the Secretary-Treasurer of the corporation, and the entries thereof shall be signed by the President of the Council or such other person as at the time shall preside over any such meeting, and such books shall be open at all reasonable hours to any member of the corporation, free from any charge.

Minutes to be kept, and open for inspection.

Board of arbitrators.

18. At the same time and times as are hereby appointed for the election of the Council, and in the same manner it shall be lawful for the members of the corporation to elect from their members six persons, who shall form a board which shall be called "The Board of Arbitration," and any three of whom shall have power to arbitrate upon and make their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned; and whenever any such parties shall bind themselves by bond or otherwise to submit the matter or matters in dispute between them to the decision of the said board of arbitration, such submission shall be understood to made to any three members of the board, who may either by the special order of the board, or by virtue of any general rule or rules adopted by them, or under any by-law or by-laws of the corporation touching the consideration of cases so submitted, be appointed to hear, arbitrate and decide upon the case or cases so submitted to the said board of arbitration, and such decision shall be binding upon the said Board and the parties making the submission; and such submission may be according or to the effect of the form set forth in the schedule to this Act.

Form of submission.

Members of board of arbitration to be sworn.

19. The several members of the said board of arbitration shall before they act as such take and subscribe before the President or Vice-President of the corporation an oath, that they will faithfully, impartially and diligently perform their duties as members of the said board of arbitration; and this oath shall be according or to the effect of the form set forth in the schedule to this Act, and shall be kept among the documents of the corporation.

Members of Council may be arbitrators.

20. Any member of the Council of the corporation may at the same time be a member of the said board of arbitration.

Powers of Arbitrators.

21. The three members appointed to hear any case submitted for arbitration as aforesaid, or any two of them, shall have full power to examine upon oath (which oath any one of such three members is hereby empowered to administer) any party or witness who appearing voluntarily before them shall be willing to be so examined, and shall give their award thereupon in writing; and their decision, or that of any two of them, given in such award shall bind the parties according to the terms of the submission and the provisions of this Act.

Award.

Board of Examiners for inspection, their powers and duties.

22. From and after the passing of this Act it shall be lawful for the Council of the corporation to appoint five persons to constitute a board of examiners for the village of Oshawa, for the year commencing on the first day of January then next, who shall hold office for one year following, to examine applicants for the office of inspector of flour and meal, or of any other article subject to inspection, and the said Council may do all such other acts, matters and things connected with the inspection of flour and meal, or any other article, and shall have as full power, and be subject to the same conditions as those conferred upon and required of the Council of any Board of Trade by virtue of any Act respecting the inspection of flour and meal or of any other article subject to inspection, and the said examiners and inspectors shall also be subject to all the conditions, requirements, oaths, matters and things (touching their offices) set forth in the said Acts.

Affirmation instead of oath.

23. Any person who may by law in other cases make a solemn affirmation instead of taking an oath, may make such solemn affirmation in any case when by this Act an oath is required, and any person hereby authorized to administer an oath may, in such cases as aforesaid, administer such solemn affirmation, and any person who shall wilfully swear or affirm falsely in any case in which an oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful and corrupt perjury.

Saving of rights of the Crown.

24. Nothing in this Act shall affect any rights of Her Majesty, her heirs or successors or of any person whomsoever such rights only excepted as are herein expressly mentioned and affected.

SCHEDULE.

FORM OF SUBMISSION TO THE BOARD OF ARBITRATION.

Know all men that the undersigned and the undersigned (*if there be more parties, that is more separate interests, mention them*) having a difference as to the respective rights of the said parties, in the case hereunto subjoined, have agreed and bound themselves under a penalty of dollars to perform the award to be made by the board of arbitration of "The Oshawa Board of Trade," in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform such award, to the party ready and willing to perform the same.

In witness whereof the said parties have hereunto set their hands and seals on the day of A. D. 18 .

A. B. [L. S.]
C. D. [L. S.]
E. F. [L. S.]

FORM OF OATH

TO BE TAKEN BY MEMBERS OF THE BOARD OF ARBITRATION.

I swear that I will faithfully, impartially and diligently perform my duty as a member of the board of arbitration of "The Oshawa Board of Trade," and that I will in all cases in which I shall act as arbitrator give a true and just award according to the best of my judgment and ability, without fear, favour or affection of or for any party or person whomsoever. So help me God.

No. 116.

1st Session, 2nd Parliament, 36 Victoria, 1873.

An Act to incorporate "The Oshawa Board of Trade."

BILL.

PRIVATE BILL.

Mr. GIBBS,

(North Ont

OTTAWA :

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

1873.

An Act to Incorporate the Labrador Company.

WHEREAS, the persons hereinafter named have by their petition represented that there are extensive and valuable tracts of land, situate on the north shore of the river and gulf of St. Lawrence, which contain vast resources of natural wealth in the fisheries in the said river and gulf adjoining, and in the timber, mines and quarries to be found thereon, which have been hitherto unproductive for want of development; and the petitioners are desirous of procuring an act of incorporation, with all requisite powers and privileges, to enable them to develop the said wealth, and to that end to acquire property, with all the rights and franchises thereunto pertaining, and to carry on lumbering, mining, quarrying, and other operations therein; to fish on the coasts and adjacent waters in the said river and gulf; to establish lines of steamers to and from different ports on the said river and gulf: to establish communication, by marine cable and otherwise with telegraph lines elsewhere, and generally to do all such things as may be necessary to develop the resources of the said shore of the said river and gulf, of the said tracts of land which they may acquire; 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. Sir Hugh Allan, Knt., Andrew Allan, Geo. A. Drummond, John Redpath, Alex. Dennistoun, Esquires, all of Montreal, and the Hon. Jos. O. Beaubien, of Montmagny, together with all such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be, and are hereby constituted a body corporate and politic, by the name of the "Labrador Company," and by that name shall have power to carry on the business hereinafter mentioned, and shall have perpetual succession, and a common seal, which may by them be changed or varied at their pleasure; and the said company shall be subject to the provisions of the "Canada Joint Stock Companies' Clauses Act, 1869," except in so far as the same may be inconsistent with the provisions of this Act. Company incorporated.

2. The company may acquire by purchase, lease, or otherwise, and may hold absolutely, or conditionally, any lands, tenements, real or immovable estate, not exceeding at any one time in yearly value ten thousand dollars, for the furtherance of the objects of this company, and especially to forward the colonization and development of the said north shore and the fisheries in the waters adjacent, besides such real estate as they may require for the convenient conducting and management of their business, and may sell, alienate, let, lease, and dispose of the same from time to time, and may acquire others in their stead, not exceeding at any one time the value aforesaid. Powers of Company.

3. The company may carry on all such operations as may be found necessary to develop the resources of such tracts of land, in respect of fisheries, agriculture, forests, mineral deposits of gold, silver, copper, iron, and other metals or ores, and of coal, peat, plumbago, and salt springs and shell marl, the opening up and working of the quarries of slate, limestone, sandstone, grindstone, marble, or other economic minerals or mineral, and to wash, dress, smelt, and otherwise prepare and manufacture such articles for sale. Further powers.

4. The said company shall have power to construct telegraph lines; also, to lay a submarine cable from the said tracts of land to some point or points on the south shore of the river or gulf of the St. Lawrence, and then to connect with the mainland telegraph system; and also, if found expedient, to construct a telegraph line from the said tracts of land to Quebec; and they shall have power upon the said tracts of land which they may acquire, by virtue of the power vested in them by this act, to improve harbors, to erect wharves, dams, sluices, and other hydraulic apparatus, for the convenience of Further powers.

shipping, or for manufacturing purposes; to levy and collect such tolls and charges, upon any of the above mentioned works, as shall be fixed by by-law, subject to the approval of the Governor in Council.

May own and charter vessels, &c.

5. It shall be lawful for the said Company to carry on general trade and commerce, and to own, lease, charter, navigate, and dispose of steamers and sailing vessels, for the conveyance of freight and passengers to and from the said tracts of lands they may acquire as aforesaid and other ports in Canada and elsewhere.

Chief place of business.

6. The company may have its chief place of business at each place in Canada as may be determined by by-law, with branch offices in any other place in Canada, Great Britain, or the United States; and so soon as such chief place of business shall have been determined upon, notice of the same shall be published for at least thirty days in the "Canada Gazette."

Capital stock.

7. The capital stock of the company shall be one hundred thousand dollars, divided into one hundred shares, of one thousand dollars each.

Provisional Directors.

8. The said Sir Hugh Allan, Knt., Andrew Allan, George A. Drummond, John Redpath, Alexander Dennistoun, Esquires, all of Montreal, and the Hon. Joseph O. Beaubien, of Montmagny, and such other person or persons as they may nominate, shall be and are hereby constituted a board of provisional directors, and shall hold office as such until other directors shall have been appointed by the shareholders, under the provisions of this act; the said directors, or a majority of them, are hereby empowered to take all necessary steps for opening stock-books in the city of Montreal and elsewhere, for the subscription of parties desirous of becoming shareholders in the said Company.

Meetings of Shareholders and election of Directors.

9. When and as soon as the said capital stock shall have been subscribed as aforesaid, and ten per centum of the amount thereof paid in, the provisional directors, or a majority of them, may call a meeting of the shareholders, at such time and place as they shall think proper, giving at least two weeks, notice in the "Canada Gazette," and in one or more newspapers published in the city of Montreal; at which general meeting, and at the annual general meetings of the company thereafter, a board of directors shall be elected, the number of whom shall be regulated by the by-laws (of the provisional or other directors) in force at the time of such election; but they shall not be authorised to commence operations, under this act, until at least thirty-three and a third per centum on the present capital stock of the said company shall have been paid in.

Qualification and mode of electing Directors.

10. No person shall be elected or chosen as a director, unless he be a shareholder, holding stock of the company to the amount of at least ten shares in his own absolute right, and not in arrears in respect to any call thereon; and the directors shall be elected by a majority in value of shares, represented by shareholders, or their proxies, at a general meeting of the company, assembled at such time and place as the by-laws may prescribe.

Elections to be annual; notice to be given.

11. In default of other express provisions in the by-laws of the company, such election shall take place yearly; all the members of the board retiring shall be eligible for re-election, if duly qualified; and due notice of the time and place for holding such general meetings shall be given at least thirty days previously, by notice published in the "Canada Gazette."

Who may vote, and how.

12. At all such general meetings of the company, every shareholder shall be entitled to a vote for each share held by him, on which all calls have been duly paid; votes may be given by proxy, and the election of directors shall be by ballot.

Election of Officers.

13. The directors shall from time to time elect, from among themselves, a president of the company and a vice-president, a treasurer, a secretary, and a manager; and may also appoint, and remove from time to time, all such other officers as may be required for the transaction of the business of

the company; and if a vacancy should at any time occur in the board of directors, the same may be filled up by the board for the remainder of the term, from amongst the qualified shareholders of the Company.

Company to continue, though no election had.

14. If at any time an election of directors be not made at the proper time, the company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the company duly called for that purpose.

Powers of Directors.

15. The directors may make by-laws, and may, from time to time, alter, repeal, amend, or wholly substitute others, for the government of the said company, its affairs, business, managers, agents, officers, and servants, which by-laws shall be in force until repealed by such directors, or by a majority of votes of the shareholders present, in person or by proxy, at any special or general meeting of shareholders, and may among other things, besides comprehending all matters hereinbefore referred to as the subject of by-laws, be made, subject to the special provisions of this act, for the following objects and purposes; and the same shall be accessible at all reasonable hours to all parties interested, viz.:

1. To fix and determine the number and remuneration (if any) of directors; the manner of filling up vacancies that may occur prior to the annual election; how many directors shall constitute a quorum; and generally the manner in which their powers shall be exercised; including the establishment of agencies in the Dominion and elsewhere.

2. The manner of calling meetings, as well of the directors as of the shareholders, and fixing the time for annual meetings.

3. The forfeiture of shares in arrear, in respect of a call or calls, and the condition and manner on and in which such forfeiture shall be declared.

4. The keeping of registers and transfer books for shares; prescribing the manner in which such transfers shall be made, and the conditions in respect to the previous payments of calls or unpaid balance of stock on which transfers shall be allowed; also the vouchers and evidence required to be lodged with the company, in case of transmission of shares by marriage, bequest, inheritance, bankruptcy, or otherwise than by sale, and the forfeiture of shares for the non-payment of anything due thereon, or in respect thereof.

5. The keeping of minutes of the proceedings and the accounts of the said company, and rectifying any errors which may be therein; the auditing of accounts, and appointment of auditors.

6. The declaration and payment of profits of the said company, and dividends in respect thereof.

Capital stock may be increased, and how.

16. The directors may, if they see fit, at any time after the whole capital stock of the company shall have been subscribed and paid in, pass a by-law for increasing the capital stock of the company to any amount not exceeding five hundred thousand dollars in all, they may consider necessary to carry out the objects of the company; but no such by-law shall have any force whatever, until it shall have been sanctioned by a vote of not less than two-thirds in amount of all the shareholders, at a general meeting of the company, called for the purpose of considering such by-law, nor until a copy thereof, duly authorised, shall have been filed, as hereinafter mentioned, with the Secretary of State of Canada.

Formalities on issuing new stock.

17. The company may, within three months, after a duly authenticated copy of such by-law has been filed with the Secretary of State of Canada, and after the said Secretary of State of Canada has caused a notice to be inserted in the "Canada Gazette," that such by-law has been passed and filed, as aforesaid, publish a notice stating the number and amount of the shares of the new stock authorised, and the amount actually subscribed and paid in respect

thereof; and from the date of such notice, the capital stock of the company shall be increased to that amount, and in the manner and subject to the conditions set forth in such by-law.

Company may borrow money.

18. The company may, from time to time, borrow money, either by mortgage-bonds issued on the security of the immovable property of the company, or by debentures; and such mortgage-bonds or debentures may be for such sums, either in sterling or in currency, as the company may think proper; those in sterling not being for any sum less than one hundred pounds, and those in currency not being for any less sum than five hundred dollars each; provided always that every such loan shall be regulated by a special by-law, setting forth the terms and conditions on which such loan shall be effected; and in the course of its general business the company may become a party to promissory notes, bills of exchange, and cheques; but no such promissory note, or bill of exchange, shall be for a less sum than one hundred dollars, or be payable to bearer, or be intended to be circulated as money, or as the note of a bank.

May become party to Commercial Paper.

1st Session, 2nd Parliament, 38 Victoria, 1873.

BILL.

An Act to incorporate the Labrador Company.

Received and read 1st time, April, 1873.

Second reading,

Ls. Beaubien, Esq., *M. P.*

No. 118.] BILL. [1873

An Act to facilitate arrangements between Debtor and Creditor, to punish fraudulent debtors, and to abolish preferences in favor of Judgment Creditors.

Preamble.

WHEREAS it is expedient to facilitate arrangements between debtors and their creditors, in relation to their commercial dealings; to provide more effectual remedies for the punishment of fraudulent traders, and to secure an equitable distribution of the estate of insolvent traders; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Application of Act.

1. This shall apply to traders only.

Deed of composition and discharge.

2. Any debtor unable to meet his engagements, and desirous of effecting a composition with his creditors, shall be discharged from all his liabilities connected with his trade, upon his obtaining the execution of a deed of composition and discharge, signed by the majority in number of those of the creditors whose claims amount to one hundred dollars and upwards, and who represent at least three-fourths in value of the liabilities of the insolvent; and such composition and discharge shall have the same effect with regard to the remainder of his creditors and be binding to the same extent upon him and upon them, as if they were also parties to it.

Composition payable in cash, or on credit or by assignment to a trustee.

3. Such deed of composition and discharge may be so made either in consideration of the composition payable in cash, or on terms of credit, or partially for cash and partially on credit, or by the assignment of the whole or a portion of his estate to such trustee as may be named in such deed of composition; and the payment of such composition may be secured or not, according to the pleasure of the creditors signing it; and the discharge may be absolute or conditional upon the composition being paid.

Discharge may be absolute or conditional.

When debtor shall be deemed insolvent.

4. A debtor shall be deemed insolvent, and his estate liable to be attached, if upon a demand made upon him for the payment of any matured claim of one hundred dollars and over, he neglects or fails to pay the same within three days after such demand, having no lawful excuse for neglecting or refusing such payment; and any creditor whose claim after such demand has not been satisfied, may apply by petition to a judge, setting forth the nature of the claim, the demand and refusal or neglect of the debtor to pay the same, and praying for an order on such debtor to appear and show cause why a writ of attachment should not issue; which order shall be granted on such petition verified under oath by the creditor, his agent, bookkeeper or clerk, cognizant of the facts set forth in such petition.

Writ of attachment against his estate.

5. If the debtor upon whom such order has been served, fails to appear on the day appointed in such order, or to prove to the

satisfaction of the judge that he had a lawful excuse for refusing to pay such demand—or that the stoppage of payment by such debtor was only temporary—and was not caused by any fraud or fraudulent intent, or by the insufficiency of the assets of such debtor to meet his liabilities, the judge shall make an order adjudging the debtor insolvent, and that a writ of attachment do issue to seize and attach the estate of the said debtor:

Petition of creditor discharged.

6. If the debtor should establish that he had a lawful excuse for refusing to comply with the demand of such creditor, and that no reasonable grounds existed for presenting said petition, the judge may in his discretion condemn the creditor to pay treble costs; and in all other cases may discharge the petition with or without costs, or subject to the condition that the debtor shall pay all costs incurred.

Examination of debtor.

7. The judge may at any time on the application of the petitioning creditor, order that the debtor be examined under oath touching his estate and affairs generally; and on such examination to produce and exhibit all books of account, and all other books, statements, or documents relating to his business, from which the state of his affairs or the cause of stoppage of payment may be ascertained.

Refusal of debtor to obey order for examination.

8. The refusal or neglect of a debtor to comply with the order mentioned in the next preceding section without lawful excuse, shall be deemed sufficient evidence of his insolvency to justify the issuing of an attachment against his estate; and the judge may for such refusal or neglect, in addition to the issuing of an attachment against his estate, order that he be imprisoned in the common gaol for any period not exceeding six months

Writ of attachment.

9. Every writ of attachment against the estate and effects of the insolvent shall be addressed to the sheriff of the district or county in which such writ issues, requiring him to seize and attach the estate and effects of the insolvent, and may be made returnable after the expiration of three days from the service thereof, when the insolvent resides or has his place of business within fifteen miles from the place of return, and of one additional day for every additional distance of fifteen miles between such place of residence or of business, and such place of return.

Concurrent writs may issue.

10. The judge may order that concurrent writs of attachment be issued, if required by the petitioning creditor, addressed to the sheriffs of districts or counties in any part of the Dominion, other than the district or county in which such proceedings are carried on.

Service upon debtor concealed or out of the Province.

11. If the debtor has absconded from the Province in which he has his domicile or remains without such Province, or conceals himself within such Province, service of any order or writ of attachment may be validly made upon him in any manner which the judge may order upon application to him in that behalf.

When a debtor's estate shall be subject to attachment.

12. A creditor for a sum of one hundred dollars and over, and whether matured or not, may obtain an order from a judge that a writ of attachment do issue against the estate of a debtor, upon a petition verified under oath establishing:

(1). That the debtor has secreted, or is immediately about to secrete any part of his estate and effects with intent to defraud his creditors, or to defeat or delay their demands or any of them;

(2). That the debtor has assigned, removed or disposed of, or is about or attempts to assign, remove or dispose of, any of his property with intent to defraud, defeat or delay his creditors or any of them;

(3). That the debtor has, with intent to defeat or delay his creditors, departed from the Province wherein he resides and has his place of business; or being out of such Province, with a like intent remains out of the same;

(4). That the debtor has procured or allowed his money, goods, chattels, lands or property to be seized, levied on, or taken under or by any process or execution having operation where the debtor resides or has property, for a sum of one hundred dollars and over, and if such process be in force and not discharged by payment or in any manner provided for by law;

(5). That the debtor has been actually imprisoned, or upon the gaol limits for more than thirty days in a civil action for the sum of one hundred dollars or upwards, and still is so imprisoned or on the limits; or that in case of such imprisonment he has escaped out of prison or from custody or from the limits.

(6). That the debtor has made any general conveyance or assignment of his property, otherwise than in the manner prescribed in this Act; or that being unable to meet his liabilities in full, he has made any sale or conveyance of the whole or the main part of his stock in trade, or of his assets, without the consent of his creditors.

(7). That execution has issued against the debtor, under which any of his chattels, lands, or property are seized, levied upon, or taken in execution, without having satisfied the claim of the judgement creditor, at whose instance such seizure is made, within four days from date of seizure.

Execution of Writ of attachment.

13. The sheriff to whom a writ of attachment is addressed, shall by himself or by such agent or messenger as he shall appoint for that purpose, whose authority shall be established by a copy of the writ addressed to him, and certified under the hand of the sheriff, seize and attach all the estate and effects of the insolvent within the limits of the district or county for which such sheriff is appointed, including his books of accounts, moneys, and securities for moneys, and all his office and business documents and vouchers of every kind and description; and shall return with the writ, a report under oath, stating in general terms his action thereon.

Sheriff may forcibly enter house &c.

14. If the sheriff or officer charged with any writ of attachment is unable to obtain access to the interior of the house, shop warehouse or other premises of the defendant named in such writ, by reason of the same being locked, barred or fastened, such sheriff or officer shall have the right forcibly to open the same.

When petition may be presented by debtor.

15. The debtor against whom an attachment has been issued, by order of a judge, for any of the reasons assigned in the twelfth section of this Act, may, before the return of such writ, or within three days from the return, but not afterwards, present a petition to a judge praying for the setting aside of the attachment and annulling the proceedings taken by the petitioning creditor, on the ground that he is not indebted to him in such amount as would justify the creditor in presenting such petition against him; or that the reasons assigned by the petitioning creditor are untrue; or in the case of imprisonment, or seizure under writ of execution as hereinbefore provided, that such imprisonment or seizure was not due to

his inability to meet his engagements, or to the insufficiency of the assets of such debtor to meet his liabilities; and such petition shall be heard and determined in a summary manner.

Hearing on such petition.

16. When the debtor relies on the ground that he disputes the claim, or that the creditor's claim is insufficient in amount, the judge shall require proof to be made of the debt of the petitioning creditor; but in all other cases, the debtor shall be obliged to prove the allegations of his petition. The judge before whom the petition of the debtor is finally heard, may refuse or grant the prayer thereof with or without costs, or he may condemn the creditor to pay treble costs, if it appear that no reasonable grounds existed for obtaining the issue of the writ of attachment.

Order of adjudication.

17. Upon the expiration of three days from the return day of the writ, if no petition to set aside and annul the proceedings be presented, any judge upon a petition of the creditor setting forth the fact, shall make an order adjudging the debtor insolvent, hereinreferred to as an order of adjudication; and such order shall likewise be made in all cases where the petition of any debtor to set aside and annul the proceedings has been dismissed.

Appointment of trustee.

18. When an order of adjudication has been made against the debtor adjudging him insolvent, the property of the debtor shall become divisible amongst his creditors; and for the purpose of realizing the estate of the debtor, and effecting such division, the judge shall as soon as may be, appoint some fit person, whether a creditor or not, to fill the office of trustee.

Transfer of estate to trustee.

19. Upon the appointment of a trustee, the sheriff, officer or guardian having the custody of the property seized under the writ of attachment, shall immediately deliver the estate and effects of the insolvent to such trustee, who by virtue of his appointment shall be vested with the whole of the estate and effects of the insolvent whether real or personal, moveable or immoveable, as existing at the date of the issue of the writ, and which may accrue to him by any title whatever up to the time of his discharge under this Act, and whether seized or not seized under the writ of attachment.

Property exempt from seizure.

20. The property of the insolvent divisible amongst his creditors, shall not include any property held by him in trust for any other person, or any property exempt from seizure under the law in force in the district or county wherein the writ of attachment is issued.

Powers vested in trustee.

21. The trustee shall have the right to sue for and recover all debts of every kind due to the insolvent; to exercise all remedies for rescinding agreements, deeds, and instruments made in fraud of creditors, and for the recovery back of monies paid, or property delivered over in fraud of creditors; and may intervene and represent the insolvent in all suits or proceedings by or against him, pending at the time of his appointment, and on his application may have his name inserted therein, in the place of that of the insolvent.

Duties of insolvent and punishment in case of their non-performance.

22. The insolvent shall to the utmost of his power, aid the trustee in the realization of his property; shall deliver over to him any property which has not been seized, and which by this Act is vested in such trustee,—and shall forthwith make and deliver

to such trustee a list of his creditors and debtors, and of the debts due to and from them respectively. He shall at the request of the trustee, or upon an order made by a judge on the application of such trustee, or of any creditor, submit to an examination under oath, in respect of his estate, property or creditors, and generally do all such acts and things in relation to his estate as may be reasonably required by the trustee, or which may be ordered by a judge. And for every wilful failure on the part of the insolvent to perform the duties imposed by this section; or to comply with any order of a judge made as aforesaid; or if he fail to deliver up possession to the trustee of any part of his property, which is divisible amongst his creditors, he shall, in addition to any other punishment to which he may be subject, be liable to be imprisoned for such period as the judge to whom application is made in that behalf by the trustee or any creditor, may order; such imprisonment not to exceed one year.

Committee of inspection.

23. The trustee shall use due diligence in realizing the estate of the insolvent, and in the collection of the debts; and for the purpose of aiding and advising him in the performance of his duties, upon the application of any creditor a judge may name any three or more persons, being creditors, to form a committee of inspection for the purpose of superintending the adminstration by the trustee of the insolvent's estate.

Debtor's personal property may be sold and business wound up.

With the exception of the real estate, the property and debts belonging to and due to the insolvent, may be sold by public auction or private sale, or the business of the insolvent may be carried on for such time as may be deemed necessary, by the trustee and committee of inspection for the beneficial winding up of the same; and for that purpose the insolvent or any other person may be employed on such terms as the trustee and the said committee may agree to.

Sale of real estate.

The real estate shall be sold by the sheriff of the district or county wherein the same is situate, upon the order of a judge made on the application of the trustee upon a resolution passed by the committee to that effect, due regard being observed as to the most favorable time for effecting an advantageous sale; and upon such order the sheriff shall proceed with the said sale, observing all the formalities as to publication or notices required by the law in force in the said district or county in cases of ordinary seizure and sale of real estate.

Effect of sale.

The purchasers of real estate at any such sale shall be vested with all legal and equitable estate of the insolvent therein, and in all respects such sale shall have the same effect as to mortgages, hypothecs or privileges then existing thereon, as if the same had been made under a writ of execution issued in the ordinary course, and the title conveyed by such sale shall have equal validity with a title derived by sale and adjudication under a writ of execution issued in the ordinary course.

Trustee and sheriff to deposit moneys in court.

24. All moneys realized by the trustee shall be by him deposited in the hands of the prothonotary or clerk of the court over which the judge acting under this Act presides, and the proceeds of all sales made by a sheriff of the property of the insolvent shall be by him paid over to such prothonotary or clerk, who are hereby required to deposit all sums of money immediately on receipt of the same in some chartered bank, and at interest if the same can be obtained, there to remain until a distribution takes place as hereinafter provided, unless any other place of deposit be at any time ordered by a judge.

Notice of insolvency, and filing claims.

25. After an order of adjudication declaring a debtor insolvent, the sheriff shall give notice thereof in such manner and for such period of time as may be directed by the judge making such order of adjudication; and all creditors shall fyle their claims in the office of the prothonotary or clerk of the court over which such judge presides:

Claims to be worn to, with vouchers.

Every claim shall set forth succinctly the nature thereof, and shall be accompanied by the vouchers and statements in support of the same, and shall be sworn to before a commissioner for taking affidavits in civil matters, justice of the peace, prothonotary or clerk of the said court, who are hereby authorized to administer said oath.

Contestation of claims.

26. Any claim may be contested by any creditor whose claim has been fyled, and such contestation shall be heard and determined in a summary way before a judge.

Distribution of moneys, and dividend sheet

27. The distribution of the moneys in the hands of the prothonotary or clerk, shall be made upon the order of a judge, on the application of the trustee, or of any creditor giving notice of such application to the trustee; and the judge, in his discretion, may order the prothonotary or clerk to prepare a dividend sheet, or he may postpone the making of such dividend sheet to some other period. The dividend sheet when prepared shall be posted up in the office of the said prothonotary or clerk for a period of one month after the date of the first publication of the notice that such dividend sheet has been prepared; and the judge shall also determine by his order in what manner such notice shall be given by the said prothonotary or clerk.

Trustee's charges and privileged claims.

28. In the preparation of such dividend sheet, the prothonotary or clerk shall include therein, in the first instance, the amount of fees, costs and charges incurred by the trustee or by the committee, as also those due to and incurred by him whether for notices, preparation of dividend sheet or otherwise; and as to privileged or preferential claims he shall be guided by the laws in force in the district or county where such distribution is made, and in such dividend sheet he shall include the claims of such creditors only who shall have filed their claims.

Claims objected to, how determined.

29. Within the said period of one month mentioned in the twenty-seventh section, any creditor whose claim has been filed may contest the claim of any creditor collocated in such dividend sheet, or the dividend sheet in so far as the order of collocation is concerned; and such contestation shall be heard and determined in a summary way before a judge, who shall dispose of such contestation and make such order for the confirmation of such dividend sheet, or the reforming of the same, or any other order as circumstances may require.

Procedure generally regulated by judge.

30. Any matter of procedure not specially provided for by this Act, shall be regulated and determined by the judge before whom the proceeding is had; and such judge shall have the discretionary power of awarding costs to such party as he may consider entitled to the same.

Payment of dividends.

31. After the expiration of the said period of one month, if no contestation has been filed, or after a judgment or order has been made and rendered confirming or reforming such dividend sheet, the prothonotary or clerk shall pay over the amount awarded to each creditor mentioned therein.

32 Any subsequent dividend sheets may be ordered by the judge as circumstances may justify, and in such dividend sheets may be included the claim of any creditor who had not filed his claim prior to the first dividend being prepared, and such subsequent dividend sheets may in like manner be contested as hereinbefore mentioned. Subsequent dividend sheets.

33. All dividends remaining unclaimed for five years after the dividend sheet shall have been prepared, shall be paid over with the interest accrued thereon to the Government of Canada, and if afterwards duly claimed shall be paid over to the persons entitled thereto, with interest at the rate of four per centum per annum from the time of the reception thereof by the Government. Dividends unclaimed how dealt with.

34. The costs of the proceedings in insolvency shall be paid by privilege as a first charge upon the assets of the insolvent; also the costs of winding up the estate, including the remuneration of the trustee and of the committee of inspection; such costs to be first allowed by a judge upon application, of which notice shall be given to the creditors in such manner as the judge, to whom application is made, shall direct. As to costs in insolvency.

35. Where the goods of any trader have been taken in execution in respect of a judgment, for a sum exceeding one hundred dollars, and sold, the sheriff or officer executing the writ shall retain the proceeds of such sale in his hands for a period of fourteen days; and upon notice being served on him within that period of a petition in insolvency having been presented to a judge against such trader, shall hold the proceeds of such sale, after deducting expenses, on trust to pay the same to the trustee; but if no notice of such petition having been presented be served on him within such period of fourteen days, or if, such notice having been served, the trader against whom the petition has been presented is not adjudged an insolvent on such petition, he may deal with the proceeds of such sale in the same manner as he would have done had no such notice been served on him. If there be goods sold under execution previous to insolvency.

36. On the application of the trustee, or of any creditor, a judge may summon before him at any time, and with reference to any proceeding or contestation, the insolvent, or his wife, or any person whatever known or suspected to have in his possession any of the estate or effects belonging to the insolvent, or supposed to be indebted to the insolvent, or any person who may be deemed capable of giving information respecting the insolvent, his trade, dealings, or property, and the judge may require any such person to produce any documents in his custody or power relating to the insolvent, his dealings, or property; and if any person so summoned, after having been tendered a reasonable sum, refuses or neglects to appear upon such summons, or to produce such documents, having no lawful excuse for such refusal or neglect, the judge may by warrant addressed to the sheriff, bailiff, or any other person selected to execute the same, cause such person to be apprehended, and brought up for examination. If, having appeared or having been brought up for examination, any such person should refuse to be examined, or refuse to answer any question, or to produce any such documents, without lawful excuse, a judge may impose a fine on such person, or commit such person to the common gaol for such period as the judge may direct; and in case a compliance on the part of such person be made known to the Examination of insolvent and others.

Punishment in case of refusal to appear, or to answer.

judge, or of his willingness to comply, the judge may order the release of such person upon such terms as to payment of costs or otherwise as the judge may direct.

Person admitting indebtedness to insolvent, ordered to pay.

37. If any person on examination admits he is indebted to the insolvent, a judge, on the application of the trustee, may order him to pay to the trustee, at such time and in such manner as to the judge seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the judge thinks fit, with or without the costs of the examination.

Judge may grant search warrant.

38. If a judge is satisfied, upon application to him made by the trustee or by any creditor, that there is reason to believe that property of the insolvent is concealed in a house or place not belonging to him, he may order and grant a search warrant to any bailiff, constable, or other officer selected by such judge, who may execute the same according to the tenor thereof.

Commissions for examination of witnesses

39. A judge shall have the same power and authority in respect of the issuing and dealing with commissions for the examination of witnesses as are possessed by the ordinary courts of record in the province in which the proceedings are being carried on; and all rules, writs of subpœna, orders and warrants issued by any judge under this Act, may be validly served in any part of the Dominion in manner prescribed for similar services by the law of the province in which the service is made.

Affidavits how sworn.

40. Any affidavit required by this Act, or to be used in proceedings in insolvency, may be sworn before any commissioner for taking affidavits, appointed by any of the courts of law or equity in any of the provinces, or before any judge or justice of the peace; and, out of the Dominion, before any judge of a court of record, any commissioner for taking affidavits appointed by any Canadian court, the chief municipal officer for any town or city, or any British consul or vice-consul.

Trustee subject to jurisdiction of a Judge.

41. The trustee shall be subject to the summary jurisdiction of a judge in the same manner and to the same extent as the ordinary officers of a court are subject to its jurisdiction. He may be removed on the application of any creditor for sufficient cause shewn to a judge, and another appointed in his stead, in whom shall be vested the estate of the insolvent. Should the trustee remove from or remain out of the province in which he was appointed, for a period of three months; or in case of a vacancy in the office of trustee occurring by resignation or death, a judge, on application of any creditor, shall appoint some person to be trustee.

Trustee to open insolvent's letters.

42. Upon the application of the trustee, a judge may order that, for such time as the judge thinks fit, not exceeding three months from the date of the order of adjudication, post letters addressed to the insolvent at any place or places mentioned in the order, shall be re-directed, sent or delivered by the postmaster or officers acting under him to the trustee, who is hereby authorized to open such letters, and the same shall be done accordingly.

Lease more valuable than the rent to be sold.

43. If the insolvent holds, under a lease, property having a value above the amount of any rent payable under such lease, the

trustee may sell the rights of the insolvent in such leased premises by private sale or otherwise, as the judge may direct, upon such conditions as to the giving of security, as the judge may order. The trustee may retain the premises where the lease extends beyond the year current at the time of the order of adjudication for such portion of the unexpired term of such lease as may be deemed necessary to wind up the affairs of the estate: Provided always that the trustee shall be bound to give full three months notice in writing to the lessor of his intention to give up possession of said leased premises at the expiration of the then current year, and from that period the lease shall be deemed cancelled and null; provided also that so long as the premises are retained by the trustee, the lessor may by application to a judge, of which notice shall be given to the trustee, obtain an order for the payment by the trustee, prothonotary, or clerk, of the amount accruing to the lessor, as the same becomes due.

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44. An appeal shall lie from the final order or judgment of a judge, as follows: In the Province of Quebec, by inscription for hearing before the superior court sitting in review, subject to all the rules applicable to similar inscriptions; in the Province of Ontario the appeal may be made to either of the superior courts of common law, or to the court of chancery, or to any one of the judges of the said court; in the Provinces of New Brunswick and Nova Scotia to the supreme court of those Provinces, or to any one of the judges of the said courts respectively; in the Province of Manitoba to the Supreme Court and in the Province of British Columbia to the Supreme Court.

Appeal from order of Judge.

45. In all the Provinces, except the Province of Quebec, where a deposit of forty dollars must be made on the filing of the inscription, the appellant shall, within five days from the day the order or judgment is rendered, give security before a judge by two sufficient sureties that he will duly prosecute such appeal, and pay all costs incurred by reason thereof by the respondent, failing in which no appeal shall be entertained, nor shall the record be transmitted to the court or judge appealed to.

Security for costs to be given by appellant,

46. A debtor who has procured the execution of a deed of composition and discharge, within the meaning of the second and third sections of this Act, shall be absolutely free and discharged from all liabilities incurred in his trade and business only, provided he deposits with the prothonotary or clerk of the court over which the judge presides, in the district or county where the debtor resides, a duplicate of the said deed of composition and discharge, or a notarial copy thereof when executed before a notary public, and obtains the confirmation thereof by a judge in the manner hereinafter mentioned:—

Effect of a discharge under second and third sections.

After depositing such duplicate or copy, the debtor on application by petition to a judge praying for the confirmation of such deed of composition and discharge, may obtain an order from such judge requiring the creditors to show cause why the confirmation should not be granted, on a day to be named in such order, not sooner than one month from the date of such order, of which notice shall be given in the manner to be prescribed by the judge in such order.

Confirmation of deed of composition and discharge how obtained.

On the day appointed in the order, any creditor to be affected by said deed of composition and discharge, may shew cause in writing against the confirmation thereof, for any of the reasons here-

Creditors may oppose confirmation on certain grounds.

inafter assigned; and the examination of witnesses on the contestation thus raised, and all other proceedings thereon, shall be had in a summary way; and the judge may appoint a commissioner for the purpose of taking said evidence, which commissioner so named shall have full power and authority to administer an oath to the witnesses.

Judge to confirm or annul discharge.

The judge before whom the petition of the debtor shall be finally heard on its merits, may confirm such deed of composition and discharge, or set aside and annul the same with or without costs.

Application to a judge for a discharge.

47. After the expiration of one year from the date of the order of adjudication, the insolvent may apply by petition to a judge to grant him his discharge, and upon such petition being presented, the judge shall make the same order, and the formalities and proceedings prescribed and authorized by the next preceding section with reference to a petition for confirmation of a deed of composition shall be observed.

Creditors may contest the granting of a discharge and on what grounds.

48. Any creditor to be affected by the granting of either of the foregoing petitions may appear and contest the same for any of the following reasons:—

Insufficiency in number or value of creditors.

(1.) The insufficiency in number or value of the creditors consenting to the deed of composition and discharge;

Fraud in obtaining consent of a creditor.

(2.) Fraud or fraudulent preference used to obtain consent of any creditor to such deed, or the payment or promise of payment to any creditor of any valuable consideration for such consent, or any fraudulent contrivance or practice tending to defeat the true intent and meaning of the provisions of this Act;

Retention or concealment of property.

(3.) Fraudulent retention or concealment by the insolvent of some portion of his estate and effects;

Evasion or false swearing.

(4.) Evasion, prevarication or false swearing of the insolvent upon any examination ordered by a judge as to his estate and effects, either before or after an order of adjudication as provided by this Act;

Neglecting to keep books, &c.

(5.) Neglect to keep an account book shewing his receipts and disbursements of cash, and such other books of accounts as are suitable for his trade, or that having kept such book or books he has refused or neglected to produce or deliver them to the trustee;

Violating provisions of Act.

(6.) Wilfully violating any provision of this Act, or neglecting to obey any order of a judge made in pursuance thereof;

Misdemeanor under this Act.

(7.) Any act of omission or commission made a misdemeanor by this Act;

Discharge to be set aside if grounds of contestation proved.

And if any of the said grounds be proved, a discharge shall be refused, and the deed of composition, if any has been executed, shall be set aside and annulled.

Judge may annul order of adjudication when a deed of composition and discharge is obtained.

49. The order of adjudication may at any time be annulled by a judge on the application of the insolvent, in all cases where the insolvent obtains the execution of a deed of composition and discharge by a majority of creditors for sums of one hundred dollars and upwards, and constituting three-fourths in value of the trading liabilities of the insolvent, whereby the insolvent pays, or secures the payment to the satisfaction of such creditors, a composition of not less than ten shillings in the pound over and above all costs, charges, and expenses incurred and payable, and deposits a duplicate or notarial copy of such deed of composition in the office of the prothonotary or clerk: Provided always that the said deed of composition shall be

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approved by the judge upon proof by affidavit being made to his satisfaction that the same is executed by the required number of creditors and for the requisite amount, and that no fraud has been practised or preference shewn to any creditor to obtain his consent to such deed of composition. The approval of the judge shall be conclusive as to the validity of the deed of composition, without any other formality, and it shall be binding on all the creditors so far as the same relates to the trading liabilities of the insolvent.

And may direct the estate and effects of the insolvent, to be returned to him or dilivered to another person in trust.

50. The judge by his order annulling the adjudication may likewise order and direct that the estate and effects of the insolvent be delivered back to him, together with any moneys in the hands of the trustee, prothonotary or clerk; or the judge may order and direct that the same be delivered over to any other person to be named in the deed of composition, in trust, until all costs, charges, and expenses shall be paid and the composition money shall be paid to the creditors, or subject to such other terms and conditions as may be contained in such deed of composition. The provisions of any such deed of composition may be enforced in a summary way by a judge on the petition of any one interested, and any disobedience of the order of the judge on such petition shall be deemed to be a contempt, and punished accordingly.

Provisions of deed of composition how enforced.

Gratuitous contracts made within three months of order of adjudication, void.

51. All gratuitous contracts or conveyances, or contracts or conveyances without consideration, or with merely nominal consideration, respecting either real or personal estate made by a debtor afterwards becoming an insolvent, with or to any person whomsoever, whether such person be his creditor or not, within three months next preceding the order of adjudication, and all contracts by which creditors are injured, obstructed or delayed, made by a debtor unable to meet his engagements, and afterwards becoming an insolvent, with a person knowing such inability, or having probable cause for believing such inability to exist, or or after such inability is public and notorious, whether such person be his creditor or not, are presumed to be made with intent to defraud his creditors.

Certain other contracts voidable.

52. A contract or conveyance for consideration, respecting either real or personal estate, by which creditors are injured or obstructed, made by a debtor unable to meet his engagements with a person ignorant of such inability, whether such person be his creditor or not, and before such inability has become public and notorious, but within thirty days next before the order of adjudication made under this Act, is voidable, and may be set aside by any court of competent jurisdiction, upon such terms as to the protection of such person from actual loss or liability by reason of such contract, as the court may order.

Contracts made with intent to impede or defraud creditors with knowledge of person contracting, void.

53. All contracts, or conveyances, made, and acts done by a debtor, respecting either real or personal estate, with intent fraudulently to impede, obstruct or delay his creditors in their remedies against him, or with intent to defraud his creditors, or any of them, and so made, done and intended with the knowledge of the person contracting or acting with the debtor, whether such person be his creditor or not, and which have the effect of impeding, obstructing, or delaying the creditors of their remedies, or of injuring them or any of them, are prohibited and are null and void, notwithstanding that such contracts, conveyances, or acts be in consideration, or in contemplation of marriage.

Fraudulent referential sales, &c., to be void.

54. If any sale, deposit, pledge, or transfer be made of any property, real or personal, by any person in contemplation of insolvency, by way of security for payment to any creditor, or if any property, real or personal, movable or immovable, goods, effects, or valuable security, be given by way of payment by such person to any creditor, whereby such creditor obtains or will obtain an unjust preference over the other creditors, such sale, deposit, pledge, transfer, or payment shall be null and void, and the subject thereof may be recovered back for the benefit of the estate by the trustee in any court of competent jurisdiction; and if the same be made within thirty days next before the order of adjudication made under this Act, it shall be presumed to have been so made in contemplation of insolvency.

Certain payments by debtor to be void.

55. Every payment made within thirty days next before the order of adjudication made under this Act, by a debtor unable to meet his engagements in full, to a person knowing such inability, or having probable cause for believing the same to exist, is void, and the amount paid may be recovered back by suit in any competent court, for the benefit of the estate; Provided always, that if any valuable security be given up in consideration of such payment, such security or the value thereof, shall be restored to the creditor before the return of such payment can be demanded.

Transfer of debts by insolvent within thirty days of insolvency, void.

56. Any transfer of a debt due by the insolvent made within thirty days next previous to the order of adjudication made under this Act, or at any time afterwards, to a debtor knowing or having probable cause for believing the insolvent to be unable to meet his engagements, or in contemplation of his insolvency, for the purpose of enabling the debtor to set up by way of compensation, or set off the debt so transferred, is null and void as regards the estate of the insolvent; and the debt due to the estate of the insolvent, shall not be compensated or affected in any manner by a claim so acquired; but the purchaser thereof may rank on the estate on the place and stead of the original creditor.

Certain acts by insolvent to be misdemeanors.

57. From and after the coming into force of this Act any insolvent who shall do any of the acts or things following with intent to defraud or defeat the rights of his creditors, shall be guilty of a misdemeanor, and shall be liable, at the discretion of the court before which he shall be convicted, to punishment by imprisonment for not more than two years, with or without hard labor.

Not fully discovering or not delivering up property, books, papers, &c.

(1.) If he shall not upon examination fully and truly discover to the best of his knowledge and belief, all his property, real and personal, inclusive of his rights and credits, and how, and to whom, and for what consideration, and when he disposed of, assigned, or transferred the same or any part thereof, except such part has been really and *bonâ fide* before sold or disposed of in the way of his trade or business, if any, or laid out in ordinary expenses of his family, or shall not deliver up to the trustee all such part, thereof as is in his possession, custody or power, (except such portion thereof as is exempt from seizure as is hereinbefore provided) and also all books, papers and writings in his possession, custody or power, relating to his property or affairs.

Removing property.

(2.) If within thirty days prior to the date of any order of adjudication made under this Act, he shall, with intent to defraud his creditors, remove, conceal or embezzle any part of his property to the value of fifty dollars or upwards;

Not denouncing false claims.

(3.) If in case of any person having to his knowledge or belief proved a false debt against his estate, he shall fail to disclose the

same to the trustee within one month after coming to the knowledge or belief thereof;

(4.) If he shall with intent to defraud wilfully and fraudulently omit to disclose any effects or property whatsoever; Omitting to disclose effects.

(5.) If he shall with intent to conceal the state of his affairs, or to defeat the object of this Act, or of any part thereof, conceal, or prevent, or withold the production of any book, deed, paper or writing relating to his property, dealings or affairs; Witholding books, &c.

(6.) If he shall with intent to conceal the state of his affairs, or to defeat the object of this Act, or of any part thereof, part with, conceal, destroy, alter, mutilate or falsify, any book, paper, writing, or security or document relating to his property, trade, dealings or affairs, or make or be privy to the making of any false or fraudulent entry or statement in, or omission from any book, paper, document or writing relating thereto; Falsifying books, &c.

(7.) If he shall, at his examination at any time, or at any meeting of his creditors have attempted to account for any of his property by fictitious losses or expenses; Stating fictitious losses.

(8.) If within the three months next preceding the date of any order of adjudication, he pawns, pledges, or disposes of, otherwise than in the ordinary way of his trade, any property, goods or effects, the price of which shall remain unpaid by him during such three months. Disposing of goods not paid for.

58. In the Province of Quebec, rules of practice for regulating the due conduct of proceedings under this Act before the court or judge, and tariffs of fees for the officers of the court, and for the advocates and attorneys practising in relation to such proceedings shall be made forthwith after the passing of this Act, and when necessary repealed or amended, and shall be promulgated, under or by the same authority and in the same manner as the rules of practice and tariff of fees of the superior court, and shall apply in the same manner and have the same effect in respect of the proceedings under this Act, as the rules of practice and tariff of fees of the superior court apply to and affect the proceedings before that court; and bills of costs upon proceedings under this Act may be taxed and proceeded upon in like manner, as bills of costs may now be taxed and proceeded upon in the said superior court; but until such rules of practice and tariff of fees have been made, the rules of practice and tariff of fees in insolvency, now in force in the said Province, shall continue and remain in full force and effect. Rules of practice, and tariff of fees in Province of Quebec.

59. In the Province of Ontario the judges of the superior courts of common law, and the court of chancery, or any five of them, of whom the Chief Justice of the Province of Ontario, or the chancellor, or the chief justice of the common pleas, shall be one, in the Province of New Brunswick, the judges of the supreme court of New Brunswick, or the majority of them,—and in the Province of Nova Scotia the judges of the supreme court of Nova Scotia, or the majority of them,—and in the Province of Manitoba, the judges of the Supreme Court and in the Province of British Columbia, the judges of the Supreme Court shall forthwith make, and frame, and settle such forms, rules and regulations, as shall be followed and observed in the said Provinces respectively, in the proceedings of insolvency under this Act, and shall fix and settle the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to attorneys, solicitors, counsel, and officers of court, whether for the officer or for the Crown as a fee for the fee fund or otherwise, and by or to sheriffs, assignees, or other persons whom it may be necessary to provide for. And in the other Provinces.

Interpretation of word "judge" in the different Provinces.

60. The word "judge" shall, in the Province of Quebec, signify a judge of the superior court of the Province of Quebec, having jurisdiction at the domicile of the insolvent,—in the Provinces of Ontario and New Brunswick a judge of the county court of the county or union of counties in which the proceedings are carried on,—and in the Province of Nova Scotia, a judge of probate,—except in cases proceeding in the city of Halifax, in which case it shall mean a judge of the supreme court of Nova Scotia;—in the Province of Manitoba, a judge of the Supreme Court and in the Province of British Columbia a judge of the Supreme Court.

Short title, commencement of Act.

61. This Act shall be called and known as "The Debtor and Creditor Act, 1873," and shall come into force and take effect on and after the day of 1874.

No. 118.

1st Session, 2nd Parliament, 36 Victoria, 1873,

BILL.

An Act to facilitate arrangements between Debtor and Creditor, to punish fraudulent debtors, and to abolish preferences in favor of judgment creditors.

Received and read first time, Tuesday, 22nd April, 1873.

Second reading, Friday, 25th April 1873.

MR. CARTER.

OTTAWA:

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

1873.

No. 119.] **BILL.** [1873.

An Act to amend *The Railway Act*, 1868, so as to ensure equal facilities to all incorporated Express Companies on Railways heretofore constructed, as well as on those hereafter to be constructed.

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

1. Every Railway Company heretofore or which may be hereafter incorporated, or whether their Railway has been heretofore constructed or is hereafter to be constructed, having granted any facilities to any Express Company, shall grant equal facilities on equal terms and conditions to any other Express Company now incorporated or hereafter to be incorporated in Canada, demanding the same.

2. Sub-section three of section forty-eight of *The Railway Act*, 1868, is hereby repealed.

No. 119.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Railway Act, 1868, so as to ensure equal facilities to all incorporated Express Companies on Railways heretofore constructed, as well as on those hereafter to be constructed.

Received and read first time, Wednesday, 23rd April, 1873.
Second reading, Thursday, 24th April, 1873.

Mr. MORRISON.

OTTAWA:

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

No. 120.] **BILL.** [1873.

An Act to amend chapter fifty-eight of the Consolidated Statutes of the late Province 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. Notwithstanding anything in chapter fifty-eight of the Consolidated Statutes of the late Province of Canada, intituled : "*An Act respecting Interest*," any corporation in the Province of Ontario or Quebec, (except banks to which this Act shall not apply) authorized by law to lend or borrow money may hereafter stipulate for, allow and exact, on any contract or agreement whatsoever, any rate of interest or discount which may be agreed upon, not exceeding eight per cent. per annum ; but, subject to the right to take such increased rate of interest, the said Act shall continue to apply to any such corporation. Certain corporations may take any rate of interest.

No. 120.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend chapter fifty-eight of the Consolidated Statutes of the late Province of Canada.

Received and read first time, Wednesday, 23rd April, 1873.

Second reading, Thursday, 24th April, 1873.

Mr. COLBY.

OTTAWA:

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

1873.

No. 121.] **BILL.** [1873.

An Act to amend the Act respecting Railways.

Preamble.

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

Power to make branch lines in certain cases.

1. For the purpose of connecting any town, village, manufactory or manufactories in the Dominion of Canada, with any railway owned or worked by any railway company whose line of railway is subject to the Legislation of the Parliament of Canada, and for the purpose of giving increased facilities to business, it shall be lawful for any such railway company to build, make and construct sidings or branch lines not to exceed in any one case three miles in length; and for that purpose every such railway company shall have all the powers given them by *The Railway Act*, 1868, with respect to their main lines, and each and all the provisions of the said Act, shall apply to every such siding or branch line, and the construction thereof, as well as to the main line.

No. 121.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Act respecting Railways.

Received and read, first time, Wednesday, 4th April, 1873,

Second reading, Friday, 23rd April, 1873.

Mr. GIBBS (Ontario, S. R.)

OTTAWA:

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

1873.

No. 122. **BILL.** 1873.

An Act to amend the Act respecting the construction of the Intercolonial Railway.

Preamble.

WHEREAS it is expedient to amend the Act passed in the thirty-first year of Her Majesty's reign, chapter thirteen, intituled: "*An Act respecting the construction of the Intercolonial Railway;*" and to provide for a change and alteration of the gauge of the said Intercolonial Railway and other Government Railways in New Brunswick and Nova Scotia; Therefore 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 gauge.

1. It shall be lawful for the Governor in Council to authorize and permit that the gauge of the said Intercolonial Railway and other Government Railways in New Brunswick and Nova Scotia, or any part or portion of the same, be changed and altered from five feet six inches, and be made four feet eight and a half inches.

Or allow a third rail.

2. It shall also be lawful for the Governor in Council to authorize and permit that a third rail be laid on the said Intercolonial Railway or on any of the other Government Railways in New Brunswick or Nova Scotia, or on any part or portion of any or all of the said Railways.

Construing Act.

3. This Act shall be construed as forming part of the above recited Act.

No. 122.

1st Session, 2nd Parliament, 36 Victoria, 1873,

BILL.

An Act to amend the Act respecting the construction of the Intercolonial Railway.

Received and read first time, Thursday, 24th April, 1873.

Second reading, Friday, 25th April 1873.

Hon. Mr. Langevin.

OTTAWA:

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

An Act to amend "An Act to incorporate The Montreal Investment Association.

WHEREAS the Montreal Investment Association, incorporated by the Act twenty-eight Victoria, chapter forty-two, of the Legislature of the late Province of Canada, have by petition prayed that they may be authorized to exercise the powers now conferred upon them in respect of the late Province of Canada, in any part of Canada, and for other amendments to their Charter, 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. It shall be lawful for the Association to acquire hold and dispose of any stock, securities, bonds or debentures, or any moneys secured by mortgage pledge or otherwise, to make loans and exercise any of the powers by law conferred upon them, in any part of the Dominion of Canada.

2. The Association 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 or forfeiture for usury.

3. The Capital Stock of the Association shall hereafter be divided into shares of one hundred dollars each.

4. In order to restrict the liability of the Association, as set forth in the fourth section of the Act of Incorporation, in respect of any Bill, Note or other Negotiable Instrument other than Bonds or Debentures, the Class or Denomination of Stock under which the same is drawn or made, must be clearly designated thereon, with the amount of Capital Stock under such class or denomination.

5. Notwithstanding anything contained in the fifth section of the Act of Incorporation, the aggregate amount borrowed by the Association as therein provided, may equal but shall not exceed the amount of paid up capital.

An Act for the Relief of John Robert Martin.

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WHEREAS John Robert Martin, of the Town of Cayuga, in the County of Haldimand, and Province of Ontario, Barrister-at-Law, hath by his Petition humbly set forth: that on the twenty-seventh day of September, one thousand eight hundred and fifty-five, he was lawfully married to Sophia Stinson, at Christ Church, in the City of Hamilton, in the County of Wentworth, in the Province of Ontario, in accordance with the rites and ceremonies of the United Church of England and Ireland in Canada; that the said marriage was by license; that the said John Robert Martin and Sophia Stinson lived and cohabited together as husband and wife from the date of such marriage up to about the first day of March, in the year of Our Lord one thousand eight hundred and sixty eight; that the said Sophia Stinson, although the lawful wife of the said John Robert Martin, did commit adultery with one William Lount, 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 Barrie, and in several places adjacent thereto, on numerous occasions during the months of September, October, November, and December, in the year of Our Lord one thousand eight hundred and sixty-seven; at the City of Toronto, at the Albion and American Hotels, and in several other places in the said city and adjacent thereto in the said months of October and December, and in the months of January, February, March, April, May and June, in the year of Our Lord one thousand eight hundred and sixty-eight, and at the City of Hamilton in the said months of January, February and March; that the said John Robert Martin made discovery of the said adultery about the first day of June, in the year of Our Lord one thousand eight hundred and sixty-eight; that the said John Robert Martin 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; and that the said John Robert Martin is desirous of having the said marriage dissolved, annulled, and put an end to, so that he 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 him to contract matrimony, if they, the said John Robert Martin and Sophia Stinson had not intermarried; and whereas, the said Sophia Stinson, since the discovery of the said adultery, departed from Canada, and has since been residing in the State of New York, one of the United States of America, her present residence being unknown, but her last known place of residence was at Lockport in the said State of New York; and whereas, the said John Robert Martin hath, subsequent to the discovery of said adultery, brought an action for criminal conversation in Her Majesty's Court of Common Pleas for Ontario, against the said William Lount, and recovered a verdict in the said action against the said William Lount, for two thousand dollars, and entered judgment thereon, and hath compelled the said William Lount to pay the same with

costs; 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 John Robert Martin and Sophia Stinson, his wife, is hereby dissolved, and shall be, henceforth, null and void to all interests and purposes whatsoever.

2. It shall, and may be lawful for the said John Robert Martin 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 John Robert Martin again contracting matrimony with any person or persons, with whom it would have been lawful for him to contract matrimony, if they, the said John Robert Martin and Sophia Stinson 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 rights of them, the said issue, and each of them, and of their respective heirs, as respects their, and each of their capacity to inherit, have, hold, enjoy and transmit all and all manner of property, real or personal, of what nature or kind soever, from any person or persons whomsoever, shall be and remain the same as they would have been, to all intents and purposes whatsoever, if the said marriage between the said John Robert Martin and Sophia Stinson had not taken place.

No. 125.] **BILL.** [1873.

An Act respecting the Harbour of Pictou, in Nova Scotia.

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

1. In the construction, and for the purposes of this Act (if not inconsistent with the context or subject matter) the following terms shall have the respective meanings hereinafter assigned to them, that is to say: Definitions.

"Ship" shall include every description of vessel used in navigation, not propelled by oars.

"Master" shall include every person (except a pilot) having command or charge of a ship.

2. The Governor may from time to time appoint three Commissioners under this Act to have the superintendence of the Harbour and Harbour Master of the port of Pictou, in the Province of Nova Scotia, and to be in the place and stead of the Commissioners under section thirty-seven of chapter seventy-nine of the revised statutes of Nova Scotia, third series, part one, entitled "*Of Pilotage, Harbours and Harbour Masters.*" Commissioners to be appointed.

3. The Governor may from time to time appoint a fit and proper person to be Harbour Master for the said Port of Pictou. Harbour Master.

4. The Commissioners and Harbour Master appointed under this Act shall be under the control of the Minister of Marine and Fisheries, to whom they shall respectively furnish a report in writing and on oath, on as soon as possible after the thirty-first day of December in each year, of their doings in office, and of the moneys received and expended by them. Under Minister of Marine and Fisheries.

5. The said Commissioners shall have power from time to time with the consent of the Governor in Council to make, repeal or amend rules and regulations defining the rights, powers and duties of the Harbour Master of the said port, and the use, management and government of the said harbour and of the public wharf thereat constructed under the thirty-seventh section of the said chapter seventy-nine of the revised statutes of Nova Scotia, and the rates of wharfage to be paid for the use of the said wharf, and by such rules and regulations to impose reasonable penalties, not in any case exceeding *one hundred dollars*, for any breach of such rules and regulations, with in the case of a continuing breach thereof, a further penalty not exceeding *ten dollars*, for every twelve hours during which such breach continues, but so that no such rule or regulation shall impose a minimum penalty, and every breach of any such rule or regulation shall be deemed an offence against this Act, and every such penalty shall be held to be a penalty imposed by this Act. Powers to be defined by Governor in Council.

Buoys, &c.

6. The said Commissioners shall place and maintain the necessary buoys and beacons in and for the said harbour.

Salary of Harbour Master.

7. The salary of the Harbour Master shall be at the rate of not exceeding *four hundred dollars* per annum, with an allowance at the rate of not exceeding *two hundred dollars* per annum, for the expenses of a boat and boat's crew, to be paid out of the harbour dues hereinafter mentioned.

Copies of regulations to pilots.

8. The said Harbour Master shall furnish copies of the rules and regulations made under this Act, and in force from time to time, to every licensed Pilot of the Port of Pictou, who shall give one of such copies to the Master of every ship which he shall take in charge.

Prosecuting offenders.

9. It shall be the duty of the said Harbour Master to prosecute every person violating any rule or regulation made under this Act, and it shall be the duty of the said Commissioners to see that such prosecutions are brought and effectively conducted.

Harbour dues.

10. A rate or duty of *one cent and a half cent* per ton on the registered tonnage of each ship exceeding forty tons register, shall be levied and collected as harbour dues on all ships over forty tons register entering the said harbour.

Collection and application thereof.

11. The said harbour dues shall be collected by the Collector of Customs at the said Port, who shall not grant a clearance inwards to any ship until the harbour dues on her are paid, and who shall pay out of the sums so by him collected the salary of the Harbour Master, and his allowance for the expenses of a boat and boat's crew, and shall pay over any balance thereof to the said Commissioners, for the maintenance and improvement of the said harbour and wharf, and the buoys, beacons and other appurtenances thereof.

Expenditure of balance in improvements.

12. The said commissioners shall expend so much of the balance so paid over to them as may remain after the payment of the necessary expenses of the maintenance and repairs of the said harbour, wharf, buoys, beacons, and other appurtenances, in improving the said harbour and wharf and their appurteuances, in such manner and according to such plan as may be suggested by them, and approved by the Minister of Marine and Fisheries.

Extent of Harbour.

13. The said harbour shall include and consist of all the water space and beach, up to high water mark, within a line drawn from Logan Point to Roaring Bull Point, as far up as the tide ebbs and flows.

Repealing clause.

14. So much of the said chapter seventy-nine of the revised statutes of Nova Scotia as may be inconsistent with this Act, or as makes any provision for any matter provided for this Act, is hereby repealed.

No. 125.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act in relation to the Harbour of Pictou.

Received and read first time, Friday, 25th April, 1873.

Second reading, Saturday, 26th April, 1873.

Hon. Mr. MITCHELL.

OTTAWA:

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

1873.

No. 126.] **BILL.** [1873.

An Act to authorize the incorporation of Boards of Trade in the Dominion.

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

1. Any number of persons not less than twenty-five, being merchants, traders, mechanics, manufacturers, managers of banks or insurance agents, and being residents of any town or city, may associate themselves together as a Board of Trade, with all the privileges and powers conferred, and subject to all the restrictions of this Act. Formation of Boards of Trade.

2. The persons associating themselves together as a Board of Trade under this Act shall, under their hands and seals, make a certificate specifying the name assumed by the association, and by which it shall be known, the name of the county, town or city in which the same is situate, and its business transacted. Certificate of ormation.

3. Such certificate shall be acknowledged before a notary public, commissioner appointed for receiving affidavits, or justice of the peace, and shall be forwarded to the Secretary of State, who shall cause the same to be recorded in a register to be kept for that purpose; and a copy thereof, duly certified by the Secretary of State, shall be evidence of the existence of such association; and for such certificate and certified copy thereof a fee of shall be payable. Certificate to be transmitted to Secretary of State.

4. The persons named as corporators in the said certificate, and such other persons as may afterwards join them, are hereby authorized to carry into effect the objects for which such association was constituted, and to exercise the powers and privileges conferred by this Act; and they and their associates, successors and assigns, by the name and style specified in the said certificate, shall be deemed a body corporate, with powers to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, to make and use a common seal, and change and alter the same at pleasure, to purchase, hold, sell and convey any real or personal estate necessary for the objects of such association: Provided always that the clear annual value of the real estate held by any association at any one time shall not exceed five thousand dollars, and that the usual place of meeting of said corporation shall be held to be the legal domicile thereof, where service of any notice or process may be made. Persons incorporated to have certain powers. Real estate. Proviso. Domicile.

5. The officers of such Boards of Trade shall be a President, Vice-President, and Secretary, who, together with not less than eight other members, shall constitute a council, to be called "The Council of the Board of Trade of ———," adding the name of the Officers of Board of Trade.

city or town, who shall have the powers and perform the duties hereinafter mentioned; and when the foregoing provisions have been complied with, it shall be competent for a majority of the persons named as corporators in the said certificate to hold a meeting for the election of a President, Vice-President, Secretary, and members of the said council, and to make and enact such by-laws, rules and regulations as are mentioned in the tenth section of this Act, without the notice required in the proviso to the said section.

General meeting and election of president and members of the council.

6. The members of the said corporation shall hold general quarterly meetings in each year, at some place within its jurisdiction, of which notice naming the time and place, shall be given by the Secretary of the Council for the time being, at least three days previous to such meeting, through one newspaper or otherwise as may be thought necessary by the said council; and at the first quarterly meeting to be held in each year, the members of the said corporation present, or a majority of them, shall then and there elect in such way as shall be fixed by the by-laws of the corporation, from among the members of the corporation, one President, one Vice-President, and the Secretary, and not less than eight other members of the council, who, with the President, Vice-President, and Secretary, shall form the council of the said corporation, and shall hold their offices until others shall be elected in their stead, at the next first quarterly meeting of the ensuing year, as aforesaid, or until they shall be removed from office, or shall vacate the same under the provisions of any by-laws of the corporation; Provided always, that if the said election shall not take place at such first quarterly meeting, as aforesaid, the said corporation shall not be thereby dissolved, but such election may be had at any general meeting of the said corporation, to be called in the manner hereinafter provided, and the members of the council in office shall remain members until the election shall be had.

Proviso: in case of failure of election.

Filling vacancies.

7. If any member of the said council shall die or resign his office, or be absent for six months continuously from the meetings of the said council, it shall be lawful for the said council, at any meeting thereof, to elect a member of the said corporation to be a member of the said council in the place of the member so dying or resigning, or being absent, and such new member shall be so elected by a majority of the members of the said council present at any meeting of the same, in case there is a quorum present at such meeting, and the member so elected shall hold office until the next annual election, and no longer, unless re-elected.

Majority to have full powers.

8. At any annual or general meeting of the said corporation, whether for the purpose of electing members of the council or for any other purpose, a majority of members present at such meeting shall be competent to do and perform all acts which, either by this Act, or by any by-law of the said corporation, are or shall be directed to be done at any such general meeting.

Retirement of members.

9. Any member of the said corporation intending to retire therefrom or resign his membership, may at any time do so, upon giving to the Secretary, in writing, ten days' notice of such intention, and discharging any lawful liability which may be standing upon the books of the said corporation against him at the time of such notice.

Making by-laws; for what purpose.

10. It shall be lawful for the said corporation, or the majority of them present at any general meeting, to make and enact such

by-laws and regulations, and from time to time to repeal, alter and amend the same, for the government of said corporation, providing for the admission, subscriptions, imposing of penalties, and expulsion or the retirement of members, and for the management of its council, officers and affairs, and for the guidance of the board of arbitrators hereinafter mentioned, and fixing the date and place of the regular meetings of the said council, and all other by-laws in accordance with the requirements of this Act or the laws of Canada, as such majority shall deem advisable; and such by-laws shall be binding on all members of the said corporation, its officers and servants, and all other persons whomsoever lawfully under its control; provided that no by-law shall be made or enacted by the said corporation without notice in writing thereof having been given by one member and seconded by another member at a previous meeting, and duly entered in the books of the said corporation as a minute of the said corporation:

Proviso: notice of proposed by-laws.

11. Each and every person then resident within the jurisdiction, and being or having been a merchant, trader, mechanic, manufacturer, manager of a bank or insurance agent, shall be eligible to become a member of the said corporation; and at any general meeting of the said corporation it shall be lawful for any member of the said council or of the said corporation to propose any such person as aforesaid as a candidate for becoming a member of the said corporation, and if such proposition shall be carried by a majority of two-thirds of the members of the said corporation then present, he shall thenceforth be a member of the said corporation, and shall have all the rights and be subject to all the obligations which the other members possess or are subject to; provided always, that any person not being a merchant or trader, mechanic, manufacturer, manager of a bank, or insurance agent, shall be eligible to become a member of the said corporation in manner aforesaid, in case such person shall be recommended by the council of the Board of Trade at any such meeting.

Who may become members of the corporation, and how.

Proviso: as to members not being traders, &c.

12. It shall be lawful for the said council, or a majority of them, by a notice inserted in one or more newspapers published within the jurisdiction, one day previous to the said meeting, or by a circular letter signed by the Secretary of the said corporation, to each member, and mailed one day previous to the said meeting, to call a general meeting of the said corporation for any of the purposes of this Act.

Special general meetings.

13. It shall be competent to the said council to hold meeting from time to time, and to adjourn the same when necessary, and at the said meetings to transact such business as may by this Act, or by the by-laws of the corporation, be assigned to them; and such meetings of the council shall be convened by the Secretary, at the instance of the President, or upon the request of any two members of the council; and the said council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-law of the corporation, except only the powe of enacting or altering any by-law, or admitting any member, which shall be done in the manner provided for by this Act, and no other; and any five or more members of the council, lawfully met, shall be a quorum, and any majority of such quorum may do all things within the powers of the council; and at all meetings of the said council and at all general meetings of the corporation, the President, or in his absence, the Vice-President, or if both be absent, any member of the council then

Meetings of the Council.

Powers.

Quorum.

Who to preside.

present who may be chosen for the occasion, shall preside, and in all cases of equality of votes upon any division, have a casting vote.

Casting vote.

Council to frame by-laws.

14. It shall be the duty of the council to frame such by-laws, rules and regulations, as shall seem to the said council best adapted to promote the welfare of the said corporation and the purposes of this Act, and to submit the same for adoption at a general meeting of the said corporation called for that purpose, in the manner hereinbefore provided.

Recovery of subscriptions, &c.

15. All subscriptions of members due to the said 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 said corporation, shall be paid to the Secretary thereof, and in default of payment, may be recovered in any action brought in the name of the said corporation, and it shall only be necessary in such action to allege that such person is indebted to the said corporation in the sum of money, the amount of such arrearage, on account of such subscription, penalty or otherwise, whereby an action hath accrued to the said corporation by virtue of this Act.

Proof in such case.

16. On the trial or hearing of any such action, it shall be sufficient for the said corporation to prove that the defendant at the time of making such demand was or had been a member of the said corporation, and that the amount claimed by such subscription, penalty, or otherwise, was standing unpaid upon the books of the said corporation.

Meetings of Council to be open.

17. The meetings of the members of the council shall be open to all members of the said corporation who shall attend at the same, but who shall take no part in any proceedings thereat; and minutes of the proceedings at all meetings, whether of the said council or the said corporation, shall be entered in books to be kept for that purpose by the Secretary of the said corporation; and the entry thereof shall be signed by the President of the said council, or such other person who at the time shall preside over any such meeting; and such books shall be open at all reasonable hours to any member of the said corporation, free from any charge.

Record thereof.

Board of Arbitration.

18. At the same time and times as are hereby appointed for the election of the said council, and in the same manner, it shall be lawful for the members of the said corporation to elect from their number twelve persons, who shall form a board, which shall be called "The Board of Arbitration," and any three of whom shall have power to arbitrate upon and make their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned; and whenever any such parties shall agree to bind themselves, by bond or otherwise, to submit the matter in dispute between them to the decision of the said board of arbitrators, such submission shall be understood to be made to any three members of the said board, who may, either by the special order of the said board, or by virtue of any general rules adopted by them, or under any by-law of the said corporation touching the consideration of any cases so submitted, be appointed to hear, arbitrate and decide upon the case or cases so submitted to them, and such decision shall be binding upon the said board and the parties making the submission; and any such submission shall be according to the form set forth in the schedule to this Act, or in words to the same effect.

owers.

Form of submission.

19. The several members of the said board of arbitration shall, before they act as such, take and subscribe before the President or Vice-President of the said corporation, an oath that they will faithfully, impartially and diligently, perform their duties as members of the said board of arbitration, and such oath shall be kept among the documents of the said corporation. Members to be sworn.

20. Any member of the council of the said corporation may at the same time be a member of the said board of arbitration. Members of Council may be arbitrators.

21. The three members appointed to hear any case submitted for arbitration, as aforesaid, or any two of them, shall have full power to examine upon oath (which oath any one of such three members is hereby empowered to administer) any party or witness who, appearing voluntarily before them, shall be willing to be so examined, and shall give their award thereupon in writing, and their decision, or that of any two of them, given in such award, shall bind the parties according to the terms of the submission and the provisions of this Act. Powers for hearing cases. Award.

22. It shall be lawful for the council of the said corporation to appoint five persons to constitute a board of examiners to examine applicants for the office of inspector of flour or meal, or of any other article subject to inspection, and for the said council to do all such other acts, matters and things connected with the inspection of flour and meal or any other article, and have as full power and be subject to the same conditions as those conferred upon and required of the councils of the Boards of Trade by virtue of the Act chapter forty-seven of the Consolidated Statutes of Canada; and the said examiner and inspector shall also be subject to all the conditions, requirements, oaths, matters and things (touching their offices) set forth in the said Act. Powers to appoint board of examiners of inspectors.

23. Any person who may by law, in other cases, make a solemn affirmation, instead of taking an oath, may make such solemn affirmation in any case where by this Act an oath is required; and any person hereby authorized to administer an oath, may in such case as aforesaid administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely, in any case where an oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful perjury. Oaths and affirmation.

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

SCHEDULE.

Form of a submission to the Board of Arbitration.

Know all men that the undersigned and the undersigned (*if there be more parties, that is, more separate interests, mention them*) having a difference as to the respective rights of the said parties, as in the case hereunto subjoined, have agreed and bound themselves under a penalty of dollars, to perform the award to be made by the Board of Arbitration of the Board of Trade of in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform such award to the party ready and willing to perform the same.

In witness whereof the said parties have hereunto set their hands and affixed their seals at the of on the day of A. D. 18

A. B., [L.S.]
C. D., [L.S.]
E. F., [L.S.]

FORM OF OATH.

To be taken by Members of the Board of Arbitration.

I swear that I will faithfully, impartially and diligently perform my duty as a member of the Board of Arbitration of the Board of Trade of and that I will in all cases in which I shall act as arbitrator give a true and just award, according to the best of my judgment and ability, without fear, favor or affection, of or for any party or person whomsoever. So help me God.

No. 126.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to authorize the incorporation of Boards of Trade in the Dominion.

Received and read first time, Monday, 28th April, 1873.

Second reading, Wednesday, 30th April 1873.

Mr. CARTER.

OTTAWA:

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

No. 127.] **BILL.** [1873.

An Act to regulate the rate of Interest in the Province of Nova Scotia.

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

1. From and after the passing of this Act, chapter eighty-two of the second series of the revised statutes of Nova Scotia entitled "Of interest" be and the same is hereby repealed except as hereinafter provided by the fourth section of this Act. Ch. 82 Rev. Stats. N. S., 2nd series, repealed.

2. No person shall directly or indirectly receive on any contract to be made for the loan or sale of any money or goods, more than six dollars for the forbearance of one hundred dollars for one year, and after that rate for a greater or lesser sum, and a longer or shorter time; but no deed or contract for payment of any money hereafter loaned, or for the forbearance of anything undertaken, upon or by which more than such rate of interest shall be reserved or received, shall be hereafter deemed void. Rate of interest to be 6 p.c. But higher rate not to void contracts, &c.

3. In any action brought on any contract whatsoever, in which there is directly or indirectly taken or reserved a rate of interest exceeding that authorized in section second, the defendant may the same being duly pleaded as in other cases, prove such excessive interest and it shall be deducted from the amount due on such contract. In action on contract, defendant may have interest reduced to legal rate.

4. Nothing in this Act shall extend to or be construed to extend to contracts or securities entered into before the passing of this Act, or to legalize any previous contract security or loan, made, entered into, given, or taken before the passing of this Act, but all such contracts, securities, or loans, shall be construed, considered, and dealt with as well in civil suits as in proceedings for penalties as if this Act had not been passed; and for all such cases chapter eighty-two of the second series of the revised statutes of Nova Scotia, entitled "Of interest" shall be considered in force and unrepealed. Act not to extend to existing contracts, &c.

5. Nothing in this Act contained shall extend to or be construed to extend to bottomry or contracts on the bottom of any vessel, damages on protested bills allowed by law, penalties incurred for the non-fulfilment of any contract, where such penalties are mutually binding, and contracts for the loan or hire of any grain, cattle or live stock, let out as the parties may agree, if the lender takes the risk of casualties upon himself, in which case the borrower shall not avail himself of any loss suffered through his wilful neglect, or any volintary damage which may be committed by him. Cases to which this Act does not extend.

6. In all cases where interest is chargeable and no rate has been stipulated for between the parties, six per cent. only shall be recoverable as heretofore. Where no rate stipulated for, 6 p. c. only recoverable.

No. 127.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to regulate the rate of Interest in the Province of Nova Scotia.

Received and read first time, Monday, 28th April, 1873.

Second reading, Wednesday, 30th April, 1873.

Mr. TOBIN.

OTTAWA:

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

1873.

An Act respecting "The Central Prison for the Province of Ontario."

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WHEREAS the Legislature of the Province of Ontario has passed an Act for the establishment, maintenance and management of a Reformatory Prison to be called "The Central Prison for the Province of Ontario," and it is expedient that provision should be made by the Parliament of Canada in respect thereof; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. After a proclamation has been issued by the Lieutenant Governor of the Province of Ontario declaring the prison buildings now being erected in the city of Toronto, and the lands to be used in connection therewith, to be "The Central Prison for the Province of Ontario," every court of criminal jurisdiction in the said Province before whom any person shall be convicted of any offence punishable by imprisonment in the common gaol for a period of two months or for any longer time may sentence such offender to imprisonment in the said Central Prison for such period of two months or for such longer time instead of in the common gaol of the county where the offence was committed or was tried.

2. After any proclamation shall have been issued as aforesaid, all persons then or thereafter confined in any of the common gaols of the said Province under sentence of imprisonment for any offence, may by direction of the Provincial Secretary of Ontario be transferred from such common gaols respectively to such Central Prison, there to be imprisoned for the unexpired portion of the term of imprisonment to which such persons were originally sentenced or committed to such common gaols respectively, and such persons shall thereupon be imprisoned in such Central Prison for the residue of the said respective terms, unless they be in the meantime lawfully discharged or removed, and shall be subject to all rules and regulations of such Central Prison.

3. The Warden of the Central Prison shall receive into the said prison every offender legally certified to him as sentenced to imprisonment therein, and shall detain him subject to all the rules, regulations and discipline thereof, until the time to which he has been sentenced shall be completed, or until he shall be otherwise discharged in due course of law.

4. The Lieutenant Governor of Ontario, by Order in Council may from time to time authorize, direct or sanction the employment upon any specific work or duty, without or beyond the walls or limits of such Central Prison of any of the prisoners confined or sentenced to be imprisoned therein; and all such prisoners shall during such last mentioned employment be subject to all the rules, regulations and discipline of the said Central Prison so far as the same may be applicable, and to such other regulations

for the purpose of preventing escapes and otherwise as may be approved by the said Lieutenant Governor in that behalf; Provided that when any such prisoner or prisoners shall be so employed without the walls or limits of such Central Prison, it shall only be done under the strictest care and supervision of officers appointed to that duty.

5. The said Lieutenant Governor may from time to time by warrant signed by the Provincial Secretary of Ontario, or by such other officer as may be authorized by the Lieutenant Governor in Council in that behalf, direct the removal of any offender from the Central Prison to the Provincial Reformatory or to the Dominion Penitentiary, or from the Central Prison back to the common gaol, or to any other gaol, or from the said Reformatory to the Central Prison.

6. Whenever the time of any prisoner's sentence in the said Central Prison shall expire on a Sunday he shall be discharged on the previous Saturday, unless he desires to remain until the Monday following.

An Act to amend the Act 32 and 33 Vict., Chap. 70, "*to unite the Beaver and the Toronto Mutual Fire Insurance Companies.*"

129

WHEREAS the Beaver and Toronto Mutual Fire Insurance Company have prayed for certain amendments to the Act, passed in the Session held in the thirty-second and thirty-third years of Her Majesty's Reign, chapter seventy, relating to the said 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:

1. The Company may close its household branch, and may create a new branch thereof, to be called the City Branch, for insurance of property within range of the city hydrants, and such other branches as the Company may hereafter think fit to organize.

2. The Board of Directors of the Company may appoint from among themselves three persons, being citizens of Toronto, as Trustees of the funds of such City Branch, whose duty it shall be to take care that such funds be applied solely for the uses and objects of such branch, according to any by-law of the Company providing for the management of such City Branch, provided that the reserve fund of any branch may be invested in the guarantee stock of any other branch.

3. The Company may take premium notes for the insurance of live stock, and may assess the same from time to time in the same manner as in case of insurance against fire; and persons so insuring shall have the same rights and be subject to the same duties as other members of the Company.

4. Any lien for the premium note on lands on which the insured property is situate which may have existed or may now exist under policies of the Company, is abolished, and no such lien shall be created under any future policies.

5. The Company shall be at liberty to cancel any policy, by giving to the insured notice to the effect that they will cancel the same by registered letter, signed by the Secretary of the Company, addressed and sent by mail, postage paid, to the post office address of the insured as given by him or her in the application for insurance, or subsequent writing to the Company, or by giving to the insured personally, notice in writing, signed by the Secretary, or an officer or agent of the Company, to such effect; the party insured shall nevertheless be liable to pay his proportion of the losses and expenses of the Company to the time of cancelling the policy, and on payment of his proportion of all assessments then payable and to become payable in respect of losses and expenses sustained up to such period, shall be entitled to a return of his premium note or undertaking, and such portion

of the premium paid by him as shall not have been absorbed by the losses and expenses of the company up to such period, and a condition to this effect shall be endorsed on the policy.

6. Any member of the Company may, with the consent of the Directors, withdraw therefrom upon such terms as the Directors may require.

7. No member of the Company shall be liable in respect of any loss or other claim or demand against the Company, otherwise than upon and to the extent of the amount unpaid upon his premium note.

8. Any suit cognizable in a Division Court upon or for any premium note, or any sum assessed or to be assessed on any premium note, may be entered and tried and determined in the Court for the Division wherein the head office or any agency of the Company is situate.

9. The amount of cash policies to be issued in any one year, in any branch of the Company, shall be limited, so that the cash premiums received thereon during any one year, shall not be in excess of one half the amount still payable of premium notes in such branch, on hand on the thirty-first day of December of the next preceding year, and all the property and assets of the Company, or of each branch thereof, including premium notes, shall be liable for all losses which may arise under insurances for cash premiums.

10. If the assessment on the premium note upon any policy be not paid within thirty days after the date on which such assessment shall have become due, the policy of insurance for which such assessment shall have been made, shall be null and void as respects all claim for losses occurring during the time of such non-payment ; Provided always that the policy shall be revived when such assessment shall have been paid, unless the Secretary give notice to the contrary to the assessed party in the manner in this Act provided ; but nothing shall relieve the assured party from his liability to pay such assessment or any subsequent assessments, nor shall such assured party be entitled to recover the amount of any loss or damage which may happen to property insured under such policy while such assessment shall remain due and unpaid, unless the Board of Directors in their discretion shall decide otherwise.

11. All provisions of former Acts of the Parliament of Canada which may be inconsistent with the provisions of this Act, are hereby repealed in so far as the said Company is concerned.

12. Every resolution of the Board duly entered upon the minutes, approved at a subsequent meeting thereof, and sealed with the Company's seal, shall have the effect of a by-law of the Company until the next annual meeting thereof, when it shall be submitted to the members for confirmation or rejection as they may think fit.

13. The Board of Directors may nominate three persons as Directors to serve until the next annual meeting, so as to complete the full number of fifteen Directors, allowed by law, and such persons so appointed shall have all the same rights and duties as the other Directors of the Company.

No. 130. **BILL.** 1873.

An Act respecting Interest and Usury in the Province of Nova Scotia.

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

Interest, when no rate is fixed.

1. In the Province of Nova Scotia in all cases where interest is or may be chargeable or recoverable by law or by any contract express or implied, and the rate of interest shall not have been agreed upon in writing as hereinafter provided, such rate shall be six per cent per annum.

When secured on land.

2. Any person may nevertheless stipulate and agree in writing for any rate of interest not exceeding seven per cent per annum, for the loan or forbearance of money to be secured on real estate, or chattels real, or by a judgment to be made binding on real estate, or on any interest in land: Any person may also stipulate in writing for any rate of interest not exceeding ten per cent per annum for any period not longer than one year, or seven per cent for any period longer than one year, where the security for the payment of the money consists only of personal property, or the personal responsibility of the party to whom forbearance is given, or others.

When only on personalty or personal security.

Penalty for taking higher rate than is allowed by this Act.

3. Any person directly or indirecty contracting for taking or receiving any greater rate of interest than that mentioned in the last preceding section on the respective securities therein mentioned, shall forfeit treble the amount of the interest contracted for, taken or received, either by a reduction thereof from the amount which would otherwise be recoverable under the contract, or, if the same has been paid or received, then such forfeiture may be recovered in an action to be prosecuted as for an ordinary debt by the party from whom such excessive interest is taken or received, provided such action is commenced within one year from the payment or receipt of the whole or any part of such excessive interest, or of the money for the forbearance of which the same shall have been so taken or received.

Exception as to bottomry bonds.

4. The foregoing provisions shall not extend to any hypothecation or agreement in writing entered into for money advanced upon the bottom of a ship or vessel, her cargo or freight.

Repeal.

5. Sections one, three and six, of chapter eighty-two of the Revised Statutes of Nova Scotia, second series, continued in force in the Appendix to the Revised Statutes of Nova Scotia, third series, page 741, are hereby repealed.

No. 130.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act respecting Interest and Usury in the Province of Nova Scotir.

Received and read the 1st time Wednesday, 30th April, 1873.
Second reading, Tuesday, 2nd May, 1873.

MR. SAVARY.

OTTAWA :
Printed by I. B. TAYLOR, 29, 31, and 33, Rideau Street,
1873.

BILL.

No. 131.] [1873.

An Act to re-arrange the Capital of the Northern Railway Company of Canada and for other purposes relating to the same.

Preamble.

WHEREAS, for the proper accommodation and development of the traffic of the district served by the Northern Railway Company of Canada, it is necessary to change the gauge of the said railway from five feet six inches to four feet eight inches and a half, and that additional rolling stock and other equipment should be provided and additional works and improvements executed on the said railway, and that new expenditure on capital account will thereby have to be incurred.

And whereas, the present share and loan capital of the company consists of the following particulars (that is to say) :—

(a) First preference bonds to the amount of £250,000 sterling, in bonds of £100 sterling each.

(b) Second preference bonds to the amount of £283,900 sterling, in bonds of £100 sterling each.

(c) Class A, third preference bonds to the amount of £50,000 sterling, in bonds of £100 sterling each.

(d) Class B, third preference bonds to the amount of £100,000 sterling, in bonds of £100 sterling each.

(e) The lien of the Dominion amounting to £475,000 sterling.

(f) The share capital of the company amounting to £203,800 currency, divided into 40,760 shares of £5 currency each.

And whereas, besides the lien, the Government holds £50,000 in amount of the second preference bonds, and £50,000 in amount of the Class B, third preference bonds.

And whereas, the company has presented a petition praying that in order to facilitate its raising the new capital required, such terms of arrangement may be granted to it as are hereby made for the discharge of the debt due to the Government of the Dominion in respect as well of the lien as of the said bonds, and proposing that in consideration of the the grant of such terms of arrangement, the provisions hereinafter appearing should be made for the re-adjustment of the company's share and loan capital.

And whereas, it is for the public benefit to accede to such prayer and proposal, and the said re-adjustment of the capital of the company will be equitable, having regard to the circumstances of the company and to the market values of the respective classes of its capital.

And whereas, the company and the Northern Extension Railways Company have presented petitions praying that the railways of the Northern Extension Railways Company may be declared to be works for the general advantage of Canada, and it is expedient that the prayers of the said respective petitions 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 :—

Debt to the Government, how to be discharged.

1. If on or before the next or within such extended time as His Excellency the Governor General shall grant by any Order in Council the company or any body of persons on its behalf shall pay to the Receiver General of Canada, or to the financial agents of the Dominion in England, the sum of pounds sterling, besides the amount of interest coupons on the second preference bonds held by the Government of the

Dominion which shall fall due on or before such date, such payment shall be accepted and shall operate as a full discharge of all principal money and interest due or owing from the company to the Government, as well in respect of the said second and Class B, third preference bonds, as in respect of the lien of the Dominion for £475,000 sterling, and none of the succeeding sections of this Act, notwithstanding any expressions which might imply their immediate operation shall take effect unless and until such payment shall have been made.

Issue of ordinary stock.

2. There is hereby created, and the company may issue pursuant to the provisions in that behalf hereinafter contained, ordinary stock of the amount of *one million* pounds sterling, the holders of which shal be entitled to participate rateably, one with another, in the net profits of the company.

To be personal estate.

3. The said ordinary stock shall be and shall have all the incidents of personal estate, and shall be transmissible and transferable in any quantities not involving fractions of a pound sterling, as nearly as may be in the same manner and subject to the same regulations as the share capital of the company hitherto.

Registers of Stockholders.

4. The company shall keep at its offices in Toronto, and in London, England, registers of the holders of ordinary stock, containing the amounts held by them, and the dates of issue, transfer or transmission ; and every transfer or transmission shall be registered, which shall be communicated to the company for that purpose, accompanied with such evidence of title as may be reasonably required, and with the payment of a fee of one dollar at Toronto, or four shillings in London.

Inspection of registers by stockholders.

5. The said registers shall be accessible for inspection and perusal, without fee, at all reasonable times, to every bondholder or ordinary stockholders of the company.

Dividends how and to whom payable

6. The dividends shall be payable to the holders of the ordinary stock who shall appear in the said registers at their opening on the morning of 1st January in each year, immediately after which date, certified copies of the said registers shall be transmitted to and from London and Toronto respectively.

Certificates of stock.

7. The company shall deliver to every holder of ordinary stock a certificate stating the amount of such stock held by him ; and all regulations applicable at the date of the passing of this Act to certificates of shares in the capital of the company shall apply *mutatis mutandis* to such certificates.

Consolidation of share capital.

8. The share capital of the company heretofore existing shall be reduced and consolidated, and the bonds heretofore issued by the company shall or may be converted as follows :—

For every two shares of £5 currency, whether held alone or remaining over on a larger holding, there shall be given of ordinary stock ; and for every single such share, whether held alone or remaining over as aforesaid, there shall be given ordinary stock to the amount of sterling, which, notwithstanding the third section hereof, shall be transferable, but without further subdivision, until it shall have become combined with another similar amount of ordinary stock in a holding not containing a fraction of a pound sterling.

For every *one hundred pounds* sterling first preference bond there may be given *one hundred and twelve pounds* sterling of ordinary stock.

For every *one hundred* pounds sterling second preference bond other than those held by the Government of the Dominion, there may be given *one hundred and six* pounds sterling ordinary stock ;

For every *one hundred* pounds sterling third preference bond, whether of Class A or of Class B, other than those held by the Government of the Dominion, there shall be given *one hundred* pounds sterling of ordinary stock.

Existing shares and third preference bonds to be extinguished.

9. No share heretofore existing in the capital of the company, or third ference bond issued by the company shall be transferred after the 30th e or 31st December next following the date when such payment as tioned in the first section of this act shall have been made, but im- diately after such 30th June or 31st December all such shares shall be nguished, and all such bonds shall become null and void, and every oration or person registered as a shareholder at that date, or then lled to be so registered by virtue of a transfer previously executed, ben being a third preference bondholder of the company shall be re- ved for the amount of ordinary stock in such respective case hereby , the certificate of which shall be issued in exchange for the surrend- the certificates of the extinguished shares, or, as the case may be, ficate of the nullified bonds, and upon such exchange being effected company shall pay to the bearers the just interest of the said bonds the said 30th June or 31st December, from which date the said ordi- y stock shall carry dividend.

Time for conversion of shares limited.

10. The benefit of the exchange provided by the preceding sections l not extend to any share in respect of which no claim to it, which ll ultimately be found to be valid, shall have been made within *three* s from the 30th June or 31st December next following the passing this Act, at the office of the company either at Toronto or in London, land, but at the expiration of the said time all such shares shall be nguished for the benefit of the company, and all dividends accrued or payable on the stock which was issuable in respect thereof shall feited to the company.

Directors may agree for surrender of first or second preference bonds.

11. It shall be lawful for the Directors of the company, at any time, gree with the holder of any first or second preference bond of the pany, for the surrender of such bond, either on the principal amount reof, with all interest due thereon to the date of such surrender being off in cash at par or in exchange for the issue to such holder of an unt of ordinary stock not exceeding that hereinbefore in such res- ive case permitted, and carrying dividend from the 1st July or 1st inary coinciding with or next following the last half yearly due date the interest on such bond, the first interest for the interval, if any, y paid in cash ; and it shall be lawful for all trustees, guardians of estates of infants, curators of the estates of lunatics, executors, admi- strators, and other persons possessed in right or on behalf of others, alike for all municipalities and corporations, to agree with the direc- for the discharge or conversion of any first or second preference as aforesaid.

Ordinary stock to be reserved for conversion of bonds.

12. So long as there shall be any first or second preference bond, for scharge or conversion of which no agreement shall have been made the preceding section, so much ordinary stock shall be reserved ed as is hereinbefore permitted to be issued for the conversion reof.

Issue of ordinary stock to meet certain claims.

13. It shall be lawful for the Directors to raise, by the issue of or- y stock, at such prices as shall be obtainable for the same, so much as shall be necessary for discharging the Government debt, pur- t to the provisions in that behalf hereinbefore contained, or for dis- ging the principal amount of any first or second preference bond, the Directors shall agree to pay off in cash, or which shall mature, to apply the money so raised to such purposes respectively.

Residue of ordinary stock now issued.

14. It shall be lawful for the Directors to issue the residue of the or- y stock hereby created, including the stock which was issuable in ect of any shares extinguished, for the benefit of the company, at

such prices as shall be from time to time obtainable for the same, and to apply the proceeds of such issues to the general purposes of the company properly chargeable to capital account, provided that no ordinary stock in excess of the total amount of £800,000 in which shall be included all stock to be reserved under the twelfth section hereof, shall be issued without the previous sanction of a general meeting.

Proviso.

Existing rights saved.

15. Any bonds or government debt for the time being neither converted nor discharged hereunder shall retain the same priorities, and carry the same rights in all respect, save as otherwise herein expressed as if this act had not been passed, and the ordinary stock hereby created shall hold with regard thereto the same position as the share capital of the company heretofore held.

Votes.

16. Every *hundred* pounds sterling of ordinary stock shall entitle the holder thereof to one vote at the general meetings of the company and all such stock shall be reckoned towards the *twenty five thousand* pounds sterling required to be held by the quorum of stockholders and bondholders of such general meetings, and towards the *two hundred* pounds sterling required to be held as a qualification by a director, in his own right or in right of his wife; provided that the municipalities of the County of Simcoe and the City of Toronto shall not be entitled to vote at general meetings of the company so long as they are represented by *two* Directors, as provided by the Order in Council made on 12th May 1859, by His Excellency the Governor General of Canada, by and with the advice of the Executive Council of the then Province of Canada.

Proviso.

When voting in preference bonds shall cease.

17. As soon as either first or second preference bonds or both to the amount of *one hundred thousand* pounds sterling in all shall have been converted under the powers in that behalf hereinbefore given, all the remaining bonds of the company shall cease to confer any right of voting or being present at general meetings.

Ordinary general meetings.

18. The ordinary general meetings of the company shall in future be held *twice* a year, on such days, and, in the first instance, at such places, whether in Canada or in England, as the Directors shall from time to time determine, and extraordinary general meetings shall be held in the first instance at such places, whether in Canada or in England, as the Directors or the stockholders convening the same shall appoint, provided that any such meeting convened by the Directors on the requisition of stockholders shall be held in the first instance at such place, if any, as shall be specified in the requisition; and any general meeting may be adjourned to such place, whether in the same or in the other country, as the meeting shall determine.

Directors.

19. At the first general meeting of the company held after the passing of this Act, *three* directors, of whom *two* may be resident in England, shall be elected to act together with the present directors of the company, and thenceforward the number of the directors of the company, including the *two* directors nominated by the municipalities of the County of Simcoe and the City of Toronto, shall be *twelve*, of whom five may be resident in England.

Retirement of Directors.

20. Three of the Directors, other than those nominated by the said municipalities, shall go out places, and their place shall be filled up by election, at the first ordinary general meeting in every year, the Directors to retire in each year being those who have been longest in office, and in case of equality in that respect, being determined by lot, if the Directors cannot agree among themselves. All retiring Directors shall be re-eligible.

Proxies.

21. It shall be lawful for any Director to give and at his pleasure revoke, a general proxy to any other Director to vote for him at the Board; but no proxy or power of attorney by which the Director holding it might be obliged to vote in a particular sense on any question shall be permitted.

22. The Board may from time to time appoint any Directors, either in Canada, or in England as a Committee, and may delegate to such Committee all such of its powers as the Board shall from time to time determine. No proxies shall be allowed at the meetings of any Committee of the Board. Committees of board of directors.

23. The Board may cause a special common seal of the company to be made for use in England, and may commit the use of such seal to a committee composed of the Directors being from time to time in England. Common seal.

24. The railways of the Northern Extension Railways Company are hereby declared to be works for the general advantage of Canada. Declamatory.

25. This Act may be cited as "The Northern Railway of Canada Act, 1873." Short title.

No. 131.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to re-arrange the Capital of the Northern Railway Company of Canada, and for other purposes relating to the same.

PRIVATE BILL.

HON. J. B. ROBINSON.

OTTAWA:

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

1873.

No. 132.] **BILL.** [1873.

An Act to amend Chapter 21 of the Acts of 1869, 32 and 33 Victoria, respecting Larceny.

Preamble.

WHEREAS it is expedient to amend the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled "An Act respecting Larceny and other similar offences," Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Section 22 repealed and new section substituted.

1. The twenty-second section of the said Act is hereby repealed and the following substituted in lieu thereof, and read and construed as the twenty-second section of the said Act:

The new section.

"22. Whosoever steals, or cuts, breaks, roots up or otherwise *separates from the soil, or in any way* destroys or damages with intent to steal the whole or any part of any tree, sapling or shrub, or any underwood, wheresoever the same may be respectively growing, the stealing of such article or articles or the injury done being to the amount of twenty-five cents at the least, shall, on conviction thereof before a justice of the peace, forfeit and pay, over and above the value of the article or articles stolen or the amount of the injury done, such sum of money, *not less than* $15 (*fifteen*) *nor more than* $30 (*thirty dollars*), as to the justice may seem meet; And whosoever having been convicted of any such offence, either against this or any former Act or law, afterwards commits any of the said offences in this section before mentioned, and is convicted thereof in like manner, shall for such second offence be committed to the common gaol or house of correction, there to be kept to hard labor for such term, not *less than one nor more than three months*, as the convicting justice may think fit; and whosoever having been twice convicted of any such offence (whether both or either of such convictions shall have taken place before or after the passing of this Act), afterwards commits any of the offences in this section before mentioned, is guilty of felony, and shall be liable to be punished in the same manner as in the case of simple larceny;

"And any horses, cattle, carts or other vehicles, by or upon or by reason of which any property mentioned in this section may be found in course of removal by the guilty party, or any one for him, from the premises upon which the same has been wrongfully cut down, taken or stolen, as in this section mentioned, shall be absolutely forfeited, and upon the judgment of forfeiture by the convicting justice, and upon his order or warrant to that effect, directed to the sheriff or any constable of the county or place, setting forth such conviction and forfeiture, the same shall be forthwith advertised and sold at public auction, and the proceeds thereof, after deducting expenses, applied as ordinary fines and penalties imposed under this Act."

No. 132.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend Chapter 21 of the Acts of 1869, 32 and 33 Victoria, respecting Larceny.

Received and read first time, Thursday, May 1st, 1873.

Second reading Friday, May 23rd, 1873.

MR. CHIPMAN.

OTTAWA:

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

1873.

No. 133.] **BILL.** [1873.

An Act to abolish the Property Qualification of Members of the House of Commons of Canada.

Preamble.

WHEREAS it is expedient to provide a remedy for the diversity of laws now regulating the qualification in real estate required of members of the House of Commons of Canada, and to adopt one general and uniform rule in this respect for the several Provinces of the Dominion; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Property qualification abolished.

1. All the provisions respecting the qualification in real estate now required for members of the House of Commons of Canada by the divers laws in force in this behalf, are hereby repealed, and every British subject of the male sex of twenty-one years or upwards of age, who is not by law declared ineligible, shall hereafter be eligible and duly qualified for being elected, and may offer himself and be elected a member of the House of Commons of Canada for any county or electoral district whatsoever, in any Province of the Dominion of Canada, without its being necessary that he should possess any qualification in real estate whatsoever.

No. 133.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to abolish the Property Qualification of Members of the House of Commons of Canada.

Received and read first time, Thursday, 1st May, 1873.

Second reading, Friday, 2nd May, 1873.

Mr. JETTÉ.

OTTAWA:
Printed by I. B. Taylor, 29, 31 & 33, Rideau Street.
1873.

No. 134.] **BILL.** [1873.

An Act relating to shipping and for the registration thereof.

Preamble.

WHEREAS the rule of measurement of ships contained in the Act "*respecting the registration of inland vessels*," forming chapter forty-one of the Consolidated Statutes of the late Province of Canada, being the same as that contained in the Acts of the Imperial Parliament in force on the 17th day of March, 1845, differs from that contained in the Act of the Imperial Parliament known as "*The Merchant Shipping Act*, 1854," and Acts amending the same; and whereas it is desirable that but one rule of measurement of ships should prevail in Canada, and that ships navigating the inland waters of Canada should not be subject to provisions of law in some other respects different from those to which other ships in Canada are subject; and whereas it is desirable to make better provision for giving security to persons advancing money on ships in course of construction; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PRELIMINARY.

Commencement of Act.

1. This Act shall take effect upon, from and after the day not being earlier than the first day of January, one thousand eight hundred and seventy-four, named for that purpose in any Proclamation published by the Governor to the effect that the same has been confirmed and approved by Her Majesty in Council.

Inconsistent provisions of Imp. Stat. 17 and 18 Vict., cap. 104, repealed.

2. And whereas, by the five hundred and forty-seventh section of "*The Merchant Shipping Act*, 1854," it is enacted and provided that the legislative authority of any British possession shall have power, by any Act or Ordinance confirmed by Her Majesty in Council to repeal, wholly or in part, any provisions of the said Act relating to ships registered in such possession, so much of the said Act and of any other Act amending the said Act and forming part of the same, as is inconsistent with this Act is hereby repealed so far as relates to ships registered in Canada.

Con. Stat. of Canada, cap. 41 and 42, repealed.

Part ° of c. 75 of Rev. Stat. Nova Scotia repealed.

3. The Act "*respecting the registration of inland vessels*," forming chapter forty-one, and the Act "*For the encouragement of Ship-building*," forming chapter forty-two, of the Consolidated Statutes of the late Province of Canada, are also hereby repealed. Part the second of chapter seventy-five of the Revised Statutes of Nova Scotia, third series "*of the registration of ships*," is also hereby repealed.

4. In this Act

The term "the minister," means the Minister of Marine and Fisheries;

The term "ship" includes every description of vessel used in navigation not propelled by oars.

The term "ships belonging to Her Majesty," includes ships the cost of which has been defrayed out of the Consolidated Revenue Fund of Canada; and ships described as the property of Canada by the one hundred and eighth section of "The British North American Act, 1867."

The term "master," includes every person having command or charge of any ship.

Exemption of H. M. ships.

5. Nothing in this Act shall apply to ships belonging to Her Majesty.

Division of Act.

6. This Act is divided into three parts:

The first part relating to the measurement and registration of ships; and unseaworth ships;

The second part relating to the licensing of small ships and other vessels;

The third part relating to security for advances on ships in course of construction.

Ships exempt from the provisions of this Act.

7. The following ships are exempt from the provisions of this part of this Act, viz:

1. Ships having a whole or fixed deck, not propelled wholly or in part by steam, and not exceeding ten tons burthen.

2 Ships not propelled wholly or in part by steam, and not having a whole or fixed deck, whatever their burthen.

PART I.

MEASUREMENT AND REGISTRATION OF SHIPS.

8. Except as hereinafter mentioned, no ship propelled either wholly or in part by steam, whatever her tonnage, and no ship not propelled wholly or in part by steam, of more than ten tons burthen, and having a whole or fixed deck although otherwise entitled by law to be deemed a British ship, shall be recognized in Canada as a British ship, nor be admitted to the privileges of a British ship in Canada, until, nor unless, she be duly registered in the United Kingdom, or in Canada, or some other British possession, under the said Act as amended as aforesaid.

Lieutenant-Governors may grant passes to British ships. Imp. Stat. 17 and 18 Vict. c. 104. s. 98. and 32 and 33 Vict. c. 11 s. 2

9. In cases where it appears to the Lieutenant Governor of any Province of Canada, that by reason of special circumstances it would be desirable that permission should be granted to any British ship to pass, without being previously registered, from any port or place within the Province of which he is Lieutenant-Governor, to any other port or place in Her Majesty's dominions, such Lieutenant Governor may grant a pass accordingly, and such pass shall, for the time and within the limits therein mentioned, have the same effect as a pass granted by the Governor, or as a certificate of registry; and each Lieutenant-Governor shall forward, without delay, to the Governor in Council a copy of each pass granted by him.

Governor in Council may appoint Registrars of Shipping. Imp. Stat. 17 & 18 Vict., c. 104, s. 30 (6)

10. The Governor in Council may appoint, at and for every port at which he deems it expedient to authorize the registry of ships, the Collector or other principal officer of Customs, who shall be the Registrar for all the purposes of "*The Merchant Shipping Act*, 1854," and the Acts amending the same, and of this Act.

11. The Governor in Council may appoint at every such port, and at any other port in Canada, an officer to superintend the survey and admeasurement of ships in conformity with the said Acts and this Act; and the same person may be appointed both the Registrar and Surveyor at any such Registry Port.

and see Imp. Stat. 32 and 33 Vict. c. 11, s. 6. Governor in Council may also appoint Surveyors. Rev. Stat. Nova Scotia (3rd series), c. 75, part 2nd sec. 2.

12. Such Surveyor shall be entitled to such fees for the measurement of ships about to be registered for the first time under this Act, or requiring measurement for the purposes of registry, and to such travelling expenses, when required to travel for the purpose of making any such measurement, as the Governor in Council may, from time to time by Order in Council see fit to establish; and such fees, and travelling expenses (if any) shall be paid to such Surveyors by the persons requiring their services; and any Surveyor may, in any case, withhold his certificate of measurement, or any other document that may be required of him, until his fees and travelling expenses (if any) be paid, and such fees shall be in lieu of all salary and other remuneration whatever for such services, but no fees shall be charged in Canada for registering vessels or recording transactions relating to the registry of vessels under this Act or under "*The Merchant Shipping Act*, 1854," or its amendments.

Surveyors to be entitled to fees and travelling expenses.

Rev. Stat. Nova Scotia (3rd series) c. 75, part 2, sec. 4.

13. In any case where two or more persons claim to be builders of any ship, or present the builder's certificate to the Registrar of Shipping at any port in Canada for the purpose of obtaining registry for such ship under the provisions of section forty of "*The Merchant Shipping Act*, 1854," and are not agreed as to who is the builder of the same, such Registrar may refuse to grant registry for such ship, and is hereby empowered to summon witnesses administer oaths, demand any books or papers, and receive any evidence relating to such ship; and a copy of such evidence taken, and a report thereon, shall be submitted by him to the Governor in Council, who shall issue such directions in the case as he may deem necessary; and registry shall be granted in pursuance of such directions and not otherwise.

Case of conflicting claim to obtain registry of a ship provided for.

14. No ship duly registered under the provisions of the said Act "*respecting the registration of inland vessels*," forming chapter forty-one of the Consolidated Statutes of the late Province of Canada, before the day on which this Act takes effect, need be registered after that day in pursuance of the provisions of this Act, except for the purpose of enabling her to proceed to sea as a British ship.

Case of vessels registered under cap. 41 of Con. Stat. Canada provided for.

But no ship required by the said Act to be registered shall, unless duly registered under the provisions of the said Act before the said day, and no other ship required to be registered in Canada, under the provisions of "*The Merchant Shipping Act*, 1854," as amended as aforesaid, or under the provisions of this Act, shall, unless so registered before or after the said day, be recognized in Canada as a British ship; and no officer of Customs shall granat clearance to any ship required to be registered under the provisions of either of the said Acts, or of this Act, for the purpose of enabling her to proceed on a voyage unless the master of such ship, upon being required so to do, produces to him the proper certificate of registry; and if any such ship attempts to proceed

Disabilities of unregistered ships.

Proof of loss, &c, of certificate to be on oath.

on a voyage as a British ship without a clearance, any officer of Customs may detain such ship until such certificate is produced to him.

Rev. Stat. Nova Scotia (3rd series) c. 75, part 2nd sec. 6.

15. No new certificate of registry of a ship registered in Canada shall be granted in Canada, under section forty-eight of "*The Merchant Shipping Act*, 1854," without proof on oath of the certificate of registry of such ship having been lost, mislaid, or destroyed.

Wrecked ship may be registered by authority of the Governor in Council.

16. If any British or foreign registered ship is either actually or constructively wrecked, and the register thereof is closed, and the certificate of registry is delivered up to the proper officer and cancelled; or, if any ship, sailing under a pass from the Governor, or under a pass from a Lieutenant Governor under the fourth section of this Act, is either actually or constructively wrecked on the voyage, and during the time and within the limits mentioned in such pass, the Governor in Council may direct that such ship may be registered as a British ship in any port in Canada at and for which there is a Registrar of Shipping, on proof being adduced, to the satisfaction of the Governor in Council, that such ship has been thoroughly repaired and made seaworthy, and also that all the transactions connected with the wreck, condemnation, and sale of such ship, were in good faith, and that all the requirements of the law have been complied with; but no Registrar of Shipping shall register any such ship without the authority of the Governor in Council.

Access to registers of ships.

Imp. Stat. 17 & 18 Vict., c. 104, sec. 92

17. Every person may, upon payment of a fee of twenty cents, have access to the register of any ship registered in Canada, at the port of registry of such ship, at any reasonable time during the hours of official attendance of the Registrar, and such fees shall, from time to time as may be directed by the Governor in Council, be paid by the Registrars receiving the same to the Receiver General, to form part of the Consolidated Revenue Fund of Canada.

Collectors of Customs to endorse changes of masters on certificates.

Rev. Stat. Nova Scotia 3rd series, c 75 part 2, sec. 7.

18. Subject to the provisions of this Act, Collectors or other principal officers of Customs in Canada, not being Registrars of Shipping, shall have the same power and be under the same obligation to endorse from time to time on the certificate of registry of any ship at any port in Canada where the said ship may be, any change of master which takes place at that port, as are given to and laid upon Registrars of Shipping under "*The Merchant Shipping Act*, 1854."

Endorsement of change of Master by Registrar or Collector, on what proof to be made.

19. For and notwithstanding anything to the contrary contained in the forty-sixth section of "*The Merchant Shipping Act*, 1854," in case any Registrar of Shipping, or Collector or other principal officer of the Customs at any port or place in Canada, receives conflicting directions from owners of any ship registered in Canada as to a change of the master of such ship, such Registrar, or Collector or other principal officer, may refuse to endorse a memorandum of the change of master on the certificate of registry of such ship, unless or until he receives a declaration, according to the form in the schedule to this Act, or as near thereto as circumstances permit, from the registered owners representing a majority of shares in such ship, or from their duly appointed agent or agents, setting forth the name of the person appointed in lieu of the former master, who shall be named in such declaration; the said declaration shall be made and subscribed in the presence

of the Registrar or Collector of Customs if the declarant or declarants reside within five miles of the Custom House of the port of registry, but if beyond that distance, in the presence of any Registrar or Collector of Customs in Her Majesty's dominions, or of any Justice of the Peace; and in addition to such declaration, the Registrar of Shipping or Collector of Customs at the port where the change is requested to be endorsed, may require to be produced a certified copy of the register, or such other evidence as he may deem necessary, as proof of the ownership of the ship.

Registrars and Collectors to keep records of endorsements of changes of Master.

20. Every Registrar of Shipping and every Collector of Customs shall keep a record of every endorsement of a change of master made by him on the certificate of registry of a ship, and shall specify in such record the date of such endorsement, the name of the ship, the official number of the ship, the port of registry of the ship, the name of the old master, the name of the new master, and whether or not he has a certificate of competency or a certificate of service, and, if he has either of such certificates, the number thereof; and every such record shall be kept in the office of the Registrar of Shipping or Collector of Customs making the same, or his successor as such, and shall at all times during the usual office hours be open to all persons for inspection, without fee or reward.

Change of managing owner to be registered. English Bill of 1873. s. 16.

21. Upon the managing owner, or any of the managing owners (if more than one) of a ship registered in Canada being changed, or, if there be no managing owner, upon the ship's husband being changed, the newly appointed managing owner or owners or ship's husband shall forthwith give notice of such change to the registrar of the ship's port of registry, who shall register the same accordingly; any managing owner or ship's husband who fails to comply with the requirements of this section shall incur a penalty not exceeding *one hundred dollars*.

Rules to be observed as to the name of ships. Imp. Stat. 34 and 35, Vict. c. 110, s. 6.

22. With respect to the names of ships registered in Canada the following rules shall be observed:

1. A ship shall not be described by any name other than that by which she is for the time being registered;
2. No change shall be made in the name of a ship without the previous permission of the Governor in Council. Upon such permission being granted, the ship's name shall forthwith be altered in the register book, in the ship's certificate of registry, and on her bows and stern.
3. If in any case it is shown to the satisfaction of the Governor in Council that the name of any ship has been changed without his previous permission, he may direct that her name be altered into that which she bore before such change, and the name shall be altered in the register book, in the ship's certificate of registry, and on her bows and stern accordingly;
4. Where a ship having once being registered has ceased to be so registered, no person, unless ignorant of such previous registry, (proof of which shall lie on him), shall apply to register, and no registrar shall knowingly register such ship, except by the name by which she was previously registered, unless with the permission of the Governor in Council.

Penalty for contravention

Every person who acts, or suffers any person under his control to act in contravention of this section, or who omits to do, or suffers any person under his control to omit to do any thing requi-

red by this section, shall for each offence incur a penalty not exceeding *four hundred dollars*; and any registrar or principal officer of customs may detain the ship until the provisions of this section are complied with.

Publication of notices of applications entertained.

Application for a change of name shall be made in writing to the Governor in Council. If of opinion that the application is made on reasonable grounds, the Governor in Council may entertain the same, and may thereupon require notice thereof to be published in such form and manner as he may think fit.

Statement to be made by the master of a British ship to which a casualty has happened. English Bill of 1873, S. 424.

23. Whenever a shipping casualty happens any where in the case of a ship registered in Canada, or within the limits of Canada in the case of any other British ship, the master, or if the master is dead the chief surviving officer, and also every such other person belonging to the ship as the minister may from time to time direct, shall, within twenty-four hours of his first landing in Canada after the happening of such casualty, attend and submit himself for examination at the office of the principal officer of customs residing at or near the place where such casualty occurred, if the same occured on or near the coasts of Canada, or any island or place adjacent thereto, but if the casualty occurred elsewhere, at or near the place of such landing, unless he has been previously examined or excused from attending for examination by any other principal officer of customs residing at or near either of such places or by any receiver of wreck in the United Kingdom; and if any master, officer or other person makes default in obeying the provisions of this section he shall incur a penalty not exceeding *two hundred dollars*.

Notice of loss of ships registered in Canada to be given to the Minister of Marine and Fisheries. Imp. Stat. 17 and 18 Vict. c. 104. s. 327.

24. Whenever the managing owner of any ship registered in Canada has information that such ship is lost, or in consequence of her non-arrival or otherwise, has reason to apprehend that she is lost, he shall forthwith send notice of such loss or apprehended loss to the Minister, and shall upon requisition by the Minister furnish to him such information as he may be required and able to furnish respecting such ship and the loss thereof and the property and persons on board, and if he makes default in obeying the provisions of this section he shall incur a penalty of not exceeding *two hundred dollars*.

Registrar to make annual returns to Minister

25. Every Registrar of Shipping shall, on or before the twentieth day of January in each year, make and forward to the Minister a return, in such form and containing such particulars as the Minister may from time to time direct, of all existing ships of which the registry remained in his registry books, on the thirty-first day of December then last.

Unseaworthy Ships.

Power for Minister of Marine and Fisheries to declare ships unseaworthy, and consequent detention of ship. Imp. Stat. 34 and 35 Vict. c. 110. s. 10.

26. If complaint is made to the Minister that any ship registered in Canada is, by reason of the defective condition of her hull or equipments, or by reason of her being over-loaded or improperly loaded unfit to proceed to sea, or on any voyage on any waters within the limits of Canada, the Minister may cause such ship to be surveyed by a person appointed by him, first exacting from the complainant, if he thinks so fit to do, a deposit of money to defray the expenses of the survey, or such security for the payment of such expenses as he may deem sufficient; and if such person report that the hull or equipments of such ship is or are in such a state, or that such ship is so loaded that she could not proceed to sea

or on any such voyage, as the case may be, without serious danger to human life, the Minister may declare such ship to be unseaworthy, and thereupon any principal officer of customs may detain such ship.

Every such complaint shall be in writing, and shall state the name and address of the complainant; and a copy of the complaint, including the name and address of the complainant, shall before or during such survey be given by the Minister to the master or to an owner of the ship.

If, upon such survey, such ship is found to be seaworthy, the expenses of the survey shall be paid to the Minister by the person making the complaint, without prejudice to any right of suit or action against him by any person aggrieved by the complaint.

If, upon such survey, such ship is found to be unseaworthy, the expenses of the survey shall be payed to the Minister by the owner of the ship.

Appeal to Court of Vice Admiralty.

27. Any shipowner who is dissatisfied with the decision of any person appointed by the Minister under this section may appeal to the Court of Vice Admiralty having jurisdiction in the place where such ship was surveyed, if any there be, and if not then to the Court of Vice Admiralty holding its sittings nearest to the place where such ship was surveyed, and such court may, if such court think fit, appoint a competent person or competent persons to survey such ship anew. Upon any such appeal such court may make such order as to the detention or discharge of the ship, as to the payment of any costs and damages which may have been occasioned by her detention and as to the payment of the expenses of the original survey and of the survey anew, as to such court seems just.

Powers of persons so appointed. Imp. Stat. 1 and 18, Vict. c. 104, s. 306.

28. Any person appointed either by the Minister or by any Court of Vice Admiralty to survey a ship under the provisions of the next preceding sections of this Act may in the execution of his duty go on board such ship at all reasonable times and inspect the same or any part thereof, or any of the equipments, cargo or articles on board thereof, or the certificate of registry thereof, not unnecessarily detaining or delaying the ship in proceeding on her voyage; and if such person considers it necessary to do so, he may require the ship to be so dealt with as that he may be able to inspect every part of the hull thereof; and whosoever hinders any person so appointed from going on board any ship, or otherwise impedes him in the execution of his duty under this Act, shall for every such offence incur a penalty not exceeding *twenty dollars*.

Sending an unseaworthy ship to sea a misdemeanor. Imp., stat. 34 & 35, Vict., c. 110. s. 11.

29. Every person who, having authority, as owner or otherwise, to send a ship registered in Canada to sea, or on any voyage on any waters within the limits of Canada, from any port or place in Canada sends her to sea or on any such voyage from any such port or place in an unseaworthy state, so as to endanger the life of any person belonging to her on board the same, shall be guilty of a misdemeanor, unless he proves that he used all reasonable means to make and keep the ship seaworthy, and was ignorant of such unseaworthiness, or that her going to sea, or on such voyage, in an unseaworthy state was, under the circumstances, reasonable and unavoidable, and for this purpose he may give evidence in the same manner as any other witness. A misdemeanor under this section shall not be punishable on summary conviction.

PART II.

LICENSING OF SMALL SHIPS AND OTHER VESSELS.

Ships not required to be registered, and certain vessels to be licensed.

30. The master or owner, or managing owner, or one of the managing owners if there be more than one, of every ship exempted by section five of this Act from the provisions of the first part of this Act, and of every vessel not being a ship within the meaning of this Act employed in or owned for the purpose of fishing or trading or carrying loads of any kind in any of the waters of Canada at the commencement of this Act, shall within *three months* from and after that date, and the master or owner of every such ship or vessel so employed or owned for such purpose, shall within *one* month from the date of her being so employed by him, or of her being built or acquired for the purpose of so employing her, take from the collector or other principal officer of the customs at some port or place in Canada a license, which it shall be the duty of the collector or other principal officer of the customs at every port or place in Canada to furnish, without fee or reward, to every person applying for the same at his custom house or office in office hours and complying with the provisions of this section in respect of such application; and such license shall be in the form of and shall contain the particulars provided for in form B. in the second schedule to this Act.

Proceedings for obtaining such license.

31. Upon any such application being made to a collector or other principal officer of the customs the following provisions shall take effect:

(a). The collector or principal officer of customs shall furnish the applicant, gratis, with aprinted blank for a declaration in the form of form A. in the second schedule to this Act.

(b). The applicant shall fill up the said form with true statements, in their proper places, of the length, breadth, depth and approximate tonnage of the ship or vessel, the names of the owner or owners thereof, and, if the property in the ship or vessel be divided into shares, the number of shares held by each owner, and shall subscribe the same; and return the same to the officer.

(c). The officer shall then fill up a license with the particulars stated in the declaration, adding thereto the name of the port and the number of the license, which shall be consecutive for each port, and sign such license, and hand the same to the applicant.

(d). The officer shall record the particulars contained in the license in a book, to be kept by him for that purpose.

Name of part and number of License to be painted on Ship or Vessel

33. Every ship or vessel required to be licensed under the provisions of section twenty-nine of this Act shall at all times have the name of the port or place at which she was last licensed, which shall be considered for the time being her port of license, with the number of her last license, painted on her bow or stern in letters not less than three inches long, of light color, on a dark ground.

On change of owner, new license to be taken out.

32. Whenever the property in a ship or vessel required to be licensed as aforesaid passes wholly into new hands the master or the new owner or managing owner, or one of the new managing owners, if there be more than one, shall within *one* month from and after such change of ownership as aforesaid, take out a new license at some port or place in Canada and upon receiving the same shall deliver up the former license, if in his possession, to

the collector or other principal officer of the customs at such port or place.

34. Every master or owner or managing owner of any ship or vessel required to be licensed under the provisions of this part of this Act who neglects without reasonable cause (the proof of which shall lie upon him) to apply for and take out a license for such ship or vessel within any delay allowed by this Act for that purpose, or who neglects to keep the name of her last port of license and the number of her last license painted on her bow or stern as aforesaid, shall incur a penalty of *twenty dollars*. Penalty for contravention.

35. Every officer of customs authorized by this part of this Act to license ships and vessels shall on or before the twentieth day of January in each year make and forward to the Minister a return, in such form and containing such particulars as the Minister may from time to time direct, of all ships and vessels licensed by him during the year ending on the thirty-first day of December then last. Return of ships and vessels licensed to be sent to Minister annually.

PART III.

SECURITY FOR ADVANCES ON SHIPS IN COURSE OF CONSTRUCTION.

36. A ship about to be built or being built may be recorded under a temporary name by the Registrar of Shipping at or nearest to the port at which she is about to be built or is being built; and any builder desirons of raising money by a mortgage on any ship about to be built or being built, shall furnish to the Registrar of Shipping, at the port at or nearest to which she is about to be built or is being built, a full description of such ship, and a statement of the port at which she is intended to be registered, according to the form A in the third Schedule to this Act, and shall indicate the ship to be built or being built by painting on a board near the place of such building in his ship yard, on a dark ground, in white or yellow figures and letters of a length not less than four inches, the number given him by the proper Registrar of Shipping for that purpose, the temporary name of the ship, and the name of the port at which she is intended to be registered. Ship about to be built or being built, may be recorded by Registrar of shipping.

37. A ship about to be built or being built, and so recorded as aforesaid, may be made security for a loan or other valuable consideration; and the instrument creating such security, hereinafter termed a "mortgage," shall be in the form marked B in the Schedule hereto, or as near thereto as circumstances permit; and on the production of such instrument the Registrar of Shipping at the port at which the ship is recorded shall enter the same in a record book to be kept by him for that purpose. Ship so recorded may be made security for a loan. Imp. Stat. 17 and 18 Vict. c. 104, s. 66.

38. Every such mortgage shall be recorded by the proper Registrar of Shipping in the order of time in which the same is produced to him for that purpose; and such Registrar of Shipping shall, by memorandum under his hand, notify on the instrument of mortgage that the same has been recorded by him, stating the date and hour of such record. Mortgages to be recorded in the order of their production to Registrar. Imp. Stat. 17 and 18 Vict. c. 104, s. 67.

39. Whenever any recorded mortgage has been discharged, the proper Registrar of Shipping shall, upon the production of the mortgage deed, with a receipt for the mortgage money indorsed thereon, duly signed and attested, make an entry in the record Proceedings when such Mortgage discharged. Imp. Stat. 17 and 18 Vict. c. 104, s. 68.

book to the effect that such mortgage has been discharged; and upon such entry being made, the estate, if any, which passed to the mortgagee, shall vest in the said person or persons in whom the same would, having regard to intervening acts and circumstances, if any, have vested if no such mortgage had ever been made.

Priority of Mortgages. Imp. Stat. 17 and 18 Vict. c. 104, s. 69.

40. If there is more than one mortgage recorded of the same ship, the mortgagees shall, notwithstanding any express, implied, or constructive noticce, be entitled in priority one over the other according to the date at which each instrument is recorded in the record book, and not according to the date of each instrument itself.

Mortgagee not to be deemed owner. Imp. Stat. 17 and 18 Vict. c. 104, s. 70.

41. A mortgagee shall not by reason of his mortgage be deemed to be the owner of a ship, nor shall the mortgagor be deemed to have ceased to be owner of such mortgaged ship, except in so far as may be necessary for making such ship available as security for the mortgage debt.

Mortgagee to have power of sale. Imp. Stat. 17 and 18 Vict. c. 104, s. 71.

42. Every recorded mortgagee shall have power absolutely to dispose of the ship in respect of which he is recorded as such, and to give effectual receipts for the purchase money; but if there are more persons than one recorded as mortgagees of the same ship, no second or subsequent mortgagee shall, except under the order of some court capable of taking cognizance of such matters, sell such ship without the concurrence of every prior mortgagee; and every bill of sale, when duly executed, shall be produced to the proper Registrar of Shipping, who shall enter the particulars thereof in the record book, and shall endorse on the bill of sale the fact of such entry having been made, with the date and hour thereof; and all bills of sale shall be entered in the record book in the order of their production to the Registrar of Shipping.

Rights of Mortgagee not affected by insolvency of Mortgagor. Imp. Stat. 17 and 18 Vict. c. 104, s. 72.

43. No recorded mortgage of any ship under this Act shall be affected by the mortgagor becoming insolvent after the date of the record of such mortgage, notwithstanding such mortgagor at the time of his becoming insolvent, may have such ship in his possession and disposition and be reputed owner of such ship; and such mortgage shall be preferred to any right, claim or interest in such ship which may belong to the assignee of such insolvent.

Transfer of Mortgages. Imp. Stat. 17 and 18 Vict. c. 104, s. 73.

44. A recorded mortgage of any ship may be transferred to any person; and the instrument creating such transfer shall be in the form marked C in the third Schedule hereto; and on the production of such instrument the Registrar of Shipping shall enter in the record book the name of the transferee as mortgagee of the ship therein mentioned, and shall, by memorandum under his hand, record on the instrument of transfer that the same has been recorded by him, stating the date and hour of such record.

Transmission of interest of Mortgagee by death, insolvency or marriage. Imp. Stat. 17 and 18 Vict. c. 104, s. 74.

45. If the interest of any mortgagee in any ship recorded under this Act becomes transmitted in consequence of death or insolvency, or in consequence of the marriage of any female mortgagee, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration of the person to whom such interest has been transmitted, made in the form marked D in the third Schedule hereto, and containing a statement describing the manner in which and the party to whom such property has been transmitted; and such declaration

shall be made and subscribed in the presence of the Registrar of Shipping at the port at which such ship has been recorded under this Act, if the declarant resides at or within five miles of the Custom House of the port, but if beyond that distance, in the presence of any Registrar of Shipping, Collector of Customs, or Justice of the Peace, and shall be accompanied by such evidence as is herein before required to authenticate a corresponding transmission of property from one recorded mortgagee to another.

Entry of tranfmitted Mortgage. Imp. Stat. 17 and 18 Vict. c. 104, s. 75.

46. The Registrar of Shipping, upon the receipt of such declaration and the production of such evidence as aforesaid, shall enter the name of the person or persons entitled under such transmission in the record book as mortgagee or mortgagees of the ship in respect of which such transmission has taken place.

Certificate of registry of ship when built. All recorded mortgages then undischarged to be registered in register book.

47. Whenever the building of a ship which has been recorded under this Act shall be duly completed, the first mortgagee whose claim is unsatisfied may furnish the builder's certificate for such ship, and thereupon the proper officer may grant a certificate of registry under the laws in force in Canada for that purpose; and all undischarged mortgages recorded under this Act shall be by the proper Registrar of Shipping transferred to and registered under such laws in the register book, in the order and according to the priority in which the same were entered of record under this Act; and the temporary name used for the purposes of this Act, as above provided for, may be changed at the time of granting a certificate of registry: and the registry of all such mortgages shall thus appear, according to their priority in the record book, as if the same had been made or granted under the laws providing for the giving of such certificate of registry; and a fresh instrument of mortgage may be granted for that purpose, according to any form prescribed by law, as a substitute for any mortgage granted under this Act.

Penalty for attemptihg to take out register at any other port.

48. In case any person who is a party to any unsatisfied mortgage on any ship under this Act, takes out, or attempts to take out, a register for such ship, at any port other than the port named on the board in the ship yard in which such ship was built, or in the statement and description, in the form A in the third Schedule of this Act, furnished to the Registrar of Shipping by whom such ship was recorded under this Act, or in any mortgage on such ship under this Act, such person shall incur a penalty of *two thousand dollars* to be recovered, with costs, by any person who may first sue for the same before any court of competent jurisdiction, in any Province in Canada in which the offender is served with process.

Certificate of survey not to be delivered up to Surveyor by any person except Registrar until Registrar has endorsed a statement on it.

49. No Surveyor of Shipping who is not also a Registrar of Shipping, shall deliver up any certificate of survey of any ship which he has surveyed for measurement to any person except the Registrar of Shipping at the port at or for which he is Surveyor, and at which such ship is recorded under this Act, until the Registrar of Shipping at such port has endorsed on the back of such certificate either a statement to the effect that there is no undischarged mortgage on such ship recorded in his office under this Act, or a statement of the amount and other particulars, and if more than one, the number, of the undischarged mortgage or mortgages, if any, on such ship recorded in his office under this Act; and every Registrar of Shipping is hereby required to endorse one of such statements, according to the facts of each case,

on every certificate of measurement presented to him for that purpose by any Surveyor of Shipping.

Registrar who is also Surveyor to endorse a statement on certificate of survey before delivering it to any person.

50. In case the Registrar of Shipping at any port at which any ship is recorded under this Act is also Surveyor of Shipping at or for such port, he is hereby required to endorse on every certificate of survey of any ship which he has surveyed for measurement, before he delivers the same to any person, either a statement to the effect that there is no undischarged mortgage on such ship recorded in his office under this Act, or a statement of the amount and other particulars, and, if more than one, the number of the undischarged mortgage or mortgages, if any, on such ship, recorded in his office under this Act.

Scale of fees.

51. The Governor in Council may establish a scale of fees for recording ships and mortgages and other transactions and for other services to be performed under this Act prior to the registry of any ship under *The Merchant Shipping Act*, 1854, or any Act or Acts amending or applying to the same.

Saving of right of owner.

52. Nothing in this part of this Act shall take away the right of the owner to his action of account, or such other remedy as he may have by law against the advancer.

FIRST SCHEDULE.

FORM OF DECLARATION OF OWNER OR OWNERS FOR CHANGE OF MASTERS.

I (*or* We) of (*residence and occupation*) being registered owner (*or* owners) of sixty-fourth shares of the ship of official number tons register, hereby declare that I (*or* We) have appointed A. B., master of the ship above mentianed in the place of C. D.

Declared before me this day of

SECOND SCHEDULE.

Form A.

DECLARATION.

I, the undersigned, A. B., of in declare as follows;

I am entitled to take a license for the ship (*or* vessel, *as the case may be*) now in this port (*or* at this place, *as the case may be*), of which the following are the particulars:

Measurements.	Feet.	Inches.	Tonnage.	No. of tons.
Length			Approximate tonnage	
Breadth				
Depth				

Names of Owners (*or* Name of owner).	Number of Shares held by each.*
.....	.....
.....	.....
.....	.....
.....	.....

.....
Master.
(*or* Managing Owner, *or* Owner, *as the case may be.*

Dated this day of 18 .

* If the property in the ship or vessel be not divided into shares, this column need not be filled up.

No. *Form B.* *Port of Registry.*

LICENSE.

This is to certify that the ship (*or* vessel, *as the case may be*), of which the particulars are herein contained, was this day licensed by me, the Collector (*or* principal officer, *as the case may be*) of Customs at under the provisions of the Act passed in the thirty-sixth year of Her Majesty's reign, intituled "*An Act relating to shipping and the registration thereof.*

Measurements.	Feet.	Inches.	Tonnage.	No. of tons.
Length			Approximate tonnage	
Breadth				
Depth				

Names of Owners (*or* Name of Owner).	Number of Shares held by each.*
.....	.....
.....	.....
.....	.....
.....	.....

Dated this day of 18 . .....

* If the property in the ship or vessel be not divided into shares, this column need not be filled up.

SCHEDULE.

Form A—(*See Section* 35).

DESCRIPTION OF SHIP PROPOSED TO BE BUILT,

Temporary Name.	Port of Record.	Propelled.

Number of decks	Build .....
Number of masts	Gallery . .....
How rigged	Head ....
Stern	Frame work ....

ESTIMATED MEASUREMENT.

	Feet. Tenths.		Tons.
Length		Under deck.....	
Breadth		Closed in.....	
Depth.....		Space between deck.....	
		Poop.....	
		Round House.....	

I, the undersigned (*name and residence*), ship builder, declare that *I* propose to build a ship, the particulars of which are contained in the above description, in the (*here describe the place, what ship yard, where situated, and to whom belonging*), and that I intend to launch the said ship on or about the day of 187 and to register her at the port of

(Signed),

Dated at
the day of 187
in the presence of)
)

Form B—(*See Section* 36.)

MORTGAGE (TO SECURE ACCOUNT CURRENT, ETC).

For * Port of

* (Steamer or sailing).

Record No.	Where Building.	When intended to be Launched.	Port of intended Registry.

Intended to Measure.		Intended Tonnage and Temporary Name.
Length,	feet	Tonnage,
Breadth,	feet	Name,
Depth,	feet	

Whereas (*state that there is an account current between Mortgagor and Mortgagee* (*describing both*), *and describe the nature of the transaction so as to show how the amount of principal and interest due at any given time is to be ascertained, and the manner and time of payment.*)

Now (*I or we*), the undersigned, (*describe them*) in consideration of the premises for (*myself or ourselves*) and (*my or our*) heirs, covenant with the said (*name him or them*) and (*his or their*) assigns, to pay to him or them the sums for the time being

due on this security, whether by way of principal or interest, at the times and in the manner above mentioned, and for better securing to the said (*name*), the payment of such sums as last aforesaid; (*I or we*) do hereby mortgage to the said (*name*) the ship above described.

Lastly, (*I or we*) for *myself or ourselves*), and (*my or our*) heirs, covenant with the said (*name of him or them*) and (*his or ethir*) assigns that (*I or we*) have power to mortgage in manner aforesaid, the above mentioned ship, and that the same is free from incumbrances, *save as appear by the record of the said ship.*

N.B.—The last words to be omitted if the ships is free from incumbrances.

In witness whereof (*I or we*) have hereto subscribed (*my or our*) name and affixed (*my or our*) seal, at his day of one thousand eight hundred and

Executed by the above named)
in the presence of)

Form C—(See Section 43).

N.B.—*In case of transfer it may be made by indorsement in the following form:*

TRANSFER OF MORTGAGE.

(*a*) "I" *or* "We," (*a*). (*a*) the within mentioned in consideration of this day paid to

(*b*) "Me" *or* "Us". (*b*) by hereby transfer to

(*c*) "Him" or "Them". (*c*) the benefit of the within-written security.

(*d*) "I" or "We" (*e*) "My" or "Our". In witness whereof (*d*) have hereunto subscribed (*e*) name and affixed (*e*) seal, this day of one thousand eight hundred and

Executed by the above named)
in the presence of)

N.B.—In case a mortgage is paid off, the following memorandum of its discharge may be used:

Received the sum of in discharge of the within written security. Dated at this day of 187 .

Witness
of

Form D—(See Section 10).

Declaration by Representative of taking by Transmission.*
For †

* (or decease, or marriage, or bankruptcy).
† (Steamer or for sailing).

Record No.	Date of Record 187

Temporary name of ship
Where building
Proposed measurement, *length, ft., breadth, ft., depth ft.*
Proposed tonnage, *tons.*

(*I or we*), the undersigned (*declarant's name, description and place of birth*), declare as follows (*I am or we are*)

(*I or we*) declare that the person appearing by the record book to be the (*owner or mortgagee*) of the ship above described (*cause of transmission*) in the county of (*county*) on the day of (*nature of cause of transmission*)

Made and subscribed the day of 18 by the above named in the presence of

No. 134.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act relating to shipping and for the registration thereof.

Received and read, first time, Thursday, 1st May, 1873.

Second reading, Friday, 2nd May, 1873.

Hon. Mr. MITCHELL.

OTTAWA:

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

135

An Act respecting Aliens and Naturalization in the Provinces of British Columbia and Manitoba.

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

1. The Acts of the Parliament of Canada hereinafter mentioned, that is to say, the Act passed in the thirty-first year of Her Majesty's reign, and intituled "An Act respecting Aliens and Naturalization," and the Act passed in the thirty-fourth year of Her Majesty's reign, and intituled "An Act to amend the Act 31st Victoria, Chapter 66, respecting Aliens and Naturalization," shall, from and after the passing of this Act, be and are hereby extended and shall apply to and be in force in the Province of British Columbia, subject to the provisions hereinafter made, and shall thereafter be read and construed as if the Province of British Columbia were therein expressly mentioned or referred to whenever the other Provinces then forming the Dominion of Canada, or Canada generally, are or is therein mentioned or referred to.

2. In applying the provisions of the said Acts to the Province of British Columbia, whenever the Court of Quarter or General Sessions of the Peace, the Recorder's Court, or the Circuit Court, is mentioned therein, the Court of like name or jurisdiction in British Columbia or the County Court shall be understood to be substituted, and whenever the Supreme Court of any Province is mentioned therein the Supreme Court of British Columbia shall be understood to be substituted; and the Clerk or Chief Officer of the substituted Court shall be understood to be intended whenever the Clerk of the Court for which it is substituted is mentioned.

3. The Act or Law now in force in the Province of British Columbia intituled "An Ordinance to assimilate the law regarding Aliens in all parts of the colony of British Columbia," shall remain in force until the first day of July, which will be in the year of our Lord one thousand eight hundred and seventy-four, and every person naturalized under its provisions before the said day, whether before or after the passing of this Act shall be or become entitled, within any part of Canada, to the privileges of British birth conferred on persons naturalized under the Acts mentioned in the preceding sections of this Act; but, except as to such persons and the rights and privileges then acquired by them, which shall remain in force, the said Act or law shall, upon and after the said day be repealed, with the exception of the tenth and eleventh sections thereof.

4. In applying the Acts mentioned in the first section of this Act, to the Province of Manitoba, to which they have been ex-

tended by an Act of the Parliament of Canada, the said Province shall be understood to be included, whenever the other Provinces then forming the Dominion of Canada, or Canada generally, are or is mentioned, and, whenever the Supreme Court, or the Court of Quarter or General Sessions of the Peace or the Recorder's Court, or the Circuit Court is mentioned, the Court of Queen's Bench of the said Province of Manitoba, and the County Court or the Court of Quarter or General Sessions of the Peace, or the Court of like name or jurisdiction for the place therein, in which the alien resides, shall be understood to be substituted, and the Clerk or Chief Officer of the substituted Court shall be understood to be intended whenever the Clerk of the Court for which it is substituted is mentioned.

No. 136.] **BILL.** [1873.

An Act to incorporate the Canada Atlantic Cable Company.

WHEREAS William A. Thompson, M. P., the Hon. Peter Mitchell, M.P., the Hon. John Simpson, and others 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 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. The said Wm. A. Thompson, the Hon. Peter Mitchell, the Hon. John Simpson, 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 Canada Atlantic Cable Company*, for the purpose of establishing telegraphic communication between some point on the Atlantic coast in Nova Scotia or New Brunswick, or on the Gulf of St. Lawrence, in the Province of Quebec, as may be found most suitable, to some point on the coast of Great Britain or of Ireland; and the said Company may make, adopt and use a corporate seal, and 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.

2. The said Company shall full power and authority to make such connection with the line of any telegraphic company or companies in any portion of the United Kingdom of Great Britain and Ireland, and any such arrangement for working the same, as to the said Company or its Directors shall appear fitting.

3. The said Company shall also 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 or guarantee of credit in aid of their said undertaking.

4. The capital of the said Company shall be five hundred thousand pounds sterling, and shall be divided into shares of twenty-five pounds each; and the said capital may be increased, from time to time, by resolution of the Board of Directors, by and with the consent of a majority in value of the shareholders; but such capital shall at no time be made to exceed seven hundred and fifty thousand pounds sterling.

5. The said Company may borrow such sums of money (not exceeding in all the sum of one million pounds sterling) and may issue such bonds therefor, in such amounts, and made pay-

able at such times annd places, and bearing such interest, and secured in such manner (by mortgage or otherwise) as the said c rporation may deem expedient and proper for carrying out the purposes of this Act.

6. William A. Thompson, M. P., the Hon. Sir Francis Hincks, the Hon. John Simpson, Senator, the Hon. Thomas Ryan, Senator, the Hon. Peter Mitchell, M.P., James Domville, M.P., and Adolphe Caron, M. P., all of Canada; Henry Labouchere, Chairman, London Bank of Commerce, J. Staniforth, Director, London Bank of Commerce, and Edward Harbord Lushington, Director, London County Bank, all of the city of London, England; and Frederick Alers Hankey, of Silverlands, near Chertsey, 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 by the shareholders, in the manner 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.

7. The said Provisional Directors shall have power and authority at any time after the passing of this Act, to open stock-books and to procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, to procure any charter or act of incorporation from the Imperial Government of the United Kingdom, which may be required for the continuation of the said telegraph line beyond the limits of Canada, and also to enter into any covenants, treaties, or stipulations with the said Imperial Government, having for object to secure co-operation, guarantee or other aid to and for the said undertaking; and it shall be the duty of the said Provisional Directors to give not less than four weeks' notice in the *Canada Gazette* and in a daily newspaper in the City of London, England, of the opening of the said stock books and of the places where the same shall have been deposited.

8. No subscription of stock in the capital of the said Company shall be legal or valid unless ten per centum shall have been actually and *bonâ fide* paid thereon, within five days after subscription, into one or more of the chartered banks of Canada, 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 Directors or a majority of them, 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; and if more than the whole stock shall have been subscribed, the said Provisional Directors shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said Directors may, in their discretion, exclude any one or more of the said subscribers, if in their judgment this will best secure the success of the undertaking.

9. 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 meet-

ing of shareholders, either at the city of Ottawa, in Canada, or the city of London, in England, as the said provisional directors may determine, at such time as they may think proper, giving at least one months' notice in the *Canada Gazette*, and in one or more newspapers published in Ottawa, and in London, England; and at the said general meeting and all other general meetings hereinafter mentioned, the shareholders present, either personally or by proxy, shall elect eleven persons to form and constitute a Board of Directors of the said Company.

10. On the first Wednesday of the month of June in each year after the first general meeting, there shall be held a general meeting for the election of directors at either of the cities named in the ninth section of this Act, as may be appointed by the directors, and previous notice of every such meeting shall be given in the manner provided in the said section; and at every such general meeting the directors in office shall be eligible for re-election.

11. Special general meetings of the stockholders may be convened on the requisition of any three directors or of a stockholder or stockholders possessing fifty shares of the stock of the said company, and a notice of such meeting specifying the object thereof, shall be given, as provided in the preceding section.

12. At all the general meetings of the company, stockholders shall be entitled to one vote for each share on which all calls then due shall have been paid; which vote may be given either in person or by proxy, such proxy being held by a stockholder.

13. The concerns of the Company shall be managed by a Board of eleven Directors, and each such Director shall be proprietor of at least twenty shares in the stock of the Company, and they shall be elected and hold office as hereinbefore provided. Vacancies in the Board of Directors, from death, resignation or otherwise, may be filled up by the Board for the remainder of the term.

14. 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 the votes of the directors present, in person or by proxy (the holder of such proxy being a director), 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.

15. The directors of the said company for the time being may appoint agents of the said company in England or elsewhere, and may delegate to such agents such powers as to the directors shall seem fit, and may make such rules and regulations as to the issuing of shares in England or elsewhere, and as to the mode, time, place or places of the transfer of such shares from time to time, and as to the model time, and place of paying the dividends to accrue thereon, and otherwise as shall be deemed requisite or beneficial, for giving full effect to the powers hereby vested in the directors in respect of issuing such shares in England or elsewhere.

16. The chief place of business of the said company shall be at the city of Ottawa, but the same may be changed at any future time by a resolution of the shareholders at a special general Meeting convened in accordance with the requirements of this Act.

17. The board of directors may from time 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.

18. The directors may make calls on the said capital stock at such times and in such proportions as they may deem proper, and may sue for and recover all such calls, or may at their option forfeit the stock for non-payment thereof as may be provided for by the by-laws; notice of the times and places for the payment of such calls 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 Canada or the United Kingdom as the directors may think proper.

19. It shall be the duty of the directors to make annual 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 by 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 annual meeting of the said company.

20. No stockholder in the said company shall be, in any manner whatsoever, liable for or charged with the payment of any debt or demand due by the said company, beyond the amount remaining unpaid of his, her or their subscribed share or shares in the capital stock of the said company.

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 transmissable 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.

22. It shall be the duty of the company (subject to the provision 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 despatches, 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.

23. 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 connected with the administration of justice or any person thereunto authorized by the Secretary of State of

Canada, or by the Secretary of State for the Colonies on behalf of the Imperial Government.

24. Any operator of the said telegraph line, or person employed by the said telegraph 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 three months, or both, in the discretion of the court before which the conviction shall be had.

25. 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.

26. 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. 136.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate the Canada Atlantic Cable Company.

PRIVATE BILL.

MR. THOMPSON,
(Welland).

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

1873.

No. 137. BILL. 1873.

An Act respecting the Administration of Justice and for the establishment of a Police Force in the North West Territories.

All clauses involving the expenditure of money 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.

Stipendiary Magistrates may be appointed.

1. The Governor may from time to time appoint, by commission under the Great Seal, one or more fit and proper person or persons to be and act as, a Stipendiary Magistrate or Stipendiary Magistrates within the North West Territories, who shall reside at such place or places as may be ordered by the Governor in Council, and the Governor in Council shall assign to any such Stipendiary Magistrate a yearly salary not exceeding *three thousand two hundred dollars*, together with his actual travelling expenses.

Tenure of office, powers and duties.

2. Every Stipendiary Magistrate shall hold office during pleasure, and shall exercise within the North West Territories, or within such limited portion of the same as may be prescribed by the Governor in Council, the magisterial, judicial 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 Territories.

Power to try certain offences in a summary way.

3. Any Stipendiary Magistrate shall further have power to hear and determine, in a summary way and without the intervention of a Jury, any charge against any person or persons for any of the following offences alleged to have been committed within the North West Territories, as follows:

Larceny.

1. Simple larceny, larceny from the person, embezzlement, or obtaining money or property by false pretences, or feloniously receiving stolen property, in any case in which the value of the whole property alleged to have been stolen, embezzled, obtained or received, does not, in the judgment of such Stipendiary Magistrate, exceed one hundred dollars; or

Attempt to commit.

2. Having attempted to commit larceny from the person or simple larceny; or

Assaults.

3. With having committed an aggravated assault, by unlawfully and maliciously inflicting upon any other person, either with or without a weapon or instrument, any grievous bodily harm, or by unlawfully and maliciously cutting, stabbing or wounding any other person; or

On females or children.

4. With having committed an assault upon any female whatever, or upon any male child whose age does not, in the opinion of the magistrate, exceed fourteen years, such assault, if upon a female, not amounting, in his opinion, to an assault with intent to commit a rape; or

On Magistrates, &c.

5. Having, assaulted, obstructed, molested or hindered any Stipendiary Magistrate, Justice of the Peace, Commissioner or Superintendent of Police, a Policeman, Constable or Bailiff, or Officer of Customs or Excise, or other officer, in the lawful performance of his duty, or with intent to prevent the performance thereof;

Punishment.

And upon any conviction by such Stipendiary Magistrate, the person so convicted may be sentenced to such punishment as he thinks fit, by imprisonment for any period not less than two years in any gaol or place of confinement, with or without hard labour, and with or without solitary confinement, or by fine, or by such imprisonment and fine.

Court for summary trial of certain other offences.

4. The Chief Justice or any Judge of the Court of Queen's Bench of the Province of Manitoba, or any two Stipendiary Magistrates sitting together as a Court, shall have power and authority to hear and determine within the North West Territories, in a summary way and without the intervention of any Grand or Petty Jury, any charge against any person or persons for offences alleged to have been committed within the North West Territories, and the maximum punishment for which does not exceed *seven* years imprisonment; and such Court shall be a Court of Record, and if imprisonment in a penitentiary be awarded in any such case, the Court may cause the convict to be conveyed to the penitentiary in the Province of Manitoba, and he shall undergo such punishment therein as if convicted in the Province of Manitoba.

Power to commit for trial in Manitoba.

5. Any Justice of the Peace, or any Stipendiary Magistrate or any Judge of the Court of Queen's Bench of the Province of Manitoba, shall have power and authority to commit and cause to be conveyed to gaol in the Province of Manitoba, for trial by the said Court of Queen's Bench, according to the laws of criminal procedure in force in the said Province, any person or persons at any time charged with the commission of any offence against any of the laws or ordinances in force in the North West Territories, punishable by death or imprisonment in the Penitentiary, and the Court of Queen's Bench and any Judge thereof, shall have power and authority to try any person arraigned before the said Court on any such charge, and the jury laws and laws of criminal procedure of the said Province shall apply to any such trial, except that the punishment to be awarded, upon conviction of any such person, shall be according to the laws in force in the North West Territories; and the sentence may be carried into effect in a Peniten-

tiary or other place of confinement in the said Province, as if the same were in the North West Territories.

Power to convey the prisoner to Manitoba, &c.

6. Whenever, under either of the two next preceding sections, any convict or accused person is ordered to be conveyed to gaol or to the penitentiary in Manitoba, any constable or other person in whose charge he is to be so conveyed, shall have the same power to hold and convey him, or to re-take him in case of an escape, and the gaoler or warden of the penitentiary in Manitoba shall have the same power to detain and deal with him, in the said Province, as if it were within the North West Territories, or as if the said convict or accused person had been ordered to be conveyed to such gaol or penipotentiary by some competent court or authority in the said Province.

Hard labor in custody substituted for gaol in certain cases.

7. Where it is impossible or inconvenient, in the absence or remoteness of any Gaol or other place of confinement, to carry out any sentence of imprisonment, any Justice of the Peace, or Stipendiary Magistrate, or any two Stipendiary Magistrates sitting together as aforesaid, or any Judge of the Court of Queen's Bench of Manitoba, may, according to their several powers and jurisdictions hereinbefore given, sentence such person so convicted before him or them, and sentenced, as aforesaid, to such imprisonment, to be placed and kept in the custody of the Police of the North West Territories, with or without hard labour, the nature and extent of which shall be determined by the Justice of the Peace or Stipendiary Magistrate or Stipendiary Magistrates, or Judge, by or before whom such person was convicted.

Governor in Council may cause gaol to be built.

8. The Governor in Council may cause to be erected in any part or parts of the North West Territories any building or buildings, or enclosure or enclosures, for the purposes of a Gaol or Lock up, for the confinement of prisoners charged with the commission of any offence, or sentenced to any punishment therein; and confinement or imprisonment therein shall be held lawful and valid.

Lt. Governor in Council may designate persons by or with respect to whom certain things are to be done.

9. Whenever in any Act of the Parliament of Canada in force in the North West Territories, any officer is designated for carrying any duty therein mentioned, and there shall be no such officer in the North West Territories, the *Lieutenant* Governor in Council may order by what other person or officer such duty shall be performed, and anything done by such person or officer, under such order, shall be valid and legal in the premises: or if it be in any such Act ordered that any document or thing shall be transmitted to any officer, court, territorial division or place, and there shall be in the said North West Territories no such officer, court or territorial division or place, then the *Lieutenant* Governor in Council may order to what officer, court or place such transmission shall be made, or may dispense with the transmission thereof.

Officers of the force.

10. The Governor in Council may constitute a Police Force in and for the North West Territories, and the Governor may from time to time, as may be found necessary, appoint by commission, a Commissioner of Police, and one or more Superintendents of Police, together with a Paymaster, Surgeon and Veterinary Surgeon, each of whom shall hold office during pleasure.

Commissioners duties.

11. The Commissioner of Police shall perform such duties and be subject to the control, orders and authority of such person or persons, as may, from time to time, be named by the Governor in Council for that purpose.

Constables and sub-constables.

12. The Governor in Council may, from time to time, authorise the Commissioner of Police to appoint, by warrant under his hand, such number of Constables and Sub-Constables as he may think proper, not exceeding in the whole three hundred men; and such number thereof shall be mounted as the Governor in Council may at any time direct.

Qualifications.

13. No person shall be appointed to the Police Force unless he be of a sound constitution, able to ride, active and able-bodied, of good character, and between the ages of eighteen and forty years; nor unless he be able to read and write either the English or French language.

Oath of office.

14. No person shall exercise any office in the said Force until he shall have taken the oath of allegiance and the following oath of office: "I, A. B., solemnly swear that I will faithfully, diligently and impartially execute and perform the duties and office of in the Police Force of the North West Territories, and will well and truly obey and perform all lawful orders or instructions which I shall receive as such , without fear, favor or affection of or towards any person or party whomsoever. So help me God," and such oath may be taken by the Commissioner of Police before any Judge, Stipendiary Magistrate, or Justice of the Peace having jurisdiction in the North West Territories, and by any other member of the Police Force before the Commissioner of Police, or any person having such jurisdiction as aforesaid; and such oaths shall be retained by the Commissioner as part of the Records of his office.

Officers to be J. P's:—and Constables may act in Manitoba.

15. The Commissioner and every Superintendent of Police shall be ex-officio a Justice of the Peace, and every Constable and Sub-Constable of the Force shall be a Constable in and for the whole of the North West Territories and may execute the office in any part thereof, and in Manitoba in the cases hereinbefore mentioned and provided for.

Articles of agreement.

16. Every Constable and Sub-Constable shall, upon appointment to the said Force, sign articles of engagement, and any penalty which may be therein assigned may be enforced; and one condition in the said Articles shall always be that he shall serve for the period of three years, and shall not leave the force or withdraw from his duties, unless he be dismissed or

discharged therefrom, or shall have previously given six months notice in writing, to the Commissioner. The engagement shall be contracted to the Commissioner, and may be enforcedby the Commissioner for the time being.

Free grant to constables after three years service.

17. The Governor in Council may, from any and out of the lands of the Dominion in the Province of Manitoba or in the North West Territories, make a free grant not exceeding one hundred and sixty acres, to any constable or sub-constable of the said Force, who, at the expiration of three years of continuous service in the said Force, shall be certified by the Commissioner of Police to have conducted himself satisfactorily, and to have efficiently and ably performed the duties of his office during the said term of three years.

Head quarters, and Chief Office.

18. The Governor in Council shall appoint the place at which the Head Quarters of the Force shall from time to time be kept; and the office of the Commissioner shall be kept there, and the same may be at any place in the North West Territories or the Province of Manitoba.

19 It shall be the duty of the Force :

Duties of Police Force.

1. To perform all duties which now are or shall be hereafter assigned to constables in relation to the preservation of the peace, the prevention of crime, and of offences against the laws and ordinances in force in the North West Territories, and the apprehension of criminals and offenders, and others who may be lawfully taken into custody.

2. To attend upon any Judge, Stipendiary Magistrate, or Justice of the Peace, when thereunto specially required, and subject to the orders of the Commissioner or a Superintendent, to execute all warrants and perform all duties and services in relation thereto, which may, under this Act or the laws and ordinances in force in the North West Territories, lawfully be performed by constables.

3. To perform all duties which may be lawfully performed by Constables in relation to the escort and conveyance of convicts and other prisoners or lunatics, to or from any courts, places of punishment or confinement, asylums or other places.

Powers.

And for these purposes and in the performance of all the duties assigned to them by or under the authority of this Act, they shall have all the powers, authority, protection and privileges which any Constable now has or shall hereafter by law have.

Governor in Council to make rules and regulations.

20. The Governor in Council may from time to time, make Rules and Regulations for any of the following purposes, viz :—To regulate the number of the Force, not exceeding in the whole the number of Three Hundred men as hereinbefore provided ; to prescribe the number of men who shall be mounted on horse-back; to regulate and prescribe the clothing, arms, training and discipline of the Police Force ; to regulate and prescribe the duties and authorities of the Commissioner and Superintendents of the Force, and the several places at or near which the same or the Force or any portions thereof may from time to time be stationed; and generally

May impose penalties.

all and every such matters and things for the good government, discipline and guidance of the Force as are not inconsistent with this Act, and such rules and regulations may impose penalties, not exceeding in any case thirty days' pay of the offenders, for any contravention thereof, and may direct that such penalty when incurred may be deducted from the offender's pay; they may determine what officer shall have power to declare such penalty incurred, and to impose the same, and they shall have force as if enacted by law.

Applications of penalties.

21. All pecuniary penalties so imposed shall form a fund to be managed by the Commissioner with the approval of the Governor in Council, and be applicable to the payment of such rewards for good conduct or meritorious services may be established by the Commissioner.

Suspension or dismissal of members of the force.

22. Any Member of the Force may be suspended from his charge or dismissed by the Commissioner or by any Superintendent to whom the Commissioner shall have delegated the power to do so; and any Superintendent may be suspended from office by the Commissioner until the pleasure of the Governor in Council shall be known, and every such suspension or dismissal shall take effect from the time it shall be made known either orally or in writing to the party suspended or dismissed.

Delivery of clothing, arms, &c.

23. Any Superintendent or any member of the Force suspended or dismissed shall forthwith deliver up to the Commissioner or to a Superintendent or to any Constable authorized to receive the same, his clothing, arms, accoutrements and all property of the Crown in his possession as a member of the Force or used for Police purposes, or in case of his refusing or neglecting so to do, shall incur a penalty of *fifty dollars*.

Inquiries into conduct of police.

24. Whenever the Commissioner shall deem it advisable to make or cause to be made any special enquiry into the conduct of any Superintendent or of any member of the Police Force, or into any complaint against any of them, he or the Superintendent whom he may appoint for that purpose, may examine any person on oath or affirmation on any matters relative to such enquiry, and may administer such oath or affirmation.

Punishment for selling clothing, &c.

25. If any person shall unlawfully dispose of, receive, buy or sell or have in his possession without lawful cause, or shall refuse to deliver up when thereunto lawfully required, any horse, vehicle, harness, arms, accoutrements, clothing or other thing used for police purposes, such person shall thereby incur a penalty not exceeding double the value thereof, in the discretion of the Magistrate before whom he is convicted.

Salaries of officers of the force.

26. It shall be be lawful for the Governor in Council, from time to time, to fix the sums to be annually paid to the Commissioner, Superintendents other Officers of the said Force, regard being had to the number of Constables and Sub-Constables, from time to time, actually organized and enrolled, and the consequent responsibility attaching to their offices aforesaid, respectively, and to the nature of duty or service and amount of labor devolved upon them, but such sums shall not be less than or exceed the amonnts following, that is to say:—

Commissioner of Police, not exceeding		$2,600
And not less than	$2,000	
Each Superintendent, not exceeding		1,400
And not less than	1,000	
Paymaster to act also as Quartermaster, not exceeding		1,400
And not less than	1,000	
Surgeon, not exceeding		1,400
And not less than	1,000	
Veterinary Surgeon, not exceeding		400
And not less than	600	

And each Constable shall be paid not exceeding the sum of one dollar per day, and each Sub-Constable shall be paid not exceeding the sum of seventy-five cents per day. Pay of Constables, &c.

27. The Governor in Council may in lieu of the appointment of a Surgeon or of a Veterinary Surgeon, authorize arrangements to be made with any person or Veterinary Surgeon to perform the duties of Surgeon or Veterinary Surgeon for the said Force upon any portions or detachments thereof, and may pay reasonable and proper renumeration for any services so rendered. Provision as to Surgeon or Vet. Surgeon.

28. The Governor in Council may also from time to time regulate and prescribe the amounts to be paid, the purchase of horses, vehicles, harness, saddlery, clothing, arms and accoutrements, or articles necessary for the said Force : and also the expenses of travelling, and of rations or of boarding or billeting the force and of forage for the horses. Purchase of horses, arms, etc.

29. The Governor in Council may make Regulations for the quartering, billeting and cantoning of the Force, or any portions or detachments thereof, and for the furnishing of boats, carriages, vehicles of transport, horses and other conveyances for their transport and use, and for giving adequate compensation therefor; and may, by such regulations, impose fines not exceeding *two hundred dollars* for breach of any regulation aforesaid, or for refusing to billet any of the said Force, or to furnish transport as herein mentioned. But no such Regulations shall authorize the quartering or billeting of any of the Force in any nunnery or convent of any Religious Order of Females. Regulations for quartering, billeting, &c. Proviso.

30. All sums of money required to defray any expense authorized by this Act may be paid out of the Consolidated Revenue Fund of Canada. Expenses, how payable.

31. A separate account shall be kept of all monies expended under this Act, and a detailed statement thereof shall be laid before Parliament at each session thereof. Accounts.

32. All Regulations or Orders in Council made under this Act shall be published in the *Canada Gazette*, and shall, thereupon, have the force of Law from the date of their publication, or from such later date as may be therein appointed for their coming into force; and a copy of any such Regulations &c., to be published.

Regulations purporting to be printed by the Queen's Printer shall be *prima facie* evidence thereof.

Department of Justice to have control.

33. The Department of Justice shall have the control and management of the Police Force and of all matters connected therewith; but the Governor in Council may, at any time, order that the same shall be transferred to any other Department of the Civil Service of Canada, and the same shall accordingly, by such order, be so transferred to and be under the control and management of such other Department.

Powers of Commissioner, &c., in Manitoba.

34. The Commissioner and every Superintendent of Police, shall be ex-officio a Justice of the peace, within the Province of Manitoba, and The Constables and Sub-Constables of the Police Force shall also have and exercise within the Province of Manitoba, all the powers and authority, rights and privileges by Law appertaining to Constables under the laws of the Dominion, for the purpose of carrying the same into effect.

Arrangement to be made with Manitoba.

35. The Governor in Council may from time to time enter into arrangements with the Government of the Province of Manitoba for the use or employment of the Police Force, in aiding the administration of Justice in that Province and in carrying into effect the laws of the Legislature thereof, and may in any such arrangement agree and determine the amount of money which shall be paid by the Province of Manitoba in respect of any such services of the said Police Force.

No. 137

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL

An Act respecting the Administration of Justice, and for the establishment of a Police Force in the North West Territories.

Received and Read 1st time, Saturday, 3rd May, 1873.
Second Reading, Tuesday, 6th May, 1873.

Rt. Hon. Sir John A. Macdonald.

No. 138 BILL. [1873.

An Act to incorporate the Canadian and West Indian Royal Mail Steamship Company.

WHEREAS David Torrance, Thomas Cramp, John Torrance, Hon. James Ferrier, and Robt. Esdaile, of Montreal, all in the Dominion of Canada, have petitioned the Legislature of the Dominion, praying that they may be incorporated with such other persons as shall become associated with them as a Company, under the name and style of the "Canadian and West Indian Royal Mail Steamship Company," for the purpose, among other things, of building and sailing steam or other vessels between this country and the British West India Islands or the Island of Cuba, or to other islands in the possession of foreign countries, in the West Indies, or to Ports in the United States, and for such other purposes of steam navigation as to the said Company may seem expedient, and it is expedient to grant the prayer of the said Petitioners as hereinafter provided; therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, directs as follows: Preamble.

1. The said David Torrance, Thomas Cramp, John Torrance, Honble. James Ferrier, and Robt. Esdaile, of Montreal, together with such person or persons as shall be and become Stockholders in the said Company, and their respective heirs, executors, administrators, curators and assigns, shall be a body politic and corporate, by the name of the said Canadian and West Indian Royal Mail Steamship Company, with all and every the incidents and privileges to such Corporation. Certain persons incorporated. Corporate name and general powers.

2. It shall be lawful for the Company to construct, acquire, charter, navigate and maintain steam vessels for the carrying and conveyance of goods and passengers or other traffic, between the Ports of Lower Canada within the same, and between the said Ports and elsewhere out of this Province, and to, from and between any Ports out of this Province, and steam or other vessels, for all business and purposes connected therewith, and the profitable prosecution thereof, with power to sell or dispose of the said vessels or any of them, or grant and consent to bottomry or other bonds on the same, or mortgage the Stock of the Company, or any part thereof, when and as they may deem expedient, and to make contracts and agreements with any person or Corporation whatsoever, for the purposes aforesaid, or otherwise for the benefit of the said Company. Purposes for which the Company are incorporated.

3. It shall be lawful for the said Company to purchase, rent, take, hold and enjoy, to them and their successors, as well in this Province as in such other places, where it shall be deemed expedient for the purposes of the said Company, either in the name of the said Company or in the name of the Trustees for Company may hold real property for the purposes of their business.

the said Company, such lands, wharves, docks, warehouses, offices, and other buildings as they may find necessary and convenient for the purposes of the said Company, but not for any other purpose, and to sell, mortgage or dispose of the same, when not wanted for the purposes of the said Company, and others to purchase and acquire in their stead: Provided always, that the yearly value of such lands, wharves, docks, warehouses, offices and other buildings within the Province, at the time when the said Company shall enter into possession thereof, shall not exceed at the time of taking possession, in the whole the sum of one hundred thousand dollars.

Proviso.

Capital Shares.

Increase of Capital.

Proviso.

4. The Capital Stock of the said Company to be raised amongst the Shareholders shall be one million dollars currency, in One Thousand Shares of One Thousand dollars each, with power at any Annual General Meeting of the Company to increase the same to two thousand shares, or two million dollars currency; Provided always that the said Company shall have paid up the sum of one hundred thousand dollars currency, before receiving any passengers or freight.

Calling of Stock.

5. The Directors of the said Company may call in the Capital Stock of the same in such sums as they may see fit, provided no larger sum than twenty per cent. of the amount subscribed is payable at one time, and that at least three months shall elapse between each payment.

Directors.

Qualification.

First Directors.

6. The business and affairs of the said Company shall be conducted and managed, and its powers exercised, by seven Directors, to be annually elected by the Shareholders, and who shall be severally Shareholders to an amount of five thousand dollars of the said Stock, and who shall be elected at the Annual Meetings of the Company by the Shareholders then present, or by proxy, as hereinafter provided, and which Board in the first instance, and until the first General Annual Meeting of the Company, as hereinafter provided, shall consist of the Hon. John Young, Hon. Jas. Ferrier, David Torrance, Thomas Cramp, Robert Esdaile, all of the City of Montreal; James Gibb Ross, of the city of Quebec; and James Domville, of St. John, N. B.

Making By-laws and for what purposes

7. It shall be lawful for the Company, at an Annual Meeting or Special General Meeting convened for the purpose, to make By-laws, Rules and Regulations, for the conduct and management of the business, affairs, real estates, vessels, stock, property, and effects of the Company; and the same to amend, alter, repeal and re-enact, as shall be deemed needful and proper; but a majority of the shareholders shall be present therefor and assisting at the same; and the said By-laws, Rules and Regulations, shall, among other things, particularly apply to and affect the following matters:

Calls, &c.

1. The calling up and payment, from time to time, of the Capital Stock of the said Company, and of the increase thereof, and of the calls thereon, as hereinbefore provided, and the conversion of the Shares thereof into Stock;

Share certificate.

2. The issue of Certificates to the respective Shareholders of the said Company of their Shares or Stock therein, and the regis-

tration thereof, and of the addresses of the Shareholders for the purposes of the Company;

3. The forfeiture or sale of Shares or Stock for non-payment of calls or other liability of the Shareholders: Provided always, that such forfeiture shall not be held to be conclusive against such liable Shareholder until after the actual sale of the Shares declared to be forfeited, or the enforcement of the judgement for the payment of the calls in arrear, as the case may be; Forfeiting Share. Proviso.

4. The set off of all debts due to the said Company from the Shareholders, against such Shares or Stock, and dividends or payments to which they may be entitled; Setting of debts.

5. The transfer of Shares or Stock, and the approval and control by the Directors, of such transfer and of the proposed transferees, and as to the remedy against transferees; Transfers.

6. The declaration and payment of profits of the said Company and dividends in respect thereof; Dividends.

7. The formation and maintenance of a Sinking or Reserve Fund; Sinking Fund, &c.

8. The removal and remuneration of the Directors, and of all such Managers, Agents, Officers, Clerks or Servants of the Company, as they shall deem necessary for carrying on the business of the said Company, and the security, if any, to be of their respective duties, and also the indemnity of such parties; Officers and Servants.

9. The calling of General, Special, or other Meetings of the Company and Directors, in this Dominion or elsewhere, and the quorum and the business to be transacted thereat, respectively, and the number of votes which shareholders shall have in respect of shares held by them, and the mode of taking votes, and regulating proxies of Directors and Shareholders; Meetings of Shareholders and Directors. Deeds, &c.

10. The making and entering into deeds, bills, notes, agreements, contracts, charter-parties, and other documents and engagements, to bind the Company, and whether under the seal of the Company or not, and whether by the Directors, or their agents, as may be deemed expedient; Deeds, &c

11. The borrowing or advancing of money, for promoting the purposes and interests of the Company, and the securities to be given by or to the said Company, for the same; Loans.

12. The keeping of minutes of the proceedings, and the accounts of the said Company, and making the same conclusive and binding on the Shareholders, and rectifying any errors which may be made therein; Minutes.

13. The audit of accounts and appointment of Auditors; Audit.

14. The giving of notices by or to the Company; Notices.

15. The recovery of damages and penalties; Damages.

16. The imposing of penalties against Shareholders, officers and servants of the Company, to an amount not exceeding five pounds for each offence; Penalties.

17. Provided the said By-laws, Rules and Regulations are not contrary to the present Act, nor to the laws of the Dominion; and provided that a register of all such by-laws shall be kept, and shall be open to public inspection at reasonable times at the office of the Company. By-laws not to contravene laws.

8. The Directors of the Company shall, from time to time, issue to each of the shareholders, respectively, certificates under the Seal of the Company, of the number of the shares to which he is entitled, and he shall then be legal owner of such shares and Certificates Shares to be issued.

invested with all the rights and subject to all the liabilities of a Shareholder in respect of such shares, and each person to whom any share or shares shall be assigned, shall sign an acknowledgment of his having taken such share or shares, which acknowledgment shall be kept by the Directors, and shall be conclusive evidence of such acceptance, and that person signing it has taken upon himself the liability aforesaid.

Enforcing payment of Shares.

9. In case the said Directors shall deem it more expedient in any case to enforce the payment of any unpaid instalment, than to forfeit or sell the said shares therefor, it shall and may be lawful for the Company to sue for and recover the same from such Shareholder, with interest thereon, in any action in any Court having civil jurisdiction to the amount claimed; and in any such action it shall be sufficient to allege that the defendant is the holder of one or more shares (stating the number of shares) and is indebted to the Company in the sum to which the calls in arrear may amount, and to maintain such action it shall be sufficient that the signature of the defendant to such acknowledgment as hereinbefore mentioned shall be proved, and that the calls in arrear have been made, and a certificate under the seal of the Company, or signed by any one or more of the Directors, shall be sufficient evidence of the calls having been duly made, and being in arrear and the amount due in respect thereof: Provided that nothing herein contained shall in any way affect the right of the said Company to forfeit the shares of any Shareholder or non-payment of calls or subscriptions, whether after or before such a judgment for recovery thereof.

What only need be alleged and proved.

Proviso.

To what purposes only the Capital shall be applied.

10. The Capital Stock and increase thereof of the said Company, is hereby directed and appointed to be laid out and applied, in the first place, for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and the preliminary expenses attending the establishment of the said Company, and all the rest, residue and remainder of such money for and towards carrying out the objects of this undertaking and the other purposes of the Company, and to no other use, intent or purpese whatsoever.

Company not bound to see to trust on Shares.

11. The Company shall not be bound to see the execution of any trust, whether express, implied or constructive, to which any of the said Shares may be subject, and the receipt of the party in whose name any such Share shall stand in the books of the Company, shall from time to time be a discharge to the Company for any dividend or other sum of money payable in respect of such Share, notwithstanding any trust to which such Share may then be subject, and whether or not the Company have had notice of such trust, and the Company shall not be bound to see to the application of the money paid upon such receipt.

Proof of transmission of Shares otherwise than by regular transfer.

12. When any Share shall have become transmitted in consequence of the bankruptcy or insolvency of any Shareholder, the assignee of such Shareholder shall not be entitled, and in case of such transmission in consequence of the death or marriage of a female Shareholder, the executors or administrators, tutors, curators or

husband, as the case may be, of such Shareholder, shall not, except so far as may be otherwise provided by By-Laws, be entitled to receive any profits of the Company, or to vote in respect of such Share as the holder thereof; but, nevertheless, after the production of such declaration or other evidence of such transmission as may be required in that behalf by any By-law of the Company, such assignees, executors or administrators, tutors, curators or husband, as the case may be, shall have power to transfer the Share or Shares so transmitted, in the same manner and subject to the same regulations as any other transfer is to be made.

Quorum of Directors.

13. At all meetings of the said Directors, and of those hereafter elected by the Shareholders, three shall be a quorum, and capable of exercising all the powers of the said Directors.

Annual General Meetings.

14. The Annual General Meeting of the said Company shall be held in the Office of the Company, in the City of Montreal, on the first Monday in April in each year, for the purpose of electing Directors and for transacting the general business of the Company: at this meeting, the President of the Company, or in his absence, the Vice-President, and in absence of both, then one of the Directors, shall take the Chair; and Shareholders may appear in person or by proxy, provided the holder of such proxy be a Shareholder in the Company, and each Share in the Company shall give one vote, and if on any question there be an equality of votes, the Chairman shall have the casting vote.

Who shall preside.

Proxies.

Votes.

Election of President, &c

15; The Directors elected at the Annual Meeting aforesaid shall assemble within one week of their election, and shall then elect from amongst themselves, by a majority of votes of those present, a President and a Vice-President; the President, or in his absence, the Vice-President, may call meetings of the Directors as often as the occasion may require.

Directors may act either in Canada or the United Kingdom, and may appoint agents.

16. The Directors of the said Company may act as Directors in Canada, and may appoint one or more agents in Canada or elsewhere, and for such time and on such terms as to them shall seem expedient, and the Directors may by any By-law to be made for such purpose, empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the Directors themselves, or any of them, may lawfully do, perform and exercise, except the power of making By-laws, and all things done by any such agent by virtue of the powers in him vested by such By-law, shall be valid and effectual to all intents and purposes as if done by such Directors themselves; any thing in this Act to the contrary notwithstanding.

Steamers may be received as Stock.

17. The Directors aforesaid shall have power, if they think fit, to receive, and take into the stock of the said Company, such steamers as may have already been built or acquired by individual Shareholders for the purpose of this Company.

At what valuation.

18. The Directors of the Company shall take the said steamers at the cost or at such valuation as shall be put upon them by persons mutually chosen to decide the same, and such valuation

shall be credited to the Shareholders as payment made on account of their stock, but no Shareholder shall be entitled to claim from the Directors any payment for special agreement to that effect.

Informality in election of Director not to invalidate his acts.

19. All acts done by any person or persons acting as Directors, shall notwithstanding there may have been some defect in the appointment of any such person or persons, or that they or any of them were disqualified, be as valid as if every such person or persons had been duly appointed and was qualified to be a Director.

A Company to be governed by English laws of evidence.

20. In all actions or suits at law by or against the Company, or to which the said Company may be a party, in the Province of Quebec, recourse shall be had to the rules of evidence laid down by the laws of England, as recognized by the Courts of the said Province, in commercial cases, except for actions for real estate or incidental thereto in the said Province, in which case the laws of the said Province shall prevail; and no Shareholder shall, in any Court whatever, be deemed an incompetent witness either for or against the Company, unless he be incompetent otherwise than as a Shareholder.

Witnesses.

Who may answer in cases of attachment in their hands.

21. If any Writ of *saisie-arret* or attachment shall be served upon the said Company in the Province of Quebec, it shall be lawful for the President or for the Secretary, or the Treasurer thereof, or any agent to be appointed as hereinbefore provided, in any such case, to appear in obedience to the said writ, to make the declaration by law required according to the exigency of such case, which said delaration or the declaration of the said President, shall be taken and received in all Courts of Justice in the said Province as the declaration of the Company.

Contracts, &c., made by Directors in accordance with their powers, to bind the Company.

22. Every contract, agreement, engagement or bargain by the company, or by any one or more of the Directors on behalf of the Company, or by any agent or agents of the Company, and and every promissory note, made or endorsed, and every bill of Exchange drawn, accepted or endorsed by such Director or Directors, on behalf of the Company, or by any such agent or agents, in general accordance with the powers to be devolved to and conferred on them respectively under the said By-laws, shall be binding upon the said Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, promissory note or bill of exchange, or to prove that the same was entered into, made or done in strict pursuance of the By-laws, nor shall the party entering into, making or doing the same as Director or agent, be thereby subjected individually to any liability whatsoever; Provided always, that nothing in this section shall be construed to authorize the said Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as notes of a Bank.

Seal not required in certain cases.

Proviso.

Municipal Corporations, &c., may hold Stock.

23. If at any time any Municipal or other Corporation, civil or ecclesiastical, body politic, corporate or collegiate, or community, in this Province or elsewhere, shall be desirous of taking shares of the Capital Stock of the said Company, or otherwise promoting the success of their undertaking by loans of money or se-

curities for money at interest or *d constitution de rente*, it shall be lawful for them respectively so to do in like manner, and with the same rights and privileges in respect thereof, as private individuals may do under or by virtue of this Act; any thing in any Ordnance or Act, or instrument of Incorporation of any such body, or in any law or usage to the contrary notwithstanding.

Liability of Shareholders.

24. The Shareholders shall not as such be held liable for any claim, engagement, loss or payment, or for any injury, transaction, matter or thing relating to or connected with the said Company or the liabilities, acts or defaults of the said Company, beyond the sum, if any remaining due to complete the amount of the unpaid up portion of the shares subscribed for or held by them in the stock of the Company.

Shares to be personalty.

25. The shares in the Capital Stock of the said Company shall be deemed personal estate, and shall be transferable as such.

Cases may be tried between the Company and Shareholders.

26. Suits at law and in equity may be prosecuted and maintained between the said Company and any Shareholder thereof, and no shareholder of the Company not being in his private capacity a party to such suit, shall be incompetent as a witness in such suit.

No. 133

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate the Canadian and West Indian Royal Mail Steamship Company.

Received and read, first time, Monday, 5th April, 1873.

Second reading, Wednesday, 7th April, 1873.

HON. MR. YOUNG.

No. 139. BILL. 1873.

An Act to continue for a limited time "The Insolvent Act of 1869," and the Acts amending the same.

WHEREAS it is expedient to continue for a limited time, as hereinafter mentioned, "*The Insolvent Act of* 1869" and all Acts amending the same, which would otherwise expire on the first day of September now next; Therefore Her Majesty &c., enacts as follows:— Preamble.

1. The Act passed by the Parliament of Canada in the thirty-second and thirty-third years of Her Majesty's reign, chaptered sixteen, and intituled, "*An Act respecting Insolvency*" and all Acts heretofore passed in amendment thereof, shall be and are hereby continued and shall remain in force until the first day of January, one thousand eight hundred and seventy-four, and from thence until the end of the then next ensuing session of Parliament and no longer; and the said Acts shall have effect as if originally passed to continue in force until the period to which they are hereby continued. Act 32 and 33 V., c. 16, continued to end of Session of 1874.

2. Nothing herein contained shall prevent the effect of any Act passed during the present Session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, the Acts hereinbefore mentioned and continued, or shall continue any provision or part of the Acts in this Act mentioned, which may have been repealed by any Act passed during the present Session or in any previous Session. Proviso.

[No. 139.]

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to continue for a limited time "The Insolvent Act of 1869" and the Acts amending the same.

Received and read first time, Tuesdaay, 6th May, 1873.

Second reading, Wednesday, 7th May, 1873.

Rt. Hon. Sir John A. Macdonald.

140

BILL.

An Act respecting the shipping of Seamen.

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 for all purposes as "The Seamen's Act, 1873." Short title.

2. This Act shall apply to the Provinces of Quebec, Nova Scotia, New Brunswick and British Columbia only. Application of Act.

3. In the construction and for the purposes of this Act (if not inconsistent with the context or subject matter) the following terms shall have the respective meanings hereinafter assigned to them; that is to say, Interpretation of terms.

"The said Provinces" shall mean the Provinces of Quebec, Nova Scotia, New Brunswick and British Columbia.

"Ship" shall include every description of vessel used in navigation not propelled by oars:

"Ships belonging to Her Majesty," shall include ships the cost of which has been defrayed out of the Consolidated Revenue Fund of Canada; and ships described as the property of Canada, by the one hundred and eighth section of "The British North America Act, 1867."

"Canadian Foreign sea-going Ship" shall include every ship registered in either of the said Provinces employed in trading or going by sea between some place or places in Canada, and some place or places out of Canada:

"Canadian Home-trade Ship" shall include every ship registered in either of the said Provinces, employed in trading or going from any place or places in either of the said Provinces to any other place or places in any other of the said Provinces.

"Master" shall include every person (except a pilot) having command or charge of a ship;

"Seaman" shall include every person (except masters, pilots, and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship:

"Consular Officer" shall include Consul General, Consul and Vice-Consul, and any person for the time being discharging the duties of Consul General, Consul or Vice-Consul:

"The Board of Trade" shall mean the Lords of the Committee of Privy Council appointed for the consideration of matters relating to trade and foreign plantations:

"The Minister" shall mean the Minister of Marine and Fisheries.

4. This Act shall come into operation upon, from and after the day, not being earlier than the first day of January one thousand eight hundred and seventy-four appointed for that purpose in any Proclamation by the Governor to the effect that the same has been confirmed and approved by Her Majesty in Council, which day is hereinafter referred to as the commencement of this Act. Commencement of Act.

Repealing clause.

Imp. Stat. 17 and 18, Vic. c. 104.

5. Upon, from and after the commencement of this Act, so much of the provisions of the Act of the Parliament of the United Kingdom, passed in the Session thereof held in the seventeenth and eighteenth years of Her Majesty's Reign, chapter one hundred and four, "to amend "and consolidate the Acts relating to Merchant Shipping" known as "The Merchant Shipping Act, 1854," and of any Act of the said Parliament amending the same and forming and to be construed as part thereof, relating to ships registered in either of the said Provinces, as is inconsistent with this Act shall be repealed; and the following Acts shall also be repealed, that is to say:

Con. Stat. Can. Cap. 41.

Chapter forty-three of the Consolidated Statutes of Canada, "for "more effectually preventing the desertion of seamen."

Con. Stat. L. Can. Cap. 55.

Chapter forty-five of the Consolidated Statutes of Lower Canada,— "respecting the shipping of seamen."

Con. Stat. L. Can, Cap. 56.

Chapter fifty-six of the Consolidated Statutes for Lower Canada, "respecting the desertion of seamen."

Con. Stat. L. Can. Cap. 57.

Chapter fifty-seven of the Consolidated Statutes for Lower Canada, "respecting the recovery of seamen's wages in certain cases."

R. S. N. S. Cap. 75. Parlt.

So much of Part the first of chapter seventy-five of the Revised Statutes of Nova Scotia (third series) "of shipping and seamen," as has not already been repealed.

R. S. N. B. Cap. 86.

Chapter eighty-six of the Revised Statutes of New Brunswick, "of "regulations for seamen."

R. S. N. B. Cap. 87.

Chapter eighty-seven of the Revised Statutes of New Brunswick, of "of Regulations for Shipping Seamen at the Port of Saint John."

Act of N. B. 30 Vic. c. 21.

The Act of the Legislature of the Province of New Brunswick, passed in the thirtieth year of Her Majesty's Reign, chapter twenty-one, "to "amend chapter eighty-seven of the Revised Statutes Of Regulations for "Shipping Seamen at the Port of St. John,"

Act of British Columbia 34 V., No. 166.

The Act of the Legislature of the United Colony of British Columbia, passed in the thirty fourth year of Her Majesty's Reign, number one hundred and sixty-six intituled "An Act to prevent desertion from "merchant ships."

Act of Canada 34 V., c. 32.

The Act of the Parliament of the Dominion of Canada, passed in the thirty-fourth year of Her Majesty's reign, chapter thirty-two, "For more effectually preventing the Desertion of Seamen in the Port of Quebec."

Act of Canada 35 V., c. 39.

The Act of the Parliament of the Dominion of Canada, passed in the thirty-fifth year of Her Majesty's reign, chapter thirty-nine, "respecting the shipping of seamen in Nova Scotia."

Proviso.

But this repeal shall not affect the past operation of any of the said Acts, or the validity of anything already done or any right, title obligation or liability already accrued thereunder.

Civil code L. Canada, Art. 2,404 and 2,405.

Articles two thousand four hundred and four and two thousand four hundred and five of the civil code of Lower Canada, are also hereby repealed.

Application of Act.

6. This Act shall not, except as hereinafter specially provided, apply to ships belonging to Her Majesty.

SHIPPING OFFICES.

Governor may establish shipping offices. Imp. Stat. 17 & 18 Vict. c. 104, s. 122.

7. The Governor in Council may establish a shipping office at each port in either of the Provinces of Quebec, Nova Scotia, New Brunswick or British Columbia, hereinafter referred to as the said Provinces, where a Custom House is situated, and may, from time to time, establish shipping Offices at other ports in those Provinces as he may deem advisable.

And may appoiht Shipping Masters. Imp. Stat. 17 & 18, Vict. c. 104, s. 122.

8. The Governor in Council may, subject to the provisions of this Act, appoiut Superintendents of such offices, to be called Shipping Masters, who may appoint any necessary deputies, clerks and servants, and shall, subject as hereinafter mentioned, have complete control over the same, and be responsible for every act done by such deputies, clerks or servants; and all acts done by or before such deputies, shall have the same effect as if done by or before such Shipping Masters.

No person selling any spirituous liquors, and no tavern-keeper or boarding-house keeper, shall be eligible for the situation of Shipping Master or Deputy Shipping Master. Certain persons ineligible. Con. Stat. L. C. c. 55, s. 3.

9. The Governor in Council may direct that at any place in either of the said Provinces in which no separate shipping office is established, the whole or any part of the business of the shipping office shall be conducted at the Custom House; and thereupon the same shall be there conducted accordingly; and in respect of such business, such Custom House shall for all purposes be deemed to be a shipping office, and the chief officer of the Customs there, if no other Shipping Master has been appointed, shall for all purposes be a Shipping Master, and be held and deemed to have been appointed as such within the meaning of this Act. Business of Shipping Office may be conducted at Custom House. Imp Stat. 17 & 18 V. c. 104, s. 128.

10. All Shipping Masters, and all deputies, clerks and servants appointed as aforesaid, shall before entering upon their duties give such security (if any) for the due performance thereof as the Minister may require; and if in any case the Minister has reason to believe that any person appointed by any Shipping Master does not properly discharge his duties, he may cause an investigation to be made, and may direct the dismissal or suspension of such person, and may provide for the temporary performance of his duties until another person is properly appointed in his place, or during his suspension, as the case may be. Shipping Masters, &c., to give security. C. S. L. C. c. 55, s. 1.

11. All shipping masters, deputies, clerks and servants so appointed as aforesaid shall, before entering upon their duties, take and subscribe the following oath before any magistrate:— Shipping Masters, &c., to take oath C. S. L. C. c. 55, s. 1.

"I, A. B., do swear that I will faithfully perform the office and duty "of Shipping Master (*or* Deputy Shipping Master, *or as the case may* "*be*,) according to the true intent and meaning of the "Act respecting "the Shipping of Seamen," passed by the Parliament of Canada, in the "thirty-sixth year of Her Majesty's reign, that I will not, either directly "or indirectly, personally or by means of any other person or persons on "my behalf, receive any fee, reward or gratuity whatsoever by reason "of any function of my office as Shipping Master (*or* Deputy Shipping "Master, *or as the case may be*), except such as are allowed to me under "the said Act, and that I will act without partiality, favor or affection "and to the best of my knowledge. So help me God."

12. It shall be the duty and general business of Shipping Masters,— General business of Shipping Masters. Imp. Stat. 17 & 18 Vict. c. 104, s. 124.

To afford facilities for engaging seamen, by keeping registers of the names of such seamen who may apply to them for engagement, and registers of all seamen shipped or discharged by them, which registers shall be open for public inspection;

To superintend and facilitate the engagement and discharge of seamen in manner hereinafter mentioned;

To provide means for securing the presence on board at the proper times of men who are so engaged, when requested so to do; the expense of such service to be defrayed by the master, owner, or agent of the ship requiring the presence of men on board;

To facilitate the making of apprenticeships to the Sea Service;

To perform such other duties relating to merchant seamen and merchant ships as are hereby, or may hereafter under the powers herein contained be committed to them.

And all such business transacted at any shipping Office in either of the said Provinces, shall be under the immediate control and supervision of the Minister.

And it shall be the duty of every Shipping Master and D[illegible]ty ping Master, before hiring, engaging, supplying or providing any seaman whom he has any reason to suspect of having deserted from his last ship in either of the said Provinces, within the then last six months, to be entered on board any ship to require such seaman to produce his certificate of discharge from his last ship, in either of the said Provinces, or other satisfactory proof that he was lawfully discharged from and lawfully quitted his last ship, in either of the said Provinces, and by all lawful means in his power to prevent, so far as he can, the

Penalty for taking rewards for procuring seamen. Con. Stat. L. C. c. 55, s. 7.

effecting before him of any engagement of a seaman whom he has any reason to suspect of having deserted from his last ship in either of the said Provinces.

13. No person other than the Shipping Master or Deputy Shipping Master shall hire, engage, supply or provide a seaman to be entered on board any ship, not being a Canadian Home-trade ship, or a ship in the merchant service of any foreign country to which the provisions of this Act relating to the shipping of seamen are prevented from applying, as hereinafter provided ; and if any person, other than a Shipping Master or Deputy Shipping Master, exacts or receives from the master of any ship, in contravention of the provisions of this section, any sum of money as a reward for procuring a seaman to serve on board such ship, such person shall on conviction thereof, forfeit and pay a sum not exceeding *eighty dollars*, nor less than *twenty dollars*.

Persons hired contrary to this Act not to be received on board of any ship. C.S.L.C., c. 55, s. 8.

14. No owner, part owner, master or person in charge of any ship, or ship's husband, or consignee, shall knowingly receive or accept to be entered on board such ship, or permit to remain on board the same any seaman who has been hired, engaged, supplied or provided to be entered on board thereof contrary to the provisions of this Act, or who has been engaged or hired to be entered on board any other ship.

Penalty for employing others than Shipping Masters to provide seamen. C.S.L.C., c. 55, S, 10.

15. No person shall employ any person other than a Shipping Master or Deputy Shipping Master for the purpose of hiring, engaging, supplying, or providing seamen to be entered on board any ship not being a canadian home-trade ship or a ship in the merchant service of a foreign country and to which the provisions of the Act relating to the shipping of seamen are prevented from applying, as hereinafter provided ; and any person knowingly employing any other person for any of the purposes aforesaid, shall, upon conviction thereof, forfeit and pay a sum not exceeding *forty dollars* for each offence.

Penalty for offences above described. C.S.L.C, c. 55, S, 9.

16. Any person guilty of any of the offences above described shall forfeit and pay for each and every seaman hired, engaged, supplied or provided to be entered on board, or for every seaman knowingly received or accepted to be entered on board, contrary to the provisions of this Act, a sum of money not exceeding *forty dollars* upon conviction thereof, for each offence, although several seamen be included in the same contract, or several seamen be received or permitted to remain at the same time.

Fees to be paid on the engagement or discharge of seamen. Imp. Stat 17 and 18, Vic. c. 104, s. 125.

17. The sum of *fifty cents* shall be payable upon each engagement of a seaman effected before a Shipping Master or Deputy Shipping Master in either of the said Provinces, as hereinafter mentioned ; and the sum of *thirty cents* shall be payable upon each discharge of a seaman shipped in either of the said Provinces, effected before a Shipping Master or Deputy Shipping Master in either of the said Provinces, as hereinafter mentioned ; and any Shipping Master, or the deputy, clerk or servant of any Shipping Master, may refuse to proceed with any engagement or discharge unless the fee payable thereon is first paid.

Masters to pay fees, and to deduct part from wages. Imp. Stat. 17 and 18, Vict., c. 104, s. 126.

18. Every owner or master of a ship engaging or discharging any seaman or seamen in a shipping office or before a Shipping Master or Deputy Shipping Master in either of the said Provinces shall pay to the Shipping Master or Deputy Shipping Master the whole of the fees hereby made payable, in respect of such engagement or discharge, and may, for the purpose of in part reimbursing himself, deduct and retain in respect of each such engagement or discharge from the wages of all persons so engaged or discharged, a sum not exceeding one-half the amount so paid to the Shipping Master or Deputy Shipping Master.

Penalty for Shipping Masters, &c., receiving more than

19. Any Shipping Master or Deputy Shipping master, or any clerk or servant in any shipping office in either of the said Provinces, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any ship, except the

lawful fees payable under this Act, shall, for every such offence, incur a penalty not exceeding *forty dollars*, and shall also be liable to be dismissed from his office by the Governor in Council.

their lawful fees. Imp. Stat. 17 and 18, Vic., c. 104, s. 127.

20. Every Shipping Master appointed under this Act shall make and sign, and transmit to the Minister on or as soon as possible after the last day of June, and the last day of December in each year, a return of all the fees received by him and his deputy under this Act during the half year ending on such day.

Shipping Masters to make quarterly returns of fees.

21. The Governor in Council may, from time to time, dispense with the transaction before a Shipping Master or Deputy Shipping Master, or in a shipping office, of any matters required by this Act to be so transacted; and thereupon such matters shall, if otherwise duly transacted as required by law, be as valid as if transacted before a Shipping Master or Deputy Shipping Master, or in a shipping office.

Dispensation with Shipping Master's Superintendence. Imp. Stat., 17 and 18 Vict. c. 104, s. 130.

22. Every Shipping Master and Deputy Shipping Master appointed under this Act, shall give all the assistance in his power towards carrying into effect the objects of the Act of the Parliament of the United Kingdom passed in the Session thereof, held in the twenty-second and twenty-third years of Her Majesty's reign, chapter forty, "*for the establishment of a Reserve Volunteer Force of Seamen, and for the government of the same,*" in such manner as the Board of Trade, at the instance of the Lords Commissioners of the Admiralty, may direct; and every such Shipping Master and Deputy Shipping Master shall for this purpose have the power to call for such answers or information concerning reserve men from the masters of and other persons belonging to British merchant-ships as may be necessary or desirable in order to enable him to render such assistance as aforesaid, or to make any returns which the Board of Trade or the Lords Commissioners of the Admiralty may require; and every Master or other person belonging to a British merchant-ship, who, when duly called upon by any such Shipping Master or Deputy Shipping Master, omits or refuses to give any such answer or information as aforesaid, which it is in his power to give shall be liable to a penalty not exceeding *twenty dollars*.

Powers of Shipping Masters under Imp. Stat. 22 & 23 Vict. c. 40.

APPRENTICESHIPS.

23. Every shipping master appointed under this Act shall, when applied to for the purpose, give to any person desirous of apprenticing a boy to the merchant service, and to every master or owner of a ship requiring an apprentice, such assistance as is in his power for facilitating the making of such apprenticeship, and may receive from any person availing himself of such assistance, such fees as may be determined in that behalf, by the Minister.

Shipping Masters to assist in binding apprentices, and may receive fees. Imp. Stat. 17 and 18 Vict., c. 104, s. 141.

24. Every person to whom any boy is bound as an apprentice to the sea service in either of the said Provinces shall, within seven days after the execution of the indenture, take or transmit the same to the shipping master nearest the residence of the person to whom the boy is bound, and the said shipping master shall cause such indenture to be copied into a book to be kept in his office, which shall be open to public inspection free of any charge, and shall endorse on the indenture that it has been so recorded, and shall re-deliver the same to the master of the apprentice, and the shipping master shall be entitled to charge and receive the sum of *one dollar* for recording the indenture as aforesaid; and whenever any such indenture is assigned or cancelled, and whenever any such apprentice dies or deserts, the master of the apprentice shall within thirty days after such assignment, cancellation, death or desertion, if the same happens within Canada, or if the same happens elsewhere, so soon afterwards as circumstances permit, notify the same to the said shipping master, to be recorded; and every person who fails to comply with the provisions of this section shall incur a penalty not exceeding *forty dollars*.

Indentures to be recorded.

Assignments, &c., thereof, and death, &c., of apprentices to be notified. Imp. Stat. 17 and 18, Vict., c. 104, s. 143.

Apprentices and their indentures to be brought before Shipping Master before each voyage to sea. Imp. Stat. 17 and 18 Vict. c. 104, s. 145.

25. The master of every Canadian Foreign sea-going ship shall, before carrying any apprentice to sea from any place in either of the said Provinces, cause such apprentice to appear before the shipping master before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof (if any): and the name of the apprentice, with the date of the indenture and of the assignments thereof (if any), and the name of the port or ports at which the same have been registered, shall be entered on the agreement; and for any default in obeying the provisions of this section the master shall for each offence incur a penalty not exceeding *twenty dollars.*

ENGAGEMENT OF SEAMEN.

Agreements to be made with seamen in certain ships containing certain particulars. Imp. Stat. 17 and 18 Vict. c. 104, s. 149.

26. The master of every Canadian Home-trade ship, except ships of less than eighty tons registered tonnage, shall enter into an agreement with every seaman whom he carries as one of his crew, in the manner hereinafter mentioned; and every such agreement shall be in the form marked A., in the schedule hereto annexed, or as near thereto as circumstances permit, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof (that is to say)

1. The nature, and as far as practicable, the duration of the intended voyage or engagement;
2. The number and description of the crew, specifying how many are engaged as sailors;
3. The time at which each seaman is to be on board or to begin work;
4. The capacity in which each seaman is to serve;
5. The amount of wages which each seaman is to receive;
6. A scale of the provisions which are to be furnished to each seaman;
7. Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct which the parties agree to adopt;

And every such agreement shall be so framed as to admit of stipulations, to be adopted at the will of the master and seaman in each case as to advance and allotment of wages, and may contain any other stipulations which are not contrary to law, and such agreement must be made and signed either before a shipping master in the manner hereinafter directed with respect to Canadian Foreign sea-going ships or in presence of a respectable witness who shall attest each signature on such agreement; And any seaman who has signed such agreement may at the termination of the agreement if the master thinks fit be discharged before a shipping master in the manner herein directed with respect to Canadian Foreign sea-going ships, and at any period during such engagement and before its termination it shall be lawful for the master to discharge any such seaman on payment of his wages and with his consent provided such discharge is made in the presence of and with the sanction of a duly appointed shipping master.

Similar agreement to be made with seamen in other ships. Imp. Stat. 17 and 18 Vict. c. 104, s. 149.

27. The master of every Canadian Foreign sea-going ship shall enter into an agreement with every seaman whom he carries to sea, from any port or place in either of the said Provinces, as one of his crew, and every such agreement shall be in the form marked A, in the schedule hereto or as near thereto as circumstances permit, and shall be dated at the time of the first signature therof, and shall be signed by the master before any seaman signs the same, and shall contain the particulars set forth in the next preceding section as terms thereof:—and such agreement shall be signed by the master and each seaman in the presence of a duly appointed shipping master, and such shipping master shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature. In the case of substitutes engaged in either of the said Provinces in the place of seamen who have duly signed the agreement,

and whose services are lost by death, desertion or other unforeseen cause previous to the vessel putting to sea, the engagement shall, when practicable, be made before a shipping master appointed under this Act, and whenever such last mentioned engagement cannot be so made, the master shall before the ship puts to sea, if practicable and if not as soon afterwards as possible, cause the agreement to be read over and explained to the seamen who have shipped as substitutes, and such seamen shall thereupon sign the same in the presence of a witness, who shall attest their signatures. A clause may be inserted in the agreement providing for the sale of the vessel during the voyage intended, and for the discharge of the crew in the event of such sale; but such clause must state the amount of wages to be paid to the seamen upon such sale.

Rev. Stat. Nova Scotia, c. 75, pt. 1, s. 9.

28. In the case of ships registered in either of the said Provinces making short voyages from any port or place in either of the said Provinces by sea to ports and places out of Canada averaging less than two months duration, running agreements with the crew may be made to extend over two or more voyages, or for a specified time, so that no such agreement shall extend beyond six months from the date of such agreement or the first arrival of the ship at her port of destination in either of the said Provinces after the termination of such agreement, or the discharge of cargo consequent upon such arrival:—and every person entering into such agreement, whether engaged upon the first commencement thereof or otherwise in either of the said Provinces, shall enter into and sign the same in the manner hereby required for other ships trading by sea to ports or places out of Canada, and every person engaged thereunder, if discharged in either of the said Provinces, shall be discharged in the manner hereby required for the discharge of seamen belonging to other ships trading by sea to ports or places out of Canada.

Foreign going ships making short voyages may have running agreements. Imp. Stat. 17 and 18 Vict. c. 104, s. 151.

29. If in any case the master of a ship registered in either of the said Provinces, except under eighty tons register exclusively employed in trading between any port or place in either of the said Provinces, and any port or place in any other of the said Provinces, carries any seaman to sea, apprentices excepted, without entering into any agreement with him in the form and manner and at the place and time in such case required, the master shall for each such offence incur a penalty not exceeding *twenty dollars*.

Penalty for carrying seamen to sea, &c., without agreement. Imp. Stat. 17 and 18 Vict. c. 104, s. 157.

30. The owner, part owner, master or person in charge of any Canadian foreign sea-going ship or Canadian Home-trade ship or ship's husband, shall not pay in advance, nor give any note or acceptance in writing or otherwise in the nature of, and purporting to be an advance note for any part of the wages of any seaman hired, engaged, supplied or provided to be entered on board the said ship, until after the ship's articles have been duly signed by the said seaman, and by the master or owner of the said ship, and then only to the seaman himself; but any such note or acceptance may be made payable to the order of such seaman; and no such note or acceptance shall be made, or be payable at any time sooner than five days after the final sailing of the ship with such seaman on board. And all payments of wages contrary hereto shall be null and void, and the amount thereof shall be recoverable by the seaman as if they had not been paid or advanced.

Advance notes not to be given until after the articles are signed. Con. Stat. L.C. c. 55, s. 11, Act of New Brunswick, 30 Vict. (1866). c. 21

31. The master of every Canadian foreign sea-going ship, of which the crew has been engaged before a shipping master in Canada shall before finally leaving Canada sign and send to the shipping master before whom the crew were engaged a full and accurate statement of every change which takes place in his crew before finally leaving Canada, and in default shall for each offence incur a penalty not exceeding *twenty dollars*; and such statement shall be admitted as evidence, subject to all just exceptions.

Changes in crew to be reported. Imp. Stat. 17 and 18 Vict. c. 104, s. 158.

Certain ships not to be cleared until certificates of masters and mates are produced, &c. Imp. Stat. 17 and 18 Vict. c. 104, s. 161.

32. The master of every Canadian foreign sea-going ship over one hundred and fifty tons register, shall, on signing the agreement with his crew, produce to the shipping master before whom the same is signed, the certificates of competency or service which the said master and his first mate or only mate are required by law to possess; and if such shipping master be the chief officer of customs at the port, he shall not clear any such ship without such certificates being first produced to him, nor until all the requirements of this Act have been complied with, to his satisfaction; and if any master of any ship attempts to go from any port until all the requirements of this Act have been complied with, he shall for every such offence incur a penalty not exceeding *two hundred dollars*; and if such shipping master be not the chief officer of customs at the port, then on the production of the said certificates and on all the other requirements of this Act being complied with, to the satisfaction of the shipping master, such shipping master shall give the master of the ship a certificate to that effect or to the effect that the agreement is in his office partially signed waiting an engagement of a portion of the crew, as the case may be; and no officer of customs shall clear any such ship without such production; and if any such ship attempts to go to sea without such certificate from the shipping master, the master of such ship shall incur a penalty not exceeding *two hundred dollars*; and at any port at which the chief officer of customs acts as shipping master, such officer of customs shall not clear any such ship outwards until all the requirements of this Act have been complied with to his satisfaction.

Alterations in articles to be void unless attested to have been made with the consent of all parties. Imp. Stat. 17 and 18, Vict. C. 104, S. 163

33. Every erasure, interlineation, or alteration in any such agreement with seamen as is required by this Act, (except additions so made as hereinbefore directed for shipping substitutes or persons engaged subsequently to the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in such erasure, interlineation or alteration by the written attestation, (if made in Her Majesty's Dominions,) of some shipping master, Justice, Officer of Customs, or other public functionary, or, (if made out of Her Majesty's Dominions) of a British Consular Officer, or where there is no such officer, of two respectable British merchants.

Falsifying ship's articles to be a misde. meanor. Imp. Stat. 17 and 18, Vict. C. 104, S. 164.

34. Every person who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, or makes, or assists in making, or procures to be made, any false entry in, or delivers, assists in delivering, or procures to be delivered, a false copy of any agreement under this Act, shall for each such offence be deemed guilty of a misdemeanor.

Seamen not to be bound to produce agreement. Imp. Stat. 17 and 18, Vict. C. 104, S. 165.

35. Any seaman may bring forward evidence to prove the contents of any agreement under this Act, or otherwise to support his case, without producing or giving notice to produce the agreement or any copy thereof.

Seamen discharged before voyage, to have compensation. Imp. Stat. 17 and 18, Vict. C. 144. S. 167.

36. Any seaman who has signed an agreement under this Act, and is afterwards discharged before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying such discharge and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage thereby caused to him, not exceeding one month's wages, and may, on adducing such evidence as the court hearing the case deems satisfactory of his having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned.

ALLOTMENT OF WAGES.

Rules as to allotment notes. Imp. Stat. 17 and 18, Vict. C. 104, S. 168.

37. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement, and shall state the amounts and times of the payments to be made; and allotment notes may be in the form marked B., in the schedule hereto.

38. The wife, or the father or mother, or the grandfather or grandmother, or any child or grandchild, or any brother or sister of any seaman in whose favour an allotment note of part of the wages of such seaman is made, may, unless the seaman is shown in manner hereinafter mentioned to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, and subject as to the wife, to the provision hereinafter contained, sue for and recover the sums alloted by the note when and as the same are made payable, with costs from the owner or any agent who has authorized the drawing of the note either in the summary manner in which seamen are by this Act enabled to sue for and recover wages not exceeding two hundred dollars, or in any court in either of the said Provinces having jurisdiction to the amount within the limits of whose jurisdiction such owner or agent has been served with process, or the agreement and allotment note or either of them were or was made, such owner or agent having been duly served with process in any place in either of the said Provinces within or without such limits; and in any such proceeding it shall be sufficient for the claimant to prove that he or she is the person mentioned in the note, and that the note was given by the owner or by the master or some authorized agent; and the seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the court, either by the official statement of the change in the crew caused by his absence made and signed by the master, as by this Act is required, or by a duly certified copy of some entry in the Log Book to the effect that he has left the ship, or by a credible letter from the master of the ship to the same effect, or by such other evidence, of whatever description, as the court in its absolute discretion considers sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid: Provided that the wife of any seaman who deserts her children, or so misconducts herself as to be undeserving of support from her husband, shall thereupon forfeit all right to further payments of any allotment of his wages which has been made in her favour; and any master making a wilfully false statement in any such letter shall incur a penalty of *one hundred dollars*.

Allotment notes may be sued on summarily by certain persons and under certain condi tions. Imp. Stat 17 and 18, Vict. C. 104, S. 169.

DISCHARGE AND PAYMENT OF WAGES.

39. All seamen discharged in either of the said provinces from ships registered in either of the said Provinces other than Canadian home-trade ships, shall be discharged and receive their wages in the presence of a Shipping Master duly appointed under this Act, except in cases where some competent court otherwise directs, and any master or owner or consignee of any ship registered in either of the said Provnces not being a Canadian home trade ship who discharges any seaman belonging thereto, or, except as aforesaid, pays his wages within either of the said provinces in any other manner, shall incur a penalty not exceeding *forty dollars*; and in the case of ships exempted as aforesaid, seamen may, if the owner or master so desires, be discharged and receive their wages in like manner.

Discharges to be made before Shipping Masters. Imp. Stat. 17 and 18. Vict. C. 104, S. 170.

Exceptions.

40. Every master shall before paying off or discharging any seaman in either of the said provinces from a ship registered in either of the said Provinces not being a Canadian home-trade ship of less than eighty tons deliver to him or, if he is to be discharged before a Shipping Master, to such Shipping Master a full and true account of his wages and of all deductions to be made therefrom on any account whatever, and in default shall for each offence incur a penalty not exceeding *twenty dollars*, and such account may be in the form marked C in the schedule hereto.

Master to deliver account of wages. Imp. Stat. 17 and 18. Vict. C. 104, S. 171.

41. Upon the discharge in either of the said provinces of any seaman belonging to a ship registered in either of the said Provinces not being a Canadian home-trade ship of less than eighty tons or upon payment of his wages, the master shall sign and give him a certificate of his discharge in the form marked D in the schedule hereto, specifying the period of his service

On discharge Masters to give Seamen certificates of discharge. Imp. Stat. 17.

and 18, Vict. C. 104, S. 172.

and the time and place of his discharge, and shall make and sign thereon a report of the conduct, character and qualifications of the person discharged, during the period he has been in his employment; or he may state that he declines to give any opinion upon such particulars or upon any of them; and if any master fails to sign and give to any such seaman requiring the same, such certificate of discharge and report or statement as aforesaid, he shall for each such offence incur a penalty not exceeding *forty dollars*.

Shipping Master may decide questions which parties refer to him. Imp. Stat. 17 and 18 Vict. c. 104. s. 173.

42. Every shipping master in Canada may hear and decide any question whatever between a master or owner of a ship registered in Canada, and any of his crew which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall in any legal proceedings which may be taken in the matter before any court of justice in Canada, be deemed to be conclusive as to the rights of the parties; and any document purporting to be such submission or award shall be *primâ facie* evidence thereof, and such shipping master may charge a fee as remuneration therefor not exceeding *four dollars*.

Masters and others to produce ship's papers to Shipping Masters and give evidence Imp. Stat. 17 and 18 Vict. c. 104. s. 174.

43. In any proceeding relating to the wages, claims, or discharge of any seaman belonging to any ship registered in either of the said Provinces, carried on before any shipping master under the provisions of this Act, such shipping master may call upon the owner or his agent, or upon the master or any mate or other member of the crew, to produce any log books, papers, or other documents in their respective possession, or power relating to any matter in question in such proceedings, and may call before him and examine on oath on any such matter any of such persons being then at or near the place; and every owner, agent, master, mate, or other member of the crew, who when called upon by the shipping master does not produce any such paper or document as aforesaid, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable excuse for such default, for each such offence incur a penalty not exceeding *twenty dollars*.

LEGAL RIGHTS TO WAGES.

Right to wages, and provisions when to begin. Imp. Stat. 17 and 18 Vict. c. 104. s. 181.

44. In the case of ships registered in either of the said Provinces, the right to wages and provisions of a seaman engaged in either of the said Provinces shall be taken to commence either at the time at which he commences work, or at the time specified for his commencement of work or presence on board whichever first happens.

Seamen not to give up certain rights. Imp. Stat. 17 and 18 Vic. c. 104, s. 182, and 25 and 26 Vict. c. 63, s. 18.

45. No seaman engaged under this Act for any ship registered in either of the said Provinces, shall by any engagement made in either of the said Provinces forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any aggreement made in either of the said Provinces inconsistent with any provision of this Act, and every stipulation by which any seaman consents to abandon his right to wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative; but this shall not apply to the case of any stipulation made by the seamen belonging to any ship which, according to the terms of the agreement, is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services, to be rendered by such ship to any other ship or ships.

Proviso.

Wages not to depend on the earning of freight. Imp. Stat. 1 and 18 Vict. 7 c. 104. s. 183.

46. No right to wages of any seaman or apprentice on board of any ship registered in either of the said Provinces shall be dependent on the earning of freight; and every such seaman and apprentice who would be entitled to demand and recover any wages if the ship in which he has served had earned freight shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same, not-

withstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that he has not exerted himself to the utmost to save the ship, cargo, and stores shall bar his claim.

How wages to be paid in case of death. Imp. Stat. 17 and 18 Vict. c. 104. s. 184.

47. If any seaman or apprentice to whom wages are due under the last preceding enactment dies before the same are paid, they shall be paid and applied in the manner hereinafter specified with regard to the wages of seamen who die during a voyage.

Right to wages in case of termination of service by wreck or illness. Imp. Stat. 17 and 18 Vict. c. 104, s. 185.

48. In cases where the service of any seaman belonging to any ship registered in either of the said provinces, terminates before the period contemplated in the agreement by reason of the wreck or loss of the ship, and also in cases where such service terminates before such period as aforesaid by reason of his being left on shore at any place abroad, under a certificate of his unfitness or inability to proceed in the voyage granted as herein mentioned, such seaman shall be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period.

Wages not to accrue during refusal to work or imprisonment. Imp. Stat. 17 and 18 Vict. c. 104. s. 186.

49. No seaman or apprentice belonging to any ship registered in either of the said Provinces, shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, whether before or after the time fixed by the agreement for his beginning work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

Nor during illness caused by wilful act or default. Imp. Stat. 30 and 31 Vict. c. 124. s. 8.

50. Where a seaman belonging to any ship registered in either of the said Provinces is by reason of illness incapable of performing his duty, and it is proved that such illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of such illness incapable of performing his duty.

Period within which wages are to be paid. Imp. Stat. 17 and 18 Vict. c. 104. s. 187.

51. The master or owner of every ship registered in either of the said Provinces shall pay every seaman belonging to such ship his wages, if demanded within three days after the delivery of the cargo or five days after the seaman's discharge, whichever first happens; but this provision shall not apply to cases where the seaman by the agreement is paid by a share of the profits of the adventure.

MODE OF RECOVERING WAGES.

Seamen may sue for wages in a summary manner. Imp. Stat. 17 and 18 Vict. c. 104. s. 188. Con. Stot. Lower Canada c. 57, s. 1.

52. Any seaman or apprentice belonging to any ship registered in either of the said Provinces or any person duly authorized on his behalf, may sue in a summary manner before any Judge of the Sessions of the Peace, any Judge of a County Court, Stipendiary Magistrate, Police Magistrate, or any two Justices of the Peace acting in or near the place at which the service has terminated, or at which the seaman or apprentice has been discharged, or at which any master or owner or other person upon whom the claim is made is or resides, for any amount of wages due to such seaman or apprentice not exceeding two hundred dollars over and above the costs of any proceeding for the recovery thereof, as soon as the same becomes payable and such Judge, Magistrate or Justices may, upon complaint on oath to be made to him or them by such seaman or apprentice, or on his behalf, summon such master or owner, or other person to appear before him or them to answer such complaint:

Judges may make order for payment of wages. Con. Stat. Lower Canada c. 57. s. 2. No. 2.

53. Upon appearance of such master or owner, or in default thereof on due proof of his having been so summoned, such Judge, Magistrate or Justices may examine upon the oath of the respective witnesses of the parties (if there be any,) or upon the oath of either of the parties, in case one of the parties should require such oath from the other, before such Judge, Magistrate or Justice, touching the complaint and amount

of wages due, and may make such order for the payment thereof, as to such Judge, Magistrate or Justice appears reasonable and just; and any order made by such Judge of the Sessions of the Peace, Judge of a County Court, Stipendiary Magistrate, Police Magistrate or Justices shall be final.

Warrant of distress may be issued. Con. Stat. Lower Canada c. 57, s. 1, No. 2.

54. If such order is not obeyed within twenty-four hours next after the making thereof, such Judge, Magistrate or Justices may issue a warrant to levy the amount of the wages awarded to be due by the distress and sale of the goods and chattels of the party on whom such order is made, rendering to such party the over-plus (if any remains) of the produce of the sale, after deducting therefrom all the charges and expenses incurred by the seaman or apprentice in the making and hearing of the complaint, as well as those incurred by the distress and levy, and in the enforcement of the order.

If sufficient distress cannot be found wages and expenses may be levied on ship, or party may be committed. Con. Stat. Lower Canada c. 57, s. 1, No. 4.

55. And in case sufficient distress cannot be found, such Judge, Magistrate or Justices may cause the amount of such wages and expenses to be levied on the ship in respect of the service on board which the wages are claimed, or the tackle and apparel thereof; and if such ship is not within the jurisdiction of such Judge, Magistrate or Justices, then they may cause the party on whom the order for payment is made, to be apprehended and committed to the common gaol of the locality, or if there be no gaol there, then to that which is nearest to the locality, for a time not less than one, nor more than three months, under each such condemnation.

Restrictions on suits for wages in Superior Courts. Imp. Stat. 17 and 18 Vict. c. 104, s. 189.

56. No suit or proceedings for the recovery of wages under the sum of two hundred dollars shall be instituted by or on behalf of any seaman or apprentice belonging to any ship registered in either of the said Provinces in any Court of Vice Admiralty, or in any Superior Court of Record in either of the said Provinces, unless the owner of the ship is insolvent within the meaning of any act respecting insolvency, for the time being in force in Canada, or unless the ship is under arrest or is sold by the authority of any such court as aforesaid, or unless any Judge, Magistrate or Justices acting under the authority of this Act, refer the case to be adjudged by such court, or unless neither the owner nor the master is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore.

If suits brought unnecessarily before Superior Court, no costs to Plaintif. Con. Stat. Lower Canada c. 57, s. 2.

57. If any suit for the recovery of a seaman's wages is instituted against any such ship or the master or owner thereof, in any Court of Vice Admiralty or in any Court of Record in either of the said Provinces, and it appears to the court, in the course of such suit, that the plaintiff might have had as effectual a remedy for the recovery of his wages, by complaint to a Judge of the Sessions of the Peace, Judge of a County Court Stipendiary Magistrate, Police Magistrate or two Justices of the Peace under this Act, then the Judge shall certify to that effect, and thereupon no costs shall be awarded to the plaintiff.

No seaman to sue for wages abroad except in cases of discharge or danger of life. Imp. Stat. 17 and 18 Vict. c. 104, s. 190.

58. No seaman belonging to any Canadian foreign sea-going ship, who is engaged for a voyage or engagement which is to terminate in either of the said Provinces, shall be entitled to sue in any court abroad for wages, unless he is discharged with such sanction as herein required, and with the written consent of the master, or proves such ill-usage on the part of the master or by his authority, as to warrant reasonable apprehension of danger to the life of such seaman if he were to remain on board; but if any seaman on his return to either of the said Provinces proves that the master or owner has been guilty of any conduct or default which but for this enactment would have entitled the seaman to sue for wages before the termination of the voyage or engagement, he shall be entitled to recover in addition to his wages such compensation not exceeding eighty dollars as the court hearing the case thinks reasonable.

59. Every master of a ship registered in either of the said Provinces, shall so far as the case permits, have the same rights, liens and remedies for the recovery of his wages which by this Act or by any law or custom any seaman, not being a master, has for the recovery of his wages; and if in any proceeding in any Court of Vice Admiralty, or Court possessing Admiralty jurisdiction in either of the said Provinces touching the claim of a master to wages any right of set-off or counter-claim is set up, it shall be lawful for such court to enter into and adjudicate upon all questions and to settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and to direct payment of any balance which is found to be due.

Master to have same remedies for wages as seamen. Imp. Stat. 17 and 18 Vict. c. 104, s. 191.

WAGES AND EFFECTS OF DECEASED SEAMEN.

60. Whenever any seaman or apprentice belonging to, or sent home in any Canadian foreign sea-going ship employed on a voyage which is to terminate in either of the said Provinces, dies during such voyage, the master shall take charge of all money, clothes and effects which he leaves on board, and shall, if he considers it necessary, in order to prevent contagion or disease, dispose of the clothes in such way as he thinks fit —and shall thereupon sign an entry in the log-book containing the following particulars, that is to say:

1. A statement of the amount of money and a description of the effects so left by the deceased, and if any effects were disposed of to prevent contagion or disease a statement of such effects and the mode of disposing of them, and the sum received for each;

2. A statement of the sum due to the deceased as wages, and of the total amount of the deductions (if any) to be made therefrom;

And shall cause such entry to be attested by a mate and by one of the crew; and on arrival at any port in either of the said Provinces at which there is a shipping master, the master shall within three days after his arrival, deliver to such shipping master a full and true account of any deductions made therefrom, and no deductions claimed in such account shall be allowed unless verified by an entry in the log-book, and also by such other vouchers (if any) as may be reasonably required by the shipping master to whom the account is rendered; and such shipping master shall furnish the Minister with a copy of such account, within six days after receiving the same and shall, subject to his directions, deliver such wages, effects and money to the legal representative or representatives of the deceased seaman or apprentice; or if no such representative can be found, then such shipping master shall dispose of such effects, money and wages in such manner as the Minister shall direct.

Master to take charge of, and may sell, effects of deceased seamen, and enter the same and wages due in the log-book Imp. Stat. 17 and 18 Vict. c. 104, s. 194.

Master to give account to Shipping Master, who shall furnish copy to Minister of Marine and Fisheries. Imp. Stat. 17 and18 Vict. c. 104, s. 195.

61. If any master fails to take such charge of the money or other effects of any such seaman or apprentice dying during a voyage, or to make such entry thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages or effects of any such seaman or apprentice dying during a voyage, or to give such account in respect thereof as herein before respectively directed, he shall be accountable to the legal representative of such seaman or apprentice and shall pay and deliver the same accordingly; and such master shall in addition for every such offence incur a penalty not exceeding treble the value of the money or effects not accounted for, or, if such value is not ascertained, not exceeding *two hundred dollars*; and if any such money, wages or effects are not duly paid, delivered, or accounted for by the master, the owner of the ship shall pay, deliver, and account for the same and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the said money and value, incur the same penalty which is herein-before mentioned as incurred by the master for the like offence; and all money, wages, and effects of any such seaman or apprentice dying during a voyage shall be recoverable in the same court and by the same modes of proceeding by which seamen

Penalties for not taking charge of remitting or accounting for money and effects. Imp. Stat. 17 and 18 Vict c. 104, s. 196.

are by this Act enabled to recover wages due to them; and any shipping master who fails to report the receipt of such accounts, wages, money and effects to the Minister, or who fails to deliver or pay over such wages, money and effects as directed, shall be liable to be dismissed from his office.

Wages and effects of seaman dying in Canada to whom to be paid and delivered. Imp. Stat. 17 & 18, Vict., 104, s. 198.

62. Whenever any such seaman or apprentice dies in either of the said Provinces, and is at the time of his death entitled to claim from the master or owner of any such ship in which he has served, any unpaid wages or effects, such master or owner shall pay and deliver or account for the same to the shipping master at the port where the seaman or apprentice was discharged or to have been discharged, or to the Minister or as he directs.

Mode of dealing with unclaimed wages of deceased seamen. Imp. Stat. 17 & 18 Vict., c. 104, s. 202.

63. In cases of wages or effects of deceased seamen or apprentices who belonged at the time of their death, to ships registered in either of the said Provinces, received by any shipping master on behalf of the government of Canada, to which no claim is substantiated within six years after the receipt thereof by such shipping master on behalf of the government of Canada, it shall be in the absolute discretion of the Governor in Council, if any subsequent claim is made, either to allow or to refuse the same; and, subject to the provisions hereinafter contained, the Governor in Council may, from time to time, order and direct that any monies arising from the unclaimed wages and effects of deceased seamen or apprentices, which in the opinion of the Governor in Council it is not necessary to retain for the purpose of satisfying claims, shall be paid to the Receiver General, to form part of the consolidated revenue fund of Canada; and such monies shall be applied as the Governor in Council shall direct.

LEAVING SEAMEN ABROAD.

On discharge of seamen abroad, by sale of ship or otherwise, certificates of discharge to be given, and seamen to be sent home at the expense of the owner. Imp. Stat. 17 & 18 Vict., c. 104, s. 205.

64. Whenever any Canadian Foreign sea-going ship is transferred or disposed of at any place out of Her Majesty's Dominions and any seaman or apprentice belonging thereto does not in the presence of some British Consular Officer, or if there is no such Consular Officer there, in the presence of one or more respectable British merchants residing at the place, and not interested in the said ship, signify his consent in writing to complete the voyage if continued, and whenever the service of any seaman or apprentice belonging to any such ship terminates at any place out of Her Majesty's Dominions, the master shall give to each such seaman or apprentice a certificate of discharge, and in the case of any certificated mate whose certificate he has retained, shall return such certificate to him, and shall also, besides paying the wages to which such seaman or apprentice is entitled either provide him with adequate employment on board some other British ship bound to the port in Canada or any other port in Her Majesty's Dominions, at which he was originally shipped, or to such other port as is agreed upon by him, or furnish the means of sending him back to such port, or provide him with a passage home, or deposit with such Consular Officer or such merchant or merchants as aforesaid, such a sum of money as is by such officer or merchants deemed sufficient to defray the expenses of his subsistence and passage home; and if the master refuses or neglects to comply with the requirements of this section, then such expenses as last aforesaid, if defrayed by such Consular Officer or any other person and the particulars of such payment, provision or deposit indorsed by him or them upon the agreement of the ship which the seaman or apprentice is leaving, shall, unless such seaman or apprentice has been guilty of barratry, be a charge upon the ship to which such seaman or apprentice belonged and upon the owner for the time being thereof, and may be recovered against such owners, with costs, at the suit of the Consular Officer or other person defraying such expenses, or, in case the same has been allowed to the Consular Officer out of the Public monies, as a debt due to Her Majesty either by ordinary process of Law or in the manner in

which seamen are hereby enabled to recover wages ; and such expenses, if defrayed by the seaman or apprentice shall be recoverable as wages due to him.

Forcing seamen on shore a misdemeanor. Imp. Stat. 17 & 18 Vict., c. 104, s. 206.

65. If the master or any other person belonging to any Canadian foreign sea-going ship, wrongfully forces on shore and leaves behind, or otherwise willfully and wrongfully leaves behind in any place, on shore or at sea, in or out of Her Majesty's Dominions, any seaman or apprentice belonging to such ship before the completion of the voyage for which such person was engaged, or the return of the ship to Canada, he shall for each such offence be deemed guilty of a misdemeanor.

No seamen to be discharged or left abroad without the Certificate of some functionary. Imp. Stat. 17 & 18, Vict., c. 104, s. 207.

66. If the master of any Canadian foreign sea-going ship, does any of the following things (that is to say),

(1.) Discharges any seaman or apprentice in any place situate in the United Kingdom or in any British Possession other than Canada, without previously obtaining the sanction in writing indorsed on the agreement of some public shipping master or other officer duly appointed by the Government in that behalf, or (in the absence of any such functionary) of the chief officer of customs, resident at or near the place where the discharge takes place.

(2.) Discharges any seaman or apprentice at any place out of Her Majesty's Dominions without previously obtaining the sanction so indorsed as aforesaid, of the British Consular Officer there or (in his absence) of two respectable merchants resident there.

(3.) Leaves behind any seaman or apprentice at any place situate in the United Kingdom or in any British Possession other than Canada, on any ground whatever, without previously obtaining a certificate in writing so indorsed as aforesaid, from such officer or person as aforesaid, stating the fact and the cause thereof, whether such cause be unfitness or inability to proceed to sea, or desertion or disappearance.

(4.) Leaves behind any seaman or apprentice at any place out of Her Majesty's Dominions, on shore or at sea, on any ground whatever, without previously obtaining the certificate, indorsed in manner and to the effect last aforesaid, of the British Consular Officer there or (in his absence) of two respectable merchants, if there are any such at or near the place where the ship then is :

He shall for each such default be deemed guilty of a misdemeanor.

Proof of such certificate to be upon the Master. Imp. Stat. 17 & 18, Vict., c. 104, s. 208.

67. Upon the trial of any information, indictment, or other proceeding against any person for discharging or leaving behind any seaman or apprentice, contrary to the provisions of this Act, it shall be upon such person either to produce the sanction or certificate hereby required, or to prove that he had obtained the same previously to having discharged or left behind such seaman or apprentice, or that it was impracticable for him to obtain such sanction or certificate.

Wages to be paid when seamen are left behind on ground of inability. Imp. Stat. 17 and 18 Vict., c. 104, s. 209, and 25 and 26 Vict. c 63, s. 19.

68. Every master of a Canadian foreign sea-going ship, who leaves any seaman or apprentice on shore at any place out of Canada, under a certificate of his unfitness or inability to proceed on the voyage, shall deliver to one of the functionaries aforesaid, or (in the absence of such functionaries) to the merchants by whom such certificate is signed, or if there be but one respectable merchant resident at such place, to him, a full and true account of the wages due to such seaman or apprentice (such account when delivered to a consular officer to be in duplicate), and shall pay the same either in money or by a bill drawn upon the owner, and by money whenever it is practicable so to do, and not by bill ; and in cases where payment is made by bill, drawn by the master, the owner of the ship shall be liable to pay the amount for which the same is drawn to the holder or endorsee thereof ; and it shall not be necessary in any proceeding against the owner upon such bill to prove that the master had authority to draw the same ; and any bill purporting to be drawn in pursuance of this section and to be endorsed as therein

required, if produced out of the custody of the Minister, or of any shipping master, shall be received in evidence; and any endorsement on any such bill purporting to be made in pursuance of this section, and to be signed by one of the functionaries herein mentioned, shall also be received in evidence and shall be deemed to be *prima facie* evidence of the facts stated in such endorsement; and every such master as aforesaid who refuses or neglects to deliver a full account of such wages, and pay the amount thereof in money or by bill as hereinbefore required, shall for every such offence or default be liable, in addition to the payment of the wages, to a penalty not exceeding *forty dollars*; and every such master who delivers a false account of such wages shall for every such offence, in addition to the payment of wages, incur a penalty not exceeding *eighty dollars*.

Governor in Council may pay expenses of relief of Canadian seamen found abroad in distress. Imp. Stat. 17 and 18 Vict. c. 104, s 212, and 18 Vict. c. 91, s. 16, 211, and 25 and 26 Vict c. 63, s. 22.

69. The Governor in Council may pay any reasonable expenses incurred by the Board of Trade of the United Kingdom, or by any officers of Her Majesty in any British Possession other than Canada, or in any foreign country on account of subsistence or transport back to Canada of any seamen or apprentices who are natives of and residents in Canada, and who have been found in distress, either on account of shipwreck or otherwise, in any place out of Canada, out of any monies applicable to the relief of distressed seamen and granted by Parliament for the purpose, on the production of the bills of the disbursements, with the proper vouchers and such other evidences as the Governor in Council may require.

Power to sue for the amount advanced for the relief of seamen left abroad. Imp. Stat. 17 and 18 Vict. c. 104, s. 213.

70. If any seaman or apprentice belonging to any Canadian, foreign sea-going ship, is discharged or left behind at any place out of Canada, without full compliance on the part of the master with all the provisions in that behalf in this Act contained, and becomes distressed and is relieved under the provisions of this Act, all expenses incurred for his subsistence, necessary clothes, conveyance back to Canada, and burial, in case he should die abroad before reaching Canada, shall be a charge upon the ship to which he belonged as aforesaid; and the Minister may in the name of Her Majesty (besides sueing for any penalties which may have been incurred) sue for and recover the said wages and expenses with costs, either frnm the master of such ship as aforesaid, or from the person who is owner thereof for the time being; and such sums shall be recoverable either in the same manner as other debts due to Her Majesty, or in the same manner and by the same form and process in which wages due to the seaman would be recoverable by him; and in any proceedings for that purpose production of the account (if any), to be furnished as hereinbefore provided in such cases, together with proof of payment by the Board of Trade of the United Kingdom, or by the Government of Canada, of the charges incurred on account of any such seaman, apprentice or other person, shall be sufficient evidence that he was relieved, conveyed home or buried (as the case may be) at the expense of the British Government or of the Government of Canada

Provisions, Health and Accommodation.

Survey of provisions and water on complaint made. Imp. Stat. 17 and 18 Vict., c. 104, s. 221.

71. Any three or more of the crew of any ship registered in either of the said Provinces, may complain to any officer in command of any of Her Majesty's ships or any shipping master in Canada, that the provisions or water for the use of the crew are at any time of bad quality, unfit for use or deficient in quantity; and such officer may therenpon examine the said provisions or water, or cause them to be examined; and if on examination such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall signify the same in writing to the master of the ship; and if such master does not thereupon provide other provisions and water in lieu of any so signified to be of bad quality and unfit for use, or does not procure the requisite quantity of any so signified to be insufficient in quantity, or

uses any provisions or water which have been so signified as aforesaid, to be of bad quality and unfit for use, he shall in every such case incur a penalty not exceeding *eighty dollars;* and upon every such examination as aforesaid the officer making or directing the same shall enter a statement of the result of the examination in the log book, and shall send a report thereof to the Minister ; and such report, if produced out of the custody of the Minister or any officer of the Government, shall be received in evidence in any legal proceedings.

Forfeiture for frivolus complaint. Imp. Stat. 17 and 18 Vict., c. 104, s. 222.

72. If the officer to whom any such complaint as last aforesaid is made, certifies in such statement as aforesaid that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

Allowance for short provisions. Imp. Stat. 17 and 18 Vict., c. 104, s. 223.

73. In the following cases (that is to say):

1. If during the voyage the allowance of any of the provisions which any seaman has by his agreement stipulated for is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement, and also except for any time during which such seaman wilfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore) ;

2. If it is shown that any of such provisions are or have during the voyage been bad in quality and unfit for use ;

The seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums to be paid to him in addition to and to be recoverable as wages (that is to say) :

1. If his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement, a sum not exceeding *eight cents* a day ;

2. If his allowance is reduced by more than one-third of such quantity, *sixteen cents* a day.

3. In respect of such bad quality as aforesaid, a sum not exceeding *twenty-four cents* a day ;

But if it is shown to the satisfaction of the Court before which the case is tried, that any provisions, the allowance of which has been reduced could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were suppled in lieu thereof, the court shall take such circumstances into consideration, and shall modify or refuse compensation as the justice of the case may require.

Masters to keep weights and measures on board. Imp. Stat. 17 & 18 Vict. c. 104, s. 225.

74. Every master of a ship registered in either of the said Provinces shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles in the presence of a witness whenever any dispute arises about such quantities, and in default shall for every offence incur a penalty not exceeding *forty dollars.*

Expense of medical attendance and subsistence in case of illness, and of burial in case of death, how to be defrayed. Imp. Stat. 17 & 18 Vict. c. 104, s. 228.

75. The following rules shall be observed with respect to expenses attendant on illness and death incurred abroad ; (that is to say,)

1. If the master or any seaman or apprentics of any Canadian foreign sea-going ship receives any hurt or injury in the service of the ship to which he belongs, the expense of providing the necessary surgical and medical advice, with attendance and medicines, and of his subsistence until he is cured, or dies, or is brought back to some port in the United Kingdom if shipped in the United Kingdom, or to some port in Canada, if shipped in Canada, or if shipped in some other British possession to some port in such possession, and of his conveyance to such port and the expense (if any) of his burial, shall be defrayed by the owner of such ship, without any deduction on that account from the wages of such master, seaman or apprentice.

2. If the master, or any seaman or apprentice of any such ship is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the expense of such removal and of providing the necessary advice with attendance and medicines, and of his subsistance whilst away from the ship shall be defrayed in like manner;

3. The expense of all medicines and surgical or medical advice and attendance given to any master, seaman, or apprentice of any such ship, whilst on board his ship shall be defrayed in like manner.

4. In all other cases any reasonable expenses duly incurred by the owner for any seaman or apprentice in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman or apprentice who dies whilst on service, shall if duly proved, be deducted from the wages of such seaman or apprentice.

Expenses if paid by Consul to be recoverable from owner. Imp. Stat. 17 & 18 Vict. c. 104, s. 229.

76. If any such expenses in respect of the illness, injury, or hurt of any seaman or apprentice belonging to any Canadian foreign sea-going ship as are to be borne by the owner, are paid by any Consular officer or other person on behalf of Her Majesty, or if any other expenses in respect of the illness, injury, or hurt of any seaman or apprentice whose wages are not accounted for to such officer under the provisions hereinbefore contained in that behalf are so paid, such expenses shall be repaid to such officer or other person by the master of the ship, and if not so repaid, the amount thereof, with costs, shall be a charge upon the ship, and be recoverable from the said master or from the owner of the ship for the time being, as a debt due to Her Majesty, and shall be recoverable by ordinary process of law, or in the manner in which seamen are hereby enabled to recover wages; and in any proceeding for the recovery thereof, the production of a certificate of the facts, signed by such officer or other person, together with such vouchers (if any), as the case requires, shall be sufficient proof that the said expenses were duly paid by such Consular officer or other person as aforesaid.

Place appropriated to seamen to have a certain space for each man, and to be properly constructed and kept clear. Imp. Stat. 30 & 31 Vict. c. 124, s. 9—and 31 & 32 Vict. c. 129, s. 3.

77. The following rules shall be observed with respect to accommodation for seamen and apprentices on board Canadian foreign sea going ships; (that is to say.)

1. Every place in any such ship occupied by seamen or apprentices, and appropriated to their use, shall have for every such seaman or apprentice a space of not less than seventy-two cubic feet, and of not less than twelve superficial feet, measured on the deck or floor of such place;

2. Every such place shall be such as to make the space aforesaid available for the proper accommodation of the men who are to occupy it, shall be securely constructed, properly lighted and ventilated, properly protected from weather and sea, and as far as practicable properly shut off and protected from effluvium which may be caused by cargo or bilge water;

3. No such place as aforesaid shall be deemed to be such as to authorize a deduction from registered tonnage, under the provisions hereinafter contained, unless there is, or are in the ship, one or more properly contructed privy or privies for the use of the crew, such privy or privies to be of such number and of such construction as may be approved by the surveyor hereinafter mentioned;

4. Every such place shall, whenever the ship is registered or re-registered, be inspected by one of the surveyors appointed by the Governor under the third section of "The Colonial Shipping Act 1868,"—who shall, if satisfied that the same is in all respects such as is required by this Act, give to the collector of Customs a certificate to that effect, and thereupon such space shall be deducted from the register of tonnage;

5. No such deduction from tonnage as aforesaid shall be authorized unless there is permanently cut in a beam, and cut in or painted on or over the doorway or hatchway of every such place, the number of men

which it is constructed to accommodate, with the words "certified to accommodate seamen";

6. Every such place shall be kept free from stores or goods of any kind, not being the personal property of the crew in use during the voyage;

7. Upon any complaint concerning any such place as aforesaid, one of the surveyors appointed by the Governor in Council may inspect such place, and if he finds that any of the provisions of this Act with respect to the same are not complied with, he shall report the same to the Collector of Customs at the port where the ship is registered, and thereupon the registered tonnage shall be altered, and the deduction aforesaid in respect of space disallowed, unless and until it shall be certified by such surveyor, or by some other surveyor appointed by the Governor in Council, that the provisions of this Act in respect of such place are fully complied with;

8. If any such place in any such ship is not kept free from goods and stores as aforesaid, the master shall be deemed to be in fault, and shall for every such failure to comply with the provisions of this section forfeit and pay to each seaman lodged in such place the sum of *twenty-four cents* a day for each day after complaint made to him by any two or more of such seamen, during which any goods or stores, not being the personal property of the crew, are stored or kept therein;

9. If in any other respect, the provisions of this section are not observed with respect to any such place in any such ship the owner shall be deemed to be in fault, and shall for every failure to comply with the provisions of this section, incur a penalty not exceeding *eighty dollars*.

POWER OF MAKING COMPLAINTS.

78. If any seaman or apprentice whilst on board in either of the said Provinces any ship registered in either of the said Provinces, states to the master that he desires to make complaint to a Justice of the Peace, or Naval Officer in command of any of Her Majesty's ships, against the master or any of the crew, the said master shall, if the ship is then at a place where there is a Justice or any such officer as aforesaid, as soon as the service of the ship will permit and if the ship is not then at such a place, so soon after her first arrival at such a place in either of the said Provinces, as the service of the ship will permit, allow such seaman or apprentice to go ashore or send him ashore in proper custody, so that he may be enabled to make such complaint, and shall, in default, incur a penalty not exceeding *forty dollars*.

Seamen to be allowed to go ashore to make complaint to a Justice. Imp. Stat. 17 & 18 Vict. c, 104, s. 232.

79. Whenever in any proceeding against any seaman or apprentice belonging to any ship, registered in either of the said Provinces, for desertion, or for neglecting or refusing to join or to proceed to sea or on any voyage in his ship, or for being absent from or quitting the same without leave, it is alleged by one-fourth of the seamen belonging to such ship, or, if the number of such seamen exceed twenty, by not less than five such seamen, that such ship is by reason of unseaworthiness, overloading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea or on such voyage, or that the accommodation in such ship is insufficient, the court having cognizance of the case shall take such means as may be in their power to satisfy themselves concerning the truth or untruth of such allegation, and shall for that purpose receive the evidence of the person or persons making the same, and shall have power to summon any other witnesses whose evidence such Court may think it desirable to hear; and the Court shall thereupon, if satisfied that the allegation is groundless proceed to adjudicate, but if not so satisfied shall cause such ship to be surveyed.

Survey of ships alleged by seamen to be unseaworthy. Imp. Stat. 34 and 35 Vict., c. 110 s. 7.

Provided that no seaman or apprentice charged with desertion, or with quitting his ship without leave, shall have any right to apply for a survey under this section unless previously to his quitting his ship he has complained to the master of the circumstances so alleged in justification.

For the purposes of this section the court may appoint and require any person having no interest in the ship, her freight or cargo, whom the court may deem competent to deal with the special circumstances of the case to survey the ship, and to answer any question concerning her which the court may think fit to put.—Such person shall survey the ship, and make his report in writing to the court, including an answer to every question put to him by the court. The court shall cause such report to be communicated to the parties, and unless it is proved to the satisfaction of the court that the opinions expressed in such report are erroneous, the court shall determine the questions before them in accordance with those opinions.

For the purposes of such survey the person appointed to make the same may in the execution of his duty go on board the ship at any reasonable time and may inspect the same or any part thereof, or any of the machinery, boats or other equipments, or cargo thereof, or any provisions or other articles on board thereof, the inspection of which appears to him to be requisite for the purpose of the enquiry he is required to make, not unnecessarily detaining or delaying the ship from proceeding to sea or on her voyage, and if for any reason he considers it neeessary so to do, he may require the ship to be so dealt with as that he may be able to inspect every part of the hull thereof.

The costs of the survey shall be determined by the court and shall be paid by the master or owner of the ship, or by the recognized consignee or agent thereof provided such recognized consignee or agent has monies in his hands received on account of such ship.

Every recognized consignee or agent of a ship not being the owner or master of such ship may out of any monies in his hands received on account of such ship, retain the amount of the costs so paid by him, together with any reasonable expenses he may have incurred by reason of such payment and liability.

If it is proved to the satisfaction of the court that the ship is in a fit condition to proceed to sea or on her voyage, or, as the case may be, that the accommodation is sufficient, the costs of the survey may be deducted by the master or owner out of the wages due or to become due to the person or persons upon whose demand, or in consequence of whose allegation, the survey was made.

PROTECTION OF SEAMEN FROM IMPOSITION.

Sale of and charge upon wages to be invalid. Imp. Stat. 17 & 18, Vict. c. 104, s. 233.

80. No wages due or accruing to any seaman or apprentice belonging to any ship registered in either of the said Provinces, shall be subject to attachment or arrestment from any court; and every payment of wages to any such seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of such wages or of any attachment, incumbrance or arrestment thereon; and no assignment or sale of such wages or of salvage made prior to the accruing thereof shall bind the party making the same; and no power of attorney or authority for the receipt of any such wages or salvage shall be irrevocable.

No debt exceeding five shillings recoverable till end of voyage. Imp. Stat. 17 & 18, Vict. c. 104, s. 234.

81. No debt exceeding in amount five shillings, incurred by any seaman belonging to any ship registered in either of the said Provinces, after he has engaged to serve, shall be recoverable until the service agreed for is concluded.

82. No debt exceeding the sum of five shillings, incurred by any seaman or apprentice, shall be recoverable in any court or pleadable by way

of set-off by any keeper of a tavern, or house of public entertainment or lodging-house.

No debt over five shillings recoverable by Tavern Keeper. Con. Stat. Canada c. 43, s. 7.

83 The wearing apparel of any seaman or apprentice shall not be kept by any keeper of a tavern, house of public entertainment or lodging-house, in pledge for any debt or expenses incurred to any greater amount than five shillings, and on the payment or tender of such sum or of any less sum due, such wearing apparel shall be immediately given up, whatever be the amount due by such Seaman or apprentice.

Wearing apparel &c., of seamen not liable for lodging, &c., beyond five shillings. Con. Stat. Canada c. 43, s. 8.

84. If any person demands and receives of and from any seaman or apprentice belonging to any ship registered in either of the said Provinces, payment in respect of his board or lodging in the house of such person, for a longer period than such seaman or apprentice has actually resided and boarded therein, he shall incur a penalty not exceeding *forty dollars*.

Penalty for over charging seaman for board or lodging. Imp. Stat. 17 & 18, Vict. c. 104, s. 235.

85. If any person receives or takes into his possession, or under his control, any moneys, documents or effects of any seaman or apprentice belonging to any ship registered in either of the said Provinces, and does not return the same, or pay the value thereof when required to do so by such seaman or apprentice after deducting therefrom what is justly due and owing in respect of the board and lodging of such seaman or apprentice, or absconds therewith, he shall forfeit and pay a sum not exceeding *forty dollars* (over and above the amount of value of such moneys, documents or effects, after such deductions as aforesaid) which sum shall be adjudged to be forthwith paid to such seaman under the conviction by the Justice or Justices before whom the offence shall be heard and determined.

Penalty for detaining seamen's effects. Imp. Stat. 17 & 18, Vict. c. 104, s. 236.

Persons not to go on board before the actual arrival of ship without permission Imp. Stat. 17 & 18, Vict. c. 104, s. 237.

86. No person (other than any owner, agent of owner or consignee of the ship, or any person in the employment of either of them, or any officer or person in Her Majesty's service or employment, harbour master, deputy harbour master, health officer, custom house officer, pilot, shipping master or deputy shipping master) shall go and be on board of any merchant ship arriving or about to arrive from sea at the place of her destination before or previous to her actual arrival in dock, or at the quay or place of her discharge, or while she remains in port, without the permission and consent of the master or person in charge of such ship; and if any person (other than aforesaid) goes on board any such ship before or previous to her actual arrival in dock, or at the quay or place of her discharge or while she remains in port, without the permission and consent of the master or person in charge of such ship, he shall for every offence be subject to imprisonment in the penitentiary for any period not less than two years nor more than three years, if such person be unarmed at the time of committing the offence, or five years if such person be armed with or carries about his person any pistol, gun, or other firearm, or offensive weapon at the time of committing the offence; and for the better securing the person of such offender, the master or person in charge of the ship may take any person so offending as aforesaid into custody, and deliver him up forthwith to any constable or peace officer, to be by him taken before any two Justices of the Peace or any Stipendiary Magistrate, Police Magistrate, or Judge of the Sessions of the Peace, to be dealt with according to the provisions of this Act.

Penalty for loitering near ships. Con. Stat. Canada, c. 43, s. 3.

87. Any person found loitering near any ship, and not giving a satisfactory account of his business there, shall incur a penalty not exceeding *one hundred dollars*, and not less than *fifty dollars*, and shall be liable to be imprisoned with hard labor during a period not exceeding twelve months nor less than three months if such person be unarmed at the time he is so found loitering; and any person found loitering near any ship and not giving a satisfactory account of himself and being at the time armed with or carrying about his person any pistol, gun or other firearm or offensive weapon shall be liable to be imprisoned in the Penitentiary for any term not less than two years and not more than three years.

Boat may be detained until penalty paid: and sold to pay it. Con. Stat. Canada, c. 43, s 4.

88. Any Justice of the Peace, Stipendiary Magistrate, Police Magistrate or Judge of the Sessions of the Peace, may order any boat or other water craft in or on which any such person is so found loitering as mentioned in the next preceding section, to be detained until full payment of the penalty which such person shall be condemned to pay: and in case such penalty be not paid before the expiration of the term of imprisonment to which such person has been condemned, the boat so detained shall be sold by public auction, and the proceeds of the sale thereof shall be appropriated to the payment of the penalty.

Penalty for solicitations by Lodging House keeper. Imp. Stat. 17 & 18, Vict. c. 104, s. 238. Con. Stat. L. C. c. 55, s. 14.

99. If any person doth, on board any ship at any time after her arrival from sea, at any Port in either of the said Provinces solicit any seaman to become a lodger at the house of any person letting lodgings for hire, or takes from and out of such ship any chest, bedding or other effects of any seaman, without having the permission of the master or person in charge of such ship, he shall for every such offence be subject on conviction to imprisonment, with hard labour, for a period not less than sixty days nor more than ninety days.

DISCIPLINE.

Misconduct endangering life or limb a mi demeanor. Imp. Stat. 17 & 18, Vict. c. 104, s. 239.

90. Any master of or any seaman or apprentice belonging to any ship registered in either of the said Provinces, who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction or serious damage of such ship, or tending immediately to endanger the life or limb of any person belonging to or on board of such ship, or who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall for every such offence be deemed guilty of a mis-demeanor.

Offences of seamen and apprentices and their punishment. Imp., stat. 17 & 18 Vict., c. 104. s. 243.

91 Whenever any seaman who has been lawfully engaged or bound to any ship registered in either of the said Provinces, and has duly signed an agreement as required by this Act, or any apprentice who has executed indentures to the sea service in either of the said Provinces, commits any of the following offences he shall be liable to be punished summarily as follows; (that is to say,)

Desertion.

1. For desertion he shall be liable to imprisonment for any period not less than eight weeks and not exceeding twelve weeks, with hard labour, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned, and also, if such desertion takes place abroad, at the discretion of the Court, to forfeit all or any part of the wages or emoluments he may earn in any other ship in which he may be employed until his next return to either of the said Provinces, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him.

Neglecting or refusing to join, or to proceed to sea. Absence within 24 hours before sailing. Absence without leave.

2. For neglecting or refusing, without reasonable cause, to join his ship, or to proceed to sea, or on any voyage in his ship, or for absence without leave at any time within twenty-four hours of the ship's sailing from any port either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his ship or from his duty not amounting to desertion or not treated as such by the master, he shall be liable to imprisonment for any period not less than four weeks and not exceeding ten weeks with or without hard labour, and also at the discretion of the Court, to forfeit out of his wages, a sum not exceeding the amount of two days pay, and in addition for every twenty-four hours of absence, either a sum not exceeding six days pay, or any expenses which have been properly incurred in hiring a substitute;

3. For quitting the ship without leave after her arrival in her port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay ; Quitting without leave before ship is secured.

4. For wilful disobedience to any lawful command, he shall be liable to imprisonment for any period not less than two weeks, and not exceeding four weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit out of his wages a sum not exceeding two days pay ; Act of wilful disobedience.

5. For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not less than four weeks, and not exceeding twelve weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit for every twenty-four hours continuance of such disobedience or neglect, either a sum not exceeding six days pay, or any expenses which have been properly incurred in hiring a substitute ; Continued disobedience.

6. For assaulting any master or mate, he shall be liable to imprisonment for any period not less than six weeks, and not exceeding twelve weeks, with hard labour ; Assault on officers.

7. For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for any period not less than six weeks, and not exceeding twelve weeks, with hard labour ; Combining to disobey.

8. For wilfully damaging the ship, or embezzling or wilfully damaging any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal in value to the loss thereby sustained, and also, at the discretion of the Court, to imprisonment for any period not less than six weeks, and not exceeding twelve weeks, with hard labour. Wilful damage or embezzlement.

9. For any act of smuggling of which he is convicted and whereby loss or damage is occasioned to the master or owner he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage ; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy. Act of smuggling causing loss to owner.

92. Upon the commission of any of the offences enumerated in the last preceding section an entry thereof shall be made in the log book, and shall be signed by the master and also by the mate or one of the crew, and the offender, if still in the ship, shall before the next subsequent arrival of the ship at any port, or if she is at the time in port, before her departure therefrom, either be furnished with a copy of such entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit ; and a statement that a copy of the said entry has been so furnished, or that the same has been so read over as aforesaid and the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid, and in any subsequent legal proceeding the entries herein-before required shall, if practicable, be produced or proved, and in default of such production or proof the Court hearing the case may, at its discretion, refuse to receive evidence of the offence. Entry of offence to be made in the Log-book, and to be read over, or a copy given to the offender, and his reply if any to be also entered.

93. Every seafaring person whom the master of any Canadian foreign sea-going ship is under the authority of any Act of the Parliament of the United Kingdom or of any Act of the Parliament of Canada, compelled to take on board and convey, and every person who goes to sea in any such ship without the consent of the master or owner or other person entitled to give such consent, shall so long as he remains in such ship, be subject, to the same laws and regulations for preserving discipline, and to the same penalties and punishments for offences constituting or tending to a breach of discipline, to which he would be subject if he were a member of the crew and had signed the agreement. Seamen whom masters of ships are compelled to convey and persons going in ships without leave to be subject to penalties for breach of discipline. Imp. Stat., 17 & 18 Vic., c. 104, sec. 215.

94. Whenever, either at the commencement or during the progress of any voyage, any seaman or apprentice neglects or refuses to proceed Master or owner may

apprehend deserters without warrant. Imp. Stat., 17 & 18 Vic. c 104, s. 246.

to sea in any ship registered in either of the said Provinces in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband, or consignee, may, in any place in either of the said Provinces, with or without the assistance of the local police officers or constables, who are hereby directed to give the same if required, apprehend him without first procuring a warrant; and may thereupon in any case, and shall in case he so requires and it is practicable, convey him before some court capable of taking cognizance of the matter, to be dealt with according to law; and may, for the purpose of conveying him before such court, detain him in custody for a period not exceeding twenty-four hours, or such shorter time as may be necessary, or may, if he does not so require, or if there is no such court at or near the place, at once convey him on board; and if any such apprehension appears to the Court before which the case is brought to have been made on improper or on insufficient grounds, the master, mate, owner, ship's husband, or consignee, who makes the same or causes the same to be made, shall incur a penalty not exceeding *eighty dollars*; but such penalty, if inflicted, shall be a bar to any action for false imprisonment in respect of such apprehension.

Deserters may be sent on board in lieu of being imprisoned. Imp. Stat. 17 & 18 Vic., c. 104, sec. 247.

95. Whenever any seaman or apprentice belonging to any ship registered in either of the said Provinces is brought before any court in either of the said Provinces, on the ground of his having neglected or refused to join or proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, such court may, if the master or the owner or his agent so requires, instead of committing the offender to prison, cause him to proceed on board for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the ship, or the owner or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender, and if necessary to be deducted from any wages which he has then earned, or which, by virtue of his then existing engagement, he may afterwards earn.

Seamen imprisoned for desertion or breach of discipline may be sent on board before termination of sentence. Imp. Stat., 17 & 18 Vic., c. 104, sec. 248.

96. If any seaman or apprentice is imprisoned in either of the said Provinces, on the ground of his having neglected or refused to join or to proceed to sea in any ship registered in either of the said Provinces in which he is engaged to serve, or of his having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline, and if during such imprisonment, and before his engagement is at an end, his services are required on board his ship, any Justice may, at the request of the master or of the owner or his agent, cause such seaman or apprentice to be conveyed on board his said ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship or to the owner or his agent, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

Facilities for proving desertion, so far as concerns forfeiture of wages. Imp. Stat., 17 & 18 Vic., c. 104, sec. 250.

97. Whenever a question arises in either of the said Provinces whether the wages of any seaman or apprentice, belonging to any ship registered in either of the said Provinces, are forfeited for desertion, it shall be sufficient for the party insisting on the forfeiture to show that such seaman or apprentice was duly engaged, in or that he belonged to the ship from which he is alleged to have deserted, and that he quitted such ship before the completion of the voyage or engagement, and that an entry of the desertion has been duly made in the log-book; and thereupon the desertion shall, so far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his ship.

98. Whenever in any proceeding in either of the said Provinces, relating to seamen's wages, it is shown that any seaman or apprentice belonging to any ship registered in either of the said Provinces has in the course of the voyage been convicted of any offence by any competent tribunal, and rightfully punished therefor by imprisonment or otherwise, the court hearing the case may direct a part of the wages due to such seaman, not exceeding *twelve dollars*, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction or punishment.

Cost of procuring imprisonment may, to the extent of $12, be deducted from wages. Imp. Stat., 17 & 18 Vic., c. 104, sec. 251.

99. Whenever any seaman belonging to any ship registered in either of the said Provinces contracts for wages by the voyage or by the run or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share as a month, or other the period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be), bears to the whole time spent in the voyage; and if the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

Amount of forfeiture, how to be ascertained when seamen contract for the voyage. Imp. Stat., 17 & 18 Vic., c. 104, sec. 252.

100. All clothes, effects, wages and emoluments which, under the provisions hereinbefore contained, are forfeited for desertion, shall be applied in the first instance in or towards the reimbursement of the expenses occasioned by such desertion to the master or owner of the ship from which the desertion has taken place; and may, if earned subsequently to the desertion, be recovered by such master, or by the owner or his agent, in the same manner as the deserter might have recovered the same if they had not been forfeited; and in any legal proceeding relating to such wages, the court may order the same to be paid accordingly; and subject to such reimbusement, the same shall be paid to the Receiver General, to form part of the consolidated revenue fund of Canada, as the Minister may direct; and in all other cases of forfeiture of wages under the provisions hereinbefore contained the forfeiture shall, in the absence of any specific directions to the contrary, be for the benefit of the master or owner by whom the wages are payable.

Application of forfeitures. Imp. Stat. 17 & 18 Vic., c. 104, sec. 253.

101. Any question concerning the forfeiture of or deductions from the wages of any seaman or apprentice, belonging to any ship registered in either of the said Provinces, may be determined in any proceeding in either of the said Provinces lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Question of forfeiture may be decided in suits for wages. Imp. Stat., 17 & 18 Vic., c. 10 sec. 254.

102. If any seaman, on or before being engaged in either of the said Provinces, in any ship registered in either of the said Provinces, wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding *twenty dollars;* and such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any previous desertion, be paid and applied in the same manner as other penalties payable under this Act.

Penalty for false statement as to name. Imp. Stat., 17 & 18 Vic., c. 104, sec. 255.

103. Whenever any seaman belonging to any Canadian Foreign-sea-going ship, commits an act of misconduct for which his agreement imposes a fine, and which it is intended to punish by enforcing such fine, an entry thereof shall be made in the log book, and a copy of such entry shall be furnished or the same shall be read over to the offender, and an entry of such reading over, and of the reply (if any) made by the offender, shall be made in the manner and subject to the conditions herein-

Fines to be deducted from wages and paid to Shipping Master. Imp. Stat. 17 & 18 Vict., c 104, s. 226.

before specified with respect to the offences against discipline specified in and punishable under this Act; and such fine shall be deducted and paid over as follows ; (that is to say,) if the offender is discharged in Canada, and the offence and such entries in respect thereof as aforesaid, are proved, to the satisfaction of the shipping master before whom the offender is discharged, the master or owner shall deduct such fine from the wages of the offender, and pay the same over to such shipping master ; and if before the final discharge in Canada of the crew of any such ship, any such offender as aforesaid has entered into any of Her Majesty's ships, or has been discharged abroad, and the offence and such entries as aforesaid, have been proved to the satisfaction of the officer in command of the ship into which he so enters, or of the Consular Officer, Officer of Customs, or other person by whose sanction he has been so discharged and the fine has thereupon been deducted as aforesaid, and an entry of such deduction has then been made in the log book (if any) and signed by such officer or other person, under the provisions of section two hundred and fifty six of *The Merchant Shipping Act* 1854, then on the return of the ship to Canada, the master or owner shall pay over such fine to the shipping master before whom the crew is discharged ; and if any master or owner neglects or refuses to pay over any such fine in manner aforesaid, he shall for each such offence incur a penalty not exceeding six times the amount of the fine retained by him. Provided that no act of misconduct for which any such fine as aforesaid has been inflicted and paid shall be otherwise punished under the provisions of this Act.

Proviso.

ENTICING TO DESERT AND HARBORING DESERTERS.

Penalty for enticing to desert or harbouring deserters. Imp. Stat. 17 & 18 Vict. c. 104,, s. 257.

104. Every persons who by any means whatever, persuades or attempts to persuade, any seaman or apprentice belonging to any ship to neglect or refuse to join or to proceed to sea in, or to desert from his ship, or to absent himself from his duty, shall for the first offence in respect of each such seaman and apprentice, be liable to imprisonment, with hard labour, for a period not less than three months and not exceeding six months, and for the second, or any subsequent offence, in respect to each such seaman or apprentice be liable to imprisonment with hard labor for a period not less than six months and not exceeding twelve months; and every person who wilfully harbors or secretes any such seaman or apprentice who has deserted from his ship, or who has wilfully neglected or refused to join, or has deserted from his ship, knowing or having reason to believe such seaman or apprentice to have so done, shall for every such seaman or apprentice so harboured or secreted, be liable to imprisonment, with hard labour, for a period not less than three months, and not exceeding six months, and for a second or any subsequent offence, for a period not less than six months, and not exceeding twelve months.

PUNISHMENT OF STOWAWAYS.

Penalty for obtaining passage surreptitiously Imp. Stat. 17 & 18, Vict., c. 104, s.258.

105. Any person who secretes himself, and goes to sea in any ship registered in either of the said Provinces without the consent of either the owner, consignee or master, or of a mate, or of any other person in charge of such ship or of any other person entitled to give such consent, shall incur a penalty not exceeding *eighty dollars*, or be liable to imprisonment with or without hard labour for any period not exceeding four weeks.

CHANGE OF MASTER.

On change of Master, documents hereby required to be handed over to Successor. Imp. Stat. 17 & 18 Vict. c. 104, s. 269.

106. If during the progress of a voyage, the master of any Canadian foreign sea-going ship is superseded in either of the said Provinces, or for any other reason quits the ship and is succeeded in the command by some other person, he shall deliver to his successor the certificate of registry and the various documents relating to the navigation of the ship and to the crew thereof, which are in his custody, and shall in default incur a penalty not exceeding *four hundred dollars* ; and such successor shall immediately on assuming the command of the ship, enter in the log book a list of the documents so delivered to him.

CRIMES COMMITTED ON THE HIGH SEAS OR ABROAD.

Inquiry into cause of

107. Whenever any case of Death happens on board any Canadian Foreign sea-going ship, the shipping master shall on the arrival of such

ship at the port in either of the said Provinces where the crew is discharged, enquire into the cause of such death, and if in the course of such enquiry it appears to him that any such death as aforesaid has been caused by violence or other improper means, he shall either report the matter to the Miuister of Marine and Fisheries, or if the emergency of the case so requires, shall take immediate steps for bringing the offender or offenders to justice.

death on board. Imp. Sect. 17 & 18, Vict., c. 104, s. 259.

LOG BOOKS.

108. The master of every Canadian Foreign sea-going ship, shall keep a log book and every entry hereinafter directed to be made in such log book, shall be made as soon as possible after the occurrence to which it relates, and if not made on the same date as the occnrrence to which it relates, shall be made and dated so as to show the date of the occurrence and of the entry respecting it, and in no case shall any such entry therein in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge in either of the said Provinces, be made more than twenty-four hours after such arrival.

Masters of Canadian foreign-going ships to keep log-books. Imp. Stat. 17 and 18 Vict. c. 104, s. 280 & 281.

109. And the master of such ship whether he does or does not make in such log book the entries usually made in ship's log books, shall make or cause to be made therein, entries of the following matters; (that is to say.)

Entries to be made in log-books. Imp. Stat. 17 & 18 Vict. c. 104, s 282.

1. Every legal conviction of any member of his crew, and the punishment inflicted; — Convictions.

2. Every offence committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the reading over such entry, and concerning the reply (if any) made to the charge as hereinafter — Offences.

3. Every offence for which punishment is inflicted on board, and the punishment inflicted; — Punishments.

4. A statement of the conduct, character and qualifications of each of his crew, or a statement that he declines to give an opinion on such particulars; — Conduct &c., of crew.

5. Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment adopted (if any); — Illness and injuries.

6. Every case of death happening on board and of the cause thereof; — Deaths.

7. Every birth happening on board, both with the sex of the infant, and the names of the parents; — Births.

8. Every marriage taking place on board, with the names and ages of the parties; — Marriages.

9. The name of every seaman and apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner and cause thereof; — Quitting ship.

10. The amount of wages due to any seaman who enters Her Majesty's Service during the voyage; — Wages of men entering Navy.

11. The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom; — Wages of deceased Seamen.

12. The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and of the sum received for it; — Sale of deceased men's effects.

13. Every collision with any other ship, and the circumstances under which the same occurred; — Collisions.

110. The entries hereby required to be made in log books shall be signed as follows; that is to say, every such entry shall be signed by the master and by the mate or some other of the crew, and every entry of illness, injury, or death shall be also signed, by the surgeon or medical practitioner on board (if any); and every entry of wages due to or of the sale of the effects of any seaman or apprentice who dies, shall be signed by the master and by the mate and some other member of the crew: and every entry of wages due to any seaman who enters Her Majesty's service shall be signed by the master, and by the seaman or by the officer authrized to receive the seaman into such service.

Entries, how to be signed Imp. Stat. 17 & 18, Vict c. 104, S. 233.

Penalties in respect of log-books, Imp. Stat. 17 & 18 Vict. c., 104 s. 284.

111. The following offences in respect of log books, shall be punishable as hereinafter mentioned (that is to say):

1. If in any case a log book is not kept in the manner hereby required, or if any entry hereby directed to be made in such log book is not made at the time and in the manner hereby directed, the master shall for each such offence incur the specific penalty herein mentioned in respect thereof, or where there is no specific penalty, a penalty not exceeding *twenty dollars*;

2. Every person who makes or procures to be made or assists in making any entry in any log book in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge in either of the said Provinces, more than twenty-four hours after such arrival, shall for each such offence incur a penalty not exceeding *one hundred dollars*;

3. Every person who wilfully destroys or mutilates or renders illegible any entry, or omission in any such log book, shall for each such be deemed guilty of a misdemeanor.

Entries in log-books to be received in evidence, Imp. Stat. 17 & 18, Vict. c. 104, S. 285.

112. All entries made in any log book as hereinbefore directed shall be received in evidence in any proceeding in any Court of Justice, subject to all just exceptions.

LEGAL PROCEDURE.

Limitation of time in summary proceedings. Imp. Stat. 17 & 18, Vict. c. 104, S. 525.

113. The time for instituting summary proceedings under this Act shall be limited as follows (that is to say):

No conviction for any offence shall be made in any summary proceeding under this Act, unless such proceeding is commenced within six months after the commission of the offence; or if both or either of the parties to such proceeding happen during such time to be out of either of the said Provinces, or not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within two months after they both first happen to arrive or to be at one time within either of the said Provinces, or within such jurisdiction.

No order for the payment of money shall be made in any summary proceeding under this Act, unless such proceeding is commenced within six months after the cause ofcomplaint arises; or if both or either of the parties happen during such time to be out of either of the said Provinces, unless the same is commenced within six months after they both first happen to arrive or to be at one time within either of the said Provinces.

Recovery of penalties, Con Stat. Lower Canada, c. 56 S. 12.

114. All penalties imposed by this Act may be recovered with costs, before any Justice of the Peace, upon the oath of any one credible witness other than the informer, and shall be paid over to the Receiver General to be disposed of as the Governor in Council may direct (except in the cases provided for in the next section, in which only part of the penalty shall be so paid over and disposed of) and in case of non-payment, shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of such Justice of the Peace, directed to a constable or other peace officer, and the over-plus, if any, after deducting the penalty and costs of suit, together with the expenses of the distress and sale, shall be returned to the owner; and for want of sufficient distress, the offender shall be committed by warrant under the hand and seal of the Justice, to the common goal of the locality, or if there be no common goal there, then to that common goal which is nearest to that locality, for any time not exceeding six months; and such Justice shall also award and order the imprisonment (if any) to which the offender is liable for the offence whereby the penalty is incurred.

Evidence of seamen concerned to be received, Con. Stat. Lower

115. In all cases of complaints made by or on behalf of any seaman under this Act, the evidence of such seaman shall be received and taken, notwithstanding he be interested in the matter, and such seaman shall in any such case where he has been so examined, receive such part of

any penalty to be imposed, as the magistrate before whom the case is heard shall adjudge him to receive for any moneys or effects which appear to have been deposited by him with any such person as aforesaid. Canada, c. 55. S. 16. No. 3.

116. There shall be no appeal from any conviction or order adjudged or made under this Act, by or before any judge of the sessions of the peace, stipendiary magistrate, police magistrate, or any two justices of the peace, or magistrate having the powers of two justices of the peace, as to summary convictions and orders, for any offence against this Act; and no conviction under this Act shall be quashed for want of form, or be removed by *certiorari* or otherwise into any of Her Majesty's Superior Courts of Record; and no warrant of commitment under this Act, shall be held void by reason of any defect therein, provided it is therein alleged that the party has been convicted, and there is a good and valid conviction to sustain the same. Conviction not to be quashed for want of form or removed by *certiorari*, Con. Stat. Lower Canada c. 55, S. 18.

117. Any one of Her Majesty's Justices of the Peace, at any port or place in either of the said Provinces, on complaint before him by the oath of one or more credible witness or witnesses, that any seaman or apprentice in the sea-service is concealed or secreted in any dwelling-house or out-house, or on board of any ship, or elsewhere, shall grant a warrant, under his hand and seal, addressed to a constable or constables there, commanding him or them to make diligent and immediate search, in or about such dwelling-house or out-house, or on board such ship, or such other place or places as shall be specified in the warrant, and to bring before him every such seaman or apprentice, found concealed, whether named in the warrant or not. Justices may grant warrant to search for seamen unlawfully harbored or secreted. Con. Stat. Lower Canada c. 56, S. 6.

118. Any one of Her Majesty's Justices of the Peace, at any port or place in either of the said Provinces, on information before him, under oath, that any seaman or other person has deserted, or is suspected of having deserted from any of Her Majesty's ships, or from any ship in the merchant service, and is or are lodged or harbored in any tavern or house of public entertainment or in any house of ill-fame, or in any other house, may issue an order in writing to the master or keeper of such tavern, house of ill-fame or other house, commanding such master or keeper to furnish him with a correct list of every such person, stating his name and surname as far forth as known to such master or keeper of such tavern, house of ill-fame, or other house of public entertainment, or other person whatsoever, how long he has lodged in the said house, and the name of the ship on board whereof each of them has declared himself to have arrived at the port or place; and on the refusal or neglect of such master or keeper to comply with such order, within the time specified, or his knowingly delivering a false account of any such person, such master or keeper shall forfeit and pay a sum of *forty dollars* for each such offence: Justice may grant a search warrant for apprehending deserters supposed to be concealed in taverns or houses of ill-fame. Con. Stat. Lower Canada c. 56, S. 7

119. Nevertheless, in cases in which the party giving such information on oath seeks to obtain such order against any person, not being a master or keeper of such tavern or house of public entertainment or house of ill-fame, such order shall not be given by any justice of the peace, unless the person giving the information deposes on oath, that he verily believes that such person so not being master or keeper of such tavern or house of entertainment or house of ill-fame, doth then harbour or conceal such deserter or person suspected of desertion, and doth also know that the person who has so deserted, is unlawfully and improperly absenting himself from his duty on board the vessel to which he belongs. Unless person suspected be a tavern keeper &c., informer to make oath as to his belief in the truth of the information. Con. Stat. Lower Canada, c. 55, s. 7.

120. Each constable and officer not being a paid policeman employed in the execution of any warrant for the apprehension of, or in search of, or for the delivery of any person against whom a warrant is issued by virtue of the foregoing sections of this Act, may demand from the person at whose request such warrant was issued, a reasonable recompense for the time he has been employed, subject to be taxed by the justice of the Constables, &c., employed to receive reasonable remuneration. Con. Stat. Lower Canada, c. 56, s. 10.

peace who issued such warrant,—and in cases within the jurisdiction of any Court of Vice Admiralty, according to the legal course of that court,—and recoverable, on refusal of payment, in a summary way by warrant of distress and sale of such person's goods and chattels; which warrant every such justice of the peace is hereby required to grant, under his hand and seal, on proof of such refusal of payment.

In certain of cases part the evidence may be taken and the trial continued for completion on a future day. Act of the Province of Quebec 34 Vict. c. 2, s. 168.

121. In any proceeding before any court under this Act, if an application be made on behalf of the defendant or of the prosecutor, upon sufficient cause, to adjourn the case to a future day, the court in its discretion may receive, and may cause to be reduced to writing, the evidence of such witnesses for the defence or for the prosecution as are then present or can be produced, and may thereupon discharge such witnesses from further attendance, and may continue the case for the completion of the trial thereof to such further day as such court may appoint for that purpose; and the examination of any seaman liable to have to leave the Province in which any offence against this Act is prosecuted, or of any witness sick, infirm, or about to leave such Province, may be taken *de bene esse* before any commissioner or other proper authority, in like manner as depositions in civil cases may be taken.

Examination of witnesses about to leave the Province. Act of Canada 32 & 32 Vict. c. 25, s. 4.

Right of police officer, &c., to enter taverns, &c.

122. Any police officer or constable required under the provisions of this Act to give assistance to the master or any mate, or the owner, ship's husband or consignee of any ship in apprehending, with or without a warrant, any seaman or apprentice duly engaged to serve in such ship and neglecting or refusing to proceed to sea therein, or being found otherwise absenting himself therefrom without leave, may, at any time, enter into any tavern, inn, ale house, beer house, seamen's boarding-house, or other house or place of entertainment, or into any shop or other place wherein liquors or refreshments are sold or reputed to be sold, whether legally or illegally, or into any house of ill-fame; and any person being therein, or having charge thereof, who refuses, or after due summons fails, to admit such police officer or constable into the same, or offers any obstruction to his admission thereto shall incur a penalty of not less than *ten* dollars nor more than *fifty* dollars for every such offence.

Penalty for obstructing.

Warrant of Justice not to be executed within jurisdiction of Court of Vice-Admiralty without authority from Judge thereof. C. S. L. C. c. 56, s. 11.

123. Nothing in this Act shall authorize or justify the execution of any warrant or process of any justice of the peace within the jurisdiction of any Court of Vice-Admiralty in either of the said Provinces, unless such execution has been previously authorized by the judge of such Court of Vice-Admiralty.

FOREIGN SHIPS.

Extension and application of certain provisions of this Act to foreign ships.

124. The foregoing provisions of this Act relating to the shipping of seamen shall extend and apply to ships in the merchant service of every foreign country, and to all persons in relation to such ships in the same manner as the same extend and apply to ships in the British merchant service, and to similar persons in relation to such last mentioned ships, unless there be something in the terms of some existing treaty between Her Majesty and such foreign country to prevent the same, or any of the same from so extending and applying.

This Act to extend to foreign merchant ships, under certain conditions. Con. Stat. Lower Canada c. 56, s. 12.

125. In so far as may be consistent with the provisions of any Act of the Imperial Parliament in force in Canada, and with the terms of existing treaties between Her Majesty and foreign powers respectively, and the rights, privileges, and immunities secured to the Consuls, Vice-Consuls, commercial and other duly accredited agents, subjects and citizens of such foreign powers respectively, the foregoing provisions of this Act relating to desertion of seamen and apprentices, shall extend and apply to ships in the merchant service of foreign countries and to all persons in relation to such ships in the same manner as the same extend and apply to ships in the British merchant service, and to similar persons in relation to such last mentioned ships;

126. The oath of the master of any such foreign merchant ship, or of any officer or person employed on board thereof, or on board any other ship of the same country, that to the best of his belief and understanding, any seaman or other person is bound to serve on board such ship, according to the law of the country to which such ship belongs, or of the place where such seaman or other person was hired, shall be *prima facie* evidence that he is legally bound to serve on board such ship, within the the meaning of this Act, although he has not regularly entered into or signed articles of agreement, and is not bound by articles of indenture, in the manner required by law with regard to seamen and others engaged or bound to serve on board British ships;

Oath of master of foreign ship to be proof that any seaman is bound to serve. Con. Stat. Lower Canada c. 56, s. 12.

127. And no justice of the peace shall entertain or act upon any complaint or information under this Act, by or against any person belonging to or connected with any such foreign merchant ship, and not being a subject of Her Majesty, or exercise jurisdiction under this Act over or at the instance of any such person, without the consent of both parties to such complaint or information, or the consent in writing of the Consul, Vice-Consul, or commercial or other duly accredited agent of the country to which such ship belongs, first had and obtained, unless the parties to such complaint or information be subjects or citizens of a country or countries, by the terms of treaties in force between Her Majesty's government and the government or governments of which country or countries it is stipulated that the assistance of British courts and magistrates shall be granted to the subjects or citizens of such countries, or one of such parties be a subject or citizen of any such country and the other a subject of Her Majesty.

No Justices to act as regards foreigners in foreigh ships without the consent of a parties, or that of their Consular Officers, except in pursuance of treaties. Con. Stat. Lower Canada, c. 56, s. 12.

128. The master of every ship shall furnish and pay for every blank form required by this Act to be used by him,

Maters to furnish blanks.

SCHEDULE.

NOTE.—The forms composing this Schedule will be found attached to the original Bill, in the custody of the Clerk of the House of Commons of which the foregoing is a copy.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act respecting the Shipping of Seamen.

Received and read first time, Tuesday, 6th May, 1873.
Second reading, Wednesday, 7th May, 1873.

OTTAWA:
Printed by I. B. Taylor, 29, 31, and 33, Rideau Street,
1873.

An Act to incorporate a Company by the name of *"Le Crédit Foncier du Bas Canada."*

WHEREAS the persons hereinafter named, have by their petition represented that great advantages would result to the public from the formation of a Landed Credit Company, with sufficient capital for the making of loans for long periods, repayable by means of sinking funds, or for short periods, with or without sinking funds, and that such an institution, formed on the model of the best landed credit institutions of Europe, would be a boon to Canada, and have prayed for the passing of an Act of incorporation of such a company for such purposes; and whereas it is expedient to grant the prayer of the said petition; therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:

1. The Honorable Charles Wilson, Thomas Caverhill, C. S. Rodier, Alfred Larocque, Andrew B. Stewart, Gabriel Rolland, Charles W. Meyer, Antoine C. de Lotbiniére Harwood, M. P. Ryan, Joseph Napoléon Bureau, L. H. Sénécal, Michel Emery, Joseph Octave Villeneuve, Louis Napoleon Dumouchel, and Jean Baptiste Lafleur, and all or any other person or persons, bodies politic and corporate, who, as executors, administrators, successors or assigns, or by any other lawful title may hold any part, share or interest in the capital stock of the said company, and their executors, administrators, successors and assigns, shall be and they are hereby constituted a body politic and corporate, under the name and style of *"Le Crédit Foncier du Bas, Canada,"* and shall by that name have perpetual succession and a common seal, and may act, sue and be sued, may acquire and hold real and personal estate, and may dispose thereof.

2. The business and affairs of the said company shall be conducted and managed by a board of directors to be appointed by the shareholders as hereinafter provided, which board shall consist of qualified shareholders, and which board in the first instance, and provisionally, and until the first general annual meeting of the company, shall consist of Thomas Caverhill, C. S. Rodier, Alfred Larocque, Andrew B. Stewart, Gabriel Rolland, Joseph Napoléon Bureau, M. P. Ryan, Michel Emery, and L. H. Sénécal, who shall remain in office until the first general meeting, and shall then go out of office, but shall be eligible for re-election.

3. The capital stock of the said company shall be one million of dollars, divided into ten thousand shares of one hundred dollars each; so soon as the capital stock shall have been all subscribed, the directors of the said company may, in conformity to any decision come to by the shareholders at a general annual meeting, increase the capital stock by the issue of a new series of shares,

provided that each new series shall not exceed the amount dollars; and provided also that no new series of shares shall be issued after the first, unless the full amount of the previous new series shall have been subscribed and paid up; the subscribers to the first capital stock, their heirs and successors, being entitled to take, by privilege, in the new issue of shares, an amount proportionate to their shares in the first capital stock, and on the same terms and conditions.

4. No shareholder of the Company shall be liable for or charged with the payment of any debt or demand due from the Company beyond the extent of his shares in the capital of the Company not then paid up.

5. So soon as five thonsand shares shall have been subscribed, the directors shall give notice thereof in two newspapers published in the city of Montreal, the one in French, and the other in English, and shall call a meeting of the shareholders.

6. At this meeting of the shareholders, nine directors shall be chosen, five of whom shall form a quorum for the transaction of business; these directors shall name their president and vice-president, they all shall form the board of directors of the said company, and remain in office until they shall have been replaced by their successors in the manner hereinafter mentioned, unless they cease to be so by one of the following causes, namely:—death, resignation, possession of less than ten shares, insolvency, bankruptcy, or arrest for crime or misdemeanor.

2. When a director has absented himself from the meetings of the board of directors during three consecutive months, the majority of a quorum of the other directors may, by resolution, declare his office vacant

3. Every director shall have the right to give in writing his resignation of the office, and he shall be immediately replaced in the manner hereinafter provided.

4. Every vacancy in the board of direction, happening in the course of the year, from whatever cause, shall be filled by the unanimous choice of the remaining directors, and the substituted director shall remain in office until replaced at the election of directors by the annual general meeting.

7. No person shall be elected a director who shall not be a proprietor of at least ten shares, on which all calls shall have been paid in full, a British subject, and a resident in the Dominion of Canada, and such number of shares shall remain untransferable during the time of his office.

8. The directors shall be elected for three years, but one third in number of them shall go out of office annually, to be replaced by election; it shall be decided by lot which of the directors elected at the first meeting shall retire at the end of the first and second years; they may be re-elected.

9. All the elections of directors shall be by ballot, and decided by the majority of shareholders then present, voting either in person or by proxy.

10. At the first general meeting of the stockholders a decision shall be come to, as to what shall be the amount of the first instalment payable on each share, but it shall not be more than one tenth the amount of such share then subscribed; and afterwards the board of directors may, from time to time, make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them, as they shall deem necessary; provided that thirty days' notice at the least be given of each call, and that no call exceed the amount of ten dollars per share, and that successive calls be not made at less than the interval of three months, and that the aggregate amounts of calls made in one year, do not exceed the amount of forty dollars per share; and every shareholder shall be liable to pay the amount of calls so made in respect of the shares held by him, to the persons and at the times and places from time to time appointed by the company; provided always, that it shall not be lawful for the said company to commence business until a sum of not less than fifty thousand dollars shall have been paid up by the subscribers to the said capital stock.

11. The first instalment of the said shares of the capital stock subscribed for, shall be paid at such times and places as the directors shall appoint, and if it is not paid at the place and time so appointed, the said Directors may, without other formality, erase the names of the shareholders so neglecting to pay, and thereupon such subscriptions to such shares whereof the instalments shall not have been paid, shall be as void as if they had never been given; the executors, administrators and curators paying instalments upon the shares of deceased shareholders shall be, and they are hereby indemnified for paying the same.

12. If any person subscribing for shares in the capital stock of the company is desirous of paying up in advance, either at the time of subscribing, or at any other time, the full amount of his shares, the directors may at any time admit and receive such subscriptions, and the full payment or payments of any number of instalments, upon such conditions as they may deem expedient.

13. If any shareholder or shareholders shall refuse or neglect to pay any instalment upon his, her or their shares of the said capital stock at the time or times required by the directors as aforesaid, such shareholder or shareholders shall be bound to pay thereon eight per cent interest per annum until effectual payment; and moreover, it shall be lawful for the directors of the company without any previous formality other than thirty days' public notice of the intention, to sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares and the amount of interest due on the whole of them; provided that the said sale shall have been specially authorized by a resolution of the board of directors; and the president, or the vice-president, or the cashier of the company, shall execute the transfer to the purchaser of the shares of stock so sold, and such transfer, being

accepted, shall be valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred.

14. Notwithstanding anything contained in the previous section, the company may sue such shareholder, failing to pay, for the amount thereof in any court of law or equity having competent jurisdiction, and may recover the same with interest at the rate of eight per cent per annum from the day on which such call may have been made payable.

15. In any action to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the 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 shall amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action hath accrued to the said company by virtue of this Act.

16. On the trial of such action it shall be sufficient to prove that the defendant, at the time of making such call, was the holder of one share or more in the company, and that such call was in fact made and such notice thereof given, as is directed by this Act, and it shall not be necessary to prove the appointment of the directors who made such call nor any other matter whatsoever, and thereupon the company shall be entitled to recover what shall be due upon such call with interest thereon, unless it shall appear either that any such calls exceed the amount of ten dollars per share or that due notice of such call was not given, or that the interval of three months between the successive calls had not elapsed, or that calls amounting to more than the sum of forty dollars in one year had been made.

17. The production of the register book of shareholders of the company or a certified extract therefrom, signed by the cashier of the company, shall be *prima facie* evidence of such defendant being a shareholder, and of the number and amount of his shares and of the sums paid in respect thereof.

18. The company shall keep a book, to be called "the register of shareholders" and in such book shall be fairly and distinctly entered, from time to time, the names and additions of the several persons being shareholders of the company, the number of shares to which such shareholders shall be respectively entitled, and the amount of subscriptions paid on such shares ; and such book shall be authenticated by the common seal of the company being affixed thereto.

19. On demand of the holder of any share, the company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder; and such certificate shall have the common seal of the company affixed thereto, and such certificate shall

specify the number of shares in the undertaking to which such shareholder is entitled; and such certificate shall be admitted in all courts as evidence of the title of such shareholder to the share therein specified, nevertheless, the want of such certificate shall not prevent the holder of any shares from disposing thereof.

20. The shares of the capital stock of the company shall be held and adjudged to be personal property, and shall be transmissible accordingly, and shall be assignable and transferable at the chief place of business of the company, or at any of its branches which the directors shall appoint for that purpose, and according to such form as the directors shall, from time to time prescribe; but no assignment or transfer shall be valid and effectual unless it be made and registered in a book or books to be kept by the directors for that purpose, nor until the person or persons making the same shall previously discharge, to the satisfaction of the directors, all debts actually due or contracted and not then due by him, her, or them, to the institution which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional part or parts of a share or other than a whole share shall be assignable or transferable; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the officer by whom the writ shall have been executed shall, within thirty days after the sale, leave with the cashier of the company an attested copy of the writ, with the certificate of such officer endorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts due, or contracted but not then due, by the original holder or holders of the said shares to the company shall have been discharged as aforesaid), the president, or vice-president, or cashier, shall execute the transfer of the share or shares so sold to the purchaser, and such transfer being duly executed, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the original holder or holders of the said share or shares; any law or usage to the contrary notwithstanding.

21. Shares in the capital stock of the company may be made transferable, and the dividend accruing thereon may be made payable in the United Kingdom, or elsewhere, in like manner as such shares and dividends are respectively transferable and payable at the chief office of the company, and to that end the directors may, from time to time, make such rules and regulations and prescribe such forms, and appoint such agent or agents as they may deem necessary.

22. If the interest in any share in the company become transmitted in consequence of the death, or bankruptcy, or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this act, such transmission shall be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the directors shall require; and every such declaration shall be, by the party making and signing the same, acknowledged before a judge of a court of record, or before the mayor, pro-

vost, or chief magistrate of any city, town, borough or other place, or before a public notary, where the same shall be made and signed; and every such declaration so signed and acknowledged shall be left with the cashier, or other officer or agent of the company, duly authorized to that effect, who shall thereupon enter the name of the party entitled under such transmission in the register of shareholders; and until such transmission shall have been so authenticated, no party or persons claiming by virtue of any transmission shall be entiteld to receive any share of the profits, nor to vote in respect of any such share as the holder thereof; Provided always, that every such declaration and instrument as by this and the following section of this act is required to perfect the transmission of a share, which shall be made in any other country than this, or some other of the British colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited representative of the British Government where the declaration shall be made, or shall be made before such British Consul, or Vice-Consul, or other accredited representative; and provided also, that nothing in this Act contained shall be held to debar the directors, cashier or other officer or agent of the company, from requiring corroborative evidence of any such fact or facts alleged in any such declaration.

23. If the transmission of any share of the company be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall establish the identity of the wife with the holder of such share; and if the transmision have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or the letters of administration or the act of curatorship, or any official extract therefrom, shall, together with such declaration, be produced and left with the cashier or other authorized officer or agent of the company, who shall, thereupon, enter the name of the party entitled under such transmission in the register of shareholders.

24. If the transmission of any share or shares of the Capital Stock of the said Company be by the decease of any shareholder, the production to the directors and deposit with them of any probate of the will of the deceased shareholder, or of letters of administration of his estate granted by any Court of Justice in the Dominion having power to grant such probate or letters of administration, or by any prerogative, diocesan, or peculiar Court of authority in England, Wales, Ireland, India or any other British Colony, or of any testament—testamentary, or testament—dative expede in Scotland, or if the deceased shareholder shall have died out of Her Majesty's dominions, the production to and deposit with the directors of any probate of his will or letters of administration of his property, or other document of like import granted by any Court or authority having the requisite power in such matters, shall be sufficient justification and authority to the Directors for paying any dividend or transferring or authorizing the transfer of any share in pursuance of and in conformity to such probate, letters of adminstration, or other such document as aforesaid.

of any trust, whether expressed, implied, or constructive, to which any of the shares of its stock shall be subject; and the receipt of the party in whose name any such share shall stand in the books of the company, or if it stands in the name of more parties than one, the receipt of one of the parties shall from time to time, be a sufficient discharge to the company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the company have notice of such trust, and the company shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

26. The chief place of business of the said company shall be at the city of Montreal; but the said company shall, from time to time, and at all times hereafter, have power and authority, and they are hereby authorized to establish such and so many agencies in any part or portion of the Dominion or in England and under such regulations for the management thereof, and to remove the same as the directors of the said company may deem expedient.

27. The company is authorized to loan and advance by way of loan or otherwise, on the security of immovable property for a long term, sums of money to be repaid by way of annuities, or for a short term, with or without a sinking fund.

28. The annuity shall include:

1. The interest on the capital, which shall not exceed eight per cent per annum;
2. The costs of management which shall not be more than one per cent;
3. The amount for the sinking fund;

and the annuity shall be stipulated in the instrument of loan, or the deed executed by the debtor in favor of the company.

29. The rate of payment of the sinking fund shall be calculated so as not to last more than fifty years, with power nevertheless, to the borrower to acquit himself of the whole, or any part thereof, at any time, upon giving three months' notice of his intention; provided always that the company shall allow on the sinking fund until final payment of the whole debt compound interest at the rate of not more than one per cent below the rate charged to their debtors, and provided that all and every loan for a period of six years or more shall be deemed a loan for a long term, for the purposes of this Act.

30. The company is authorized to require and receive semi-annually and in advance, all interests, costs of management and annuities arising from its loans and disbursements.

31. In case of anticipatory payment, the company shall not be bound to accept and receive any sum under ten per cent of the amount of any loan made, and may require an indemnity which shall be calculated on the difference between the rate of interest stipulated in the deed or in the obligation, and that of the mort-

gage bond or debenture in circulation at the date of the anticipatory payment, and on the length of time the obligation has still to run, but such indemnity shall not exceed one per cent per annum on the amount of the anticipatory payment, for such time as the obligation or deed might have to run, and shall not in any case exceed the losses which the company might incur in consequence of the said anticipatory payment; Nevertheless the sum proceeding from such anticipatory payments may be invested in furthering new loans.

32. The company shall only lend and advance money on first hypothec of real estate, the value of which shall be at least double the amount of the loan and advance-money, and any loan made on hypothec subsidiary only to the hypothec of the *rentes constituées* under the seigniorial act, or to any privilege or hypothec specially exempted from registration, shall be considered as made on first hypothec; And the loans and advances to be employed in paying off obligations or debts already registered, shall also be considered as made on first hypothec, when, by the effect of such payment, or of the subrogation arising therefrom in favor of the company, the claim of this latter shall rank first and not concurrently with that of any other creditor. In this last case the company shall keep in hand the necessary amount to effect such payment.

33. The company shall require that property liable to be destroyed by fire be insured at the expense of the borrower, unless the said company holds as security for its claim apart from such property other real estate worth double the value of the sum loaned, and which is not liable to be destroyed by fire; the deed of loan shall contain a transfer of the amount of the insurance in the event of loss, The property so pledged shall be kept insured during the whole term of the loan; The company shall have a right to have the insurance made in their own name and the annual premiums paid through their hands; In the case of a loan redeemable by annuity, such annuity may be increased by so much.

34. In the event of loss, the insurance money shall be paid directly to the company. During one year from the date of the settlement of loss, the debtor shall have the privilege of rebuilding. During that period the company may retain the insurance money, as security to the amount of their claims calculated up to the end of the year.

After the rebuilding the company shall pay over the insurance money to the debtor, deducting, however, whatever may be due to it, and if, at the expiration of the year, the debtor has not availed himself of his right to rebuild, or if before that time, he has notified the company that he did not intend to avail himself thereof, thereupon the insurance money shall finally inure to the benefit of the company and shall be imputed on their claim as a payment by way of anticipation.

35. The anticipated payment which shall arise from loss by fire

shall not give rise to the indemnity authorized by section 30 of this act in favor of the company; Nevertheless, whenever the company shall deem that by the effect of the loss, their security shall have been jeopardized, they shall have the right at any time to exact the payment of the balance due.

36. Every mutation, either by sale, promise of sale, exchange donation or other way, of any immovable charged for the guarantee of any claim of the company shall confer upon the latter the right to exact, at any time, the total payment of such claim without any notice or signification; unless the debtor shall, at his own expense, within a month's delay, deposit with the company a registered copy of the deed causing any such mutation, and the new proprietor of such immovable passes in favor of the company, within the same delay and also at his own expense, a new deed or act acknowledging such claim, and has it duly registered; And in the event of such payment for want of compliance with any of the formalities hereinbefore enumerated, the company shall have a right to claim the indemnity authorized in their behalf by section 30 of this act.

37. The company shall also have the power to loan and advance to municipalities, corporations, and *fabriques* whatever sums they may be authorized to borrow according to the laws and by-laws by which they are governed.

38. The hypothec given by the debtor in favor of the company shall rank from the date of its registration, although the consideration therefor may be given afterwards.

39. Every person who shall be desirous of borrowing from the company shall be bound to present his application, in which he shall state the sum and the time for which he desires to borrow; this application shall be accompanied with the necessary titles and documents in support thereof.

40. Every person shall, in his application for a loan, declare whether he is married or a widower, whether he is or has been a tutor or curator, whether he has burthened the property he proposes to hypothecate with any charge, privilege or hypothec; or whether he has personal knowledge that any such charge, privilege, or hypothec really and actually exists on the said property; and shall also fairly state the selling price, annual revenue and rent of such property, and in the case of any deed of lease of said property having been made previously, to file the same in support thereof.

41. The costs of examination, inspection, valuation and other preliminary expenses shall be paid by the borrower, whether his application be granted or not; and the Directors of the Company may require from the borrower a deposit which shall be security for the payment of all such preliminary expenses.

42. The company may at any time exact payment of his debt,

or of the balance not paid up, from any debtor who shall not have paid his annuity, or his interest three months after it shall have become due, or who shall have reduced the value of the land he has hypothecated to such an extent as to endanger the claims of the company; and in every such case the company may also exact the indemnity which they are entitled to by section thirty of this Act.

43. Every annuity, amount of interest, or any other sum of money, proceeding from whatever cause, that shall not be paid by any borrower at the time stipulated for the payment thereof, shall bear of right interest at the rate of eight per cent. per annum in favor of the company; and every such interest shall be dealt with in its turn as capital at every successive date of payment, and shall accordingly produce interest as aforesaid, and so on until actual payment.

44. The company for the purpose of procuring capital, is authorized to issue, and, in or out of Canada, negotiate mortgage bonds or debentures (*Lettres de gage*).

45. The mortgage bonds or debentures shall be payable either to order or to bearer, and shall bear interest; and the bearers of such mortgage bonds shall have for the payment of the amount thereof, a priority of claim on the capital of the company over all other creditors.

46. The company shall not issue bonds to a larger amount than that of its hypothecary claims, of which they shall be deemed to represent the value; and the amount paid in on the subscribed stock of the company shall be kept at all times at one-tenth at least of the amount of such bonds in circulation.

47 The mortgage bonds shall be for sums of a thousand dollars each; or the like amount in sterling money, and may be delivered in subdivisions (*coupures* of not less than a hundred dollars each, at the option of the Directors, and as they may think best for their negotiation; they shall be cut from a book with margins and numbered in arithmetical progression, beginning with number one, and shall be respectively distinguished by the number affixed to them; every one of them shall truly state the sum for which it is issued, and the interest it shall bear, with the date and place of payment.

48. The Directors may attach interest *coupons* to the mortgage bonds, and such interest shall not exceed eight per cent. per annum.

49. A portion of these bonds, proportioned to the amount of the sinking fund paid in, shall be annually withdrawn from circulation, the number of those to be redeemed being ascertained by lot (*tirage au sort*), so that all the bonds which have been issued may be withdrawn from circulation at the expiration of the time fixed for their becoming due.

50. The mortgage bonds so designated by lot, as well as those becoming due, shall be redeemed at par with interest in specie to the bearers, at the day and place appointed by the company in notices to that effect published in two newspapers, and they shall cease to bear interest from such day.

51. The mortgage bonds bearing different rates of interest, or payable at different periods, may be classified separately, and shall be redeemed proportionately to the amount received on the sinking fund, and applicable to each class.

52. The company shall not be liable for interest on the mortgage bonds accruing after they become due, unless they shall have been previously presented for payment, or unless special provision to the contrary be made in the said bonds, and all interest on any bond or debenture which shall not be claimed within the space of five years from the date of its becoming due, shall be forfeited in favor of the company.

53. The holders who may desire to replace damaged mortgage bonds by new ones, shall accompany their demand to that effect with a sufficient sum to cover the necessary expenses, addressed to the head office. These damaged bonds shall remain in the hands of the company, who shall cancel them, grant a receipt to the holder, issue new ones in their stead, and endorse upon the latter the word duplicate. They shall efface the names of the officers of the company on the old bonds. After having complied with these formalities, the new bonds shall be handed over to the proprietor, and the old ones destroyed. If the damaged bonds be themselves duplicates, the board of directors may replace them by others, endorsed as follows:—Triplicate, &c.

54. If the mortgage bonds are so damaged that it becomes impossible to find any trace either of the sum therein stated, or the number thereof, or if they have been lost or stolen, the proprietor shall forward to the head office a declaration specifying the number and the sum therein contained. The board of directors shall be held to investigate the matter, and if such investigation shows the deponent is really, under the existing laws, the last proprietor of the bonds in question, the board, on receipt of the necessary expenses, shall keep the same, and cross them with the pen, and shall cause a notice to be published for the period of three months, once a week, in two newspapers published at Montreal, or at any other place they may deem necessary, one of which papers shall be printed in French, and the other in English, inserting therein the description of said bonds, specifying the number, the amount and the series to which they belong. If, after such notice, the holder's claim to such bonds is not contested, or if the bonds cannot be found, the general board shall, after the expiration of six months from the date of the first notice, render a decision cancelling the bonds in question. They shall transmit such decision to all the branch offices, and have it inserted in two newspapers, as hereinbefore mentioned, and three months after such publications, they shall replace the said bonds with all the formalities in such case provided.

55. The same formalities shall be complied with whenever it becomes necessary to replace damaged or lost *coupons*.

56. He who shall not be able to give the number of the bond, or *coupon* which is lost, shall be compelled to bear the loss arising therefrom.

57. During the time employed in searching for lost bonds or *coupons*, the general board of directors shall deposit the successive payments relative to the bonds and *coupons* so mislaid.

58. If the holder of the mortgage bond so mislaid calls at the head office before the issue of the new bond by which it is to be replaced, conformably to section 53, and contests the rights of the would-be proprietor, the board shall not issue a new bond; they shall retain the bond so presented, granting the bearer a receipt therefor, and shall await the decision of a competent civil tribunal.

59. If the holder of the bond calls at the head office after the issuing of the new bond, the Directors shall retain the old bond, shall cross it out with the pen, and shall give the holder a certificate enabling him to institute an action against the party who shall have obtained said new bond, or who may have fraudulently disposed of the old one. In the two cases hereinbefore cited, the board shall communicate the bonds so deposited to a competent tribunal whenever the latter may require it.

60. The company shall keep a book, to be called "The Mortgage and Debenture Book," and in such book shall be successively entered the date, of loans and names, occupation and residence of borrowers, the amount of mortgage money advanced, the amount of mortgage bonds or debentures issued, the value, situation and extent of the real estate hypothecated as security, and all other brief particulars deemed necessary.

61. The company may receive deposits bearing or not bearing interest, and shall have the right of retaining from deposits the amount which shall be due by the depositor.

62. On the fifteenth day of March annually, or such day being a legal holiday, then on the next following day not being a legal holiday, there shall be a general meeting of the shareholders of the company for receiving a report of the state of affairs from the board of Directors, electing the Directors and transacting any other matter of general interest relating to the management of the company.

63. All meetings of the company, or of the Directors shall be presided over by the President, and in his absence by the Vice-President, and if both are absent by a President *pro tempore*, chosen by the majority of the members present, and the Cashier shall be *ex-officio* Secretary of all such meeting, and in the absence of this latter the Assistant Cashier shall take his place, and the

minutes of these meetings shall be made and inscribed in a book called "The Record of the Deliberations of the Directors," and shall be certified, attested and signed in such record by the President of the meeting, and by the Secretary of that same meeting.

64. At all meetings of the company every shareholder shall be entitled to one vote for every share up to ten, and one vote for every ten shares held by him beyond the first ten shares; and no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls then payable upon all the shares held by him.

65. No person shall, in right of any debenture, be deemed a shareholder, or be capable of acting or voting as such at any meeting of the company.

66. The votes may be given either personally or by proxy, every such proxy being a shareholder, authorized by writing under the hand of the shareholder nominating such proxy; and every proposition at any such meeting shall be determined by show of hands, or upon demand of any shareholders after such show of hands by the majority of the votes of the shareholders present including proxies; the chairman of the meeting being entitled, not only to vote, as a principal or proxy, but to have a casting vote if there be an equality of votes.

67. No person shall be entitled to vote as a proxy unless the instrument appointing such proxy have been transmitted to the clerk or cashier of the company two clear days before the holding of the meeting at which such instrument is to be used, and no person shall at any one meeting represent as proxy more than ten shareholders.

68. If several persons be jointly entitled to a share, the person whose name stands first on the register of shareholders as one of the holders of such shares shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof, and on all occasions the vote of such first named shareholder alone, either in person or by proxy, shall be allowed as the vote in respect of such share, and no proof of the concurrence of the other holders thereof shall be required.

69. The directors may from time to time make rules and by-laws for the transaction of the affairs of the company, which rules and by-laws shall be adopted at a general meeting of shareholders, and they shall have and may exercise the powers, privileges and authorities set forth and vested in them by this act, and they shall be subject to and be governed by such rules, regulations and provisions as herein contained with respect thereto, and by the by-laws to be made for the management of the said company, and the directors shall and may lawfully exercise all the powers of the company except as to such matters as are directed by this Act to be transacted by a general meeting of the company; they may call any general, special or other meetings of the company, or of the directors which they may deem necessary; and they shall, upon

requisition made in writing by any number of shareholders holding in the aggregate one-fifth part of the shares of the company, convene an extraordinary general meeting; and such requisition so made by the shareholders shall express the object of the meeting proposed to be called, and shall be left at the company's office, and if the directors do not convene such general meeting within twenty-one days from the date of the requisition, the requisitionists, or any other shareholders having the required number of shares, may themselves convene a meeting; The directors may use and affix or cause to be used and affixed the seal of the company 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 as they may deem expedient which are or shall at any time be authorized to be made by or on the behalf of the company, and enter into all contracts for the execution of the purposes of the company, 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 the company for the time being, in such manner as they shall deem expedient and conducive to the benefit of the company, as if the same lands, property and effects were held and owned according to the tenure, and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being of full age; 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 at any time be granted to the company by the Parliament of the Dominion, or for the performance and fulfilment of any conditions or provisions from time to time prescribed by the said Parliament in giving such further powers and authorities, or in altering or repealing the same respectively, or any of them; but all the powers shall be exercised in accordance with and subject to the provisions of this Act in that behalf: Provided always that all real estate acquired and held by the said company in virtue of this act, except such as is necessary for the use and occupation of the company, and the purposes thereof, shall be sold and realized at public auction or private sale by the company at any period not later than five years from the acquisition of such real estate.

70. The directors shall name the cashier, assistant cashier and all other subordinate officers of the company, and shall fix their respective salaries and remuneration, and shall take from the cashier security for not less than five thousand dollars, and security for not less than two thousand dollars, from any other officer having control of the cash or any monies of the company.

71. The directors shall cause notices, minutes or copies, as the case may require, of all appointments made or contracts entered into by the directors, to be duly entered in books to be from time to time provided for the purpose, which shall be kept under the superintendance of the directors; and every such entry shall be

signed by the chairman of the meeting at which the matter in respect of which such entry is made was moved or discussed at or previously to the next meeting of the company or directors, as the case may be; and a copy of such entry so signed shall be received as evidence in all courts, and before all judges, justices and others, without proof of such respective meeting, having been duly convened or of the persons making or entering such orders or proceedings being shareholders or directors respectively, or of the signatures of the chairmen, all which last mentioned matters shall be presumed; and all such books shall at any reasonable time be open to the inspection of any of the shareholders.

72. The company shall not declare any dividend whereby their capital stock may be reduced, and shall not pay any dividend exceeeding eight per cent per annum, as long as their reserve fund shall not have reached twenty-five per cent of the paid up capital stock.

73. Before apportioning the profits aforesaid, the directors may, if they think fit, set aside thereout such sums as they may think proper to defray preliminary expenses and to meet contingencies, or for enlarging or improving the estate of the company or any part thereof, or promoting the objects and purposes for which they are incorporated, and may divide the balance only among the proprietors, subject nevertheless to the provisions of the next preceding section relating to the reserved fund.

74. No dividend shall be paid in respect of any share until all calls then due in respect of that or any other share held by the person to whom such dividend may be payable, shall have been paid.

75. To the payment of the expenses of the company there shall be applied in the following order:—

1. The amount received for preliminary expenses;
2. The amount received for costs of management.

76. To the payment of the debts and losses there shall be applied in the following order:—

1. The revenues and profits;
2. The reserve fund;
3. The shares.

77. It shall be lawful for the directors from time to time to appoint such and so many officers, solicitors and agents, either in the Dominion or elsewhere, and so many servants as they deem expedient for the management of the affairs of the company, and to allow to them such salaries and allowances as may be agreed upon between them and the company, and to make such by-laws as they may think fit for the purpose of regulating the conduct of the officers, solicitors, agents and servants of the company, and for providing for the due management of the affairs of the company in all respects whatsoever, and from time to time to alter and repeal any such by-laws and make others, provided such by-laws be not repugnant to the laws of Canada or to the provisions

of this Act; and such by-laws shall be reduced into writing, and shall have affixed thereto the common seal of the company, and a copy of such by-laws shall be given to every officer and servant of the company, and any copy or extract therefrom certified under the signature of the cashier shall be evidence in all courts of justice in Canada, of such by-laws or extracts from them, and that the same were duly made, and are in force; and in any action or proceedings at law, criminal or civil, or in equity, it shall not be necessary to give any evidence to prove the seal of the company, and all documents purporting to be sealed with the seal of the company, shall be held to have been duly sealed with the seal of the same.

78. With respect to any notice required to be served by the company upon the shareholders, it shall be sufficient to transmit the same by post directed according to the registered address or other known address of the shareholder, within such period as to admit of its being delivered in due course of post within the period (if any) prescribed for the giving of such notice, and in order to prove the giving of such notice it shall be sufficient to prove that such notice was properly directed, and that it was so put into the Post Office.

79. All notices required by this Act to be given by advertisement in a newspaper, shall be signed by the chairman of the meeting at which such notices shall be directed to be given, or by the Cashier or other officer of the company, and shall be advertised in such newspaper as the Directors shall order, unless otherwise specially provided by this Act, and the same shall thereupon be deemed and considered to be personal notices.

80. Every summons, demand, or notice, or other such document requiring authentication by the company, may be signed by one Director, or by the Cashier of the company, and the same may be in writing or in print, or partly in writing and partly in print.

81. The President, or in his absence, the Vice-President, and the Cashier, or, in his absence, the Assistant Cashier, shall sign all deeds and documents to which the company shall be a party; and in the event of both the President and the Vice-President, or both the Cashier and the Assistant-Cashier, or all of them, being prevented from signing any such deed or document, either by absence, personal interest, or any other cause whatsoever, such deed or document shall then be signed by such person or persons as the Board of Directors shall authorize to that effect.

82. So soon as the company shall have commenced to transact business, a list, stating the names, occupations and residences of the shareholders, and the amount of shares respectively held by them in the undertaking, shall be transmitted to the Minister of Finance, who may then name and appoint three from among the said shareholders as Auditors of the company; Provided always that such Auditors so named and appointed be holders of not less than ten shares in the capital stock of the company; and the same shall remain in office as long as the Minister of Finance shall not have

replaced them, unless their office should become vacant for some of the reasons hereinafter set forth, namely: death, possession of less than ten shares, insolvency, bankruptcy, arrest for crime or offence, resignation or neglect in discharging their duties; and in every such event immediate notice thereof shall be given to the Minister of Finance, who may fill up such vacancy in the manner hereinafter mentioned. Nevertheless it shall be lawful for the Minister of Finance to make such appointment, or to invest the Board of Directors with the power of making the same.

83. It shall be the duty of the Auditors to see the statutes and by-laws be strictly enforced, and for that purpose they shall have a right to attend the meetings of the Board of Directors, to be consulted, to superintend the creation of the mortgage bonds, as also the issuing thereof; they shall examine the inventories and annual accounts, and submit to the general meeting such observations thereon as they may deem advisable. Whenever they may require, they shall have communication of the books and accounts, and of all writings generally. They shall have power to verify the state of the cash and cash books at any time whatever; and they may, whenever their decision is unanimous, require a special meeting of the shareholders to be called.

84. The company shall, on the first days of January and July 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 of mortgage bonds or debentures in circulation;

4th. The amount invested and secured by mortgage deeds;

5th. The value of real estate under mortgage;

6th. The amount held as deposits.

85. And such statement shall be attested on oath, before some Justice of the Peace, by three persons at least, one being the President, Vice-President, or other functionary for the time being at the head of the company, one the Cashier or Assistant Cashier of the same, and the other or others the Auditor or Auditors of the said company, 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 and debentures issued and outstanding, as he verily believes, is correct; and that the amount of the deposits as well as the investment thereof is stated correctly; and such statement shall be published by the Minister of Finance, in such manner as he shall think conducive to the public good; and such statement shall be transmitted by post, within eight days after the date to which it is to be made up, and if the same be not transmitted within one month after the said day, or if it shall ap-

pear by the statement that the company is insolvent, the Minister of Finance may, by notice in the *Gazette*, declare the business of the company 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 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 *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 said company.

86. It shall be lawful for the Directors of the said company, when it shall have been determined at a meeting of the shareholders thereof, to apply for and obtain a royal charter of incorporation, or an Act of the Parliament of the United Kingdom of Great Britain and Ireland, for granting to the said company the powers and authorities in Great Britain necessary for carrying on and accomplishing the undertaking authorized by this Act, or to register a memorandum of association, or articles of association, under the provisions of the Act of the Parliament of the United Kingdom, intituled "The Joint Stock Companies Act of 1856," for the purpose of more effectually carrying out the objects of this Act in this Dominion, or in any part of the United Kingdom of Great Britain and Ireland.

87. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say: words importing the singular number shall include the plural number; and words importing the plural number shall include the singular number; the word "month" shall mean calendar month; the word "cashier" shall include the word "clerk"; the term "real estate" shall extend to messuages, lands, tenements, and hereditaments of any tenure; the word "company" shall signify "*Le credit Foncier du Bas Canada*"; and the word "Dominion" shall mean "The Dominion of Canada"; the words "mortgage bonds or debentures" shall also apply to subdivisions (*coupures*) of said mortgage bonds.

An Act to extend the Act passed in the 33rd year of Her Majesty's Reign, intituled: "An Act to amend the Penitentiary Act of "1868."

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

1. For and notwithstanding anything contained in the Act passed in the thirty-third year of Her Majesty's Reign, intituled: "An Act to amend The Penitentiary Act of 1868," the period beyond which no person sentenced in New-Brunswick or Nova Scotia to be imprisoned with hard labour for less than one year shall be received or imprisoned in the Penitentiary shall be extended to the first day of May, which will be in the year of Our Lord one thousand eight houdred and seventy-five, and the period beyond which no person sentenced in either of the said Provinces to imprisonment with hard labor for less than two years, shall be received or imprisoned in the said Penitentiary, shall be extended to the first day of May, which will be in the year of Our Lord, one thousand eight hundred and seventy-six.

143

An Act to amend "An Act respecting the Militia and Defence of the Dominion of Canada."

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

1. The twenty-seventh section of the Act passed in the thirty-first year of Her Majesty's reign, intituled *An Act respecting the Militia and Defence of the Dominion of Canada*, is hereby repealed, and the following section is substituted for it, and as the twenty-seventh section of the said Act:—

"27. The Active Militia, or any corps thereof, shall be liable to be called out for active service with their arms and ammunition, in aid of the civil power in any case in which a riot, disturbance of the peace, or other emergency requiring such service occurs, or is in the opinion of the civil authorities hereinafter mentioned anticipated as likely to occur, and, (in either case,) to be beyond the powers of the civil authorities to suppress, or to prevent or deal with, whether such riot, disturbance or other emergency occurs, or is so anticipated within or without the municipality in which such corps is raised or organized; and it shall be the duty of the Senior Officer of the Active Militia present at any locality to call out the same or such portion thereof as he considers necessary for the purpose of preventing or suppressing any such actual or anticipated riot or disturbance, or for the purpose of meeting and dealing with any such emergency as aforesaid, when thereunto required in writing by the Warden, Mayor, or other head of the Municipality or County in which such riot, disturbance or other emergency occurs or is anticipated as aforesaid, or by the Chairman or Custos of the Quarter Sessions of the Peace, or by any two magistrates, and to obey such instructions as may be lawfully given him by any magistrate in regard to the suppression of any such actual riot or disturbance, or in regard to the anticipation of such riot, disturbance or other emergency, or to the suppression of the same, or to the aid to be given to the civil power in case of any such riot, disturbance or other emergency; and every such requisition in writing as aforesaid shall express on the face thereof, the actual occurrence of a riot, disturbance, or emergency, or the anticipation thereof, requiring such service of the Active Militia in aid of the civil power for the suppression thereof; and every Officer, non-commissioned officer and man of such Active Militia or any portion thereof, shall on every such occasion, obey the orders of his Commanding Officer; and the officers and men, when so called out, shall, without any further or other appointment, and without taking any oath of office, be special constables, and shall be considered to act as such so long as they remain so called out; but they shall act only as a military body, and shall

be individually liable to obey the orders of their Military Commanding Officer only; and they shall, when so employed, receive from the Municipality in which their services are required, the following rates of pay, that is to say: Officers, the same pay as that of Officers of corresponding rank in Her Majesty's Service, with an additional sum to each mounted Officer of two dollars per day, and non-commissioned Officers and Privates the sum of one dollar each per day, with an additional sum of one dollar per day for each horse actually and necessarily used or employed on such occasion, and they shall be also provided with proper lodging by such Municipality;— and the said sums, and the value of such lodging, if not furnished by the Municipality may be recovered from it by the Officer Commanding the Corps, in his own name, and when received or recovered shall be paid over to the Officers and men entitled thereto."

2. The seventy-second section of the Act hereinbefore mentioned, made and passed in the thirty-first year of Her Majesty's reign, is hereby repealed, and the following section is substituted therefor as the seventy-second section of the said Act:

"72. Her Majesty may convene Courts of Enquiry and appoint Officers of the Militia to constitute such Courts, for the purpose of investigating and reporting on any matter connected with the government or discipline of the Militia, and with the conduct of any Officer, non-commissioned officer or private of the force; and shall have power at any time to convene Militia Courts Martial, and to delegate power to convene such Courts, and to appoint Officers to constitute the same, for the purpose of trying any Officer, non-commissioned officer or private of the Militia for any offence under this Act, and to delegate also power to approve, confirm, mitigate or remit any sentence of any such court; but no Officer of Her Majesty's regular army on full pay shall sit on any Militia Court Martial.

144

An Act to amend the Acts respecting 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 :

1. For and notwithstanding anything contained in the third section of the Act passed in the thirty-first year of Her Majesty's reign, chaptered sixty-five, and intituled : "*An Act respecting the Inspection of Steamboats and for the greater safety of Passengers by them,*" the Board of Steamboat Inspection may, at any time hereafter, make rules and regulations for their own conduct, and for the uniform inspection of steamboats, the selection of ports of inspection, and granting licenses to engineers and for such other purposes as may be necessary under the said Act, and may, from time to time repeal, alter, or add to such rules and regulations, or make others in their stead, and such rules and regulations shall respectively come into force after they have been approved by the Governor in Council, but not before, and copies of the proceedings of the board, certified by the chairman shall be transmitted to the Minister of Marine and Fisheries.

2. The temporary certificate authorized by the twenty-sixth section of the said Act to be granted to any person claiming to be qualified to perform the duties of an engineer in steamboats, shall have the force and effect in the said section mentioned for a period not exceeding six months from the day on which it was granted, and for every such temporary certificate so granted the applicant shall pay the sum of five dollars, which shall go to the steamboat inspection fund as in the said twenty-sixth section mentioned.

3. The Governor in Council may, at any time, order and direct that the provisions of the said Act and of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chaptered thirty-nine, and intituled : "*An Act to amend the Act respecting the Inspection of Steamboats, and for the greater safety of Passengers by them,*" shall not, or shall not for any time specified in the Order, in so far as such provisions extend to the carrying of boats and life preservers, apply to any ferry boat specially mentioned in such Order in Council ;—and the Governor in Council may order and direct that such other provisions as he may deem advisable, with respect to the carrying of boats and life preservers on such ferry boat, shall be applicable to and shall be enforced in respect of such ferry boat.

145

An Act to amend the Acts for more effectually preventing the Desertion of Seamen ; and for other purposes.

In amendment of chapter forty-three of the Consolidated Statutes of Canada, intituled: "*An Act for more effectually preventing the desertion of seamen,*" and of the Act of the Parliament of Canada passed in the thirty-fourth year of Her Majeesty's Reign, and intituled: "*An Act for more effectually preventing the desertion of seamen in the Port of Quebec*;" Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. There shall be no appeal from any conviction or order adjudged or made under the Acts cited in the preamble to this Act, or either of them, by or before any judge of the sessions of the peace, police magistrate, or any two justices of the peace, or magistrate having the powers of two justices of the peace, as to summary convictions and orders, for any offence against the said Acts, or either of them, committed after the passing of this Act, nor shall such conviction be quashed for want of form, or removed by *certiorari* into any of Her Majesty's superior courts of record; and no warrant or commitment, under the said Acts or either of them, shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

2. And for the avoidance of doubt, under the Act hereinafter mentioned, it is hereby declared and enacted, that the court of general or quarter sessions of the peace appealed to, may grant or refuse in its discretion the request of the appellant or respondent to have a jury empannelled to try the facts of the case, under 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, intituled: "*An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders.*"

146

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

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

1. The forty-ninth section 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 offences against the person,*" is hereby amended, so as to be read as follows :—

"Whosoever commits the crime of rape is guilty of felony, and shall be liable to suffer death as a felon, or to be imprisoned in the Penitentiary for life, or for any term not less than seven years; and whosoever assaults any woman or girl with intent to commit rape is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven 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 the said section, as so amended, shall form part of the said Act, and be construed and have effect as the forty-ninth section thereof.

147

An Act to remove doubts as to the Construction of Section 31 of the Act 33 Victoria, chapter 3, and to amend section 108 of the Dominion Lands Act.

WHEREAS doubts have arisen as to the children intended by the thirty-first section of the Act passed in the thirty-third year of Her Majesty's reign, chapter three, and it is expedient to remove such doubts; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The children meant and intended by the said thirty-first section of the said Act shall be held to include all those of mixed blood, partly white and partly Indian, and who are not heads of families.

2. Such proceedings only under the Orders in Council mentioned and referred to in section 108 of the Act 35 Victoria, chapter 23, as are sanctioned by the provisions of the said section 31 of the Act 33 Victoria, chapter 3 as explained by this Act, shall be held and deemed to have been properly taken and to have been confirmed by the said section 108 of the said Act 35 Victoria, chapter 23, and the said respective orders (except such of the provisions thereof as may be inconsistent with the provisions of the said section 31 of the said Act 33 Victoria, chapter 3, as explained by this Act, or of the said Act 35 Victoria, chapter 23, and which are hereby revoked) shall be and remain in force, subject to the provisions of the following section of this Act, the said section 108 of the said Act 35 Victoria, chapter 23, being hereby amended to that effect.

3. In amendment of so much of the said Order in Council of the twenty-fifth day of April, one thousand eight hundred and seventy-one, as provides that the Lieutenant-Governor of Manitoba shall draw and initial tickets for the allotment of lands, it is hereby enacted that such drawing and initialing may be done by any person appointed by the Lieutenant-Governor for that purpose; and the Lieutenant Governor is hereby authorized from time to time to appoint a person to draw and initial such tickets

No. 148.] **BILL.** [1873.

An Act to repeal Chap. 86 of the Laws of British Columbia (1867) intituled "An Ordinance respecting Harbour and Tonnage Dues and to regulate the Licenses for the Vessels engaged in the Coasting and Inland Navigation Trade."

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

1. The law numbered 86 in the Revissd Laws of British Columbia, in force at the date of the Union of that Province with Canada, and entitled "*An Ordinance respecting Harbour and Tonnage Dues, and to regulate the Licenses on the Vessels engaged in the Coasting and Inland Navigation Trade,*" is hereby repealed.

No. 148.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to repeal Chap. 86 of the Laws of British Columbia (1867) intituled "An Ordinance respecting Harbour and Tonnage Dues, and to regulate the Licenses for the Vessels engaged in the Coasting and Inland Navigation Trade."

Received and read first time, Friday, 9th May, 1873.

Second reading, Saturday, 10th May, 1873.

Hon. Mr. TUPPER.

An Act to make further provision respecting the Extradition of Criminals.

WHEREAS by the Act passed by the Parliament of the United Kingdom, in the Session thereof, held in the thirty-third and thirty-fourth years of Her Majesty's Reign, intituled *An Act for amending the law relating to the Extradition of Criminals*, it is provided that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive Criminals, Her Majesty may, by Order in Council, direct that the said Act shall apply in the case of such foreign State, and that the said Act when applied by any Order in Council, shall, unless it is otherwise provided by such Order, extend to every British possession in the same manner as if throughout the said Act the British possession were substituted for the United Kingdom or England, as the case may require, subject to certain modifications; but it is further provided, that if by any law or ordinance, made before or after the passing of the said Act by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive Criminals who are in or suspected of being in such British possession, Her Majesty may, by Order in Council applying the said Act in the case of any foreign State, or by any subsequent Order, either

Suspend the operation within any such British possession of the said Act, or of any part thereof, so far as it relates to such foreign State, and so long as such law or ordinance continues in force there, and no longer;

or direct that such law or ordinance, or any part thereof shall have effect in such British possession with or without modification, as if it were part of the said Act;

And whereas certain other Acts of the said Parliament, specified in the third schedule to the said Act are thereby repealed as to the whole of Her Majesty's dominions; and it is provided that the said Act (with the exception of anything contained in it which is inconsistent with the treaties in the Acts so repealed), shall apply (as regards crimes committed either before or after the passing of the said Act) in the case of foreign States with which those treaties are made, in the same manner as if an Order in Council referring to such treaties had been made in pursuance of the said Act, and as if such Order had directed that every law and ordinance which is in force in any British possession with respect to such treaties, should have effect as part of the said Act;

And whereas one of the Acts so repealed as aforesaid, is the Act of the Parliament of the United Kingdom, passed in the session thereof, held in the sixth and seventh years of Her Majesty's Reign, and intituled, *An Act for giving effect to a treaty between Her Majesty and the United States of America, for the apprehension of certain*

offenders, in respect of the treaty referred to in which the Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's Reign, and intituled *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 the Act of the said Parliament, passed in the thirty-third year of Her Majesty's Reign, and intituled *An Act to amend the Act respecting the extradition of certain offenders to the United States of America*, is in force and will remain in force under the provisions of the Act of the Parliament of the United Kingdom, first above cited. And whereas, the said Acts of the Canadian Parliament having been found effective and convenient in practice, as respects the said treaty, it is expedient that they should continue to apply to the same, but in as much as other arrangements for like purposes have been or, may be hereafter made by Her Majesty by treaty or convention with respect to the surrender to foreign States of persons accused or convicted of the commission of certain crimes within the jurisdiction of such States, and the said Acts of the Parliament of Canada, apply only to cases under the treaty therein mentioned, and certain provisions of the Act of the Parliament of the United Kingdom, first above cited (hereinafter called the Imperial Act) would be found inconvenient in practice in Canada, and it is expedient to make provision for more conveniently carrying into effect in Canada any such arrangement as aforesaid, by the substitution of other enactments in lieu of those of the said Imperial Act;

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

1. This Act may be cited as "The Extradition Act, 1873," and shall come into force on the day to be appointed for that purpose, by the Governor in any proclamation whereby he shall signify that it has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to it, and by Her Majesty's Order in Council to suspend the operation of the said Imperial Act within the Dominion of Canada, when and so long as this Act comes into and continues in force except as hereinafter provided in the next following section as to proceedings theretofore commenced and to direct that this Act shall have effect in Canada, subject only to such modifications as may be thereafter made by the Parliament of Canada.

2. This Act shall, on its coming into force, apply to the treaties or conventions mentioned in the second schedule hereunto appended, and the arrangements under them so long as they are in force, and to the foreign States with which such treaties or conventions have been respectively made.

Where any other arrangement has been or shall be hereafter made by Her Majesty with any foreign State (except only the treaty with the United States of America, referred to in the Canadian Act cited in the preamble to this Act,) with respect to the surrender to such State of any fugitive criminals, the Governor may

by Order in Council direct that this Act shall apply to such foreign State and to such arrangement.

The Governor may, by the same or any subsequent Order in Council, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Canada specified in the Order, and may render the operation thereof subject to such conditions, exceptions, and qualifications, as may be deemed expedient.

Every such Order in Council shall recite or embody the terms of the arrangement to which it relates, and shall not remain in force for any longer period than the arrangement, and shall be published in the *Canada Gazette*.

Provided that proceedings for or in relation to the surrender of a fugitive criminal commenced under the said Imperial Act, or any other Act or law, before the coming into force of this Act, or before its application to the arrangement under which such surrender is demanded, may be continued and completed, and the fugitive criminal surrendered, as if this Act had not been passed.

3. The following restrictions shall be observed with respect to the surrender of fugitive criminals:—

(1.) A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove, to the satisfaction of the Judge, Recorder, or Commissioner before whom he is brought, or of the Court before which he is brought on *habeas corpus*, that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

(2.) A fugitive criminal shall not be surrendered to a foreign State unless provision is made by the law of that State, or by arrangement, that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to Her Majesty's dominions, be detained or tried in that foreign State for any offence committed prior to his surrender other than the extradition crime proved by the facts on which the surrender is grounded.

(3.) A fugitive criminal who has been accused of some offence within British or Canadian jurisdiction, not being the offence for which his surrender is demanded, or is undergoing his sentence for any such offence, shall not be surrendered until after he has been discharged, whether by acquittal or on expiration of his sentence or otherwise.

(4.) A fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

4. An Order of the Governor in Council for applying this Act in the case of any foreign State shall not be made unless the arrangement—

(1.) Provides for the determination of it by either party to it after the expiration of a notice not exceeding one year; and

(2.) Is in conformity with the provisions of this Act, and in par-

ticular with the restrictions on the surrender of fugitive criminals contained in this Act.

5. When an Order in Council applying this Act in the case of any foreign State has been published in the *Canada Gazette*, this Act (after the date specified in the Order, or, if no date be specified, after the date of its publicaton), shall, so long as the Order remains in force, but subject to the limitations, restrictions, conditions, and qualifications (if any) contained in the Order, apply in the case of such foreign State. An Order in Council shall be conclusive evidence of the treaty or convention therein referred to, and that the arrangement made under it complies with the requirements of this Act, and that this Act applies in the case of the foreign State mentioned in the Order. The publication in the *Canada Gazette* under an Order in Council, before or after the passing of this Act, of any treaty or convention mentioned in the second schedule to this Act, shall be conclusive evidence of such treaty or convention, and (after the coming into force of this Act) that this Act applies to the foreign State therein mentioned. The publication of any Order in Council under this Act in the *Canada Gazette* shall be conclusive evidence of such Order, and the validity of the Order shall not be questioned in any legal proceedings whatever.

6. When this Act applies in the case of any foreign State, every fugitive criminal of that State who is in or suspected of being in any part of Canada, or that part (if any) thereof which is specified in the Order in Council so applying this Act, as the case may be, shall be liable to be apprehended and surrendered in the manner provided by this Act, whether the crime in respect of which the surrender is demanded was committed before or after the time when this Act became applicable to such foreign State, and whether there is or is not concurrent jurisdiction in any Court in Canada over that crime.

7. Upon complaint made under oath, charging any person found within the limits of Canada with having been convicted of, or with having committed within the jurisdiction of any foreign State to which this Act applies any of the extradition crimes enumerated or provided for by the arrangement made between Her Majesty and such foreign State, it shall be lawful for any Judge of any of Her Majesty's Superior Courts in Canada, or any Judge of a County Court in Canada, or any Recorder of a city in Canada, or any Commissioner appointed for the purpose by the Governor under the Great Seal (which appointment the Governor is hereby authorized to make, and under which commission such Commissioner shall for all purposes of this Act have all the powers of a Judge of one of Her Majesty's Superior Courts), to issue his warrant for the apprehension of the person so charged, that he may be brought before such Judge, Recorder, or Commissioner; and upon such person being brought before him under such warrant, it shall be lawful for such Judge,

Recorder, or Commissioner, to examine upon oath any person or persons touching the truth of such charge, and upon such evidence as according to the laws of the Province in which he has been apprehended would justify the apprehension and committal for trial of the person so accused, if the crime of which he is so accused had been committed therein, it shall be lawful for such Judge, Recorder, or Commissioner, to issue his warrant for the commitment of the person so charged to the proper gaol, there to remain until surrendered according to the stipulation of the arrangement under which his surrender is demanded, or until discharged according to law; and the Judge, Recorder, or Commissioner, shall thereupon forthwith transmit or deliver to the Governor a copy of all the testimony taken before him to the end that a warrant may issue upon the requisition of the foreign State for the surrender of such fugitive criminal, pursuant to the arrangement aforesaid, unless the Governor should determine, as hereinafter provided, that he ought not to be surrendered.

8. The warrant of the Judge, Commissioner, or other officer, issued in pursuance of this Act, may be executed in any part of Canada in the same manner as if the same had been originally issued or subsequently endorsed by a justice of the peace having jurisdiction in the place where the same is executed.

9. In every case of complaint as aforesaid, and of a hearing upon the return of the warrant of arrest, and in all further proceedings in the case, copies of the depositions upon which the original warrant was granted in the foreign State purporting to be certified under the hand of the person or persons issuing such warrant, and attested upon the oath of the party producing them to be true copies of the original depositions, may be received in evidence of the criminality of the person so apprehended.

10. Foreign warrants and depositions or statements upon oath taken in a foreign State, and copies of such original depositions or statements, and foreign certificates of or judicial documents stating the fact of conviction, may likewise, if duly authenticated, be received in evidence in proceedings under this Act.

11. Foreign warrants and depositions or statements on oath, or copies thereof, and certificates of or judicial documents stating the fact of a conviction, shall also be deemed duly authenticated for the purposes of this Act if authenticated in the manner provided for the time being by law, or if authenticated as follows:—

(1.) If the warrant purports to be signed by a Judge, Magistrate or Officer of the foreign State where the same was issued;

(2.) If the depositions or statements or the copies thereof purport to be certified under the hand of a Judge, Magistrate or Officer of the foreign State where the same were taken, to be the original depositions or statements, or to be true copies thereof, as the case may require; and

(3.) If the certificate of, or judicial document stating the fact of a

conviction purports to be certified by a Judge, Magistrate or Officer of the foreign State where the conviction took place; and

If, in every case, the warrants, depositions, statements, copies, certificates or judicial documents (as the case may be) 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 State of such foreign country. And all Courts of Justice, Judges, Recorders, Commissioners and others acting under this Act, shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

12. The Judge, Recorder or Commissioner, before whom a fugitive criminal is brought shall hear the case in the same manner and have the same jurisdiction and powers, as nearly as may be, as if the prisoner were brought before him charged with an indictable offence committed in the Province in which the hearing takes place, and shall receive any evidence which may be tendered to show that the crime of which the prisoner is accused or alleged to have been convicted is an offence of a political character and not an extradition crime.

13. In the case of a fugitive criminal alleged to have been convicted of an extradition crime, if such evidence is produced as (subject to the provisions of this Act) proves that the prisoner was convicted of such crime, the Judge, Recorder, or Commissioner shall commit him to prison, otherwise shall order him to be discharged,

If such fugitive criminal is committed to prison, he shall be committed to the gaol to which he would have been committed if the crime had been committed at the place where such commmitment madebeen

14. If the Judge, Recorder or Commissioner commits a fugitive criminal to prison he shall inform such criminal 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*.

15. After the expiration of the said fifteen days, or if a writ of *habeas corpus* is issued, after the decision of the Court upon the return to the writ, as the case may be, the Governor upon the requisition of the foreign State, may by warrant under his hand and seal order such fugitive criminal (if not discharged on the decision of the Court) to be surrendered to the person or persons who may in his opinion be duly authorized to receive such fugitive criminal in the name and on the behalf of the foreign State requiring his surrender, and such fugitive criminal shall be surrendered accordingly.

It shall be lawful for the person to whom such warrant is directed to deliver, and for the person or persons so authorized as aforesaid to receive, hold in custody and convey within the jurisdiction of the foreign State, the criminal mentioned in the warrant, and if such criminal escapes out of any custody to which he may be

delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person accused of any crime against the laws of the Province in which the escape occurs may be retaken upon an escape.

16. In case at any time after such commitment as aforesaid, the Governor determines that the person so committed, ought not to be so surrendered as aforesaid, the Governor may by warrant under his hand and seal order such person to be discharged out of custody upon such commitment.

17. In case any person so committed to prison under this Act, is not surrendered and conveyed out of Canada within two months after such commitment, or if a writ of *habeas corpus* has been issued, within two months after the decision of the Court on the return of such writ, over and above in either case the time required to convey such person from the gaol 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 any of Her Majesty's Superior Courts in Canada, having power to grant a writ of *habeas corpus*, upon application made to him or them by or on behalf of the person so committed, and upon proof made to him or them that reasonable notice of the intention to make such application has been given to the Secretary of State of Canada, to order the person so committed to be discharged out of custody, unless sufficient cause be shewn to such Judge or Judges why such discharge should not be ordered.

GENERAL PROVISIONS.

18. This Act shall not affect or be construed as affecting the provisions of the Imperial Act first hereinbefore cited, (and of which, under the provisions thereof, and the Order of Her Majesty in Council under them, this Act will form part) as respects the incidents or consequences of the surrender of any fugitive criminal, after he is conveyed out of Canada, or any proceeding, matter or thing to be had or done out of Canadian jurisdiction, which will be governed by the said Imperial Act.

19. The Governor may by Order in Council, revoke or alter (subject to the restrictions of this Act), any Order in Council made in pursuance of this Act, and all the provisions of this Act with respect to the original Order shall (so far as applicable) apply, *mutatis mutandis*, to any such new Order.

20. For the purpose of this Act, every colony, dependency, and constituent part of a foreign State, and every vessel of that State shall be deemed to be within the jurisdiction of, and to be part of such foreign State.

21. The testimony of any witness may be obtained in any Province of Canada, relating to any criminal matter pending in any

Court or tribunal in a foreign State, in like manner as it may be obtained in such province in relation to any civil matter under any Act or law then in force in such Province, and all Courts, Judges and other functionaries shall have like powers for obtaining such testimony in any criminal matter, as they then have in any civil matter; Provided that nothing in this section shall apply in the case of any criminal matter of a political character.

22. In this Act, unless the context otherwise requires—

The term "Extradition Crime," means a crime which if committed in Canada, or within Canadian jurisdiction, would be one of the crimes described in the first schedule to this Act, and for which the person committing it may be surrendered to any foreign State, under any arrangement for such purpose.

The terms "Conviction" and "Convicted" do not include or refer to a conviction which under foreign law is a conviction for contumacy; but the term "accused person" includes a person convicted for contumacy.

The term "Fugitive Criminal" means any person accused or convicted of an extradition crime committed within the jurisdiction of any foreign State, who is in or suspected of being in some part of Canada; and the term "fugitive criminal of a foreign State," means a fugitive criminal accused or convicted of an extradition crime committed within the jurisidction of that State.

The term "Warrant" in the case of any foreign State, includes any judicial document authorizing the arrest of a person accused or convicted of crime.

23. This Act shall continue in force with respect to any foreign State while any arrangement with such foreign state to which this Act applies is in force, but not any time when no such arrangement is in force.

SCHEDULES.

FIRST SCHEDULE.

List of Crimes.

The following list of crimes is to be construed according to the law existing in the Province where the construction is to be applied, at the date of the alleged crime, whether by common law or by Statute made before or after the passing of this Act :—

Murder and 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.

Embezzlement and larceny.

Obtaining money or goods by false pretences.

Crimes by bankrupts against bankruptcy law.

Fraud by a bailee. banker, agent, factor, trustee, or director, or member, or public officer of any company, made criminal by any Act for the time being in force.

Rape.

Abduction.

Child stealing.

Burglary and housebreaking.

Arson.

Robbery with violence.

Threats by letter or otherwise with intent to extort.

Piracy by law of nations.

Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

Assault on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.

Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas aganst the authority of the master.

SECOND SCHEDULE.

Treaties or Conventions to the arrangements under which and the foreign States being parties to which this Act will apply as soon as it comes into force.

Convention between Her Majesty and the King of Denmark for the mutual surrender of criminals. Signed at London, 15th April, 1862. Ratifications exchanged at London, 27th May, 1862.

Convention between Her Majesty and the King of the French, for the apprehension and surrender of certain offenders. Signed at London, 13th February, 1843. Ratifications exchanged at London, 13th March, 1843.

Treaty between Her Majesty and the Emperor of Germany for the mutual surrender of criminals. Signed at London, 14th May, 1872. Ratifications exchanged at London, 11th June, 1872.

Treaty between Her Majesty and the King of the Belgians, for the surrender of criminals. Signed at Brussels, 31st July, 1872. Ratifications exchanged at Brussels, 29th August, 1872.

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An Act further to amend the "Act to make further provision for the government of the North West Territories."

IN amendment of the Act passed in the thirty-fourth year of Her Majesty's reign, intituled "An Act to make further provision for the Government of 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:

The laws, institutions and ordinances which the Governor in Council is empowered by the said Act from time to time to authorize the Lieutenant-Governor of the North West Territories to make, ordain and establish for the administration of justice in the same, and for the peace, order and good government of Her Majesty's subjects and others therein, shall hereafter be made, ordained and established by the Lieutenant-Governor, by and with the advice and consent of the Council appointed under the said Act, or any Act amending it, to aid in the administration of the North West Territories; and any order of the Governor in Council made under the said Act, and giving such authority to the Lieutenant-Governor and his Council, is hereby confirmed, and shall be in force until repealed or altered by any subsequent order of the Governor in Council made under the Act first herein cited.

2. Subject to the provisions hereinafter made, it shall be lawful for the Governor in Council to make laws for the peace, order and good government of the said North West Territories and of Her Majesty's subjects therein, in relation to all matters and subjects in relation to which the Lieutenant Governor and his Council aforesaid are not then empowered to make laws, and for that purpose, either to make new laws or to extend and apply and declare applicable to the North West Territories, with such amendments and modifications as may be deemed necessary, any Act or Acts of the Parliament of Canada, or any parts thereof, and from time to time to amend or repeal any such laws and make others in their stead. The power hereby given shall extend to the modification, amendment or repeal of any Act mentioned in the schedule to this Act; and the Lieutenant-Governor, acting with the advice and consent of his Council, shall have like powers with respect to the subjects and matters in relation to which he is empowered to make laws.

3. Provided always, that no law to be so made, either by the Governor in Council or by the Lieutenant-Governor of the said Territories, with the advice and consent of his Council, shall:

1. Be inconsistent with any provision of any Act of the Parliament of Canada expressly referring to the said Territories, or

2. Impose any tax or any duty of customs or excise, or any penalty exceeding one hundred dollars; or

3. Alter or repeal the punishment provided by any Act mentioned in the schedule to this Act, or extended as aforesaid to the said Territories, for any crime or offence, or the legal description or character of the crime or offence itself; or

4. Create any offence punishable by imprisonment for more than one year; or by fine exceeding one hundred dollars; or by both fine and imprisonment to the extent aforesaid, or

5. Appropriate any public money, lands or property of the Dominion without the authority of Parliament;

And a copy of every such law made by the Lieutenant-Governor of the said Territories and his Council, shall be mailed for transmission to the Governor in Council within ten days after its passing, and may be disallowed by him at any time within two years after its passing; and every such law made by the Governor in Council shall be laid before both Houses of Parliament as soon as conveniently may be after the making and passing thereof.

4. Any copy of any law made by the Governor in Council, or by the Lieutenant-Governor of the North West Territories, with the advice and consent of his Council, printed in the Canada Gazette or purporting to be printed by the Queen's Printer at Ottawa, or by the Queen's Printer or Printer to the Government of Manitoba at Winnipeg, shall be *primâ facie* evidence of such law, and that it is in force.

5. Unless and until it is otherwise ordered under this Act, and subject to the provisions of any Act passed during the present session, such provisions of the customs and excise laws of Canada, including those fixing the amount of duty, as shall be in force at any time in Manitoba, shall be also in force in the said North West Territories.

6. Unless and until it is otherwise ordered by any law to be made under this Act, and subject to the provisions of any Act passed during the present session, the Acts mentioned in the schedule to this Act, as limited in the said schedule, shall apply to and be in force in the said North West Territories, as shall also all Acts of the Parliament of Canada relating to the executive government and the several departments thereof, the public works of the Dominion, and the postal service and offences against the Acts relating thereto.

7. This Act shall come into force on the first day of July, in the present year 1873, and not before.

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 aggression 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. *Act amended by* 32, 33 *Vict., 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.
	Acts passed in the Second Session, 32, 33 Victoria, 1869.
18	An Act respecting offences relating to the Coin.
19	An Act respecting Forgery.
20	An Act respecting offences against the Person.
21	An Act respecting Larceny and other similar offences.
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 on Public Works. *As amended by* 33 *Vic., cap.* 28.
29	An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law. *Sections* 1 *to* 7, *both inclusive, relating to the apprehension of offenders; sections* 81 *to* 87, *both inclusive, relating to the punishment of offences; and sections* 125 *to* 138, *both inclusive, relating to pardons, undergoing sentence, limitation of actions and prosecutions, and general provisions. The whole Act will apply, in Manitoba, to offences committed in the North West Territories, but triable in Manitoba, and the persons committing them.*
30	An Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictableoffences. *So far as respects indictable offences committed in the North West Territories and triable in Manitoba, or committed in some Province of Canada, and the offender apprehended in the North West Territories.*
31	An Act relating to the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders. *Except so much of this Act (orofany Act amending it) as gives any appeal from any conviction or order adjudged or made under it.*

Chapter.	TITLES.
32	An Act respecting the prompt and summary administration of criminal justice in certain cases. *In applying this Act to the North West Territories, 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.*
33	An Act respecting the trial and punishment of juvenile offenders. *In applying this Act to the North West Territories, 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 or upwards, and it shall not be necessary that recognizance be transmitted to any Clerk of the Peace.*

An Act to authorize free grants of land to certain original settlers and their descendants, in the territory now forming the Province of Manitoba.

WHEREAS by the Act passed in the thirty-third year of Her Majesty's reign, 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*," provision is made for setting apart one million four hundred thousand acres of land in the said Province for the benefit of the families of the half-breed residents therein, at the time of its transfer to Canada, the said extent of land being equal to about one hundred and forty acres for each such person; and whereas there are in the said Province, certain persons being original settlers, who came into the Red River country under the auspices of Lord Selkirk, between the years 1813 and 1835, or children of such original settlers, who are not half-breeds and cannot therefore claim any part in the lands set apart under the Act above cited, although they are fairly entitled to consideration: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Under regulations to be from time to time made by the Governor in Council, the Lieutenant Governor of Manitoba shall select from the ungranted lands of the Crown such lots or tracts in such parts of the Province as he may deem expedient, not exceeding in the whole forty-nine thousand acres, for the purpose of making free grants thereof to persons now resident in the Province, being original white settlers who came into the Red River country under the auspices of Lord Selkirk, between the years 1813 and 1835, both inclusive, or the children, not being half-breeds, of such original settlers, and such grants may be made in such mode and on the same conditions as to settlement or otherwise, as regulate the grants to half-breeds under the Act above cited, but no such grant to any one person shall exceed one hundred and forty acres.

No. 152] **BILL.** [1873.

An Act to make Temporary Provisions for the Election of Members to serve in the House of Commons.

WHEREAS it is expedient to make temporary provisions for the election of members to serve in the House of Commons of Canada; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. This Act shall be in force during one year from the time of the passing thereof, and from thence until the end of the next Session of Parliament, and no longer. Duration of Act.

2. The laws in force in the several Provinces of Canada, Nova Scotia, and New Brunswick at the time of the Union, on the first day of July, 1867, relative to the following matters, that is to say:—The qualifications and disqualifications of persons to be elected or to sit or vote as members of the Legislative Assembly or House of Assembly in the said several Provinces respectively, the voters at elections of such members, the oaths to be taken by voters, the powers and duties of Returning Officers, and generally the proceedings at and incident to such elections, shall as provided by the British North America Act, 1867, continue to apply respectively to elections of members to serve in the House of Commons for the Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick, subject to the exceptions and provisions hereinafter made. What laws shall apply in the four senior Provinces.

3. The polling at any election of a member to serve in the House of Commons, for any Electoral District in either of the Provinces of Quebec or Ontario, shall continue for one day only, and the Poll shall be opened at nine o'clock in the morning and closed at five o'clock in the afternoon of such day. Polling for one day only in Ontario and Quebec.

4. In the Province of Ontario, subject to the special provisions hereinafter made, the qualification of voters at elections for members of the House of Commons shall be that established by the laws in force in that Province on the twenty-third day of January 1869, as the qualification of voters at elections of members of the Legislative Assembly, and the voters' lists to be used at elections of members of the House of Commons shall be the same as if such elections were of members of the Legislative Assembly on the basis of the qualification aforesaid, and the polling sub-divisions or wards shall be the same as if such elections were for members of the Legislative Assembly; and the returning officer shall provide a polling place for each sub-division or ward in the most central and convenient place for such elections. Qualification of voters, &c., in Ontario, generally.

5. The oath or affirmation to be required of voters in the said Province, shall be that prescribed by the fifty-fourth section of Oath of voters.

chapter six, of the Consolidated Statutes of Canada, and no other, except only in the electoral districts of Algoma and Muskoka, as hereinafter provided.

Voters in Algoma, Muskoka, and new townships in Renfrew.

6. The Electoral Districts of Algoma and Muskoka, and in the new Townships added during the Session of Parliament held in the thirty-fifth year of Her Majesty's reign, to the South Riding of the County of Renfrew, the persons entitled to vote at elections for members of the House of Commons shall be male persons, of the full age of twenty-one years, subjects of Her Majesty by birth or naturalization, and not otherwise disqualified, being at the time of the election, owners of real estate in the Electoral District for which they claim to vote, of the value of two hundred dollars or upwards, or householders in the same, and having been such owners or householders, during the six months next preceding the election; subject to the following provisions:

Where voters lists have been made.

(1.) In any place in the said Electoral Districts of Algoma and Muskoka, or in the said new townships in Renfrew, for which voters' lists have been made, the same provisions shall apply as in other electoral districts in the said Province, and the oath or affirmation to be required of voters shall be the same;

In other places.

(2.) In other places in the said Electoral District of Muskoka, and Algoma, and in the said new towships, the oath or affirmation to be required of voters, shall be varied by omitting the words "that you are (*name of voter*) whose name is entered on the list of voters now shown to you," and inserting instead thereof the words "that you are the owner of real estate in this Electoral District, of the value of two hundred dollars," (*or* "that you are a householder at in this Electoral District, (*as the case may be,*) and that you have been such owner, (*or* such householder,) during the six months next preceding this election."

Proceedings at elections in Algoma and Muskoka.

7. In the said Electoral Districts of Algoma and Muskoka, the like rules shall be observed and the like instructions given, for the conduct of and proceedings at elections of Members of the House of Commons, as were observed and given at the now last election of Members of the said Electoral Districts respectively; except as regards the qualification of electors, and the oath or affirmation which may be required of them, which shall be as hereinbefore provided, and except also as to those townships and places in which voters' lists have been made, to and in which the laws relating to the qualification of voters and the conduct of and proceedings at elections in electoral districts other than Algoma and Muskoka, shall apply and be observed.

Special provisions for Province of Quebec.

8. In the Province of Quebec:—

Any copy of the Voters list certified as being a true copy thereof, by the Clerk, Treasurer, or Secretary Treasurer, having made or having the custody of the original, shall be held to be a "duplicate" of such Voter's list for all the purposes of the Act of the Legislature of the late Province of Canada, 27 Victoria, chapter 8, as respects elections for Members to serve in the House of Commons of Canada:—

Any Registrar who shall deliver to a Deputy Returning officer, any list of Voters which shall not be conformable to the duplicate or certified copy of a Voters' list deposited in the office of such Registrar, at least one month before the date of the writ of elections shall incur a penalty of *four hundred dollars* for each copy so delivered.

Any Clerk, Treasurer, or Secretary-Treasurer, of any City or Municipality, who shall deliver to any Registrar any duplicate or certified copy of a list of Voters which shall not be conformable to that remaining of record in the office of such Clerk, Treasurer, or Secretary-Treasurer, as made from the assessment rolls, shall, for each list so delivered, incur a penalty of four hundred dollars.

The penalties hereby imposed shall be recoverable and appropriated in the manner provided by the sixth chapter of the Consolidated Statutes of the late Province of Canada, with respect to penalties of like amount imposed by that chapter.

The foregoing provisions of this section shall apply only to elections for the House of Commons of Canada, and to Voters' lists to be used at such elections.

Notwithstanding anything to the contrary in sub-section three of section eleven, of chapter six of the Consolidated Statutes of Canada, the Clerk, Treasurer or Secretary-Treasurer may certify the correctness of the list or lists of Voters made out by him, before one Justice of the Peace, instead of two, as required by the said sub-section.

Polling districts in Quebec.

9. If in the Province of Quebec, the Returning Officer for any Electoral District finds by the Voters' list for any polling District, or Sub-division thereof, that the number of voters therein exceeds two hundred, he shall proceed to divide the same in the most convenient manner, and so that there shall not be more than two hundred voters in each Sub-division, and shall provide a polling place for each such Sub-division, and shall furnish for each polling place a copy of the Voters' list or so much thereof as is required for the Sub-division, and any provisions of the law in the said Province with respect to the voting or the right to vote at the polling place in any polling district or Sub-division thereof, shall apply to any polling Sub-division to be established under this section; Provided always, that at any time after the passing of this Act, the Municipal Council of the City, Town or other Local Municipality having jurisdiction over the locality, may divide such City, Town or Local Municipality into Electoral Sub-divisions, so that there shall not be more than two hundred voters in each such Sub-division, and such power shall be exercised under the provisions of section two, of the Act of the Legislature of the late Province of Canada, passed in the Session held in the 29th and 30th years of Her Majesty's reign, chapter 13, and the power given by this Act to the Returning Officer to make such Sub-division shall be exercised only in case the Municipal Council shall not have made such Sub-division, or the time for appealing against the same if made shall not have expired; provided also, that instead of the limitation of distance between the polling places prescribed by the fourth section of the said Act, the distance between polling places in Cities, Towns and Incorporated Villages shall not be less than one hundred yards, nor in other Local Municipalities less than one mile.

Special provisions as to voters' lists in Nova Scotia.

10. In the Province of Nova Scotia, all persons nominated as Revisors, under chapter twenty-eight of the Acts of the Legislature of the said Province, passed in the year 1863, intituled "*An Act to regulate the Election of Members to serve in the General Assembly*," shall, in the present year 1873, within three months after the passing of this Act, and in any future year during which this Act shall be in force, at the time of their preparing the annual list of Electors qualified to vote at elections of Members of the

General Assembly, prepare also and file with the Clerk of the Peace a like alphabetical list of Electors qualified to vote at elections of Members to serve in the House of Commons of Canada, by adding to the lists of Voters for Members of the General Assembly, the names of all officials and employees of the Dominion Government qualified to vote at elections of Members of the General Assembly under the laws in force in Nova Scotia on the first day of July, 1867, but who may have been disqualified by any Act of the Legislature of that Province, passed after the said day:

The lists first made shall form the register of Electors of Members of the House of Commons, until the next years lists shall be made and perfected, and the provisions of sections twenty-five, twenty-six and twenty-seven respectively, of the said chapter, shall be held applicable to such future lists, and for every neglect or wilful breach of duty under this section, the Revisors shall be subject to the like penalties prescribed in section twenty-four of the said chapter.

Polling districts in New Brunswick.

11. In the Province of New Brunswick, the polling districts and polling lists shall be the same as if the elections were for Members of the Legislative Assembly, notwithstanding any changes that may have been made in such polling districts and lists since the first day of July, 1867.

Special provisions as to Manitoba.

12. In the Province of Manitoba, and in the Province of British Columbia, the laws in force at the time of any election of a Member or Members to serve in the House of Commons for any Electoral District in either of the said Provinces, relative to the following matters or any of them, namely, the qualifications or disqualifications of persons to be elected or to sit or vote as Members of the Legislative Assembly of Manitoba or of the Legislative Council of British Columbia, (as the case may be), the oaths to be taken by voters, the powers and duties of Returning Officers, the proceedings at elections, the trial of controverted elections and proceedings incident thereto, the vacating the seats of members, and the issue and execution of new writs in case of seats vacated otherwise than by dissolution, shall apply respectively to elections of Members to serve in the House of Commons for the same Province.

Polling for one day only in Manitoba and British Columbia.

13. In the Provinces of Manitoba and British Columbia respectively, the polls at any election of a Member to serve in the House of Commons, shall be held only on one day, and shall open at nine o'clock in the morning and close at five o'clock in the afternoon of the same day; and the Returning Officer at any election, in either of the said Provinces, of a Member to serve in the House of Commons, shall have the like powers for dividing any polling district as are vested in Returning Officers in the Province of Quebec by the ninth section of this Act, which shall apply to Manitoba and British Columbia, respectively.

Qualification of voters, &c. in Manitoba.

14. In the Province of Manitoba, the qualification of voters shall, in places (if any) for which voters' lists have been made for the Legislative Assembly, under any Provincial law in that behalf then in force, be the same as that established by such law, and such lists shall be used at the elections; but if no such lists have been made, and in places for which such lists have not been made, the qualification shall be that established by the Act of the Parlia-

ment of Canada, 33 Vic., cap 3,—and in all respects (except as aforesaid as to the qualification of voters) the like laws and rules shall be observed, and the like instructions given, for the conduct of and proceedings at elections of members of the House of Commons, as were observed and given at the now last election of members of the House of Commons in the said Province.

15. In the Province of British Columbia, the qualification of voters shall, in places (if any) for which voters' lists have been made for the Legislative Assembly under any Provincial law in that behalf, then in force, be the same as that established by such law, and such lists shall be used at the elections; but if no such lists have been made, and in places for which such lists have not been made, the qualification shall be the same as at the last election of Members of the House of Commons, and in all other respects the like laws and rules shall he observed, and the like instructions given, for the conduct of and the proceedings at elections of Members of the House of Commons, as were observed and given at the now last elections of Members of the House of Commons in the said Province. And in British Columbia.

General Provisions.

16. For the purpose of Elections of Members to serve in the House of Commons, the Governor General shall cause writs to be issued by such person, in such form, and addressed to such Returning Officer as he thinks fit; the persons issuing writs under this section shall have the like powers as were possessed at the Union by the officers charged with the issuing of writs for the Election of Members to serve in the respective Legislative Assembly or House of Assembly of the Provinces of Canada, Nova Scotia or New Brunswick, or as may be possessed by any such officer in Manitoba or British Columbia respectively immediately before such election; and the Returning Officer to whom writs are directed under this section shall have the like powers as were possessed at the time of the Union in the Provinces of Qnebec, Ontario, Nova Scotia, or New Brunswick, or in the Province of Manitoba or British Columbia, immediately before such Election by the officers charged with the returning of writs for the election of Members to serve in the same respective Legislative Assembly, House of Assembly or Legislative Council, subject to the provisions of this Act. Writs of election and returning officer, &c.

17. The Governor in Council may make a tariff of fees, costs and expenses, to be paid and allowed by the Dominion Government to the Returning Officers and other officers and persons employed at or in respect to elections of Members to serve in the House of Commons of Canada, and such tariff shall be substituted for any provision in any Statute now in force in the Provinces of Ontario, Quebec, Nova Scotia, New Brunswick Manitoba and British Columbia, respecting such fees, costs and expenses. Tariff of fees.

18. No Candidate at any Election shall directly or indirectly, employ any means of corruption by giving any sum of money, office, place, employment, gratuity, reward, or any bond, bill or note, or conveyance of land, or any promise of the same, nor shall he, either by himself, or his authorized agent for that purpose, threaten any Elector with losing any office, salary, income, or advantage, with the intent to corrupt or bribe any Elector to vote Punishment for corrupt practices by candidates returned.

for such candidate, or to keep back any Elector from voting for any other Candidate, nor shall he open and support or cause to be opened and supported at his costs and charges, any house of public entertainment for the accommodation of the Electors; and if any representative returned to the House of Commons, is proved guilty before the proper Tribunal, of using any of the above means to procure his Election, his Election shall be thereby declared void and he shall be incapable of being a Candidate, or being elected, or returned during that Parliament.

Or by candidates not returned.

19. If any candidate who shall not have been returned is proved guilty before the proper Tribunal of using, during any such election means of corruption, he shall be incapable of being a candidate or being elected or returned during the Parliament for which such election was held.

No.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to make Temporary Provision for the Election of Members to serve in the House of Commons.

Received and read, First time, Thursday 15th, May.

Second reading, Friday, 16th May, 1873.

Rt. Hon. Sir JOHN A. MACDONALD.

OTTAWA:

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

1873.

An Act further to amend the law respecting certain matters of procedure in criminal cases.

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

1. Section one hundred and five 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 Proceedings in Criminal Cases, and other matters relating to Criminal Law," is hereby repealed and the following substituted in lieu thereof:

"105. The Lieutenant-Governor, upon such evidence of the insanity of any person imprisoned for an offence, or imprisoned for safe custody charged with an offence, or imprisoned for not finding bail for good behavior or to keep the peace as the Lieutenant-Governor shall consider sufficient, may order the removal of such insane person to a place of safe keeping, and such person shall remain there, or in such other place of safe keeping as the Lieutenant-Governor may from time to time order, until his complete or partial recovery shall be certified to the satisfaction of the Lieutenant-Governor, who may then order such insane person back to imprisonment, if then liable thereto, or otherwise to be discharged."

2. No answer given by any person to any question put to him in any suit or proceeding, civil or criminal, shall be used against such person in any criminal proceeding other than an indictment for perjury, if the presiding judge or justice shall have given to such person a certificate that he made full and pertinent answers to the satisfaction of such judge or justice in such first mentioned suit or proceeding.

3. Notwithstanding anything in the thirty-sixth section of the Act passed in the session aforesaid, intituled "*An Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences*," or in any other Act where any justice or justices of the peace binds by recognizance the prosecutor and witnesses, or any of them, to appear and prosecute or prosecute and give evidence or give evidence as the case may be, it shall not, in the Province of Ontario, be necessary, in cases within the competence of the sessions of the peace, that such recognizance be conditioned for the appearance of such person or persons at the next Court of Oyer and Terminer, although such Court of Oyer and Terminer may be the next court of competent jurisdiction to be held; but such justice or justices may take such recognizance for the appearance of the said parties at the next sittings of the sessions; and in any such case, if the person charged is admitted to bail, the recognizance of bail shall be conditioned for his appearance at the

like court; and if the person charged is committed for trial the committing justice or justices shall write, according to the fact, upon the warrant a memorandum that a recognizance to prosecute or prosecute and give evidence or give evidence, as the case may be, has been taken for the next Sessions or for the next Court of Oyer and Terminer; and in case, for any cause, the person charged is tried at an earlier court than that for which any such recognizance has been taken, the recognizance shall thereupon become void.

No. 154.] **BILL.** [1873.

An Act respecting the Export Duties imposed on Lumber by the Legislature of the Province of New Brunswick.

Preamble.

WHEREAS by chapter fifteen, title three, of the Revised Statutes of New Brunswick, amended and made permanent by later Acts of the Legislature of that Province, certain duties of export on lumber shipped therefrom are imposed, the proceeds whereof belong to the said Province; and by section one hundred and twenty-four of "*The British North America Act*, 1867," it is provided that nothing in that Act shall affect the right of New Brunswick to levy the lumber dues imposed by the said Provincial Act or any Act amending it, before or after the Union:

Treaty of Washington.

And whereas, by article XXX of the Treaty of Washington, it is agreed that for the term of years mentioned in article XXXIII, Her Majasty's subjects may carry in British vessels without payment of duty, goods, wares and merchandise from one port or place within the territory of the United States, upon the St. Lawrence, the great lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid; provided that a portion of such transportation is made through the Dominion of Canada by land carriage, and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States; and, by Article XXXI of the said Treaty, it is declared that Her Britannic Majesty further engages to urge upon the Parliament of the Dominion of Canada, and the Legislature of New Brunswick, that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine watered by the River St. John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the Province of New Brunswick, and that in case any such export or other duty continues to be levied after the expiration of one year from the date of the exchange of the ratifications of the said treaty, it is agreed that the Government of the United States may suspend the right of carrying therein before granted under article XXX of the said Treaty, for such period as such export or other duty may be levied:

And whereas, the privilege granted by article XXX of the said Treaty will be of advantage to Her Majesty's subjects in Canada, and tend to facilitate the commerce of the Dominion with the United States, and it is therefore desirable that such arrangements should be made with the Province of New Brunswick respecting the said export duty on lumber as will prevent the suspension of the said privilege, and with that view to offer to the said Province such fair indemnity as will compensate the present and prospective loss it would sustain by the total repeal of the said export duty and the abandonment of the right to

impose any such duty in future, inasmuch as it would be difficult to abolish the said duty on lumber cut on American territory only, without incurring great loss and expense and the risk of possible misunderstanding with citizens and authorities of the United States;

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

Additional subsidy if N. B. repeals duty and abandons right to impose it.

1. If the Legislature of the Province of New Brunswick shall pass an Act providing for the repeal of all duties of export on lumber exported from the said Province, and renouncing and abandoning all right of imposing any such duty thereafter, to the satisfaction of the Governor-General, then from the time such repeal shall take place, there shall be paid to the said Province out of the Consolidated Revenue Fund of Canada, and in addition to any subsidy to which the said Province may be then entitled, a subsidy at the rate of one hundred and fifty thousand dollars annually, as indemnity for the loss of such duties and the right to impose the same.

No. 154.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act respecting the Export Duties imposed on Lumber by the Legislature of the Province of New Brunswick.

Received and read first time, Saturday, 17th May, 1873.

Second reading, next sitting, same day.

Rt. Hon. Sir JOHN A. MACDONALD.

OTTAWA:

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

An Act to amend the Act of the present Session, intituled "*An Act to incorporate the Canada and Detroit River Bridge Company.*"

IN amendment of the Act passed in the present Session of the Parliament of Canada, intituled "*An Act to incorporate the "Canada and Detroit River Bridge Company,*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The thirty-third section of the said Act, which is in the following words, that is to say :

"**33.** This Act shall have no force or effect until duly certified "copies of any Act passed by the Legislature of the State of "Michigan, incorporating any company for objects similar to "those contemplated by this Act, and of any Act of Congress of "the United States conferring necessary powers in respect of the "same are filed in the Department of the Secretary of State of "Canada, upon which the Governor in Council may by proclamation order that from and after a day to be mentioned therein "this Act shall be of full force and effect, and this Act shall "accordingly thenceforth have full force and effect,"—

is hereby repealed, and shall be null and of no effect.

No. 156.] **BILL.** [1873.

An Act to readjust the amounts payable to and chargeable against the several Provinces of Canada by the Dominion Government so far as they depend on the debt with which they respectively entered the Union.

Preamble.

WHEREAS by the provisions of the *British North America Act*, 1867, and by the terms and conditions under which the Provinces of British Columbia and Manitoba were admitted into the Dominion, Canada became liable for the debts and liabilites of of each Province, existing at the time of its becoming part of the Dominion, subject to the provision that each Province should, in account with Canada, be charged with interest at the rate of five per cent. per annum on the amount by which its said debts and liabilities exceeded, or should receive interest at the same rate by half yearly payments in advance, on the amount by which its said debts and liabilities fell short of, certain fixed amounts :

And whereas the amount fixed as aforesaid in the case of the Provinces of Ontario and Quebec, conjointly (as having theretofore formed the Province of Canada), was sixty-two million five hundred thousand dollars ($62,500,000), and the debt of the said late Province, as now ascertained, exceeded the said sum by ten million five hundred and six thousand and eighty-eight dollars and eighty-four cents ($10,506,088.84) for the interest as aforesaid on which the said two Provinces were chargeable in account with Canada :

And whereas it is expedient to relieve the said Provinces of Ontario and Quebec from the said charge, and for that purpose hereafter to consider the fixed amount in their case as increased by the said sum of ten million five hundred and six thousand and eighty-eight dollars and eighty-four cents ; and to compensate the other Provinces for this addition to the general debt of Canada : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Increase of the sum fixed by B. N. A. Act, as to Quebec and Oatario, as to other Provinces in same proportion.

1. In the accounts between the several Provinces of Canada and the Dominion, the amounts payable to and chargeable against the said Provinces respectively, in so far as they depend on the amount of debt with which each Province entered the Union, shall be calculated and allowed as if the sum fixed by the one hundred and twelfth section of the *British North America Act*, 1867, were, increased from sixty-two million five hundred thousand dollars, to the sum of seventy-three million, six thousand and eighty-eight dollars and eighty-four cents, and as if the amounts fixed as aforesaid, as respects the Provinces of Nova Scotia and New Brunswick, by the *British North America Act*, 1867, and as respects the Provinces of British Columbia and Manitoba by the terms and conditions on which they were admitted into the Dominion, were increased in the same proportion.

Subsidies in July, 1873.

2. The subsidies to the several Provinces, in July, one thousand eight hundred and seventy-three, shall be paid in accordance with the foregoing provisions of this Act.

Sums under this Act now paid and accounted for.

3. All sums payable under this Act shall be a charge upon and payable out of the Consolidated Revenue Fund of Canada and accounted for in like manner as other moneys payable for like purposes out of the same.

No. 156.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to readjust the amounts payable to and chargeable against the several Provinces of Canada by the Dominion Government so far as they depend on the debt with which they respectively entered the Union.

Received and read first time, Monday, 19th May, 1873.

Second reading, Tuesday, 20th May, 1873.

HON. MR. TILLEY.

OTTAWA:

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

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An Act for the re-adjustment of the salaries and allowances of the Judges and other Public Functionaries and Officers, and of the indemnity to the Members of the Senate and House of Commons.

WHEREAS it is expedient, in view of the increased cost of living consequent upon the diminished value of money and other causes, to re-adjust the salaries and allowances of the Judges and other public functionaries and officers, hereinafter mentioned, and the indemnity to the members of the Senate and House of Commons; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. So much of the Act passed in the thirty-first year of Her Majesty's reign and intituled, "*An Act respecting the Governor General, the Civil List, and the salaries of certain Public Functionaries,*" and 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 to amend the Act thirty-first Victoria, chapter thirty-three, and to make further provision with respect to the salaries and travelling allowances of the Judges,*" and of the Act passed in the thirty-fifth year of Her Majesty's reign and intituled, "*An Act further to amend the Act* 31 *Victoria chapter* 33," as fixes the salary and allowances of any judge, public functionary or officer hereinafter mentioned otherwise than the same is or are fixed by this Act, or as may be in any wise inconsistent with the provisions of this Act, is hereby repealed.

2. The salaries of the following Ministers, Members of the Queen's Privy Council for Canada, shall be as follows, viz.:—

The Minister of Justice and Attorney General	$7,000	per annum.
The Minister of Militia and Defence	7,000	„
The Minister of Customs	7,000	„
The Minister of Finance	7,000	„
The Minister of Public Works	7,000	„
The Minister of Inland Revenue	7,000	„
The Minister of the Interior	7,000	„
The President of the Queen's Privy Council	7,000	„
The Minister of Marine and Fisheries	7,000	„
The Postmaster General	7,000	„
The Minister of Agriculture	7,000	„
The Secretary of State of Canada	7,000	„
The Receiver General	7,000	„

And the Member of the Queen's Privy Council holding the recognized position of First Minister shall receive, in addition, one thousand dollars per annum, commencing from 1st January, 1873.

3. The salaries of the Lieutenant Governors of the several Provinces shall be as follows, viz. :—

The Lieutenant Governor of Quebec.	$10,000	per annum.
The Lieutenant Governor of Ontario.	10,000	„
The Lieutenant Governor of Nova Scotia.....	9,000	„
The Lieutenant Governor of New Brunswick.....	9,000	„
The Lieutenant Governor of Manitoba	9,000	„
The Lieutenant Governor of British Columbia.....	9,000	„

4. The Legislature of the Province of Quebec having at its now last session enacted that the Superior Court for that Province shall be composed of one Chief Justice and twenty-five Puisne Judges, the salaries of the several Judges of the Court of Queen's Bench and the Superior Court for the said Province shall be as follows, viz. :—

The Chief Justice of the Court of Queen's Bench	$6,000	per annum.
Four Puisne Judges of the said Court, each.....	5,000	„
The Chief Justice of the Superior Court	6,000	„
Ten Puisne Judges of the said Court, each.....	5,000	„
Twelve Puisne Judges of the said Court, each.....	4,000	„
Three Puisne Judges of the said Court, each.....	3,500	„

5. The salaries of the Judges of the Court of Queen's Bench, Chancery and Common Pleas in the Province of Ontario, shall be as follows, viz. :—

The Chief Justice of the Court of Queen's Bench.....	$6,000	per annum.
Two Puisne Judges of the said Court, each.....	5,000	„
The Chancellor.....	6,000	„
Two Vice-Chancellors, each.....	5,000	„
The Chief Justice of the Court of Common Pleas.....	6,000	
Two Puisne Judges of the said Court, each.....	5,000	„

And to the present presiding Judge of the Court of Error and

Appeal for the said Province, there shall be paid in addition to his present allowance as such, a further allowance of one thousand dollars per annum, that sum being equal to the increase hereby made to the salary of the Chief Justice of the Court of Queen's Bench, the office theretofore held by the said presiding Judge.

6. The salaries of Judges of the Supreme Court in the Province of Nova Scotia, shall be as follows, viz. :—

The Chief Justice of the said Court	$5,000	per annum.
The Judge in Equity.....	5,000	„
Five Puisne Judges of the said Court, each.....	4,000	„

7. The travelling allowances of each of the Judges mentioned in the four next preceding sections, shall be, as at present, such as may be allowed him by the Governor in Council.

8. The salaries of the Judges of the Court of Queen's Bench in the Province of Manitoba, shall be as follows, viz. :—

The Chief Justice of the said Court.	$5,000	per annum.
Two Puisne Judges of the said Court, each.....	4,000	„

9. The salaries of the Judges of the Supreme Court of British Columbia appointed after the passing of the said Act, passed in the thirty-fifth year of Her Majesty's reign, intituled "*An Act to amend the Act* 31 *Victoria chapter* 33," shall be as follows, viz. :—

The Chief Justice of the said Court...	$5,000	per annum.
Two Puisne Judges of the said Court, each.....	4,000	„

The salaries of the Chief Justice and Puisne Judge of the said Court appointed before the passing of the said Act, remaining as mentioned in it.

10. Except in the County of York, in the Province of Ontario, and the County of St. John, in the Province of New Brunswick; the salary of each County Court Judge to be hereafter appointed, shall be two thousand dollars per annum, with two hundred dollars for travelling expenses; and the salary of any County Court Judge, or of the Judge of the District of Algoma, hereafter appointed, or heretofore appointed and having heretofore received a salary less than two thousand four hundred dollars per annum, shall, after a period of three years of service as such County Court Judge, be two thousand four hundred dollars per annum, with the travelling allowances aforesaid; and in each of the said Counties of York and St. John, the salary of any County Judge hereafter appointed shall be two thousand four hundred dollars, with two hundred dollars for travelling expenses; and the salary of the pre-

sent Judge of the County Court of the County of St. John shall be the sum last aforesaid, the salary of the present Judge of the County Court of the said County of York remaining as it now is:

The salary of each Junior Judge of a County Court in either of the said Provinces shall be two thousand dollars per annum, with two hundred dollars for travelling expenses.

11. The several increases of salaries, and other changes made by the foregoing sections of this Act, shall take effect from and after the first day of January in the present year one thousand eight hundred and seventy-three, and the increased salaries shall be payable in the same manner, out of the consolidated revenue fund of Canada, as provided by the Act first hereinbefore cited with respect to the salaries therein mentioned.

12. In case any Judge of a County Court in either of the Provinces of Ontario or New Brunswick becomes, after having continued in such office of Judge of a County Court in either of the said Provinces for fifteen years or upwards, afflicted with some permanent infirmity disabling him from the due execution of his office, then in case such Judge resigns his office, Her Majesty may by Letters Patent under the Great Seal of Canada, reciting such period of office and his disability from permanent infirmity duly to execute his office, grant such County Judge an annuity equal to two-thirds of the annual salary of which he was in receipt at the time of his resignation, to commence immediately after his resignation and to continue thenceforth during his natural life and be payable *pro rata* for any period less than a year during such continuance, out of any unappropriated monies forming part of the Consolidated Revenue Fund of Canada.

13. The Act passed in the thirty-first year of Her Majesty's reign, and intituled "*An Act relating to the Indemnity to Members and the Salaries of the Speakers, of both Houses of Parliament*," is hereby amended as follows, viz.:—

(1.) The first section of the said Act is hereby repealed and the following substituted for it, as the first section of the said Act,—

"In each Session of Parliament there shall be allowed to each Member of the Senate and House of Commons, attending at such Session, ten dollars for each day's attendance, if the Session do not extend beyond thirty days, and if the Session extends beyond thirty days, then there shall be payable to each Member of the Senate and House of Commons attending at such Session a Sessional allowance of one thousand dollars, and no more."

(2.) The deductions to be made under the second and fifth sections of the said Act, shall be made at the rate of eight dollars per day, instead of five dollars as provided by the said sections.

(3.) The words "ten dollars" shall be substituted for the words "six dollars" whenever the last mentioned words occur in the third and fifth sections of the said Act.

(4.) The said amendments shall apply to the present Session of

Parliament; and if in the said present Session either House should adjourn for a longer period than thirty days, such adjournment shall for the purposes of the said Act as hereby amended, be equivalent to a prorogation,

14. The twelfth section of the Act last aforesaid is hereby repealed and the following substituted for it as the twelfth section of the said Act,—

"The following salaries shall be payable to the officers hereinafter mentioned respectively:

To the Speaker of the Senate the sum of four thousand dollars per annum;

To the Speaker of the House of Commons the sum of four thousand dollars per annum;—"

And the said section as so amended shall take effect from the first day of January in the present year, one thousand eight hundred and seventy-three.

15. The other provisions of the Act last aforesaid shall apply to the sums mentioned in this Act in like manner as they did to those for which they are hereby respectively substituted.

16. The sum of seventy-five thousand dollars out of the Consolidated Revenue Fund of Canada, is hereby appropriated for the purpose of enabling His Excellency the Governor General to re-adjust the salaries of the Civil Servants in Canada, for the year beginning on the first day of January in the present year, one thousand eight hundred and seventy-three;—and

Out of the said Fund the sum of two thousand and five hundred dollars is hereby appropriated to effect a re-adjustment of the salaries of the officers and servants of the Senate, and the sum of five thousand dollars to effect a re-adjustment of the salaries of the officers and servants of the House of Commons, for the year beginning as aforesaid.

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An Act respecting the admission of the Colony of Prince Edward Island as a Province of the Dominion.

WHEREAS it is probable that Her Majesty the Queen may, in pursuance of the provisions of the British North America Act, 1867, be pleased to admit the Colony of Prince Edward Island into the Union or Dominion of Canada, before the next Session of the Parliament of Canada, and it is therefore expedient to make certain provisions which shall take effect in the event of such admission: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. On, from and after the day on which the said Colony of Prince Edward Island shall be admitted to the Union or Dominion of Canada, as a Province thereof, by Her Majesty the Queen, by and with the advice of Her Majesty's Most Honorable Privy Council, under the provisions of the one hundred and forty-sixth section of the British North America Act, 1867, all the Acts of the Parliament of Canada, passed in the present or any former session thereof, and relating to the following subjects or any of them, that is to say:—

1. The Executive Government and several Departments thereof:
2. The Civil Service of the Dominion;
3. The Legislature and Legislation;
4. The Senate and House of Commons, including the proceedings therein, and the vacating of the seats of Members of the House of Commons and the filling of vacancies;
5. The Public Works of the Dominion;
6. The Postal service, including the penal clauses of the Acts relating thereto;
7. The extradition of fugitive Criminals from foreign countries;
8. The Navigation of Canadian waters;
9. Light houses, buoys and beacons;
10. The Customs and Excise, including the Tariff of duties;

Shall,—in so far as they are not inconsistent with the provisions of the said British America Act, 1867, or with those of the Order of Her Majesty in Council admitting the said Colony into the Union or Dominion, and in so far as the said Acts respectively apply to the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick generally, and not to only to one or more of them in particular,—apply to and be in force in the said Colony or Province of Prince Edward Island, as if it had formed part of Canada, when the said Acts were respectively passed,—subject always to the provisions hereinafter made.

2. The Governor in Council may from time to time, suspend, relax or modify as respects Prince Edward Island any of the provisions or requirements of the said Acts respecting the Customs or Excise, (except such as fix the duties payable under them,) which he may deem it impracticable or inconvenient to enforce in the said Island.

3. If after the admission of Prince Edward Island into the Dominion, there be brought from it into any other Province of Canada, any article of commerce not being the produce of the Island or of Canada, and liable to any duty of customs when imported into Canada from any foreign country, or any such article produced in the Island, and liable to a duty of excise if produced in Canada for consumption therein, then if such Canadian duty of customs or excise be greater than the duty of customs or excise paid on such article in the Island, the difference between the Canadian duty and the duty paid in the Island, shall be payable on such article when brought from the said Island into any other Province of Canada, and such difference shall be collected under such regulations as the Governor in Council may from time to time make in that behalf; and any such difference of duty payable under this section shall be a duty of customs within the meaning of the Acts respecting the customs hereby extended to the said Island all the provisions whereof, (including those respecting warehousing) and the penalties for contravention of such provisions, shall apply to such difference of duty.

4. The two next preceeding sections shall be in force until the end of the now next session of the Parliament of Canada, and no longer.

5. Any Order in Council, regulation, contract, arrangement, or appointment for giving effect to this Act, or to Her Majesty's Order in Council for the admission of Prince Edward Island into the Union or Dominion, may be made before such admission, to take effect after the same.

No. 159.] **BILL.** [1873.]

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, 1873, and the 30th June, 1874, and for other purposes relating to the Public Service.

MOST GRACIOUS SOVEREIGN,

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-three, and the thirtieth day of June, one thousand eight hundred and seventy-four, 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:—

1. From and out of the Consolidated Revenue Fund of Canada, there shall and may be applied a sum not exceeding in the whole seven hundred and ninety-two thousand eight hundred and sixty-four dollars and eighty-two 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-two, to the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-three, not otherwise provided for, and set forth in Schedule A to this Act, and also for the other purposes in the said Schedule mentioned.

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 twenty-two million two hundred and sixty-one thousand nine hundred and seventy dollars and thirty-six 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-three, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy-four not otherwise provided for, and set forth in the Schedule B to this Act, and for other purposes in the said Schedule mentioned.

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.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the financial year ending 30th June, 1873, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CIVIL GOVERNMENT.	$ cts.	$ cts.
Agents Marine and Fisheries, and Public Works Department, Victoria, B. C., and Contingencies		6,000 00
ADMINISTRATION OF JUSTICE.		
Further to provide for Administration of Justice, Manitoba, North-West Territories, and British Columbia		25,000 00
POLICE.		
Quebec Water Police, to provide for addition to force	7,700 00	
Montreal Water Police, do do	3,300 00	
		11,000 00
LEGISLATION.		
To provide for excess cost for printing and binding the Statutes, in consequence of the unexpectedly increased bulk		4,500 00
ARTS, AGRICULTURE AND STATISTICS.		
To provide for expenses incurred in connection with the organization of the Patent Record		2,000 00
PUBLIC WORKS AND BUILDINGS. (*Chargeable to Capital.*)		
Further aid to construct Railway from the Acadia Iron Mines, Londonderry, N.S., to the Intercolonial Railway	4,000 00	
Intercolonial Railway, 100 platform cars	67,125 00	
Pacific Railway Survey	350,000 00	
		421,125 00
PUBLIC WORKS AND BUILDINGS. (*Chargeable to Income.*)		
Red River Road	46,000 00	
Repairs, &c., Public Buildings	35,000 00	
Public Buildings generally	5,000 00	
To provide for purchase of land required for the Examining Warehouse, Montreal	78,843 20	
		164,843 20
OCEAN AND RIVER STEAM AND PACKET SERVICE.		
Further required for maintenance of steamers and extraordinary repairs to the "Sir James Douglas"		5,000 00
Carried forward.		639,468 20

SCHEDULE A.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	.....	639,468 20
PENITENTIARIES.		
QUEBEC PENITENTIARY.		
rther required in the fiscal year for:		
Salaries and maintenance	15,000 00	
Organization	34,910 00	
		49,910 00
LIGHT HOUSES AND COAST SERVICE.		
laries and maintenance of Light Keepers, &c. :—		
Nova Scotia	8,500 00	
Below Quebec	5,000 00	
Between Quebec and Montreal (including repairs of steamer "Richelieu")	5,000 00	
		18,500 00
MISCELLANEOUS.		
penses in connection with the burial of the bodies recovered from the wreck of the steamship *Atlantic*, providing coffins, &c., and for conferring rewards on the Rev. Mr. Ancient, and the other inhabitants in the vicinity of Prospect Cape, who rescued and provided for the persons saved from the wreck	.....	3,000 00
COLLECTION OF REVENUES.		
CUSTOMS.		
meet the probable increase of expenditure at the Port of Montreal and the other principal ports of the Dominion	.....	10,000 00
UNPROVIDED ITEMS.		
(*Vide* Public Accounts 1871-72, Part ii, page 437.)		
NEW MILITIA PENSIONS.		
cess of Expenditure over Appropriation	80 00	
OCEAN AND RIVER STEAM AND PACKET SERVICE.		
an Line, Halifax to Cork—Excess of Expenditure over Appropriation	0 64	
PUBLIC WORKS AND BUILDINGS, CHARGEABLE TO CAPITAL.		
Pacific Railway Survey.		
cess of Expenditure over Appropriation	19,576 48	
COLLECTION OF REVENUES.		
Public Works.		
w Brunswick Railways—Excess of Expenditure over Appropriation 50,752 08		
tario and Quebec, Maintenance—Excess of Expenditure over Appropriation 1,577 42		
	52,329 50	
		71,986 62
Total	.....	792,864 82

SCHEDULE B.

SUMS granted to Her Majesty by this Act, for the financial year ending 30 June, 1874, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CHARGES OF MANAGEMENT.	$ cts.	$ c
Financial Inspector	2,600 00	
Office of Assistant Receiver General, Toronto	6,000 00	
do do Montreal	5,500 00	
Auditor and do Halifax, N.S.	10,500 00	
do do St. John, N.B.	7,500 00	
do do Fort Garry	4,000 00	
do do Victoria, B.C.	9,000 00	
Country Savings Banks, New Brunswick, Nova Scotia, and British Columbia	3,450 00 4,000 00 1,000 00	
Seignorial Tenure and Commission	6,000 00	59,550
CIVIL GOVERNMENT.		
The Governor General's Secretary's Office	5,982 50	
The Department of the Queen's Privy Council for Canada	11,650 00	
do Justice	9,550 00	
do Militia and Defence	30,480 00	
do Secretary of State	27,727 50	
do do for the Provinces	16,920 00	
do Receiver General	17,247 50	
do Finance	45,460 00	
do Customs	24,835 00	
do Inland Revenue	19,775 00	
do Public Works	41,360 00	
The Post Office Department	66,410 00	
The Department of Agriculture	30,630 00	
Department of Marine and Fisheries	20,015 00	
Treasury Board Office	3,150 00	
Marine and Fisheries Department Agencies	15,200 00	
Dominion Lands Office, Manitoba	4,800 00	
Public Works Department, British Columbia	4,000 00	
Departmental Contingencies	150,000 00	
Stationery Office, for Stationery	15,000 00	
To meet the possible amount required for new appointments by an extension of the Staff, or other change	10,000 00	570,192
ADMINISTRATION OF JUSTICE.		
Miscellaneous	10,000 00	
Circuit Allowances, British Columbia	5,000 00	
do Manitoba	2,000 00	17,000
POLICE.		
Police of the Dominion	25,000 00	
Water Police, Montreal	13,395 00	
River Police, Quebec	20,200 00	58,595
Carried forward		705,337

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		705,337 50
LEGISLATION.		
SENATE.		
Salaries and Contingent Expenses of the Senate	43,268 00	
HOUSE OF COMMONS.		
Salaries and Contingencies per Clerk's Estimate	77,515 00	
Salaries and Contingencies per Sergeant at Arms' Estimate	33,130 00	
MISCELLANEOUS.		
Grant to Parliamentary Library	6,000 00	
Printing, Binding and Distributing the Laws	11,000 00	
Printing, Printing Paper and Bookbinding	35,000 00	
Contingencies of the Clerk of the Crown in Chancery	1,000 00	
Miscellaneous Printing	2,000 00	
To provide for Maps required for the use of the Railway Committee	2,800 00	
		211,713 00
GEOLOGICAL SURVEY AND OBSERVATORIES.		
To provide for the purchase of a Diamond Borer	6,000 00	
OBSERVATORIES.		
Observatory, Quebec	2,400 00	
do Toronto	4,800 00	
do Kingston	500 00	
do Montreal	500 00	
do Halifax (Revote)	1,500 00	
do New Brunswick	1,000 00	
Grant for Meteorological Observatories, including instruments and cost of Telegraphing Weather Warnings	37,000 00	
Rebuilding Observatory, Quebec (Revote $4,000)	7,000 00	
To provide Signal Stations and Semaphores from Cape Gaspé to Father Point, and Telegraph Signals and Weather Warnings from Point Lepreaux to St. John, N.B.	4,000 00	
		64,700 00
ARTS, AGRICULTURE AND STATISTICS.		
Salaries and Contingent Expenses of Statistical Office, Halifax	4,100 00	
Salaries of 316 Deputy Registrars, Province of Nova Scotia, and allowance for getting Marriage Returns	1,880 00	
To meet expenses in connection with the care of Archives	4,000 00	
To meet expenses in connection with the organization of the Patent Record	4,000 00	
To meet the possible amount required in the fiscal year for the Census, *i.e.* the unexpended balance of the year 1872-73, which is to be carried forward, and which is estimated at $130,000	130,000 00	
		143,980 00
Carried forward		1,125,730 50

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		1,125,730 50
IMMIGRATION AND QUARANTINE.		
Salaries of Immigration Agents and Employés	21,050 00	
do do Travelling Agents	12,000 00	
Medical Inspection of the Port of Quebec	2,600 00	
Quarantine, Grosse Isle	12,900 00	
do St. John, N.B.	3,400 00	
do Miramichi, N.B.	1,000 00	
do Halifax, N.S.	5,260 00	
do Pictou, N.S.	1,000 00	
To meet expenses of further precautionary measures for the Public Health	20,000 00	
Contingencies of Canadian and other regular Agencies	14,000 00	
Travelling expenses of Travelling Agents	14,000 00	
Grants in aid of the Provinces towards encouraging Immigration	70,000 00	
Towards assisting Immigration, and meeting Immigration Expense	150,000 00	
		327,210 00
MARINE HOSPITALS.		
Marine and Emigrant Hospital, Quebec	24,000 00	
Marine Hospitals, New Brunswick and Nova Scotia, Hospital at St. Catherines, and Maintenance, &c., of Shipwrecked and Sick and Distressed Seamen at the several Ports of the Dominion	36,500 00	
To provide grant to Marine Hospital, Kingston, Ont	500 00	
To provide for a Building to be used as a Hospital, at Arichat, N.S.	1,000 00	
		62,000 00
PENSIONS.		
Samuel Waller, late Clerk, House of Assembly	400 00	
L. Gagné, Messenger do	72 00	
John Bright do	80 00	
Mrs. Antrobus	800 00	
NEW MILITIA PENSIONS.		
Mrs. Caroline McEachern and four children	292 00	
Jane Lakey	146 00	
Rhoda Smith	110 00	
Janet Alderson	110 00	
Margaret McKenzie	80 00	
Mary Ann Richey and two children	336 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	
John White	109 50	
Thomas Charters	91 25	
Charles T. Robertson	110 00	
Percy G. Routh	400 00	
Carried forward	3,896 50	1,514,940 50

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	3,896 50	1,514,940 50
NEW MILITIA PENSIONS.—*Continued.*		
Richard S. King	400 00	
George A. McKenzie	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	
Mary Connor	110 00	
Mary Hodgins and three children	191 00	
John Martin	110 00	
L. 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	
Mrs. George Prentice and children	400 00	
Ellen Kirkpatrick and three children	266 00	
Ensign Fahey	200 00	
To grant a pension to Mary Hannah Tempest, widow of the late Dr. Tempest, and to her child, in consideration of the death of her son, Wm. Fairbanks Tempest, on whom she was dependent, and who was killed at Ridgeway, 2nd June, 1866	298 00	
COMPENSATION TO PENSIONERS.		
In lieu of land	9,000 00	
		16,314 75
PUBLIC WORKS AND BUILDINGS.		
(*Chargeable to Capital.*)		
DOMINION RAILWAYS.		
Intercolonial Railway	3,570,000 00	
Intercolonial Railway—Branch Line from Dorchester Station to Dorchester Island (Revote)	25,000 00	
Intercolonial Railway Construction	331,240 00	
Intercolonial Railway :—		
Deep Water Terminus at Father Point (Revote) 250,000 00		
Construction New Offices, Moncton, Workmen's Dwellings, Branch and Sidings, Water Supply, &c. 99,000 00		
Snow Sheds and Fences 40,000 00		
	389,000 00	
Extension Railway Terminus at Halifax, including Railway Wharf at Richmond Deep Water Terminus (Revote)	250,000 00	
Increased accommodation at St. John and Pointe du Chêne (Revote) 75,000 00		
Deep Water Wharf at St. John (Revote) 84,000 00		
	159,000 00	
Pacific Railway Survey	500,000 00	
CANALS.		
For works of construction	5,277,000 00	
PUBLIC BUILDINGS	362,000 00	
Total chargeable to capital		10,863,240 00
Carried forward		12,394,495 25

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			12,394,495 25
PUBLIC WORKS AND BUILDINGS.			
(*Chargeable to Income.*)			
RAILWAYS.			
Railway Wharf (Dalhousie)	6,000 00		
Spring Hill Branch Line (Intercolonial)	6,000 00		
		12,000 00	
CANALS.			
Additional Supply of Water and Improvement of Canal Basin, Ottawa (Revote)	11,000 00		
Lock at Culbutes Rapids (Revote $20,000)	70,000 00		
Houses, Superintendent and Lock Master—Chambly Canal —(Revote $1,240)	2,000 00		
Miscellaneous Works	15,000 00		
Rideau Canal	12,000 00		
		110,000 00	
IMPROVEMENT OF RIVERS.			
Removal of Rock at Cap à la Roche, St. Lawrence	5,000 00		
Removal of Rock at River Richelieu, Quebec (Revote)	4,000 00		
Removal of Rock known as "The Two Sisters," Fraser River, Saw Mill Riffle Rock, British Columbia, (Revote)	4,000 00		
Tow Path, and removal of obstructions, River St. John, N.B.	8,000 00		
Improvement of Red River Navigation, Manitoba	5,000 00		
To defray the cost of Dredging the Bay at the mouth of River Thames (Revote)	5,000 00		
Improvement of Rivers	10,000 00		
St. Croix River, N. B.	25,000 00		
Removal of Chains and Anchors, St. Lawrence River	10,000 00		
Dredge to remove Slabs, &c., Ottawa River	25,000 00		
		101,000 00	
ROADS AND BRIDGES.			
Temiscouata Métapédiac, and Huntingdon and Port Louis Roads (Military Roads)		10,000 00	
Red River Road		198,000 00	
Bridge over Red River, at Fort Garry		50,000 00	
SURVEYS AND INSPECTIONS		46,500 00	
ARBITRATIONS AND AWARDS		10,000 00	
MISCELLANEOUS WORKS NOT OTHERWISE PROVIDED FOR		10,000 00	
PUBLIC BUILDINGS.			
Ottawa Post Office, Custom House, and Inland Revenue Office towards Construction (Revote $25,000)	85,000 00		
Toronto Custom House, Savings Bank, Examining Warehouse, and Inland Revenue Office (Revote $14,000)	108,000 00		
Toronto and Quebec, Post Offices (Revote $30,000)	60,000 00		
London Immigration Station	2,000 00		
Montreal Post Office, towards Construction (Revote $85,000)	185,000 00		
Montreal Immigration Station	6,000 00		
Carried forward	446,000 00	547,500 00	12,394,495 25

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	446,000 00	547,500 00	12,394,495 25
PUBLIC WORKS AND BUILDINGS.—*Con'd.*			
PUBLIC BUILDINGS.—*Continued.*			
...e Rivers Custom House and Inland Revenue Office (Revote $10,000)	10,000 00		
...se Isle, Quarantine Station (Revote $14,000)	19,000 00		
...s Immigration Station	4,000 00		
...brooke Immigration Station	500 00		
...ou Custom House and Inland Revenue Office (Revote)	10,000 00		
...a Scotia Quarantine Stations	18,000 00		
do Marine Hospitals	25,000 00		
...ohn, New Brunswick, Post Office, towards Construction (Revote $35,000)	55,000 00		
...ohn, New Brunswick, Savings Bank Building	10,000 00		
...Brunswick Quarantine Stations (Revote $1,000)	4,000 00		
do Marine Hospital	12,000 00		
...itoba Custom House, Inland Revenue Office, Post Office, Land Office, and Assistant Receiver General's Office (Revote $30,000)	35,000 00		
...itoba Penitentiary	25,000 00		
...sh Columbia Custom House, Post Office and Inland Revenue Office (Revote)	23,000 00		
...sh Columbia Marine Hospital	25,000 00		
do Penitentiary	25,000 00		
...ilton Post Office (additional)	9,000 00		
...rnment House (Fort Garry)	10,000 00		
...om House, Public Works, Marine and Fisheries and Finance Offices, British Columbia	25,000 00		
...ic Buildings generally	35,000 00		
		825,500 00	
RENTS, REPAIRS, HEATING, ETC.			
...s, repairs and furniture	80,000 00		
...ing Public Buildings, Ottawa	35,000 00		
...oval of Snow do	2,000 00		
...treal Custom House, Improvements and Repairs	8,000 00		
...ohn, N.B., Custom House, Improvements and Repairs	5,000 00		
...wance for fuel and light, Rideau Hall	5,000 00		
...rovement of ventilation, heating and lighting Parliament Buildings	20,000 00		
...ing Apparatus, Toronto Post Office	5,000 00		
		160,000 00	
SLIDES AND BOOMS.			
...Maurice Works (Revote $5,500)	31,500 00		
...wa River, Slide at Roche Capitaine Rapids (Revote $16,500)	20,000 00		
...wa River, Booms at Cheneaux Rapids	16,000 00		
...r des Prairies	4,500 00		
...cilitate the descent of timber, Fenelon River	4,000 00		
...ellaneous	15,000 00		
		91,000 00	
Carried forward		1,624,000 00	12,394,495 25

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	1,624,000 00	12,394,495 25
PUBLIC WORKS AND BUILDINGS.—*Continued.*		
HARBOURS AND PIERS.		
Lakes Erie and Huron (Revote $50,000)	200,000 00	
Presqu'ile, Lake Ontario	9,000 00	
Pier for Lighthouse and Lighthouse, Port Stanley, Lake Erie (Revote)	7,000 00	
Kingston Harbor, Ontario (Revote $3,000)	6,000 00	
New Breakwater, and certain works of dredging at Collingwood, Georgian Bay, the Northern Railway Company to furnish an equal amount (Revote)	35,000 00	
House Harbour, Magdalen Islands (Revote $2,000)	4,000 00	
Amherst Harbour do	6,000 00	
Rivière du Loup en haut (local authorities furnishing an equal amount) (Revote)	4,000 00	
River Saguenay, Pier and Lighthouse	6,000 00	
Mabou Harbor, Nova Scotia	30,000 00	
Liverpool Harbour, N.S., Harbour of Refuge (Revote $13,000)	33,000 00	
Macnairs Cove, N.S. (Revote)	7,000 00	
To repair the breaches made in the Bar at Yarmouth, N.S. (Revote $3,000)	6,500 00	
Harbour Works, Ingonish South, Cape Breton, N.S	50,000 00	
Oak Point Harbour Works, N.S	1,000 00	
Port Greville do	6,000 00	
Breakwater, Joggins, N.S., on condition that a like sum has been expended, or is furnished by the locality for the same purpose	10,000 00	
Bathurst Harbour, New Brunswick (Revote)	2,000 00	
Richibucto Harbour, New Brunswick	28,000 00	
Herring Cove, N. B., Harbour of Refuge, towards construction (Revote)	12,000 00	
Grand Manan Harbour, N.B. (Tonnage dues to be collected by the Government) (Revote $2,000)	5,000 00	
Breakwater at Wilson's Beach, Campo Bello, N. B. (Local authorities furnishing an equal amount) (Revote)	1,000 00	
Petitcodiac, N. B., improvement of channel to Moncton (Railway Harbour) (Revote $7,000)	7,000 00	
Dipper Harbour, N. B.	10,000 00	
St. John, N.B., and Toronto, Ont., Harbours (Surveys)	10,000 00	
Dredging	55,000 00	
Dredge vessels	76,000 00	
Pier and Lighthouse at Bay St. Paul	6,000 00	
Big Tracadie	6,000 00	
Kincardine Harbour	10,000 00	
Cow Bay—to strengthen breakwater	10,000 00	
Inverhuron Landing Pier	6,000 00	
Little Bras d'Or Gut, Cape Breton	6,000 00	
Port Albert, Lake Huron	6,000 00	
Ports George and Williams	3,500 00	
Napanee Harbour, removal of obstructions at entrance	5,000 00	
Herring Cove, N.B.	5,000 00	
Salmon River and Plympton Harbour—shelter for vessels.	5,000 00	
Victoria, B.C.—Improvement of entrance	6,000 00	
Chedabucto Bay—Porpers Pond Breakwater	5,000 00	
Carried forward	706,000 00	1,624,000 00 12,394,495 25

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	706,000 00	1,624,000 00	12,394,495 25
PUBLIC WORKS AND BUILDINGS.—*Continued.*			
HARBOURS AND PIERS.—*Continued.*			
helieu River—Piers at Chambly entrance and removal of boulders in channel of river and approaches to canal...	16,000 00		
en Cove Breakwater	2,500 00		
ourg Harbour—Survey and Works (provided local authorities spend an equal sum)...	25,000 00		
ou Island.....	2,000 00		
eville Harbour—Removal of obstructions at entrance..	5,000 00		
sborough Pier and Lighthouse	1,500 00		
y Pier—To complete	2,500 00		
ford Harbour, Lake Huron.....	15,000 00		
Pond, Cape Breton—Opening beach	2,000 00		
Hood Pier.....	500 00		
arous Bay, Cape Breton.....	2,000 00		
erich Harbour—To renew docking (local authorities furnishing an equal amount).....	20,000 00		
michi.....	15,000 00		
Maitland—To complete work.....	1,000 00		
eville Harbour—removal of obstructions (additional)..	5,000 00		
den Pier and Canada Creek, N.S.....	5,000 00		
		826,000 00	
Total chargeable to income			2,450,000 00
OCEAN AND RIVER STEAM PACKET SERVICE.			
DOMINION STEAMERS.			
ntenance and repairs of Steamers *Napoleon III.*, *Druid*, *Lady Head* and *Sir James Douglas*.....		93,500 00	
MAIL SUBSIDIES.			
ety payable to Allan Line between Halifax and Cork.....		39,541 64	
m communication between Quebec and the Maritime Provinces....		15,000 00	
m communication between Prince Edward Island and Ports of the Dominion.....		1,600 00	
m communication between Halifax and St. John *via* Yarmouth..		10,000 00	
m communication on Lakes Huron and Superior.....		12,500 00	
m communication from St. John, New Brunswick, to ports in Basin of Minas.....		4,000 00	
m service between San Francisco and Victoria, British Columbia..		54,000 00	
eased mail service between Prince Edward Island, Pictou, and Hawkesbury.....		600 00	
m communication from Sarnia to Lake Superior.....		6,250 00	
Carried forward		236,991 64	14,844,495 25

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	236,991 64	14,844,495 2
OCEAN AND RIVER STEAM PACKET SERVICE.—*Cont'd.*		
TUG SERVICE.		
Between Montreal and Kingston	12,000 00	
Richibucto and Miramichi	4,500 00	253,491 64
PENITENTIARIES.		
Penitentiary, Kingston, Ontario	111,073 78	
Rockwood Asylum, Ontario	64,305 00	
Penitentiary, Halifax, N.S	21,016 10	
do St. John, N.B	47,131 00	
Directors of Penitentiaries	9,000 00	
Penitentiary of Quebec, Quebec	105,000 00	357,525 88
MILITIA.		
ORDINARY.		
Salaries of Military Branch and Distict Staff	32,540 00	
Salaries of Brigade Majors	27,460 00	
Allowances for Drill Instruction; to be extended to the 1st November, 1874, it being impossible to get in all the claims under this head, before the expiration of the financial year	40,000 00	
Military Schools, including the pay of the Superintendent and his Clerk	40,000 00	
Ammunition	45,000 00	
Clothing	90,000 00	
Military Stores	40,000 00	
Public Armouries and care of arms, including the pay of storekeepers and caretakers, storemen, and the rents, fuel and light of public armouries, to be extended to the 1st November, 1874, it being impossible to get in all the claims under this head, before the expiration of the financial year	52,000 00	
Drill pay, and all other incidental expenses connected with the drill and training of the militia; to be extended to the 1st November, 1874, it being impossible to get in all the claims under this head before the expiration of the financial year	370,000 00	
Contingencies and general service not otherwise provided for, including assistance to Rifle Associations and bands of efficient corps	58,000 00	
Targets	5,000 00	
Drill sheds and rifle ranges	10,000 00	
EXTRAORDINARY.		
Gunboats	10,000 00	
Care and maintenance of properties transferred from the Ordnance and the Imperial Government	20,000 00	
For improved firearms ("Snider" Rifles and "Henry Martini" Rifles	40,000 00	
Carried forward	880,000 00	15,455,512 77

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		880,000 00	15,455,512 77
MILITIA.—*Continued.*			
EXTRAORDINARY.—*Continued.*			
Ordnance and equipment of Field Batteries of Artillery		20,000 00	
Pay, maintenance and equipment of "A" and "B" Batteries Garrison Artillery and Schools of Gunnery, including salaries and allowances of the Inspector of Artillery and Warlike Stores and Commandant of "A" Battery at Kingston, and the Commandant of "B" Battery and Inspector of Artillery, &c., for the Province of Quebec		100,000 00	
			1,000,000 00
LIGHTHOUSES AND COAST SERVICE.			
Construction of Lighthouses, Fog Trumpets, etc.		120,000 00	
Salaries and allowances	134,617 50		
Oil—93,000 gallons Petroleum	20,770 00		
Maintenance, ordinary and extraordinary repairs of Lighthouses and Light Ships, Steam Fog Whistles, Buoys and Beacons, Signal Stations, &c.	177,200 00		
Steamer *Richelieu*, maintenance and repairs	8,864 00		
Schooner for the delivery of coal and other supplies to Lighthouses and Steam Fog Whistles	8,000 00		
		349,451 50	
Works of Construction, viz :—			
To rebuild Lighthouse and Dwelling-house at Digby Gut, N.S., recently burned down	5,000 00		
Keeper's dwelling, Mouton, N.S.	600 00		
Fog Bell, Cape Beald, B.C.	2,000 00		
Lighthouse, Long Island, Frontenac, Ontario	1,000 00		
		8,600 00	
Trinity House, Quebec		7,995 00	
To defray salaries and contingencies for services now performed by Trinity House, Montreal		5,903 00	
Removal of wreck of barque *Chryséis* at St. Jean, Port-Joli, Province of Quebec		1,000 00	
Sable and Seal Islands Humane Establishment		8,000 00	
Cape Race Light		300 00	
Maintenance, &c :			
To provide a Humane Station at Cape Canso, County of Guysboro,' N.S.		150 00	
			501,399 50
FISHERIES.			
Salaries and disbursements of Fishery Overseers and Wardens :			
Ontario	7,400 00		
Quebec	8,000 00		
Nova Scotia	9,755 00		
New Brunswick	7,080 00		
		32,235 00	
Maintenance and repairs of *La Canadienne*		9,000 00	
Fish-breeding, Fishways and oyster beds		10,600 00	
Carried forward		51,835 00	16,956,912 27

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	51,835 00	16,956,912 27
FISHERIES.—*Continued.*		
To cover expenditure for Salaries and disbursements of additional Fishery Overseers and Wardens, Nova Scotia	3,000 00	
To cover expenditure for Salaries and disbursements of additional Fishery Overseers and Wardens, New Brunswick.....	500 00	
		55,335 00
STEAMBOAT INSPECTION.		
To defray expenses of Steamboat Inspection.....	.....	10,850 00
INDIANS.		
Annual grant to Indians, Quebec	400 00	
Do do Nova Scotia.....	3,300 00	
Do do New Brunswick.....	3,200 00	
To purchase blankets for aged and infirm Indians of Ontario and Quebec, and transport thereof	1,600 00	
Annuities payable to Indians in the North West Territories, under Treaty No. 1, viz :—		
Broken Head River Band, 93 persons 279 00		
Fort Alexander Band, 320 persons 960 00		
Fort Garry Indians, 233 persons..... 699 00		
Pembina Indians, 312 persons. 936 00		
Portage la Prairie Band, 425 persons..... 1,275 00		
St. Peter's Band, 1,493 persons 4,479 00		
	8,628 00	
Annuities payable to Indians in the North West Territories, under Treaty No. 2, viz :		
Fairford River Band, 299 persons..... 897 00		
Lake Manitoba Band, 160 persons..... 480 00		
Riding Mountain, Fort Ellice and Dauphin Lake Bands, 113 persons..... ..... 339 00		
Water Hen and Crane River Bands, 176 persons..... 528 00		
Berens River Band, 447 persons 1,341 00		
Fort Francis, Rainy Lake and contiguous bands, 1,000 persons..... ..... 3,000 00		
	6,585 00	
Salaries of Commissioners North West Territories, Assistant Commissioners, Agents, Interpreters, School Teachers and Medical Officers. Travelling expenses of Commissioners and Agents, Office Furniture, Medicines and contingencies.....	10,900 00	
Supplies for Indians attending to receive annuities, and on other occasions.....	5,000 00	
Farming stock, etc., to be furnished to chiefs not yet supplied.....	1,500 00	
To meet expenses in connection with treaties to be made with the tribes of Indians on the Saskatchewan...	10,000 00	
To pay expenses connected with Indians, British Columbia	29,000 00	
To purchase Farming Stock and Agricultural Implements for Indians North West, in accordance with Treaty	8,500 00	
		88,613 00
Carried forward	.....	17,111,710 27

SCHEDULE B.—*Continued.*

SERVICE.			Amount.	Total.
			$ cts.	$ cts.
Brought forward				17,111,710 27
MISCELLANEOUS.				
Printing Canada *Gazette*			3,330 00	
Postage do			400 00	
Miscellaneous Printing			5,000 00	
Unforeseen Expenses ; Expenditure thereof to be under Order in Council, and a detailed account thereof to be laid before Parliament during the first fifteen days of the next Session			30,000 00	
Expenses connected with ascertaining correct time at Ottawa, and firing of noon gun			400 00	
For purchase of life-boats and life-preservers, and maintenance of the same. Rewards for saving life and investigations into wrecks and casualties			9,400 00	
Commutation in lieu of remission of duties on articles imported for the use of the army and navy, to be apportioned by Order in Council			10,000 00	
To provide for examination and classification of masters and mates (Mercantile Marine)			7,000 00	
To provide one half of the British share of the expenditure in reference to the surveys of the boundary line between Canada and the United States of America, on the 49th parallel of north latitude			120,000 00	
To pay one half of the cost of surveying boundary line between Ontario and the North West Territories (Revote)			12,000 00	
Surveys in Manitoba, North West Territories			250,000 00	
Pay and maintenance of Dominion forces in Manitoba, viz: 343 officers, non-commissioned officers and men, including the expense of providing barrack accommodation, contingencies, &c., &c			140,000 00	
Reserve Militia Stores, third and last instalment due the Imperial Government on purchase of reserve stores on withdrawal of regular troops in 1870-71			144,906 00	
To refund amount received from sheriff, as proceeds of stone illegally seized on the York Roads			6,142 09	
To secure the testing of spirituous liquors, as recommended by the committee to whom was referred the petitions in favor of prohibition			500 00	
To provide for expenses in connection with the inspection and classification of vessels by the Government of Canada			6,000 00	
To pay expenses connected with organizing and carrying on Government in Prince Edward Island (in addition to revenue received therein)			100,000 00	
				845,078 09
COLLECTION OF REVENUES.				
CUSTOMS.				
Salaries and contingent expenses of the several ports, viz :—				
In Province of Ontario		187,246 25		
do	Quebec	176,214 00		
do	New Brunswick	79,736 50		
do	Nova Scotia	97,240 25		
do	Manitoba and N. W. T.	11,800 00		
do	British Columbia	24,000 00		
Salaries and travelling expenses of Inspectors of Ports		11,000 00		
			587,237 00	
Contingencies of Head Office, covering printing, stationery, advertising, telegraphing, &c., for the several ports of entry			15,000 00	
			602,237 00	
Carried forward			602,237 00	17,956,788 36

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		cts.	$ cts.
Brought forward		602,237 00	17,956,788 36
COLLECTION OF REVENUES.—*Continued.*			
INLAND REVENUE.			
Salaries of Officers and Inspectors of Excise.....	157,700 00		
Travelling expenses, rent, fuel, stationery, postage, furniture, &c.....	37,500 00		
Preventive service	4,000 00		
To provide for additions to the outside service of the Excise Department, as may be found necessary	6,400 00		
To pay Collectors of Customs in New Brunswick and Nova Scotia, allowance of duties collected by them, estimated at.....	2,700 00		
To pay expenses in connection with weights and measures.	10,000 00		
To provide for expenses required in connection with the inspection of weights and measures..... ...	10,000 00		
		228,300 00	
CULLING TIMBER.			
Salaries and contingent expenses of Cullers' Office		78,000 00	
PUBLIC WORKS.			
Maintenance and Repairs :—			
Salaries and contingencies of canal officers.....	28,970 00		
Collection of slide and boom dues	13,875 00		
Ontario and Quebec.....	435,000 00		
Intercolonial and other Government Railways in Nova Scotia and New Brunswick.....	1,559,000 00		
Telegraph Lines, British Columbia.....	33,000 00		
To grant compensation to the families of the following persons killed whilst on duty on the Government Railways :—			
Charles C. Carter.....	500 00		
William Meikle	300 00		
		2,070,645 00	
POST OFFICE.			
Ontario and Quebec Mail services :—			
Grand Trunk Railway	167,000 00		
Great Western Railway	45,000 00		
Other Railways	90,000 00		
Steamboat service	40,000 00		
Ocean mail service ..:	10,000 00		
Stage and other ordinary conveyance.....	270,000 00		
Salaries of outside services—Inspectors, Postmasters, Clerks, City Post Offices, Railway Clerks, &c....	280,000 00		
Miscellaneous, including City Post Offices..... .	72,000 00		
Nova Scotia Mail services :—			
Railways.....	20,000 00		
Steamboat service	2,000 00		
Stage and other ordinary conveyance.....	80,000 00		
Carried forward	1,076,000 00	2,979,182 00	17,956,788 36

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	1,070,000 00	2,979,182 00	17,956,788 36
COLLECTION OF REVENUES.—*Continued.*			
POST OFFICE.—*Continued.*			
Salaries of outside services	30,000 00		
Miscellaneous	12,000 00		
New Brunswick Mail services :—			
Railways	20,000 00		
Steamboat service	6,000 00		
Stage and other ordinary conveyance	44,000 00		
Salaries of outside services	30,000 00		
Miscellaneous	12,000 00		
Manitoba Mail services : -			
Stage and other ordinary conveyance	14,000 00		
Salaries of outside services	4,000 00		
Miscellaneous	2,000 00		
British Columbia Mail services : -			
Steamboat service	18,000 00		
Stage and other ordinary conveyance	37,000 00		
Salaries of outside services	9,000 00		
Miscellaneous	2,000 00		
		1,316,000 00	
MINOR REVENUES.			
To defray expenses in connection with minor revenues		10,000 00	
			4,305,182 00
Total			22,261,970 36

No. 159.

1st Session, 2nd Parliament, 36 Victoria, 1873.

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, 1873, and the 30th June, 1874, and for other purposes relating to the Public Service.

Received and read, First time, Wednesday, 21st, May.

Second reading, Friday, 23rd May, 1873.

Hon. Mr. TILLEY.

OTTAWA:

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

1873.

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